ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1975

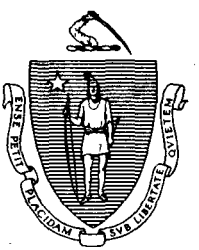
TOGETHER WITH

RETURNS OF VOTES UPON QUESTIONS SUBMITTED TO VOTERS

TABLES SHOWING CHANGES IN THE STATUTES, ETC.

PUBLISHED BY

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Secretary of the Commonwealth



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ACTS AND RESOLVES

OF

MASSACHUSETTS

1975



The General Court, which was chosen November 5, 1974, assembled on Wednesday, the first day of January, 1975, for its first annual session.

The oaths of office were taken and subscribed by His Excellency MICHAEL S. DUKAKIS and His Honor THOMAS P. O'NEILL, III, on Thursday, the second day of January, in the presence of the two Houses assembled in convention.

ACTS.

Chap. 1. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO RENEW CERTAIN FEDERAL ANTICIPATION NOTES.

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

SECTION 1. Notwithstanding any provision of section three of chapter seventy-four of the acts of nineteen hundred and forty-five to the contrary, the treasurer of the city of New Bedford, with the approval of the mayor of said city, is hereby authorized to renew federal aid anticipation notes of the city, in the amount of six hundred and seventy-eight thousand, four hundred dollars, payable in not more than one year from their dates, in order to pay the federal aid anticipation notes of the city dated March first, nineteen hundred and seventy-two, in the amount of two hundred and forty-eight thousand, four hundred dollars which were most recently renewed on November eighth, nineteen hundred and seventy-four, and the federal aid anticipation notes of the city dated November tenth, nineteen hundred and seventy-two, in the amount of four hundred and thirty thousand dollars, which were most recently renewed on November eighth, nineteen hundred and seventy-four, and which are payable February twenty-eighth, nineteen hundred and seventy-five. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes; provided, that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

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

Approved January 16, 1975.

Chap. 2. AN ACT AUTHORIZING THE TOWN OF WILBRAHAM TO BORROW MONEY TO REPAY CERTAIN FEDERAL AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section three of chapter seventy-four of the acts of nineteen hundred and forty-five to the contrary, the treasurer of the town of Wilbraham, with the approval of the selectmen of said town, is hereby authorized to issue two hundred thousand dollars federal aid anticipation notes of the town, payable in not more than one year from their dates, in order to pay the two hundred thousand dollars federal

aid anticipation notes of the town, dated January sixteenth, nineteen hundred and seventy-three, which were most recently renewed on April first, nineteen hundred and seventy-four and which are payable January sixteenth, nineteen hundred and seventy-five. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

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

Approved January 16, 1975.

Chap. 3. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO RENEW CERTAIN STATE AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet a deficit created during the current fiscal year by the payment of a temporary loan in the amount of five hundred eighty-one thousand dollars prior to reimbursement from the commonwealth, said loan having been originally issued November tenth, nineteen hundred and seventy-two, pursuant to the provisions of section six A of chapter forty-four of the General Laws, the treasurer of the city of New Bedford, with the approval of the mayor of said city, is hereby authorized to issue state aid anticipation notes of the city, in an amount not exceeding, in the aggregate, five hundred eighty-one thousand dollars, payable in not more than two years from their dates. Notes issued under this act for a period of less than two years may be renewed or paid from time to time by the issue of other notes; provided, that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed two years. Indebtedness incurred under this act may exceed the statutory limit of indebtedness.

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

Approved January 16, 1975.

Chap. 4. AN ACT PROVIDING FOR THE TEMPORARY SUSPENSION OF THE LAW REQUIRING A MINIMUM MANDATORY JAIL SENTENCE OF ONE YEAR, WITHOUT SUSPENSION, PROBATION OR PAROLE, FOR THE UNLICENSED CARRYING OR USE OF FIREARMS, RIFLES, OR SHOTGUNS, LOADED OR UNLOADED, AND STRENGTHENING THE LAW RELATED THERETO.

Whereas, The deferred operation of this act would tend to de-

feat its purpose, which is, in part, to allow additional time to inform the public of increased and severe penalties for the illegal carrying of firearms, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The operation of chapter six hundred and forty-nine of the acts of nineteen hundred and seventy-four shall be suspended until April first, nineteen hundred and seventy-five.

SECTION 2. This act shall take effect as of December thirty-first, nineteen hundred and seventy-four.

Approved January 28, 1975.

Chap. 5. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS IN THE BRISTOL DISTRICT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the district attorney of the Bristol district to appoint three additional assistant district attorneys pursuant to salaries established therefor under the provisions of chapter eight hundred and nine of the acts of nineteen hundred and seventy-four, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

Section 14 of chapter 12 of the General Laws is hereby amended by striking out the eighth paragraph, as appearing in section 2 of chapter 744 of the acts of 1972, and inserting in place thereof the following paragraph: —

For the Bristol district, seven assistant district attorneys.

Approved February 5, 1975.

Chap. 6. AN ACT AUTHORIZING THE TOWN OF METHUEN TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO CARL REUTER.

Be it enacted, etc., as follows:

SECTION 1. The town of Methuen is hereby authorized to appropriate a sum of money, not to exceed five hundred and twenty-seven dollars and thirty-one cents, and after such appropriation, the treasurer of said town is authorized to pay to Carl Reuter, a retired firefighter of said town, the amount which he was entitled to as vacation pay for the year nineteen hundred and seventy-one, and payment for which is legally unenforceable against said town.

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

Approved February 6, 1975.

Chap. 7. AN ACT AUTHORIZING THE TOWN OF PAXTON TO CONSTRUCT AND MAINTAIN A STANDPIPE AND CONNECTION THERETO ON LAND IN SAID TOWN UNDER THE JURISDICTION OF THE CONSERVATION COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law or regulation to the contrary, the town of Paxton is hereby authorized to construct and maintain a standpipe and the connection therefrom to the water system of said town on the following two parcels of land under the jurisdiction of the conservation commission of said town:

Parcel 1. Beginning at a point at the most southeasterly corner of the Parcel to be described; said point being northwesterly and seventy-six (76) feet more or less from a stone bound at the northwesterly corner of land now owned by Paul E. and Eileen V. Flynn, as recorded in Worcester District Registry of Deeds Plan Book 5041, Page 443;

THENCE northwesterly along land now or formerly of Graham, a distance of one hundred (100) feet to a point;

THENCE southwesterly, by a line perpendicular to the first course, a distance of one hundred (100) feet to a point;

THENCE southeasterly, by a line parallel to and one hundred (100) feet from the first course, a distance of one hundred (100) feet to a point;

THENCE northeasterly, by a line parallel to and one hundred (100) feet from the second course, a distance of one hundred (100) feet to the point of beginning.

Said Parcel contains ten thousand (10,000) square feet.

Parcel 2. Beginning at a point at the most southeasterly corner of Lot 3, Section K on "Plans of Lots in Paxton, Massachusetts" recorded in the Worcester District Registry of Deeds Plan Book 216, Page 9;

THENCE northerly along Lot 3 of said plan, a distance of twenty (20) feet to a point;

THENCE easterly, a distance of sixty-two (62) feet more or less to a point;

THENCE northeasterly, a distance of one hundred ten (110) feet more or less to a point;

THENCE easterly, a distance of four hundred eighteen (418) feet more or less to a point;

THENCE southerly, a distance of twenty (20) feet to a point;

THENCE westerly, a distance of four hundred ten (410) feet more or less to a point;

THENCE southwesterly, a distance of one hundred ten (110) feet more or less to a point;

THENCE westerly, a distance of seventy-five (75) feet more or less to the point of beginning.

Said strip contains twelve thousand (12,000) square feet more or less.

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

Approved February 11, 1975.

Chap. 8. AN ACT DESIGNATING THE DEPARTMENT OF NATURAL RESOURCES SKATING RINK IN THE CITY OF MARLBOROUGH AS THE JOHN J. NAVIN MEMORIAL SKATING RINK.

Be it enacted, etc., as follows:

The department of natural resources skating rink in the city of Marlborough shall be known and designated as the John J. Navin skating rink, in memory of John J. Navin, a former member of the house of representatives. A suitable marker bearing said designation shall be erected and maintained at said skating rink by said department. *Approved February 11, 1975.*

Chap. 9. AN ACT RELATIVE TO THE NUMBERS AND STATUS OF TOWN MEETING MEMBERS AT LARGE IN THE REPRESENTATIVE TOWN MEETING OF THE TOWN OF NEEDHAM.

Be it enacted, etc., as follows:

SECTION 1. Chapter 403 of the acts of 1971 is hereby amended by striking out section 7 and by inserting in place thereof the following section: —

Section 7. Town Meeting Members at Large. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section six, together with the following elected officers designated as town meeting members at large, each of whom shall have the right to vote in said meeting: (a) any resident member of the general court from the town, whose state legislative district is wholly within the town; (b) the moderator; (c) the town clerk; (d) the members of the board of selectmen; (e) the chairmen of each other elected board of the town, except the housing authority and the commissioners of trust funds.

If any voter elected to be a town meeting member under section six shall become by election one of the officers designated as a town meeting member at large in clauses (a), (b), (c) or (d) of the first paragraph of this section, he shall, upon such election, cease

to be a town meeting member elected under section six, and the resulting vacancy in the representation of his precinct shall be filled as provided in section nine. A voter may serve at the same time both as a town meeting member upon election as such under section six, and as an officer designated as a town meeting member at large under clause (e) of the first paragraph of this section, but he shall be entitled to vote in proceedings of the town meeting as a single member and shall not be entitled to vote twice by reason of his dual tenure of offices.

SECTION 2. The first paragraph of section 9 of said chapter 403 is hereby amended by striking out the second sentence.

SECTION 3. This act shall be submitted for acceptance to the registered voters of the town of Needham at the next annual town meeting to be held for the election of officers in said town in the form of the following question which shall be placed upon the official ballot to be used in said town at said election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An act relative to the numbers and status of town meeting members at large in the representative town meeting of the town of Needham' be accepted?"

Upon its acceptance by a majority of the voters of said town voting thereon at said town election, this act shall take effect on the first day of April immediately following said election, but not otherwise. *Approved February 13, 1975.*

Chap. 10. AN ACT PROVIDING FOR THE ESTABLISHMENT AND REVISION OF PRECINCTS IN TOWNS AND OF PRECINCTS AND WARDS IN CITIES AND FOR THE TAKING OF A STATE DECENNIAL CENSUS TO FACILITATE THE DIVISION OF THE COMMONWEALTH INTO STATE REPRESENTATIVE, SENATORIAL AND EXECUTIVE COUNCILLOR DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the taking of a state census on March first, nineteen hundred and seventy-five, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 9 of the General Laws is hereby amended by striking out section 7, as most recently amended by section 1 of chapter 735 of the acts of 1972, and inserting in place thereof the following section: —

Section 7. In the year nineteen hundred and seventy-five and every tenth year thereafter, the selectmen of each town, the city manager of each city having a council-manager form of city government, and the mayor of every other city, shall appoint a municipal census supervisor, who may be the clerk or some

other employee of said city or town, and shall cause a census to be made, under the direction of said municipal census supervisor, of the inhabitants of said city or town residing therein on the state decennial census day. Said day shall be March first in the year nineteen hundred and seventy-five, and January first every tenth year thereafter. Such census shall be compiled and reported upon forms provided by the secretary and in accordance with his instructions, and shall be returned to him under oath by the selectmen of such town, or the city manager or mayor aforesaid of such city, as the case may be, on or before November first following, specifying the number of inhabitants residing in each precinct of such town and in each precinct and ward of such city. The aforesaid precincts in towns, and precincts and wards in cities, in respect to which said census is taken, shall be those existing on the state decennial census day; provided, however, that if new precincts shall be established in any town, or new precincts or wards shall be established in any city, under authority of chapter fifty-four subsequent to the state decennial census day but not later than October fifteenth immediately following in the year in which the aforesaid census is taken, the selectmen of such town, or the city manager or mayor of such city, shall cause the aforesaid census in their respective town or city to be rearranged, compiled and reported to the secretary, as aforesaid, on the basis of the newly established precincts and wards, as the case may be.

In making such census, there shall be available to the selectmen of such town, and to the city manager or mayor aforesaid of such city, the services and facilities of the registrars of voters or board functioning as such, the police, and such other municipal departments as may serve under the supervision and control of said selectmen, city manager, or mayor, as the case may be.

The secretary may in his discretion verify any such census reported to him hereunder, in such manner as he deems advisable. For this purpose, he may inspect the records of any city or town and call upon the mayor, city manager, selectmen, or municipal census supervisor thereof for such further information as he desires. If he shall find that any census return submitted to him by a city or town has not been submitted in proper form or contains significant errors, he may refuse to accept the same, and, in the event of such refusal, he shall return the same to the selectmen of the town or to the city manager or mayor of the city of origin for correction and resubmission. No city or town shall be entitled to reimbursement under section seven A of this chapter until its census return hereunder shall have been accepted by the secretary.

From the returns so made and accepted, with such amendments as the secretary may find necessary to correct any errors or omissions therein, the secretary shall compile the census of inhabitants of each city and town required by Article CI of the Articles of Amendment to the Constitution, shall submit the re-

sult thereof to the general court by filing the same with the clerk of the house of representatives as soon as possible thereafter and may publish the results thereof in such form as he may determine.

SECTION 2. Said chapter 9 is hereby further amended by striking out section 7A, inserted by chapter 812 of the acts of 1971, and inserting in place thereof the following section: —

Section 7A. Subject to appropriation therefor, the state treasurer shall reimburse each city and town towards the cost of the census taken by it under section seven a sum equal to the total number of inhabitants reported in such city or town by the secretary in his report to the general court of the census of inhabitants required by Article CI of the Articles of Amendment to the Constitution, as provided in section seven, multiplied by twenty-five cents. No later than thirty days following the submission of the aforesaid report by the state secretary, the governor shall recommend to the general court the appropriation of sufficient funds to pay the amount owed to cities and towns under this section, and the method of financing such state expenditure. The state treasurer shall reimburse to each city and town the sum owed to it hereunder, not later than ninety days following the effective date of the act appropriating the required amount from the state treasury.

SECTION 3. Said chapter 9 is hereby further amended by inserting after section 9 the following section: —

Section 9A. There shall be in the department of the state secretary, but not under his supervision or control, a local election districts review commission consisting of the attorney general or his designee, the state secretary or his designee, and a person appointed by the governor. Members designated by the attorney general, the state secretary, and by the governor shall serve during the pleasure of their respective designating officers. Each member of the commission shall receive the sum of twenty-five dollars for each day or part thereof for his service as a commissioner, provided that such payments to any one member shall not exceed two thousand five hundred dollars in any one year, and that such payments shall not be made to any commission member who holds another full-time paid office or position in the service of the commonwealth. Members of the commission shall receive from the commonwealth their necessary expenses incurred in the discharge of their statutory duties. Said commission shall be furnished with any books or records which it may require from any department or agency of the commonwealth or of any of its political subdivisions. Said commission shall oversee and supervise the division of the cities and towns into wards and precincts as required by chapter fifty-four. Said commission may travel within the commonwealth. The commission shall be provided with suitable offices in the state house, or elsewhere within the city of Boston. The commission may, subject to appropriation, incur such expenses as may be necessary

to the execution of duties invested in it by said chapter fifty-four, or by any statute of the commonwealth not incorporated into the General Laws.

SECTION 4. Section thirty-one of chapter twelve of the General Laws is hereby repealed.

SECTION 5. Chapter 54 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 3 of chapter 735 of the acts of 1972, and inserting in place thereof the following section: —

Section 1. In the year nineteen hundred and seventy-five, no later than June fifteenth, a city by vote of its city council may, if the existing wards in such city do not contain, as nearly as can be ascertained, an equal number of inhabitants, make a new division of its territory into such number of wards as may be fixed by law. In the year nineteen hundred and eighty-five, and every tenth year thereafter, no later than June fifteenth, a city, by vote of its city council may, or if the existing wards in such city do not contain, as nearly as can be ascertained, an equal number of inhabitants, shall make a new division of its territory into such number of wards as may be fixed by law. Any such vote of a city council hereunder dividing a city into wards shall, at the same time, divide each ward into such number of precincts as is required by section two. Not later than July first in such year the city clerk shall give written notice to the state secretary of the number and designation of wards and precincts provided for in this section and in section two, together with an official map and description of said wards and precincts indicating, as nearly as can be ascertained, the numbers of inhabitants residing therein.

The state secretary shall make available to the local election districts review commission, for its scrutiny, the written notices, maps and descriptive information submitted to him by city clerks in reference to the new or unrevised wards and precincts of their respective cities under this section. If the said commission shall find that any such plan of new or unrevised wards or precincts of any city conflicts with the applicable requirements of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the mayor of such city, or in a city having a council-manager form of government to the city manager, not later than September first immediately following. Said mayor or city manager shall, within fifteen days following his receipt of such notice, present to the city council of such city his recommendations for a division of the city into wards and precincts free of the defects cited by the commission. If the city council shall fail to ordain such division, or a substitute division, conformable to this chapter within twenty days after said presentation by said mayor or city manager, he shall issue forthwith, not later than October fifteenth immediately following, an executive order making a division of said city into wards and pre-

cincts subject to the approval of the local election districts review commission which shall take effect according to the provisions of this chapter, as though it had been ordained by the city council.

Any such division made under the provisions of this section shall, for the purpose of reporting the census of inhabitants in each ward and precinct of such city required by the constitution, take effect retroactively to the day established by section seven of chapter nine as the state decennial census day of the year in which such census is required to be taken under the provisions of Article CI of the Articles of Amendment to the Constitution, but for all other purposes shall take effect only as provided in section four.

SECTION 6. The second paragraph of section 2 of said chapter 54, added by section 4 of chapter 820 of the acts of 1971, is hereby amended by striking out, in line 4, the words "Article XCII" and inserting in place thereof the words: — Article CI.

SECTION 7. Said chapter 54 is hereby further amended by striking out section 4, as most recently amended by chapter 38 of the acts of 1973, and inserting in place thereof the following section:—

Section 4. All municipal elections and primaries held in any city after it has been redivided into wards and prior to any antecedent primary of the first biennial state election at which representatives are to be elected from new representative districts established under the provisions of the constitution, shall be held in such city as redivided; provided, that the wards established by such redivision, if made in a state decennial census year as provided in section six, may not be used for such municipal elections and primaries in said year unless such wards are established by the city council, and approved by the local election districts review commission, prior to May first of said year; and provided, further, that the city council of a city may for the purpose of any municipal election and its antecedent primary or preliminary election, if any, held prior to said antecedent primary at the state election, order that wards as existing previous to such redivision shall continue and for all such purposes the election officers shall be appointed and hold office and voting lists shall be prepared and all other things required by law shall be done as if there had been no such redivision.

In the division of wards into voting precincts under this chapter, no voting precinct shall be so formed that it will be partly in one congressional district and partly in another congressional district.

SECTION 8. Said chapter 54 is hereby further amended by striking out section 6, as most recently amended by section 5 of chapter 735 of the acts of 1972, and inserting in place thereof the following section: —

Section 6. In the year nineteen hundred and seventy-five, no later than June fifteenth, the board of selectmen of every town may, on their own motion, or shall when so directed by the town

meeting, and the board of selectmen of every town of six thousand or more inhabitants which has not been divided into precincts shall, divide the town in the manner hereinafter provided into convenient voting precincts. In the year nineteen hundred and eighty-five and every tenth year thereafter, no later than June fifteenth, the board of selectmen of every town of less than six thousand inhabitants may, on their own motion, or shall, when so directed by the town meeting, and the board of selectmen of every town having six thousand or more inhabitants shall, divide the town in the manner hereinafter provided into convenient voting precincts. Any voting precincts so established hereunder shall be composed of compact and contiguous territory. The selectmen shall, so far as possible, make the center line of streets or ways, or other well defined limits, the boundaries of such precincts, and shall designate them by numbers or letters.

Such division of a town into precincts shall be made by the board of selectmen setting forth an official description of the precincts so established, together with a statement of the number of inhabitants residing in each precinct as nearly as such number may be determined. The board of selectmen shall also cause an official map of the precincts established by them hereunder to be prepared. Upon the adoption by the board of selectmen of a town of such a division, the town clerk shall transmit forthwith to the state secretary, not later than July first of the year in which such division is authorized or required to be made under this section, a copy of said division, together with an official map of said precincts and a statement by the board of selectmen of the number of inhabitants in each such precinct, as nearly as such number may be determined. The state secretary shall make the same available to the local election districts review commission for its scrutiny. If said commission shall find that any plan of town precincts established under this section conflicts with the applicable provisions of this chapter, or is of questionable constitutionality, it shall transmit a written notice of such findings, with a clear indication of the deficiencies of such plan, to the board of selectmen of the town not later than September first of said year. The board of selectmen of such town shall make a new or revised division of the town into precincts in the manner and within the time prescribed by said commission, but not later than September twentieth of said year.

If any town consisting of one precinct and having six thousand or more inhabitants, which is required to be divided into precincts under this section in a year in which a state census is to be taken, shall not be so divided within the time specified above, the local election districts review commission shall, no later than October fifteenth of said year, make such division of the town into precincts conforming with the standards set forth in this section. The commission may appoint a master who shall, within fifteen days, make such division of the town into precincts, said

division to be subject to approval by the commission and to amendment by it.

Any division of a town into precincts in any year under this section shall, for the purpose of reporting the census of inhabitants required by Article CI of the Articles of Amendment to the Constitution, take effect retroactively to the day established by section seven of chapter nine as the state decennial census day, but for all other purposes shall take effect only as provided in section nine A.

SECTION 9. Section 9 of said chapter 54, as most recently amended by section 7 of said chapter 735, is hereby further amended by striking out, in line 5, the words "Article XCII" and inserting in place thereof the words: — Article CI.

SECTION 10. Said chapter 54 is hereby further amended by striking out section 9A, as most recently amended by section 8 of said chapter 735, and inserting in place thereof the following section: —

Section 9A. All elections and primaries held in any town after it has been divided or redivided into precincts under section six, and prior to any antecedent primary of the first biennial state election at which state representatives are to be elected from new state representative districts established under the provisions of the constitution, shall be held in the precincts, if any, of said town as the same existed immediately prior to such division or redivision; provided, however, that the board of selectmen may, and shall, when so required by any law applicable to said town, order that the new precincts established under section six or section seven shall be in effect for the purposes of town elections and their antecedent primary or preliminary elections, if any, held prior to said antecedent primary of said state election, and thereupon said board may make such adjustments in the personnel and assignments of election officers as may be necessary.

Any precinct wherein a census of inhabitants has been taken under the provisions of Article CI of the Articles of Amendment to the Constitution shall remain unchanged for the purpose of forming representative, senatorial or councillor districts based on said census until the formation of the districts aforesaid, and, if such precinct is in a town the territory of which in such formation is included in two or more representative or senatorial districts, shall remain unchanged for the purpose of electing representatives or senators as long as such districts are required by the constitution to be used for such purpose. No precinct in any town, the territory of which was so divided under the provisions of chapter three hundred and twenty-six of the acts of nineteen hundred and seventy-three, shall be changed for the purpose of electing representatives while the districts formed under said act are required by the constitution to be used for that purpose.

Approved February 14, 1975.

Chap. 11. AN ACT RELATIVE TO ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF OXFORD CONCERNING THE APPOINTMENT OF THE CHIEF OF POLICE AND OTHER POLICE OFFICERS IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. In order to ascertain the will of the voters of the town of Oxford, the town clerk of said town shall cause to be placed upon the official ballot to be used for the election of officers at the annual town meeting to be held in said town on March seventeenth, nineteen hundred and seventy-five, the following question: — "Shall the authority to appoint the chief of police and all other police officers in the town of Oxford be vested in either the board of selectmen of said town or the town manager? This question is not binding. Vote for not more than one.

Board of Selectmen ☐

Town Manager ☐"

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

Approved February 14, 1975.

Chap. 12. AN ACT VALIDATING THE ACTION AT THE ANNUAL TOWN MEETING HELD IN THE TOWN OF LEE IN THE YEAR NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. All acts and proceedings of the town of Lee taken at its annual town meeting held on May ninth, nineteen hundred and seventy-four, and its annual town election held on May thirteenth, nineteen hundred and seventy-four, and all acts done in pursuance thereof are hereby ratified, validated, and confirmed to the same extent as if said meeting and election were held in accordance with the provisions of the by-laws of said town and specifically in accordance with said by-laws then in effect relative to the dates for holding said meeting and election.

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

Approved February 14, 1975.

Chap. 13. AN ACT AUTHORIZING THE TOWN OF METHUEN TO PAY A CERTAIN SUM OF MONEY TO JOHN J. MUGAVARO, JR., AND MARILYN A. MUGAVARO OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Methuen is hereby authorized to ap-

propriate, and, after such appropriation, the treasurer of said town is authorized to pay a sum of money not to exceed one thousand dollars to John J. Mugavaro, Jr., and Marilyn A. Mugavaro in full settlement of any claim for damages sustained by them in regard to their property located at 103 Pitman street in said town; said sum to constitute reimbursement of the costs of connecting their plumbing facilities to the town sewerage system and reimbursement of sewer betterment costs assessed by said town, a claim for which is not enforceable against said town.

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

Approved February 14, 1975.

Chap. 14. AN ACT FURTHER REGULATING LOANS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

Paragraph 6 of subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 236 of the acts of 1969, and inserting in place thereof the following paragraph: —

Notwithstanding the limitations set forth in paragraph 4 of this section, a credit union having assets of less than one hundred thousand dollars may make loans evidenced by the note of the borrower and secured by a pledge or security interest in satisfactory collateral valued at not more than eighty per cent of its market value, in amounts not exceeding three thousand five hundred dollars and a credit union having assets of more than one hundred thousand dollars may make loans evidenced by a pledge or security interest in satisfactory collateral valued at not more than eighty per cent of its market value, in amounts not exceeding five thousand dollars, or one per cent of assets, whichever is greater; provided, however, that a loan based on one per cent of assets shall not exceed twelve thousand dollars. Each such loan made under this paragraph shall be payable within forty-eight months from the date of the note.

Approved February 14, 1975.

Chap. 15. AN ACT AUTHORIZING CREDIT UNIONS TO ACT AS TRUSTEES UNDER CERTAIN RETIREMENT PLANS.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by inserting after section 10B the following section: —

Section 10C. A credit union may act as trustee under a retirement plan which, in the judgment of such credit union at the time appointment as such trustee is accepted, is established pursuant

to the provisions of Public Law 87—792, entitled "Self-Employed Individuals' Tax Retirement Act of 1962", as amended, if the provisions of such plan have been approved by the commissioner and if such provisions permit any of the funds of such trust to be invested in shares or deposits in the credit union. No funds held by such credit union as such trustee shall be invested otherwise than in shares or deposits in the credit union or properly qualified life insurance retirement income policies, or any combination thereof, as each such plan may prescribe or permit.

Approved February 14, 1975.

Chap. 16. AN ACT ESTABLISHING THREE-YEAR TERMS FOR MEMBERS OF THE PLANNING BOARD OF THE TOWN OF CHELMSFORD.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section eighty-one A of chapter forty-one of the General Laws or any other general or special law to the contrary, the members of the planning board of the town of Chelmsford shall be elected for terms of three years each.

Upon the expiration of the term of each member currently serving on said planning board, his successor shall be elected for a term of three years. *Approved February 14, 1975.*

Chap. 17. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO EXPEND CERTAIN FUNDS FOR THE RENOVATION, REHABILITATION AND REFURBISHING OF THE SPOT POND WATER PUMPING STATION IN THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 766 of the acts of 1970 is hereby amended by adding the following paragraph: —

From the sums authorized by this act, said commission may expend an amount not to exceed one million five hundred thousand dollars for the purpose of the renovation, rehabilitation and refurbishing of the Spot pond water pumping station, so called, in the town of Stoneham, and all necessary appurtenances thereto.

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

Approved February 14, 1975.

Chap. 18. AN ACT RELATIVE TO FILLING VACANCIES ON TOWN CONSERVATION COMMISSIONS.

Be it enacted, etc., as follows:

Section 8C of chapter 40 of the General Laws is hereby amended by striking out the eleventh sentence, as appearing in section 1 of chapter 223 of the acts of 1957, and inserting in place thereof the following sentence: — A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.

Approved February 14, 1975.

Chap. 19. AN ACT FURTHER REGULATING THE PRESERVATION OF RECORDS OF CREDIT UNIONS.

Be it enacted, etc., as follows:

Section 26A of chapter 171 of the General Laws is hereby amended by adding the following sentence: — Such records shall be preserved in their original form for two years and thereafter may be preserved on microfilm or microfiche.

Approved February 14, 1975.

Chap. 20. AN ACT AUTHORIZING THE TOWN OF LENOX TO CONVEY CERTAIN PARK LAND TO GEORGE D. VANZANDT.

Be it enacted, etc., as follows:

In consideration of the granting by George D. VanZandt to the town of Lenox of an easement permitting the public to pass and repass over a certain parcel of land shown as parcel B on a plan entitled "Sketch of Land in Lenox, Massachusetts" prepared by Charles J. Liston, Registered Land Surveyor in October, 1974 and having a scale of 1" = 40", said town is hereby authorized to convey to said George D. VanZandt the following described parcel of park land located in said town:

Beginning at a point, which point marks the point of intersection of lands of the Town of Lenox, lands of George D. VanZandt, and lands of El Club, Inc.;

Running thence northerly along the division line between land of George D. VanZandt and land of the Town of Lenox a distance of 111.3 feet to a point, which point is the northeasterly corner of land of said VanZandt;

thence turning to the east at an interior angle of 43° 2' and running southeasterly a distance of 65.18 feet to a point which point is the northwesterly corner of land of El Club, Inc.;

thence turning southerly at an interior angle of 113° 28' and running southerly a distance of 19.3 feet along land of said El Club, Inc. to a point;

thence turning southwesterly at an interior angle of 164° 50'

and running southwesterly a distance of 58.85 feet along said land of El Club, Inc. to the point or place of beginning.

The last described course intersects the first described course at an interior angle of 38° 40'.

Containing .06 acres of land, be the same more or less and being the same premises shown as parcel A of said plan.

Approved February 14, 1975.

Chap. 21. AN ACT PROVIDING FOR THE ANNUAL OBSERVANCE OF HORACE MANN DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 12T, as most recently amended by chapter 14 of the acts of 1970, and inserting in place thereof the following section: —

Section 12T. The governor shall annually issue a proclamation setting apart the third Monday of February as Washington Day, the first Sunday in April as Veterans of World War I Hospital Day, the fourth day of May as Horace Mann Day, the second Sunday in May as Mothers' Day, the third Sunday in June as Fathers' Day, the seventh day of August as Purple Heart Day, the first Sunday in October as Grandparents' and Senior Citizens' Day, the first Sunday in December as Disabled American Veterans' Hospital Day and the second Saturday in December as Army and Navy Union Day; and recommending that said days be observed by the people in an appropriate manner.

Approved February 14, 1975.

Chap. 22. AN ACT PROVIDING THAT MARCH SIXTH, NINETEEN HUNDRED AND SEVENTY-FIVE BE DESIGNATED AS PRINCE HALL DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the observance of March sixth in the current year as Prince Hall Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The governor shall issue a proclamation calling for the observance of March sixth, nineteen hundred and seventy-five, as Prince Hall Day, commemorating the two hundredth anniversary of the raising of Prince Hall and the establishment of Prince Hall masonry, and recommending that said day be observed in appropriate manner by the public.

Approved February 18, 1975.

Chap. 23. AN ACT REQUIRING BANKS AND CREDIT UNIONS TO NOTIFY DEPOSITORS OR SHAREHOLDERS WHOSE FUNDS HAVE BEEN APPLIED TO THE REDUCTION OR PAYMENT OF DEBTS OWED TO SAID BANKS OR CREDIT UNIONS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by inserting after section 66 the following section: —

Section 67. Upon the transfer of funds of a depositor or shareholder by a bank or credit union to reduce or extinguish a debt owed to said bank or credit union, such depositor or shareholder shall be notified of such transfer by written notice sent by certified mail, return receipt requested, directed to his last known address. A depositor or shareholder to whom such notice has not been sent shall be entitled to recover the amount of any actual damages. *Approved February 18, 1975.*

Chap. 24. AN ACT RELATIVE TO THE PAYMENT BY TRUST COMPANIES OF TIME DEPOSITS PRIOR TO MATURITY.

Be it enacted, etc., as follows:

Section 50 of chapter 172 of the General Laws is hereby amended by inserting after the third paragraph, as appearing in chapter 350 of the acts of 1968, the following paragraph: —

The provisions of this section, relative to withdrawals of time deposits or portions thereof, shall not apply if such withdrawals are subject to federal law or regulations.

Approved February 18, 1975.

Chap. 25. AN ACT RELATIVE TO THE LIQUIDITY RESERVE OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

The second sentence of section 40 of chapter 170 of the General Laws is hereby amended by striking out clause (*f*), as appearing in chapter 290 of the acts of 1970, and inserting in place thereof the following clause: —

(*f*) deposits in and stocks of the Federal Home Loan Bank.

Approved February 18, 1975.

Chap. 26. AN ACT EXTENDING THE TIME FOR SUBMISSION OF ANNUAL BUDGETS IN CERTAIN CITIES.

Whereas, The deferred operation of this act would tend to

defeat its purpose, which is to immediately extend the time for submission of annual budgets in certain cities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 32 of chapter 44 of the General Laws, as amended by section 59 of chapter 849 of the acts of 1969, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Within ninety days after the annual organization of the city government in any city other than Boston, the mayor shall submit to the city council the annual budget which shall be a statement of the amounts recommended by him for proposed expenditures of the city for the next fiscal year.

SECTION 2. Said section 32 of said chapter 44 is hereby further amended by striking out the fourth paragraph, as amended by section 60 of said chapter 849, and inserting in place thereof the following paragraph: —

If, upon the expiration of ninety days after the annual organization of the city government, the mayor shall not have submitted to the city council the annual budget for said year, the city council shall within thirty days upon its own initiative prepare the annual budget, and such preparation shall be subject to the same requirements as the mayor's annual budget, so far as apt.

Approved February 21, 1975.

Chap. 27. AN ACT FURTHER REGULATING THE DEPOSITING OF FUNDS BY COUNTY OFFICERS AND EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 35 of the General Laws is hereby amended by inserting after section 22 the following section: —

Section 22A. County treasurers, clerks of the courts, clerks of district courts, sheriffs and masters of jails and houses of correction, probation officers, registers of probate and insolvency and registers of deeds shall not deposit any of the funds for which they are accountable in any national bank, trust company or banking company with which such county treasurer or county officer is associated as an officer or employee or has been associated as an officer or employee at any time during the preceding three years. *Approved February 21, 1975.*

Chap. 28. AN ACT RELATIVE TO THE METHODS OF APPORTIONING SEWERAGE CONSTRUCTION COSTS IN THE TOWN OF MEDFIELD.

Be it enacted, etc., as follows:

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

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

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

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

Approved February 24, 1975.

Chap. 29. AN ACT REQUIRING THE STATE SECRETARY TO TRANSMIT TO EACH LEGISLATIVE COMMITTEE UPON REQUEST MADE ANNUALLY ONE COPY OF ALL RULES AND REGULATIONS WHICH HE DEEMS RELEVANT TO THE CONSIDERATION OF SAID COMMITTEE.

Be it enacted, etc., as follows:

The third paragraph of section 6 of chapter 30A of the General Laws, as amended by chapter 66 of the acts of 1974, is hereby further amended by inserting after the first sentence the following sentence: — Upon request made annually by a legislative committee, the state secretary shall transmit to said committee one

copy of all published rules and regulations which he deems relevant to the considerations of said committee within two weeks after publication. *Approved February 24, 1975.*

Chap. 30. AN ACT RELATIVE TO THE PENALTY FOR THE UNLAWFUL TAKING AND POSSESSION OF A DEER.

Be it enacted, etc., as follows:

The first paragraph of section 90 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out, in line 13, the words "in a closed season". *Approved February 25, 1975.*

Chap. 31. AN ACT INCREASING THE FINE FOR THE POSSESSION OF A BIRD, DOG OR OTHER ANIMAL WITH THE INTENT THAT IT BE ENGAGED IN AN EXHIBITION OF FIGHTING AND INCREASING THE FINE FOR BEING PRESENT AT SUCH AN EXHIBITION.

Be it enacted, etc., as follows:

SECTION 1. Section 94 of chapter 272 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "two hundred" and inserting in place thereof the words: — one thousand.

SECTION 2. Section 95 of said chapter 272, as so appearing, is hereby amended by striking out, in line 5, the word "twenty-five" and inserting in place thereof the words: — two hundred and fifty. *Approved February 25, 1975.*

Chap. 32. AN ACT FURTHER REGULATING THE DISPLAY OF THE LOBSTER LICENSE NUMBER OF A PERSON TAKING, BY DIVING, LOBSTER OR EDIBLE CRABS.

Be it enacted, etc., as follows:

Section 38A of chapter 130 of the General Laws, inserted by section 3 of chapter 737 of the acts of 1969, is hereby amended by striking out, in line 3, the word "or" and inserting in place thereof the word: — and. *Approved February 28, 1975.*

Chap. 33. AN ACT RELATIVE TO HOME IMPROVEMENT LOANS BY SAVINGS BANKS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 10A of section 35 of chapter 168 of the General Laws, as appearing in section 1 of chapter 110 of the acts of 1974, is hereby amended by striking out clause (*b*) and inserting in place thereof the following clause: — (*b*) not less than ninety per cent of the unpaid balance of such loan at any time shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation or has been approved by the commissioner as qualified to insure loans of this class, and which is authorized to transact business in the commonwealth.

SECTION 2. Subsection 6A of section 26 of chapter 170 of the General Laws, as appearing in section 2 of said chapter 110, is hereby amended by striking out clause (*b*) and inserting in place thereof the following clause: — (*b*) not less than ninety per cent of the unpaid balance of such loan at any time shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation or has been approved by the commissioner as qualified to insure loans of this class, and which is authorized to transact business in the commonwealth. *Approved February 28, 1975.*

Chap. 34. AN ACT PROVIDING FOR THE ELECTION OF SCHOOL COMMITTEE MEMBERS, ONE FROM EACH WARD AND ONE MEMBER AT LARGE FOR TERMS OF TWO YEARS, IN THE CITY OF GARDNER.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the biennial municipal election to be held in the city of Gardner in the year nineteen hundred and seventy-seven and at every biennial municipal election in the city thereafter, all members of the school committee shall be elected to serve for terms of two years and until their successors are qualified.

SECTION 2. The school committee shall consist of the mayor, who shall be chairman, and six members, of whom one shall be elected from each ward in the city by and from the registered voters of that ward and a sixth member who shall be elected at large by and from the registered voters of the city.

SECTION 3. At the biennial municipal election to be held in the current year, members of the school committee to be elected thereat shall hold office for two years and until their successors are qualified.

SECTION 4. This act shall be submitted for acceptance to the voters of the city of Gardner at the biennial municipal election to be held therein in the current year in the form of the following

question which shall be placed upon the official ballot to be used at said election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act providing for the election of school committee members, one from each ward and one member at large for terms of two years, in the city of Gardner', be accepted?" If a majority of votes cast in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved February 28, 1975.

Chap. 35. AN ACT AUTHORIZING CERTAIN TOWN COMMITTEES TO PRINT AND DISTRIBUTE CERTAIN FINANCIAL REPORTS AT OR PRIOR TO ANNUAL TOWN MEETINGS.

Be it enacted, etc., as follows:

Section 60 of chapter 41 of the General Laws is hereby amended by striking out the last sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — The selectmen or, if such a committee has been appointed, the committee, shall print and distribute this document at or before the annual town meeting, and the town clerk shall transmit a copy thereof and of all town reports to the director of accounts. *Approved February 28, 1975.*

Chap. 36. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF SPENCER BE EXEMPTED FROM THE CIVIL SERVICE LAW AND RULES AND FURTHER REGULATING THE APPOINTMENT OF MEMBERS OF THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Spencer shall not be subject to the civil service law and rules; provided, however, that any person appointed to said department who serves therein for a period of three consecutive years may continue to serve until he reaches age sixty-five unless sooner incapacitated by physical or mental disability from performing the duties of a police officer or unless he is removed by the selectmen in the manner provided by chapter thirty-one of the General Laws and the rules made thereunder, relative to removal from the classified civil service.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police

department of the town of Spencer who holds such status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at a special or annual town meeting in the form of the following question, which shall be placed on the warrant at such meeting: "Shall an act passed by the General Court in the year nineteen hundred and seventy-five entitled, 'An Act providing that members of the police department of the town of Spencer be exempted from the civil service law and rules and further regulating the appointment of members of the police department of said town', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved February 28, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, February 27, 1975

The Honorable, PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 36 of the Acts of 1975, entitled AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF SPENCER BE EXEMPTED FROM THE CIVIL SERVICE LAW AND RULES AND FURTHER REGULATING THE APPOINTMENT OF MEMBERS OF THE POLICE DEPARTMENT OF SAID TOWN., and the enactment of which received my approval on February 28, 1975, should take effect forthwith.

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

In order to permit the Town of Spencer to vote on said act at a previously scheduled town meeting.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, March 3, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and fifteen minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the

Constitution said chapter takes effect forthwith, being chapter thirty-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 37. AN ACT RELATIVE TO THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC WELFARE.

Be it enacted, etc., as follows:

Chapter 18 of the General Laws is hereby amended by striking out section 3, as most recently amended by section 22 of chapter 422 of the acts of 1974, and inserting in place thereof the following section: —

Section 3. The department shall be under the direction, supervision and control of a commissioner of public welfare, in this chapter called the commissioner. The commissioner shall be appointed by the governor for a term coterminous with that of the governor. At the time of appointment, the commissioner shall be a graduate of an accredited four-year college or university and shall have had not less than ten years of administrative experience; or not less than eight years of administrative experience of which at least three years shall have been in the organization, management or delivery of human services; or a doctorate or other degree beyond the level of the baccalaureate in the field of business, economics, education, government, law, medicine, psychology, public administration, public health, public policy, social work, urban planning, or a field substantially related to one or more of the foregoing, and not less than five years of administrative experience of which at least two years shall have been in the organization, management or delivery of human services. For the purposes of this section, "administrative experience" shall mean service in a management, or supervisory capacity. The commissioner, shall receive such salary, not exceeding thirty-four thousand five hundred and sixty-six dollars, as the governor may determine, and shall devote full time during business hours to the duties of the office.

Approved February 28, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, February 28, 1975

The Honorable, PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Reference II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public conve-

nience requires that the law being Chapter 37 of the Acts of 1975, entitled, AN ACT RELATIVE TO THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC WELFARE., and the enactment of which received my approval on February 28, 1975, should take effect forthwith.

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

In order to immediately broaden the qualifications of the Commissioner of Public Welfare.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, March 3, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and fifteen minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter thirty-seven of the acts of nineteen hundred and seventy-five

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 38. AN ACT PROVIDING THAT THE PUBLIC UTILITIES COMMISSION SHALL CONSIST OF THREE MEMBERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for three full-time public utilities commissioners coterminous with the governor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 25 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 41 of chapter 422 of the acts of 1974, and inserting in place thereof the following section: —

Section 2. The department shall be under the supervision and control of a commission consisting of three members, in this chapter called the commission. The commissioners shall be appointed by the governor for a term coterminous with that of the governor. The commissioners shall devote their full time to the duties of their office. The governor shall designate one of said commissioners as chairman. Not more than two members of said commission shall be members of the same political party. The chairman shall receive a salary of thirty thou-

sand dollars and each of the other commissioners shall receive a salary of twenty-five thousand dollars.

SECTION 2. Section 4 of said chapter 25 is hereby amended by striking out the sixth sentence, as appearing in section 2 of chapter 606 of the acts of 1959, and inserting in place thereof the following sentence: — In the hearing of all matters other than those of formal or administrative character coming before the commission, one or more commissioners shall participate and in the decision of all such matters at least two of the commissioners shall participate; provided, that any such matter may be heard, examined and investigated by an employee of the department designated and assigned thereto by the chairman with the concurrence of one other commissioner.

SECTION 3. The terms of office of the members of the public utilities commission in office on the effective date of this act shall terminate; however, said members shall continue to serve and hold office until the appointment and qualification of the three commissioners of the public utilities commission pursuant to section two of chapter twenty-five of the General Laws, inserted by section one of this act.

SECTION 4. The appointment of members of the public utilities commission pursuant to section two of chapter twenty-five of the General Laws, inserted by section one of this act, shall not affect petitions, hearings, judicial or administrative proceedings pending before any court or administrative body, the department of public utilities or the commission, or any part thereof, and such petitions, hearings, and proceedings shall continue unabated and the authority of said court, body, department and commission shall be in all respects the same as that of said court, body, department and commission before the effective date of this act. Petitions, hearings and proceedings heard, examined or investigated by one or more commissioners of the department of public utilities in office on the effective date of this act may be completed by one or more commissioners appointed pursuant to said section two of said chapter twenty-five, inserted by said section one, or by an employee of said department designated and assigned thereto pursuant to section four of said chapter twenty-five, amended by section two of this act; provided, that for any petition, hearing or proceeding so completed, a record of the proceedings in such matter occurring before said appointment, designation or assignment, or a report in writing, as the chairman of the commission appointed pursuant to said section two of said chapter twenty-five, inserted by said section one, may decide, shall be prepared by the person originally hearing, examining or investigating said petition, hearing or proceeding. All orders, rules and regulations duly promulgated, or other actions duly taken, by the public utilities commission before the effective date of this act shall remain in full force and effect until superseded, amended or rescinded in accordance with law.

Approved March 7, 1975.

Chap. 39. AN ACT RELATIVE TO ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF SALISBURY CONCERNING THE CONSTRUCTION BY THE COMMONWEALTH OF A NEW ACCESS ROAD TO SALISBURY BEACH.

Be it enacted, etc., as follows:

SECTION 1. In order to ascertain the will of the voters of the town of Salisbury the following question shall be placed upon the official ballot to be used for the election of officers at the annual town meeting to be held in said town in the year nineteen hundred and seventy-five: —

"Do you favor the construction by the commonwealth of a new access road to Salisbury Beach?" This question is not binding.

YES	
NO	

If a majority of the votes cast in answer to said question is in the affirmative it shall be deemed to be the opinion of the voters of said town that such a road shall be constructed.

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

Approved March 7, 1975.

Chap. 40. AN ACT DESIGNATING A PORTION OF CRANBERRY HIGHWAY AS OLD KING'S HIGHWAY.

Be it enacted, etc., as follows:

Chapter 324 of the acts of 1959 is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. That portion of state highway route 28 from the town of Middleborough to the village of Buzzards Bay in the town of Bourne, shall be designated and known as Cranberry highway. That portion of state highway route 6A from its junction with United States highway route 6 in the town of Bourne to its junction with said route 6 in the town of Orleans shall be designated and known as Old King's highway. The department of public works shall erect suitable markers along said highways bearing their respective designation.

Approved March 7, 1975.

Chap. 41. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF NORTON BE EXEMPTED FROM CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Norton shall not be subject to the civil service law and rules.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police de-

partment of the town of Norton holding permanent or probationary civil service status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five entitled 'An Act providing that members of the police department of the town of Norton be exempted from civil service law and rules', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved March 7, 1975.

Chap. 42. AN ACT FURTHER REGULATING THE DISPLAY OF SCUBA DIVERS' FLAGS.

Be it enacted, etc., as follows:

Section 13A of chapter 90B of the General Laws, inserted by section 1 of chapter 714 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the commonwealth shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe.

Approved March 7, 1975.

Chap. 43. AN ACT FURTHER REGULATING THE DETERMINATION OF AVAILABLE FUNDS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 59 of the General Laws is hereby amended by striking out section 23, as most recently amended by chapter 80 of the acts of 1974, and inserting in place thereof the following section:—

Section 23. The assessors shall annually assess taxes to an amount not less than the aggregate of all amounts appropriated, granted or lawfully expended by their respective towns since the last preceding annual assessment and not provided for therein, of all amounts required by law to be raised by taxation by said towns during said year, of all debt and interest charges matured and maturing during the next fiscal year and not otherwise provided for, of all amounts necessary to satisfy final judgments against said towns, and of all abatements granted on account of the tax assessment of any year in excess of the overlay of that

year and not otherwise provided for; but such assessment shall not include liabilities for the payment of which towns have lawfully voted to contract debts. The assessors shall deduct from the amount required to be assessed (*a*) the amount of all estimated receipts of their respective towns lawfully applicable to the payment of the expenditures of the next fiscal year, excluding sums to be received from the commonwealth or county for highway purposes, other than funds required to be distributed under section eighteen B of chapter fifty-eight, and excluding estimated receipts from loans and taxes, but including estimated receipts from the excise levied under chapter sixty A and receipts estimated by the commission under section twenty-five A of chapter fifty-eight, (*b*) the amount of all appropriations voted from available funds for the purpose of deduction, and (*c*) the amount of all other appropriations voted from available funds. Deductions made by the assessors under any provision of this section shall not be subject to the approval of the commission or commissioner, as the case may be; provided, however, that deductions made under clause (*a*) on account of estimated receipts, other than those estimated by the commission, shall not exceed the aggregate amount of actual receipts received during the preceding calendar year from the same sources, except with the written approval of the commission; and provided, further, that deductions made under clauses (*b*) and (*c*) shall not exceed the sums certified to the assessors and the commissioner by the director of accounts, after such examination of the accounts of the town as he may deem proper, as the amounts of available funds on hand on the preceding July the first with such additional funds as are hereinafter authorized not otherwise appropriated. Said director shall promulgate and from time to time revise rules and regulations for determining the available funds of a city or town in accordance with established accounting practices of said bureau of accounts. This section shall not be construed to require any approval for the use, application, transfer, appropriation or expenditure of any funds or accounts provision for which use, application, transfer, appropriation or expenditure is made under any other general or special law, beyond such approval or approvals as are required by such other general or special law.

In determining the amount of available funds which the assessors may be required to deduct under the provisions of clauses (*b*) and (*c*) of this section such funds shall constitute the amounts certified by the director of accounts as available on July the first of the then current fiscal year not otherwise appropriated, in accordance with the provisions of this section, together with the total of the proceeds from the sale of tax title possessions and the receipts from tax title redemptions, in addition to the real and personal taxes of prior years collected or received between said July the first and the last day of the month preceding the month in which the tax rate is determined, but in no event later than March the thirty-first of said current fiscal year; provided

that no town shall be allowed to consider tax payments received between said July the first and said March the thirty-first for the purpose of setting its tax rate for the current fiscal year unless it has received the prior approval of the director of accounts.

The auditor or similar accounting officer in each city or town shall certify as soon as may be to the board of assessors the total of the proceeds from the sale of tax title possessions and receipts from tax title redemptions, in addition to the total real and personal taxes of prior years collected from July the first of the current fiscal year up to and including March the thirty-first of the same year.

If, prior to May the tenth in any year, the assessors of any city except Boston shall not have received from the city clerk a certificate under section fifteen A of chapter forty-one of the appropriations voted for the annual budget for the ensuing fiscal year and if it appears to them, after inquiry of the city clerk, that such appropriations have not been voted, they shall forthwith assess a tax for said ensuing fiscal year in accordance with the provisions of this section, except that, in determining the amount of the tax to be assessed, there shall be considered as having been appropriated for the annual budget for said ensuing fiscal year an amount equal to the aggregate appropriations voted for the annual budget for the current fiscal year.

Notwithstanding the provisions of any general or special law, the provisions of this section, so far as apt, shall apply to fire, water and improvement districts. *Approved March 7, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, April 29, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 43 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING THE DETERMINATION OF AVAILABLE FUNDS IN CITIES AND TOWNS., and the enactment of which received my approval on March 7, 1975, should take effect forthwith.

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

In order to allow certain cities and towns to forthwith determine tax rates.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, April 29, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 44. AN ACT FURTHER REGULATING THE PAYMENT OF CERTAIN COUNTY EXPENDITURES INCURRED PRIOR TO APPROPRIATION.

Be it enacted, etc., as follows:

Section 34 of chapter 35 of the General Laws, as most recently amended by section 15 of chapter 849 of the acts of 1969, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

On and after July first in each year and before the regular appropriations have been made by the general court, the county commissioners and other officers authorized to incur liabilities payable by the county may incur liability for general maintenance and operation of regular county activities at a rate of expenditure which does not exceed in any month the sum spent for a similar purpose in any one month in the preceding year; provided, that said commissioners or officers may expend in any one month for any office or board created by law an amount not exceeding one twelfth of the estimated cost for said year for said office or board. Payments therefor may be made from any available funds in the county treasury, to be charged to the regular appropriation when made. No new or unusual expense shall be incurred, or permanent contract made, or salary increased, until an appropriation sufficient therefor has been made by the general court; except that salary increases in accordance with the salary schedule may be granted as set forth in section fifty-one B, and contracts made by a county for the exercise of its corporate powers or for any purpose as provided in sections fourteen and seventeen of chapter thirty-four may during any fiscal year, at the time of, or after, the making thereof, be extended without an appropriation, upon like or more favorable terms and conditions, for the whole or any part of the next fiscal year up to December thirty-first of that year or up to sixty days after passage of the budget of the next fiscal year, whichever date is later, provided that in no event shall the average monthly liability incurred with respect to the next fiscal year exceed the average

monthly liability for such contract during the last six months of the then current fiscal year. Rentals and leases of real property may be entered into for a period not to exceed five years.

Approved March 7, 1975.

Chap. 45. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY COMPENSATION FOR WORKING OVERLAPPING SHIFTS TO CERTAIN MEMBERS OF THE POLICE DEPARTMENT OF SAID CITY.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the city of Lawrence is hereby authorized to appropriate the sum of four thousand eight hundred and twenty-seven dollars and fifty-five cents, and after such appropriation the treasurer of said city is authorized to pay certain members of the police department of said city in accordance with an arbitration award between the International Brotherhood of Police Officers, Local 395 and the city of Lawrence, American Arbitration Association, case No. 1139-0223-74, for overlapping shift compensation for services performed by such members in the fiscal year nineteen hundred and seventy-three. *Approved March 7, 1975.*

Chap. 46. AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO CONTRACT FOR DRIVER EDUCATION COURSES FOR PERIODS NOT EXCEEDING THREE YEARS.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws is hereby amended by inserting after the paragraph inserted by chapter 693 of the acts of 1974 the following paragraph: —

For driver education courses for periods not exceeding three years. *Approved March 7, 1975.*

Chap. 47. AN ACT AUTHORIZING THE HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT TO HOLD AT LARGE ANNUAL DISTRICT ELECTIONS AND MAKE CERTAIN PROVISIONS RELATING TO THE AUTHORIZATION OF INDEBTEDNESS AND VALIDATING CERTAIN PROCEEDINGS TAKEN IN SAID DISTRICT AND IN THE MEMBER TOWNS OF HAMILTON AND WENHAM.

Be it enacted, etc., as follows:

SECTION 1. Hamilton-Wenham Regional School District consisting of the member towns of Hamilton and Wenham may by amendment to its regional school district agreement provide that members of its regional district school committee may be elected at large from the district at an annual district election called by said district. Said amendment may further provide for the duties to be performed by the secretary and other officials of said district and by the clerks, registrars of voters and other officials of said member towns with respect to the annual district election, which duties may be the same as, or similar to, the duties performed for town elections.

SECTION 2. Said district may by amendment to its agreement further provide that no indebtedness shall be incurred by the district if, prior to the expiration of thirty days from the date on which the regional district school committee votes to authorize such indebtedness, any member town holds a town meeting for the purpose of expressing approval or disapproval of the proposed indebtedness and less than two thirds of the voters present and voting at said meeting vote to approve the amount of said indebtedness.

SECTION 3. The amendment entitled "Amendment to Agreement Between the Towns of Hamilton and Wenham with Respect to the Establishment of a Regional School District Restating the Provisions of Said Agreement" containing provisions authorized by sections one and two of this act is hereby validated.

SECTION 4. The proceedings taken by the regional district school committee of said district on October seventh, nineteen hundred and seventy-four and at town meetings held in the town of Hamilton and the town of Wenham on October twenty-first, nineteen hundred and seventy-four, at which said amendment was considered are hereby validated and confirmed to the same extent as though this act had been in full force and effect at the time of the posting of the warrant for said meetings and the time said proceedings were taken by the regional district school committee.

SECTION 5. This act shall take effect upon its passage.

Approved March 11, 1975.

Chap. 48. AN ACT RELATIVE TO THE TERM OF OFFICE OF THE MODERATOR IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

Section 6 of chapter 311 of the acts of 1922 is hereby amended by striking out, in line 2, the words "at each annual town election" and inserting in place thereof the words: — for a term of three years.

Approved March 11, 1975.

Chap. 49. AN ACT RELATIVE TO CREDITABLE SERVICE FOR CERTAIN ELECTED MUNICIPAL OFFICERS UNDER THE CONTRIBUTORY RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Paragraph (*o*) of subdivision (1) of section 4 of chapter 32 of the General Laws, added by chapter 894 of the acts of 1971, is hereby amended by inserting after the word "payment", in line 8, the words: — ; provided, however, that the provisions of this paragraph shall not apply to any member first elected on or after January first, nineteen hundred and seventy-six.

Approved March 11, 1975.

Chap. 50. AN ACT REPEALING THE LAW AUTHORIZING THE APPOINTMENT OF A CRIMINAL PROCEEDINGS CLERK IN THE SUPERIOR COURT FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Section six H of chapter two hundred and twenty-one of the General Laws is hereby repealed.

Approved March 11, 1975.

Chap. 51. AN ACT REQUIRING THE MIDDLESEX COUNTY COMMISSIONERS TO MEET TWICE YEARLY IN THE TOWN OF FRAMINGHAM AND IN THE CITIES OF LOWELL AND CAMBRIDGE.

Be it enacted, etc., as follows:

Section 9 of chapter 34 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out lines 19 and 20 and inserting in place thereof the following: —

At Cambridge, twice yearly; at Lowell, twice yearly; at Framingham, twice yearly.

Approved March 11, 1975.

Chap. 52. AN ACT RELATIVE TO INVESTMENTS OF SAVINGS BANKS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 51 of chapter 168 of the General Laws is hereby amended by adding the following paragraph: —

If at any time a savings bank has an investment in any securities which is not on the latest list prepared under the provisions of this section, the commissioner may order the bank to dispose

of such securities within such reasonable time as he may determine.

SECTION 2. Chapter 170 of the General Laws is hereby amended by inserting after section 26 the following section: —

Section 26A. If at any time any such corporation has an investment in any securities which is not on the latest list prepared under the provisions of section fifty-one of chapter one hundred and sixty-eight, the commissioner may order the corporation to dispose of such securities within such reasonable time as he may determine. *Approved March 11, 1975.*

Chap. 53. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO BORROW ADDITIONAL MONEY FOR CONSTRUCTING, EQUIPPING AND FURNISHING AN ADDITION TO AND FOR THE ALTERATION OF THE SECOND DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 627 of the acts of 1972 is hereby amended by inserting after the word "hundred", in line 19, the words: — and forty.

SECTION 2. Section 2 of said chapter 627 is hereby amended by striking out, in line 4, the word "fifty" and inserting in place thereof the word: — ninety. *Approved March 11, 1975.*

Chap. 54. AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

Department of Public Welfare.

4400-1000 For the office of the commissioner; provided, that the appropriations for the food commodity distribution program shall not be expended for certain rentals of space; provided further, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided further, that the consolidation of welfare service offices shall be subject to prior approval of the house and senate committees on ways and means; and provided further, that application for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means; including not more than four thousand nine hundred and fourteen permanent positions **$213,170**

Approved March 13, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, March 13, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 54 of the Acts of 1975, entitled AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS., and the enactment of which received my approval on March 13, 1975, should take effect forthwith.

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

In order to immediately make certain funds available to the Department of Public Welfare.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, March 14, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and five minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being

chapter fifty-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 55. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN MEMBERS OF THE BOARD OF THE SOUTH ESSEX SEWERAGE DISTRICT DURING THE PERFORMANCE OF CERTAIN CONSTRUCTION WORK.

Be it enacted, etc., as follows:

SECTION 1. Chapter 516 of the acts of 1969 is hereby amended by striking out section 8 and inserting in place thereof the following section: —

Section 8. During periods of construction under this act, each member of said board, other than the chairman, shall receive from said district, in addition to other compensation, annual compensation of one thousand nine hundred dollars.

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

Approved March 14, 1975.

Chap. 56. AN ACT RELATIVE TO THE LISTING OF NAMES ON TOWN ELECTION BALLOTS IN THE TOWN OF AMHERST.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in all town elections held in the town of Amherst the names of all candidates for town office and town meeting member shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters or by their designees. Each candidate, or his duly authorized representative, shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an incumbent thereof shall be added the words "Candidate for reelection".

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

Approved March 14, 1975.

Chap. 57. AN ACT FURTHER DEFINING THE POWERS AND DUTIES OF THE HARBOR MASTER RELATING TO THE REMOVAL OF VESSELS FROM CERTAIN PUBLIC BERTHS.

Be it enacted, etc., as follows:

Chapter 102 of the General Laws is hereby amended by striking out section 25, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 25. If the master or other person in charge of a vessel occupying a berth at a public wharf or pier fails, after notice from the wharfinger thereof or his agent, to remove his vessel from such berth within such time as the harbor master adjudges reasonable, or if the master or other person in charge of such vessel has absented himself from the area of the berth for a period of time exceeding three times the posted limit, and cannot be contacted for the purpose of giving him notice to remove his vessel from such berth, the harbor master may cause such vessel to be removed to some other berth or anchored in the stream, and the city or town wherein the public wharf, pier or float is located, may recover the costs of such removal in an action of contract from the owner, agent or master of said vessel, said costs not to exceed fifty dollars. *Approved March 14, 1975.*

Chap. 58. AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF KINGSTON AS THE SPEC. 4 WILLIAM C. GOULD BRIDGE.

Be it enacted, etc., as follows:

The bridge on route 27, Pembroke street, in the town of Kingston, shall be known and designated as Spec. 4 William C. Gould bridge, in memory of William C. Gould, who was killed in action while a member of the armed forces of the United States in the Vietnam campaign. Suitable markers bearing said designation shall be attached thereto by the department of public works.

Approved March 14, 1975.

Chap. 59. AN ACT PROVIDING THAT OPERATORS OF MOTORCYCLES WHICH ARE NOT EQUIPPED WITH WINDSHIELDS OR SCREENS SHALL WEAR EYE GLASSES, GOGGLES OR PROTECTIVE FACE SHIELDS.

Be it enacted, etc., as follows:

The first paragraph of section 7 of chapter 90 of the General Laws is hereby amended by inserting after the sentence added by chapter 13 of the acts of 1967 the following sentence: — If a motorcycle is not equipped with a windshield or screen, the operator of such motorcycle shall wear eye glasses, goggles or a protective face shield when operating such vehicle.

Approved March 14, 1975.

Chap. 60. AN ACT TRANSFERRING CERTAIN POWERS AND DUTIES RELATIVE TO THE BICENTENNIAL COMMISSION FROM THE EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS TO THE EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the provision of funds and procedures for the commonwealth's share of matching grants for its cities and towns in support of projects related to the bicentennial period by the executive office of communities and development, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 1 of chapter 686 of the acts of 1974 is hereby amended by striking out the words "educational affairs" and inserting in place thereof the words: — communities and development.

SECTION 2. The first sentence of the third paragraph of said section 1 of said chapter 686 is hereby amended by striking out the words "educational affairs" and inserting in place thereof the words: — communities and development.

SECTION 3. The second sentence of the fourth paragraph of said section 1 of said chapter 686 is hereby amended by striking out the words "educational affairs" and inserting in place thereof the words: — communities and development.

SECTION 4. All powers and duties which were assigned to or exercised by the executive office of educational affairs under the provisions of chapter six hundred and eighty-six of the acts of nineteen hundred and seventy-four shall hereafter be assigned to and exercised by the executive office of communities and development.

SECTION 5. All applications for matching grants pending before the executive office of educational affairs on the effective date of this act shall be considered by the executive office of communities and development, without the necessity for further applications except insofar as said executive office of communities and development may require.

SECTION 6. All rules and regulations for the implementation of chapter six hundred and eighty-six of the acts of nineteen hundred and seventy-four promulgated by the executive office of educational affairs before the effective date of this act shall remain in effect until rescinded or amended by the executive office of communities and development, except that all powers and duties assigned under any rule or regulation to the executive office of educational affairs shall, upon the effective date of this act, be assumed by the executive office of communities and development.

SECTION 7. All funds which the executive office of educational affairs was authorized to expend under the provisions of chapter six hundred and eighty-six of the acts of nineteen hundred and seventy-four as the commonwealth's share of matching grants to cities and towns in support of bicentennial related projects, and which remain unexpended on the effective date of this act, are hereby transferred to and shall be available for expenditure by the executive office of communities and development for the purposes for which said funds were authorized by said chapter six hundred and eighty-six. *Approved March 19, 1975.*

Chap. 61. AN ACT PROVIDING FOR TEMPORARY FLEXIBILITY IN THE PAYMENT OF UNEMPLOYMENT COMPENSATION BENEFITS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite the payment of unemployment compensation benefits, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section twenty-three of chapter one hundred and fifty-one A of the General Laws, or any other general or special law or rule pertaining thereto to the contrary, unemployment compensation benefits payable pursuant to said chapter one hundred and fifty-one A may, whenever in the judgment of the director of the division of employment security, the public interest would be benefited thereby, be paid on a bi-weekly bases, subsequent to the payment of the first two weekly benefit payments.

SECTION 2. This act shall cease to be operative on July third, nineteen hundred and seventy-six. *Approved March 19, 1975.*

Chap. 62. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO DISCONTINUE AND ABANDON A PORTION OF A RIGHT OF WAY FOR PUBLIC ACCESS TO RICHMOND POND IN THE TOWN OF RICHMOND.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized to discontinue and abandon the following described portion of a right of way for public access to Richmond pond in the town of Richmond which right of way was established under the provisions of chapter four hundred and twenty-two of the acts of nineteen hundred and forty-five: —

Beginning at a point marked by a railroad spike driven into a stump on the westerly line of a road leading to Branch's Corners and on land of Boys Club of Pittsfield; said point is further described as being northerly 1,409 feet more or less from a concrete bound found on the northerly line of a road shown on a Plan entitled "The Commonwealth of Massachusetts, Plan of Road in the Town of Richmond, Berkshire County, Laid out as a Highway by the Department of Natural Resources Public Access Board for the Town of Richmond, Scale 1"=40 feet, July 1969" and recorded in the Berkshire Middle Registry of Deeds, Pittsfield, Mass. in Drawer #248, said bound is North 85° — 33' — 19" East and 57.38 feet distant from Baseline Station 0 + 78.39; thence leaving said first mention point North 77° — 14' West across land of said Boys Club of Pittsfield 97.53 feet to a point marked by a concrete stone bound; thence North 68° — 30' West across land of said Boys Club of Pittsfield 192.64 feet to a point marked by a concrete stone bound; thence North 64° — 00' West across land of said Boys Club of Pittsfield 84.81 feet to a point marked by a concrete stone bound; thence North 88° — 23' West across land of said Boys Club of Pittsfield 114.17 feet to a point marked by a concrete stone bound; thence North 76° — 13' West across land of said Boys Club of Pittsfield 85.51 feet to a point marked by a concrete stone bound; thence North 53° — 28' West across land of said Boys Club of Pittsfield 37.86 feet to a concrete stone bound; thence North 27° — 03' — 51" West across land of said Boys Club of Pittsfield 24.93 feet to a concrete stone bound; thence South 31° — 50' — 35" West a distance of 30.22 feet to a concrete stone bound; thence South 31° — 52' East across land of said Boys Club of Pittsfield 16.20 feet to a concrete stone bound; thence South 53° — 28' East across land of said Boys Club of Pittsfield 47.66 feet to a concrete stone bound; thence South 76° — 13' East across land of said Boys Club of Pittsfield of 93.21 feet to a point marked by a concrete stone bound; thence South 88° — 23' East across land of said Boys Club of Pittsfield 111.43 feet to a point marked by a concrete stone bound; thence South 64° — 00' East across land of said Boys Club of Pittsfield 80.39 feet to a point marked by a concrete stone bound; thence South 68° — 30' East across land of said Boys Club of Pittsfield 197.74 feet to a point marked by a concrete stone bound; thence South 77° — 14' East across land of said Boys Club of Pittsfield 99.47 feet to a point marked by a concrete stone bound of the supposed westerly line of a road leading to Branch's Corners; thence North 17° — 46' East along said supposed westerly line of said road 25.10 feet to the place of beginning and containing about 16,000 square feet.

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

Approved March 19, 1975.

Chap. 63. AN ACT INCREASING THE AMOUNT OF MONEY THE TOWN OF DUXBURY MAY BORROW FOR THE REPAIR OF A CERTAIN PUBLIC WAY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 653 of the acts of 1974 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. The town of Duxbury, for the purpose of the improvement and repair of a certain public way in said town known as Powder Point bridge, may borrow from time to time, such sums as may be necessary, not to exceed in the aggregate, nine hundred and fifty thousand dollars, and may issue bonds or notes of the town therefor, which shall bear on their face the words, Town of Duxbury Bridge Repair Loan, Act of 1974. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

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

Approved March 19, 1975.

Chap. 64. AN ACT RELATIVE TO LIMITATIONS ON CERTAIN LOANS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 4 of section 35 of chapter 168 of the General Laws is hereby amended by striking out the fourth sentence, as amended by section 1 of chapter 1144 of the acts of 1973, and inserting in place thereof the following sentence: — No loan of this class shall be made or acquired for a sum in excess of one and one quarter per cent of the deposits of such corporation or fifty thousand dollars, whichever is greater; provided, that the aggregate balance of principal outstanding at any one time on mortgage loans of this class as are in excess of one half of one per cent of the deposits shall not exceed ten per cent of the deposits of such corporations.

SECTION 2. Paragraph 8 of said section 35 of said chapter 168 is hereby amended by striking out the third sentence, as most recently amended by section 3 of chapter 455 of the acts of 1971, and inserting in place thereof the following sentence: — The amount of the participation of any such corporation in any such loan shall not exceed one and one quarter per cent of its deposits, and the aggregate balance of principal of all such participations not insured by the federal housing administrator, outstanding at any one time, shall not exceed twenty per cent of the total deposits of such corporation.

SECTION 3. Paragraph 8 of section 36 of said chapter 168 is hereby amended by striking out the first sentence, as appearing in chapter 265 of the acts of 1965, and inserting in place thereof the following sentence: — The total liabilities to any savings bank of a person, partnership, association, trust or corporation and the total liabilities of more than one partnership, association, trust or corporation, the majority interest of which are owned or controlled directly or indirectly by the same person or persons, partnerships, associations, trusts or corporations for money borrowed under section thirty-five including in the liabilities of a partnership, trust or company, not incorporated the liabilities of the several members thereof, shall not at any one time exceed two and one quarter per cent of the deposits of such bank or fifty thousand dollars, whichever is greater.

SECTION 4. The third paragraph of paragraph 6 of section 38 of said chapter 168 is hereby amended by striking out the first sentence, as amended by section 6 of chapter 218 of the acts of 1966, and inserting in place thereof the following sentence: — No such loan shall be made for a sum in excess of one and one quarter per cent of the deposits of such bank, nor in excess of the total cost of the leased land and buildings as determined by the board of investment, if the construction or reconstruction or substantial improvement of such buildings was completed within ten years prior to the date of the loan, and not in excess of seventy per cent of the value of such land and buildings if such construction, reconstruction, or substantial improvement was completed before the beginning of such ten years.

SECTION 5. The second paragraph of paragraph 7 of said section 38 of said chapter 168 is hereby amended by striking out the second sentence, as appearing in chapter 257 of the acts of 1960, and inserting in place thereof the following sentence: — No such corporation shall participate for a sum in excess of one and one quarter per cent of its deposits in any such loan.

SECTION 6. Paragraph 2 of section 41 of said chapter 168, as amended by chapter 42 of the acts of 1965, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The total liabilities to any savings bank of a person, partnership, association or corporation and the total liabilities of more than one partnership, association or corporation, the majority interest of which are owned or controlled directly or indirectly by the same person or persons, partnerships, associations, or corporations, for money borrowed thereby under sections thirty-eight and thirty-nine, including in the liabilities of a partnership or company not incorporated the liabilities of the several members thereof, shall not at any one time exceed two and one quarter per cent of the deposits of such bank.

SECTION 7. Sections two to seven, inclusive, of chapter eleven hundred and forty-four of the acts of nineteen hundred and seventy-three are hereby repealed. *Approved March 19, 1975.*

Chap. 65. AN ACT DIRECTING THE DEPARTMENT OF NATURAL RESOURCES TO RENEW A CERTAIN LEASE BETWEEN THE COMMONWEALTH AND THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

The department of natural resources for a nominal consideration is hereby authorized and directed to renew, on behalf of the commonwealth for a further term of twenty-five years, a lease dated January thirteenth, nineteen hundred and sixty-one, between the commonwealth and the town of Framingham, recorded in the Middlesex South District Registry of Deeds, Book 10565, Page 117. *Approved March 19, 1975.*

Chap. 66. AN ACT PLACING CERTAIN POSITIONS IN THE TOWN OF TEWKSBURY UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 1 of chapter 86 of the acts of 1968 is hereby amended by inserting after the word "policewoman", in line 5, the words: — ; fire fighter mechanic; fire fighter ambulance attendant; fire fighter alarm maintenance person; fire lieutenant.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Tewksbury at the annual town meeting to be held in the year nineteen hundred and seventy-five in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act placing certain positions in the town of Tewksbury under the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise. *Approved March 20, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, March 20, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 66 of the Acts of

1975, entitled AN ACT PLACING CERTAIN POSITIONS IN THE TOWN OF TEWKSBURY UNDER THE CIVIL SERVICE LAW., and the enactment of which received my approval on March 20, 1975, should take effect forthwith.

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

In order to place certain positions in the town of Tewksbury under the civil service law.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, March 21, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter sixty-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 67. AN ACT AUTHORIZING THE CITIES OF SALEM AND BEVERLY TO BORROW MONEY FOR THE CONTINUED OPERATION OF THE SALEM AND BEVERLY WATER SUPPLY BOARD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 700 of the acts of 1913 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 979 of the acts of 1971, and inserting in place thereof the following section: —

Section 1. A board is hereby created which shall be known as the Salem and Beverly Water Supply Board and shall consist of three members. The city engineer of the city of Salem and the commissioner of public works of the city of Beverly shall be members of said board, ex officiis. The third member shall be appointed by the governor for a term of three years, shall not be a resident of either of said cities, or hold property, or have a usual place of business therein, and may be removed at any time by the governor. He shall be the chairman, and shall receive as compensation, so long as he shall continue to be a member of said board, such sum as the board shall fix, but in no event less than four thousand five hundred dollars per year. The ex officiis members shall receive as compensation the sum of twenty-five hundred

dollars per year. In case of a vacancy occurring in the office of the nonresident member, it shall be filled by appointment for the unexpired part of the term by the governor. In the event of the incapacity of an ex officio member of said board, the mayor of the city represented by such member shall appoint an employee of the department wherein such incapacity exists as an interim member to serve in place of such ex officio member until he is able to resume his duties as a member of said board, and the chairman shall be notified in writing of such appointment. Said interim member shall represent his respective city as a member of the board, ex officio with full powers, including the right to vote, and shall receive the rate of compensation paid to the ex officio member for the period served, provided that any compensation paid to the interim member shall be deducted from the annual compensation of said ex officio member.

SECTION 2. Section 4 of said chapter 700 is hereby amended by striking out the words "and during the months from June to November, inclusive, in any one calendar year, may, in case of emergency, take water from said water", inserted by section 3 of said chapter 979, and inserting in place thereof the words: — and during the months from June to November, inclusive, in any one calendar year, may, in case of emergency, take water from said river.

SECTION 3. Said chapter 700 is hereby further amended by striking out section 15A, inserted by section 8 of said chapter 979, and inserting in place thereof the following section: —

Section 15A. In addition to the authority conferred by sections twelve to fifteen, inclusive, the cities of Salem and Beverly may, from time to time, at the request of the board, issue bonds or notes for the purposes of and in amounts sufficient for paying their respective shares of the costs of construction and other works and facilities, of damages and of costs of engineering, legal, appraisal and other professional services in connection with the same, all of which shall not exceed the sum of twelve million dollars, exclusive of interest on bonds and notes issued hereunder. The shares of said cities for such payments shall be determined as set forth in section three. Said bonds or notes shall be payable in not more than twenty years from their dates by annual payments commencing not more than one year after said dates. Each authorized issue of bonds or notes shall constitute a separate loan. Said bonds or notes shall bear such rates of interest as may be approved by the officers authorized to sign the same. Said bonds or notes shall be exempt from taxation in the commonwealth and shall not be included in determining the statutory limit of indebtedness. Such bonds or notes shall have an impression of the city seal, shall be signed by the treasurer of the city, and countersigned by the mayor or auditor thereof, and shall bear on their face the words, City of (Salem) (Beverly) Water Loan, Act of 1971.

The proceeds of said bonds or notes, exclusive of accrued interest and the costs of issuing and marketing them, shall be added to the Salem and Beverly Water Supply Fund established by section sixteen. *Approved March 21, 1975.*

Chap. 68. AN ACT RELATIVE TO THE OBSERVANCE OF PATRIOTS DAY IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide that the certain provisions of the Common Day of Rest Law shall not apply to April nineteenth and April twenty-first of the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 180 of the acts of 1974 is hereby amended by striking out the words "any of said days" and inserting in place thereof the words: — said nineteenth and twenty-first of April, — so as to read as follows: —

Patriots day shall be celebrated as a legal holiday on April nineteenth, twentieth and twenty-first in the year nineteen hundred and seventy-five; provided, however, that the provisions of sections five to eleven, inclusive, of chapter one hundred and thirty-six of the General Laws shall not apply to said nineteenth and twenty-first of April. *Approved March 24, 1975.*

Chap. 69. AN ACT RELATIVE TO THE NORTH SHORE VOCATIONAL REGIONAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The third sentence of the third paragraph of section 3 of chapter 545 of the acts of 1972 is hereby amended by striking out, in lines 7 to 9, inclusive, the words "vocational education of such types as are not offered by the district established by this act or for such persons who cannot be accommodated by the schools established by said district" and inserting in place thereof the words: — the types of vocational education offered by said city, town, or district as of December second, nineteen hundred and seventy-four, and may offer other types of vocational education with the approval of the department of education.

SECTION 2. The first sentence of clause (d) of section 6 of said chapter 545 is hereby amended by striking out, in lines 10 and 11, the words "either paragraph (1) or paragraph (2)", and insert-

ing in place thereof the words: — paragraph (1), paragraph (2) or paragraph (3).

SECTION 3. The fifth sentence of paragraph (2) of said clause (d) of said section 6 of said chapter 545 is hereby amended by striking out, in line 6, the word "eight" and inserting in place thereof the word:.— twelve.

SECTION 4. Said clause (d) of said section 6 of said chapter 545 is hereby further amended by adding the following paragraph: —

(3) The vote of the district committee authorizing the debt may be approved by a majority of the registered voters in the member municipalities voting on the question at a general or special election held on the same day in all of the member municipalities. The secretary of the district shall give written notice to the city clerk or town clerk of each member municipality no later than forty-five days prior to the date of such general or special election. Said notice shall include a certified copy of the vote of the district committee authorizing the incurring of debt and approving procedure under this paragraph at a general or special election identified in said vote, the article for the question which is to be added to the warrant of such municipalities calling for the election, and the question which is to appear on the ballot. Upon receipt of such a notice from the district secretary, each city clerk or town clerk shall cause the article contained in such notice to be added to the warrant of such municipality for such election and shall cause the question contained in such notice to be placed on the ballot to be used at such election. The city clerk or town clerk of each city or town shall certify the results of the voting on the question to the district secretary. The district shall not be required to bear any portion of the expenses of such election. The defeat of a proposal for incurring debt under this paragraph shall not prevent the resubmission of the same proposal as a new authorization. *Approved March 24, 1975.*

Chap. 70. AN ACT MAKING CERTAIN CHANGES IN THE BUSINESS CORPORATION LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 156B of the General Laws, as appearing in section 1 of chapter 723 of the acts of 1964, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The power to make, amend or repeal by-laws shall be in the stockholders; provided that if authorized by the articles of organization, the by-laws may provide that the directors may also make, amend or repeal the by-laws in whole or in part, except with respect to any provision thereof which by law, the articles of organization or the by-laws requires action by the stockholders.

SECTION 2. Clause (*iii*) of paragraph (1) of subsection (*c*) of

section 78 of said chapter 156B, as appearing in section 19 of chapter 392 of the acts of 1969, is hereby amended by adding the following two sentences: — If any such agreement would adversely affect the rights of any class of stock of either constituent corporation, the vote of two thirds of such class, voting separately, shall also be necessary to authorize such agreement. For this purpose any series of a class which is adversely affected in a manner different from other series of the same class shall, together with any other series of the same class adversely affected in the same manner, be treated as a separate class.

SECTION 3. Subsection (3) of section 109 of said chapter 156B, as appearing in section 1 of chapter 723 of the acts of 1964, is hereby amended by striking out, in line 5, the words ", and the amount then paid thereon".

SECTION 4. Subsection (4) of said section 109 of said chapter 156B, as so appearing, is hereby amended by inserting after the word "expires", in line 3, the words: — and the name and address of the resident agent, if any.

SECTION 5. Section 109A of said chapter 156B is hereby amended by striking out the second and third sentences, as appearing in section 25 of chapter 392 of the acts of 1969, and inserting in place thereof the following two sentences: — The auditor shall state that he has examined the statement of assets and liabilities included in such report, that his examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as he considered necessary in the circumstances, and that in his opinion said statement of assets and liabilities presents fairly the financial position of the corporation as of the date thereof, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year. The state secretary may prescribe additional requirements for or permitted modifications of such statement by the auditor; and the state secretary may in special circumstances, in his discretion, approve the inclusion of an auditor's statement expressing a qualified opinion or no opinion of the statement of assets and liabilities taken as a whole, provided the auditor states his reasons therefor.

Approved March 24, 1975.

Chap. 71. AN ACT FURTHER REGULATING THE MAKING AND KEEPING OF RECORDS OF CERTAIN LOCAL TAXES.

Be it enacted, etc., as follows:

Chapter 60 of the General Laws is hereby amended by striking out section 6, as amended by chapter 100 of the acts of 1967, and inserting in place thereof the following section: —

Section 6. The collector shall make and keep the book contain-

ing the tax list committed to him or, with the written approval of the commissioner of corporations and taxation, on a mechanically or electronically prepared record, against the name of every person assessed for a tax, entries showing the disposition thereof, whether reassessed, abated or paid, and the date of such disposition. *Approved March 24, 1975.*

Chap. 72. AN ACT FURTHER REGULATING THE BORROWING POWER OF THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith urgently needed facilities for students at Southeastern Massachusetts University, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The fourth sentence of the fifth paragraph of section 7 of chapter 703 of the acts of 1964, is hereby amended by striking out the word "seventy-four", inserted by section 4 of chapter 589 of the acts of 1973, and inserting in place thereof the word: — seventy-six. *Approved March 25, 1975.*

Chap. 73. AN ACT RELATIVE TO THE FRANKLIN COUNTY REGIONAL HOUSING AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 2 of chapter 956 of the acts of 1973 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Notwithstanding the provisions of section three A of chapter one hundred and twenty-one B of the General Laws, and except as may otherwise be provided herein, and notwithstanding the existence of a local housing authority organized in any town, the authority shall be deemed to be, and within every town in the county, shall have the rights, powers, and obligations of, a housing authority organized under the provisions of said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by a local housing authority organized in a town.

SECTION 2. The second paragraph of said section 2 of said chapter 956 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — In addition, any local housing authority organized in a town within the county, whether organized prior to or subsequent to the creation of the authority by this act, shall have the rights, powers,

and obligations of a housing authority under said chapter one hundred and twenty-one B, except with respect to any project or activity theretofore undertaken on a particular site or location by the said regional housing authority.

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

Approved March 25, 1975.

Chap. 74. AN ACT EXTENDING THE PERMISSIBLE DURATION OF CONTRACTS ENTERED INTO BY CITIES, TOWNS AND DISTRICTS FOR THE PURCHASE OF FUEL OIL AND OTHER FUEL SUPPLIES.

Be it enacted, etc., as follows:

Section 4 of chapter 40 of the General Laws is hereby amended by striking out the paragraph inserted by chapter 128 of the acts of 1971 and inserting in place thereof the following paragraph: —

For the purchase of oil and other fuel supplies. Contracts for such purposes may be made for periods not exceeding five years.

Approved March 25, 1975.

Chap. 75. AN ACT AUTHORIZING THE TOWN OF CARVER TO APPROPRIATE AND PAY CERTAIN SUMS OF MONEY TO CERTAIN PERSONS.

Be it enacted, etc., as follows:

SECTION 1. The town of Carver is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said town is hereby authorized to pay to Albert E. Wood the sum of two hundred and fifty-eight dollars and eighty-seven cents and to Russell J. and Carol J. Correa the sum of five hundred and three dollars and twenty cents, said sums having been paid to said town by said persons for taxes on certain land, including interest and penalties, erroneously assessed against them.

SECTION 2. Said town is hereby further authorized to reassess the tax on such land under the provisions of section seventy-seven of chapter fifty-nine of the General Laws, the original owners of which have been benefited by the erroneous payment of such taxes, interest and penalties by the said Correas and the said Albert E. Wood.

Approved March 25, 1975.

Chap. 76. AN ACT RELATIVE TO THE EXCISE IMPOSED UPON URBAN REDEVELOPMENT CORPORATIONS.

Be it enacted, etc., as follows:

The third paragraph of section 10 of chapter 121A of the General Laws, as appearing in section 4 of chapter 640 of the acts of 1956, is hereby amended by adding the following sentence: — As used herein, the phrase "rate for such year" shall be the rate established by the city or town for the fiscal year commencing during the preceding calendar year for which a return is filed by the corporation. *Approved March 25, 1975.*

Chap. 77. AN ACT PROVIDING FOR A BOARD OF TRUSTEES FOR COUNTY COOPERATIVE EXTENSION SERVICE IN SUFFOLK COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 128 of the General Laws is hereby amended by striking out section 40, as amended by section 2 of chapter 990 of the acts of 1971, and inserting in place thereof the following section: —

Section 40. In each county, except counties maintaining vocational agricultural schools, there shall be an unpaid board of nine trustees to be known as trustees for county cooperative extension service. The county commissioners of each such county except Suffolk, and the city council of the city of Boston in Suffolk county, shall annually appoint three trustees, qualified as hereinafter provided, to serve for three years from April first of the year of the appointment, and shall fill any vacancy in said board for the unexpired term. All of said trustees shall be residents of the county where they are appointed, one shall always be a county commissioner of said county or, in the county of Suffolk a member of the city council of Boston, and four so far as is possible shall be taken from the directors, chosen as provided in the following section, of such cities and towns as have appropriated funds toward carrying out sections forty to forty-five, inclusive. The accounts of the trustees in each county except Suffolk shall be audited by the director of accounts and in Suffolk county shall be audited by the auditor of the city of Boston in the manner in which other county accounts are audited under general law. The trustees shall annually submit to the county commissioners or the city council of the city of Boston as the case may be, a report for the previous year with a statement of receipts and expenditures in such form and at such time as is required by them, and they shall cause the said report to be printed as part of their regular annual report.

SECTION 2. Of the trustees for county cooperative extension service first appointed by the city council of the city of Boston in accordance with the provisions of section forty of chapter one hundred and twenty-eight of the General Laws, as amended by section one of this act, three shall be appointed for a term of one year, three shall be appointed for terms of two years and three

shall be appointed for terms of three years, and each shall serve until the qualification of their respective successors.

Approved March 25, 1975.

Chap. 78. AN ACT INCREASING THE AMOUNT WHICH CO-OPERATIVE BANKS MAY INVEST IN OBLIGATIONS OF BANKING CORPORATIONS.

Be it enacted, etc., as follows:

Clause (*ii*) of paragraph (*e*) of subsection 4A of section 26 of chapter 170 is hereby amended by striking out the last sentence, as appearing in section 1 of chapter 461 of the acts of 1971, and inserting in place thereof the following sentence: — Not more than five per cent of its assets shall be invested by any such corporation in debentures, convertible debentures, notes or other evidences of indebtedness of such banking corporations and not more than three per cent of its assets or fifty thousand dollars, whichever is greater, shall be invested by such corporation in debentures, convertible debentures, notes or other evidences of indebtedness of any one banking corporation.

Approved March 25, 1975.

Chap. 79. AN ACT PROVIDING THAT OPERATORS OF MOTORCYCLES SHALL RIDE NO MORE THAN TWO ABREAST AND SHALL RIDE SINGLE FILE WHEN PASSING.

Be it enacted, etc., as follows:

Section 4A of chapter 89 of the General Laws, as appearing in section 1 of chapter 461 of the acts of 1952, is hereby amended by adding the following sentence: — The operators of motorcycles shall ride no more than two abreast, and shall ride single file when passing. *Approved March 25, 1975.*

Chap. 80. AN ACT RELATIVE TO INVESTMENT OF CERTAIN COUNTY FUNDS.

Be it enacted, etc., as follows:

The third sentence of section 37A of chapter 35 of the General Laws, as amended by chapter 10 of the acts of 1966, is hereby further amended by striking out, in lines 2, 3, and 4, the words ", exclusive of temporary notes issued in anticipation of revenue or of serial note issues". *Approved March 26, 1975.*

Chap. 81. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO GRANT CERTAIN EASEMENTS TO THE TOWN OF SHREWSBURY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the construction and operation of a certain sanitary sewer system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

The water resources commission is hereby authorized to grant to the town of Shrewsbury, acting by and through its board of selectmen, permanent and temporary easements in two certain tracts of land, located in said town for the purpose of the installation, construction, maintenance, and operation of a sanitary sewer system, and being bounded and described as follows:

Beginning at the southeasterly corner of the tract herein described on the northerly side of said Hill Street;

Thence Running N 83° — 46' — 15"W, 35.48 feet along said Hill Street to a point;

Thence Running N 38° — 18' — 45"E, 288.24 feet to a point;
Thence Running N 25° — 18' — 45"E, 298.88 feet to a point;
Thence Running N 29° — 48' — 45"E, 600.92 feet to a point;
Thence Running N 32° — 18' — 45"E, 305.62 feet to a point;
Thence Running N 71° — 08' — 45"E, 35.74 feet to a point;

The last five courses being by land of the Commonwealth of Massachusetts;

Thence Running S 11° — 25' — 40"W, 5.75 feet to a bound;
Thence Running S 23° — 04' — 25"W, 34.84 feet to a point;

The last two courses being by land of Joseph and Edith and Carl and Christine Iaccarino;

Thence Running S 32° — 18' — 45"W, 293.12 feet to a point;
Thence Running S 29° — 48' — 45"W, 599.08 feet to a point;
Thence Running S 25° — 18' — 45"W, 301.12 feet to a point;
Thence Running S 38° — 18' — 45"W, 272.74 feet to the point of beginning.

The last four courses being by land of the Commonwealth of Massachusetts.

The above described tract contains 1.03 acres, more or less, and is a portion of the land taken by the commonwealth in an order of taking dated June 21, 1961, from Frederick Hedlund and Thomas F. Dreyer and recorded at the Worcester district registry of deeds in Worcester county on June 21, 1961 in Book 4201 Pages 422 and 439.

The second tract is situated on the southerly side of said Hill Street, being more particularly bounded and described as follows:

Beginning at the northeasterly corner of the tract herein described on the southerly side of said Hill Street;

Thence Running S 5° — 53' — 50"W, 150.00 feet to a point;
Thence Running N 84° — 06' — 10"W, 150.00 feet to a point;
Thence Running N 5° — 53' — 50"E, 150.00 feet to a point;
The last three courses being by land of the Commonwealth of Massachusetts;

Thence Running S 84° — 06' — 10"E, 150.00 feet along said Hill Street to the point of beginning.

The above described tract contains 22,500 square feet and is a portion of the land taken by the commonwealth in an order of taking dated June 21, 1961 from Viola Berg et al and recorded at the Worcester district registry of deeds in Worcester county on June 21, 1961 in Book 4201 Page 433.

Said tracts of land were taken by the commonwealth through its water resources commission by virtue of the authority conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty, for the purpose of constructing, operating and maintaining certain flood control and flood retardation works of improvement.

The location and design of said sanitary sewer system shall be subject to the approval of the water resources commission.

Approved March 28, 1975.

Chap. 82. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN PARK LAND IN THE TOWN OF ARLINGTON TO THE CONSERVATION COMMISSION OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The park department of the town of Arlington is hereby authorized to transfer to the conservation commission of said town, the care, custody, management and control of certain park land located in said town known as Meadow Brook park, for any purpose contained in section eight C of chapter forty of the General Laws, said land being bounded and described as follows:

Beginning at a point on the southeasterly sideline of Mystic Valley Parkway, said point being the boundary line between Mt. Pleasant Cemetery and Meadow Brook Park, thence going northeasterly on said sideline of Mystic Valley Parkway on a curve to the right with a radius of 500.64 feet a distance of 402.85 feet to a point of compound curve, thence northeasterly on a curve to the right with a radius of 500.34 feet a distance of 239.15 feet to a point on said southeasterly sideline of Mystic Valley Parkway, thence S 55° 51' 15"E on said southeasterly sideline of Mystic Valley Parkway a distance of 104.94 feet to a point on said southeasterly sideline of Mystic Valley Parkway at the present boundary line between Mt. Pleasant Cemetery and Meadow Brook Park, thence S 26° 05' 05"W on said boundary line a distance of 420.69 feet, thence southwesterly on said boundary line

on a curve to the left with a radius of 240.00 feet a distance of 47 feet more or less to a point, said point being the boundary line between Mt. Pleasant Cemetery and Meadow Brook Park, thence going northwesterly on said boundary line a distance of 330 feet more or less to the point of beginning; said land being shown on a plan on file in the office of the Town Engineer, Arlington, Mass., entitled "Plan of Land in Arlington, Mass., to be transferred from Park to Cemetery, Scale 1" = 40', Nov. 25, 1949, James M. Keane, Town Engineer."

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

Approved March 28, 1975.

Chap. 83. AN ACT COMMITTING A CERTAIN AMOUNT RAISED BY TAXATION IN THE OXFORD-ROCHDALE SEWER DISTRICT FOR THE EIGHTEEN-MONTH FISCAL PERIOD BEGINNING JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-THREE, AND ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FOUR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the assessors of the towns of Oxford and Leicester in assessing taxes for the Oxford-Rochdale Sewer District for the fiscal year beginning July first, nineteen hundred and seventy-five, shall assess, in addition to the amount required to be assessed in accordance with the provisions of section twenty-three of chapter fifty-nine of the General Laws, their proportionate share of the sum of twenty-one thousand seventy-six dollars and ninety-four cents, said sum being approximately two thirds of the amount required to be raised by taxation in said Oxford-Rochdale Sewer District for the eighteen-month fiscal period beginning January first, nineteen hundred and seventy-three, and ending June thirtieth, nineteen hundred and seventy-four, but which was not committed to the town collectors of said towns in accordance with the provisions of section seven of chapter two hundred and fifty of the acts of nineteen hundred and fifty-seven.

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

Approved March 28, 1975.

Chap. 84. AN ACT PROHIBITING DISCRIMINATION BECAUSE OF SEX OR MARITAL STATUS IN THE USE OF SURNAMES.

Be it enacted, etc., as follows:

Section 4 of chapter 151B of the General Laws is hereby amended by adding after subsection 14, added by chapter 168 of the acts of 1973, the following subsection: —

15. For any person responsible for the registration of voters or for recording the name of or establishing the personal identification of an individual for any purpose, including that of extending credit, to require such individual to use, because of such individual's sex or marital status, any surname other than the one by which such individual is generally known.

Approved March 28, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 20, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 84 of the Acts of 1975, entitled, AN ACT PROHIBITING DISCRIMINATION BECAUSE OF SEX OR MARITAL STATUS IN THE USE OF SURNAMES., and the enactment of which received my approval on March 28, 1975, should take effect forthwith.

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

In order to immediately enforce certain laws prohibiting certain acts of discrimination.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 23, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and one minute, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eighty-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 85. AN ACT REQUIRING A CERTAIN STATEMENT IN INSURANCE POLICIES WHICH COVER LOSSES FROM ACCIDENT ONLY.

Be it enacted, etc., as follows:

Section 108 of chapter 175 of the General Laws is hereby amended by adding the following subdivision: —

9. No policy of accident insurance shall be delivered or issued for delivery to any person in this commonwealth unless the following statement is printed on the first page in either contrasting color or in bold face type at least four points larger than the type size of the largest type on that page as follows: This is a policy which insures persons against injury or death from accident only and does not pay benefits for losses from sickness.

Approved March 28, 1975.

Chap. 86. AN ACT AUTHORIZING THE COMMISSIONER OF NATURAL RESOURCES TO LEASE CERTAIN LAND ON THE EAST MOUNTAIN STATE FOREST.

Be it enacted, etc., as follows:

The commissioner of natural resources is hereby authorized to lease for a term of ten years, with a provision for renewal for periods of additional ten year terms, a parcel of land, hereinafter described, in East Mountain state forest, for the support of skiing facilities, provided, however, that said lease shall contain a fair rental fee as determined by said commissioner. The use of any and all buildings and equipment to be utilized in connection with the aforesaid lease or any renewal thereof shall be subject to the approval of said commissioner. Said parcel being bounded and described as follows:

A certain parcel of land on East Mountain state forest, comprising 375 acres, more or less, excepting and excluding one acre, more or less, to be used by High Fidelity Division of the Billboard Publishing Company, located in the town of Great Barrington, county of Berkshire, bounded and described as follows:

Beginning at the southeast corner of the parcel, granted to the Commonwealth by R. K. Wheeler in Book 354, Page 199, thence southerly along land formerly of one Crippen and in the line of parcel #2 granted to the Commonwealth by F. H. Wright in Book 259, Page 139 and known as the "Richmond Iron Company Lot" to the land of one Hoder; thence westerly, southeasterly, and southerly in the line of Hoder common to the said "Richmond Iron Company Lot" to the "Bound on the top of the mountain" so called at the southwesterly corner of the parcel granted to the commonwealth by John Avery in Book 259, Page 157 and referred to as the "20 acre wood lot", thence westerly crossing the "Richmond Iron Company Lot" to another corner of a parcel granted to the Commonwealth by John Avery in Book 259, Page 157; thence westerly in the line of said Avery parcel common with the said "Richmond Iron Company Lot" crossing a small

brook to the southeast corner of a parcel of land of the Commonwealth supposed to contain 32.8 acres; thence northerly and easterly in the line of said 32.8 acre parcel in common with the said Richmond Iron Company Lot to the southwesterly corner of another parcel granted to the Commonwealth by said Avery in Book 259, Page 157; thence northwesterly in a diagonal line crossing said 32.8 acre parcel to the easterly line of said parcel; thence northwesterly, and northerly in said westerly line to another small brook; thence northerly and northeasterly following the said brook crossing parcels granted to the Commonwealth by F. H. Wright in Book 259, Page 139 and known as the Pixley Lot, one by C. A Ritz in Book 337, Page 404 and others by F. H. Wright in Book 259, Page 139 and Book 259, Page 241 to a point where the said brook meets the line of land of one Kirchof and Holohan as recorded in Book 321, Page 313; thence easterly in the line of said Kirchof and Holohan to the line of land of the grantee; thence easterly, southerly, easterly along the southerly line of land of the grantee to the point of beginning, containing about 375 acres of land. *Approved March 28, 1975.*

Chap. 87. AN ACT RELATIVE TO THE REQUIREMENTS ON THE BLANK FORMS OF ABSENT VOTING BALLOTS.

Be it enacted, etc., as follows:

The first paragraph of subsection (*b*) of section 87 of chapter 54 of the General Laws, as amended by section 1 of chapter 218 of the acts of 1972, is hereby amended by striking out, in line 3, the words "(permanent home)". *Approved March 28, 1975.*

Chap. 88. AN ACT DESIGNATING CERTAIN VIOLATIONS OF LAWS REGULATING RETAIL INSTALLMENT SALES AND INSURANCE PREMIUM FINANCE AGENCIES AS UNFAIR AND DECEPTIVE PRACTICES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 6 of chapter 255B of the General Laws, as appearing in section 1 of chapter 674 of the acts of 1958, is hereby amended by adding the following sentence: — A violation of this chapter shall also be a violation of chapter ninety-three A.

SECTION 2. The second paragraph of section 6 of chapter 255C of the General Laws, as appearing in section 1 of chapter 727 of the acts of 1964, is hereby amended by adding the following sentence: — A violation of this chapter shall also be a violation of chapter ninety-three A.

SECTION 3. The second paragraph of section 6 of chapter 255D of the General Laws, as appearing in section 1 of chapter 284 of

the acts of 1966, is hereby amended by adding the following sentence: — A violation of this chapter shall also be a violation of chapter ninety-three A.

Approved March 28, 1975.

Chap. 89. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO QUALIFICATION OF VOTERS FOR ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 58A, inserted by section 25 of chapter 437 of the acts of 1962, and inserting in place thereof the following section: —

Section 58A. The registrars shall forthwith, following the twentieth day preceding an election at which electors of president and vice-president are to be chosen, prepare lists containing the names of all persons certified by them, as provided in section one A, to be qualified for voting for electors of president and vice-president. The names of the persons so certified shall be arranged on such lists in alphabetical order and to the name of each such person shall be added the street and number, if any, of his present residence. The registrars shall cause copies of such lists to be posted in their principal office.

Approved March 28, 1975.

Chap. 90. AN ACT MAKING CHANGES IN THE LAW RELATIVE TO CANCELLATION OF CERTAIN CONTRACTS CONSUMMATED AT A PLACE OTHER THAN THE SELLER'S PLACE OF BUSINESS.

Be it enacted, etc., as follows:

SECTION 1. Section 48 of chapter 93 of the General Laws is hereby amended by striking out subsection B, as most recently amended by chapter 660 of the acts of 1970, and inserting in place thereof the following subsection: —

B. Each such agreement shall be in writing, in the same language as that principally used in the oral sales presentation, signed by the seller or lessor, containing his address, the date of the transaction and all the terms agreed upon by the parties or required by law. The failure to include a required or an agreed term or to deliver a copy of the agreement signed by the seller or lessor shall give the buyer the right to cancel said agreement until the omitted term is provided or the copy of the agreement delivered. In either case, the time period during which the buyer may cancel under subsection A shall not commence until the failure to include terms or deliver a copy has been corrected.

Each agreement shall contain the following statement appearing on the front page thereof in immediate proximity to the space reserved for the buyer's signature and in boldface type of a minimum size of ten points: —

You may cancel this agreement if it has been consummated by a party thereto at a place other than an address of the seller, which may be in his main office or branch thereof, provided you notify the seller in writing at his main office or branch by ordinary mail posted, by telegram sent or by delivery, not later than midnight of the third business day following the signing of this agreement.

See the attached notice of cancellation form for an explanation of this right.

Each such agreement shall have attached thereto a completed form in duplicate, which shall be easily detachable, and which shall contain in ten point boldface type the following in the same language as that used in the agreement: —

NOTICE OF CANCELLATION

(Enter date of transaction)

(date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the agreement, and any negotiable instrument executed by you will be returned within ten business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this agreement; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to _____,

(Name of seller)

at _____ not later

(Address of seller's place of business)

than midnight of _____.

(Date)

I hereby cancel this transaction.

_____
(Date)

_____
(Buyer's signature)

SECTION 2. Said section 48 of said chapter 93 is hereby further amended by striking out subsection D, as appearing in chapter 272 of the acts of 1970, and inserting in place thereof the following subsection: —

D. In the event of cancellation pursuant to this section the seller or lessor shall within ten business days of the receipt of any valid notice of cancellation (*i*) refund all payments made, including any down payment made under the agreement; (*ii*) return any goods or property traded in to the seller on account of or in contemplation of the agreement, in substantially as good condition as when received by the seller; (*iii*) cancel and return any copies of the agreement and any negotiable instrument signed by the buyer with a notation indicating that it has been cancelled; and (*iv*) take any action necessary or appropriate to terminate promptly any security interest created in connection with the agreement.

The seller or lessor shall be entitled to reclaim and the buyer shall return whenever possible or hold at the seller's disposal any goods received by the buyer under the agreement. The buyer may, at his option, comply with the instructions of the seller or lessor regarding the return shipment of the goods at the seller's or lessor's expense and risk. If the buyer does make the goods available to the seller and the seller does not pick them up within twenty days of the date of the buyer's notice of cancellation, the buyer may retain or dispose of the goods without any further obligation. If the buyer fails to make the goods available to the seller, or if the buyer agrees to return the goods to the seller and fails to do so, then the buyer shall remain liable for performance of all obligations under the contract.

The seller or lessor shall within ten business days of receipt of the buyer's notice of cancellation notify the buyer whether the seller or lessor intends to repossess or to abandon any shipped or delivered goods.

SECTION 3. Said section 48 of said chapter 93 is hereby further amended by adding the following three subsections: —

G. An agreement subject to this section shall not contain any waiver of the buyer's rights provided under this section.

H. The seller or lessor shall inform the buyer orally, at the time he signs the agreement, of his right to cancel and shall not misrepresent in any manner such right.

I. The seller or lessor shall not negotiate, transfer, sell, or assign any agreement or other evidence of indebtedness to a finance company or other third party prior to midnight of the

fifth business day following the day the agreement was signed. No negotiation, transfer, sale or assignment of any agreement or other evidence of indebtedness shall defeat or limit the buyer's right to cancel the agreement because of failure to include a required or an agreed term or to deliver an accurate copy of the agreement, as provided in subsection B.

SECTION 4. Subsection D of section 9 of chapter 255D of the General Laws is hereby amended by striking out clause (6), as most recently amended by section 32 of chapter 517 of the acts of 1969.

SECTION 5. Said subsection D of said section 9 of said chapter 255D is hereby further amended by striking out the last paragraph, as amended by section 3 of chapter 775 of the acts of 1967, and inserting in place thereof the following paragraph: —

If the seller takes no security interest in the goods, clauses (4) and (5) need not be included in the notice.

SECTION 6. Said section 9 of said chapter 255D is hereby further amended by inserting after subsection D the following subsection: —

D½. Every retail installment sale agreement shall be in writing in the same language as that principally used in the oral sales presentation, except as further provided herein and shall also contain the following statement appearing on the front page thereof in the immediate proximity to the space reserved for the buyer's signature and in boldface type of a minimum size of ten points: —

You may cancel this agreement if it has been consummated by a party thereto at a place other than an address of the seller, which may be his main office or branch thereof, provided you notify the seller in writing at his main office or branch, by ordinary mail posted, by telegram sent or by delivery, not later than midnight of the third business day following the signing of this agreement.

See the attached notice of cancellation form for an explanation of this right.

Each such agreement, except as further provided herein, shall have attached thereto a completed form in duplicate, which shall be easily detachable, and which shall contain in ten point boldface type the following in the same language as that used in the agreement: —

NOTICE OF CANCELLATION

(Enter date of transaction)

(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under this agreement, and any negotiable instrument executed by you will be returned within ten business days follow-

ing receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this agreement; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to _____,
(Name of seller)

at _____ not later
(Address of seller's place of business)

than midnight of _____.
(Date)

I hereby cancel this transaction.

_____
(Date)

_____
(Buyer's signature)

If the agreement was not signed by the buyer at a place other than an address of the seller, which may be his main office or any branch thereof, one of which must be shown on the agreement, the notice of cancellation need not be included.

The seller shall inform the buyer orally, at the time he signs the agreement, of his right to cancel and shall not misrepresent in any manner this right.

The seller shall not negotiate, transfer, sell or assign any agreement to a finance company or other third party prior to midnight of the fifth business day following the day the agreement was signed.

SECTION 7. Subsection B of section 14 of said chapter 255D, as amended by section 40 of chapter 517 of the acts of 1969, is hereby further amended by inserting after the word "agreement", in line 5, the words: — or the date a completed agreement signed by the seller is delivered to the buyer, whichever is later.

SECTION 8. Said section 14 of said chapter 255D is hereby further amended by striking out subsections C and D, as appearing

in section 1 of chapter 284 of the acts of 1966, and inserting in place thereof the following subsection: —

C. In the event of cancellation pursuant to this section installment seller shall within ten business days of the receipt of any valid notice of cancellation (*i*) refund all payments made, including any down payment made under the agreement; (*ii*) return any goods or property traded in to the seller on account of or in contemplation of the agreement, in substantially as good condition as when received by the seller; (*iii*) cancel and return any copies of the agreement and any negotiable instrument signed by the buyer with a notation indicating that it has been cancelled; and (*iv*) take any action necessary or appropriate to terminate promptly any security interest created in connection with the agreement.

The seller shall be entitled to reclaim and the buyer shall return whenever possible or hold at the seller's disposal any goods received by the buyer under the agreement. The buyer may, at his option, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk. If the buyer does make the goods available to the seller and the seller does not pick them up within twenty days of the date of the buyer's notice of cancellation, the buyer may retain or dispose of the goods without any further obligation. If the buyer fails to make the goods available to the seller, or if the buyer agrees to return the goods to the seller and fails to do so, then the buyer shall remain liable for performance of all obligations under the contract.

The seller shall within ten business days of receipt of the buyer's notice of cancellation notify the buyer whether the seller intends to repossess or to abandon any shipped or delivered goods. *Approved March 28, 1975.*

Chap. 91. AN ACT AUTHORIZING CERTAIN OPEN BURNING.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section one hundred and forty-two A or section one hundred and forty-two B of chapter one hundred and eleven of the General Laws, any person during the period from March fifteenth, nineteen hundred and seventy-six to April fifteenth, nineteen hundred and seventy-six, and from March fifteenth, nineteen hundred and seventy-seven to April fifteenth, nineteen hundred and seventy-seven may conduct, except within the Southeastern Massachusetts air pollution control district, the open burning of products of open space land husbandry and management, including materials commonly referred to as brush, including vegetation such as tree branches, brush, cane, driftwood and other forestry debris, but excluding grass, hay, or leaves. Such burning may be conducted

within the Southeastern Massachusetts air pollution control district during the period from February fifteenth, nineteen hundred and seventy-six to March fifteenth, nineteen hundred and seventy-six, and from February fifteenth, nineteen hundred and seventy-seven to March fifteenth, nineteen hundred and seventy-seven. Said person shall obtain a permit as provided in section thirteen of chapter forty-eight of the General Laws. Such permit shall be valid except on days when the department of public health determines that atmospheric ventilation will be unsuitable or that air stagnation is forecast in the specific area and for a time specified in the permit.

Such open burning shall be performed in accordance with the following requirements: (*a*) without causing a nuisance; (*b*) with smoke minimizing starters, if fire starters are necessary; (*c*) between ten o'clock ante meridian and four o'clock post meridian; (*d*) on land proximate to the place of generation of such products, or at such other place as may be designated in the permit.

Violation of any provision of this act shall be punishable by a fine of not more than fifty dollars per day and each day's violation shall constitute a separate offense.

Approved March 31, 1975.

Chap. 92. AN ACT PROVIDING FOR THE LEASING OF AIR RIGHTS OVER CERTAIN LAND IN THE TOWN OF BRAINTREE BY SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any general or special law, rule, regulation, ordinance or by-law to the contrary, the Massachusetts Bay Transportation Authority shall, in acquiring any land owned by the town of Braintree by eminent domain or otherwise for the construction of transportation facilities in said town, reserve to said town the right to lease the air rights over any land so acquired. Any lease of such air rights by said town shall conform with the zoning by-laws and other applicable by-laws and regulations of said town. *Approved April 3, 1975.*

Chap. 93. AN ACT PROVIDING FOR THE CERTIFICATION OF A CERTAIN CIVIL SERVICE LIST FOR PROMOTION TO POLICE SERGEANT IN THE TOWN OF BRAINTREE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, the division of civil service shall certify to the town of Braintree the civil service list for promotion to police sergeant in said town due to a vacancy that was created as a result of promotion to lieu-

tenant under the provisions of chapter five hundred and thirty-nine of the acts of nineteen hundred and seventy-four; provided, that said certification for appointment shall be that which was in effect on March fourth, nineteen hundred and seventy-four; and provided further, that the said town may appoint one person on said list to the position of police sergeant in said town.

Approved April 3, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, April 9, 1975.

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 93 of the Acts of 1975 entitled, AN ACT PROVIDING FOR THE CERTIFICATION OF A CERTAIN CIVIL SERVICE LIST FOR PROMOTION TO POLICE SERGEANT IN THE TOWN OF BRAINTREE., and the enactment of which received my approval on April 3, 1975, should take effect forthwith.

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

In order to allow the town of Braintree to immediately fill the position of sergeant on the police force.

Sincerely,
MICHAEL S. DUKAKIS,
Governor.

OFFICE OF THE SECRETARY, BOSTON, April 9, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 94. AN ACT FURTHER REGULATING THE INSPECTION OF AIR TANKS.

Be it enacted, etc., as follows:

Chapter 146 of the General Laws is hereby amended by striking out section 39, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 39. The air tank or other receptacle shall be prepared for inspection by the owner or user. The inspection plugs, handhole plates and manhole plates if provided shall be removed. The interior shall be cleaned of rust, scale, oil sludge and any other deleterious material. A hydrostatic test shall be applied if required by the authorized inspector. The pressure applied during the test shall be equal to one and one half times the pressure allowed on the air tank or other receptacle. A hammer test may also be applied if there is no pressure on the tank or receptacle.

Approved April 3, 1975.

Chap. 95. AN ACT REPEALING THE LAW REQUIRING A VOTER TO WRITE HIS NAME IN A BOOK AT A POLLING PLACE.

Be it enacted, etc., as follows:

Section seventy-six A of chapter fifty-four of the General Laws is hereby repealed. *Approved April 3, 1975.*

Chap. 96. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO PAY A CERTAIN SUM OF MONEY TO MILTON PECHENICK.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the town of Brookline is hereby authorized to raise and appropriate, or transfer from surplus revenue, and after such appropriation or transfer the treasurer of said town is hereby directed to pay to Milton Pechenick, the sum of two hundred and fifty dollars and seventy cents for medical expenses and lost wages resulting from personal injuries sustained by him while performing the duties of an auxiliary policeman in said town on or about April second, nineteen hundred and seventy-one. *Approved April 3, 1975.*

Chap. 97. AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO REIMBURSE CERTAIN EMPLOYEES OF SAID TOWN FOR PRIVATELY OWNED TOOLS STOLEN FROM THE DEPARTMENT OF PUBLIC WORKS GARAGE IN SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any by-law or any general or special law to

the contrary, the town of Brookline may raise and appropriate, or transfer from surplus revenue, a sum not to exceed four thousand dollars which may be expended by the commissioner of public works with the approval of the board of selectmen to reimburse department of public works motor equipment repairmen, Robert Collins, Charles Driver, Steven Delaney and Richard Malley, for personally owned tools which were stolen from the department of public works garage during the weekend of June thirtieth to July second, nineteen hundred and seventy-three, such tools having been individually supplied and stored on town property as a condition of employment.

Approved April 3, 1975.

Chap. 98. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE CITY OF TAUNTON RELATIVE TO THE ELECTION OF MEMBERS OF THE MUNICIPAL LIGHT COMMISSION OF SAID CITY.

Be it enacted, etc., as follows:

In order to ascertain the will of the voters of the city of Taunton, the following nonbinding question shall be placed on the official ballot to be used at the municipal election to be held in said city in the current year in the following form: — "Shall the members of the municipal light commission of the city of Taunton be elected by the voters of said city? This question is not binding." If a majority of the votes cast in answer to said question is in the affirmative, then it shall be deemed to be the will of said voters that the members of the municipal light commission of said city shall be elected by the voters of said city.

Approved April 3, 1975.

Chap. 99. AN ACT AUTHORIZING THE ISSUANCE OF PERMITS FOR CERTAIN CEREMONIAL BONFIRES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by inserting after section 142G, inserted by chapter 239 of the acts of 1974, the following section: —

Section 42H. The city council of a city with the approval of its mayor, or the board of selectmen or town council of a town, may authorize the fire department of such city or town to issue not more than one permit in any one year for a ceremonial bonfire in such city or town. Said ceremonial bonfire shall mark the observance of a significant municipal, state, or national event, and any such ceremonial bonfire shall be under the continuous supervision of the fire department. A permit for such a cere-

monial bonfire shall be issued only to a municipal department or a civic, fraternal or veterans organization within such city or town. Only wood which has not been painted, impregnated, or otherwise treated with any foreign substance shall be permitted to burn in ceremonial bonfires. No ceremonial bonfire shall burn for more than twelve hours.

Approved April 3, 1975.

Chap. 100. AN ACT DESIGNATING THE BRIDGE OVER PATTEN'S COVE IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON AS THE ANTHONY J. BONETTI BRIDGE.

Be it enacted, etc., as follows:

The bridge over Patten's cove, in the Dorchester district of the city of Boston, shall be known and designated as the Anthony J. Bonetti bridge, in memory of Anthony J. Bonetti, who died while a member of the armed forces of the United States in World War II. A suitable marker bearing said designation shall be attached thereto by the metropolitan district commission.

Approved April 3, 1975.

Chap. 101. AN ACT RELATIVE TO THE DETERMINATION OF THE ANNUAL APPORTIONMENTS OF COST OF MAINTENANCE AND OPERATION ACCOUNTS OF THE SOUTH ESSEX SEWERAGE DISTRICT AMONG THE INSTITUTIONS, TOWNS AND CITIES PARTICIPATING THEREIN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 339 of the acts of 1925 is hereby amended by striking out section 18, as most recently amended by section 5 of chapter 645 of the acts of 1973, and inserting in place thereof the following section: —

Section 18. The cost of construction and of maintenance and operation of said sewers and other works shall for purposes of apportionment be allocated by said board in the following manner:

(*a*) The cost of construction and the cost of maintenance and operation of the main sewer from the junction of the sewer serving the said Middleton colony with the sewer serving said Essex county sanatorium to the point of intersection with the highway crossing the valley of Beaver Brook near the Ferncroft station, so-called, on the Boston and Maine railroad, shall be borne by the Danvers state hospital, including the Middleton colony thereof, the Essex county sanatorium, the Essex county agricultural school and the industrial camp and shall be apportioned

to and among said institutions on the bases hereinafter provided for construction and for maintenance and operation, respectively, except that said board shall have power to add to the apportionment for cost of construction to any such institution such part of the cost of the sewer as it may determine was expended solely for the benefit of that institution.

(*b*) The cost of construction and the cost of maintenance and operation of the said main sewer from said point near the Ferncroft station, so-called, to a point about eight hundred feet east of the line dividing the town of Danvers from the city of Beverly, including the cost of the pumping station to be located near the Danvers-Beverly boundary line, shall be borne by the said institutions and the town of Danvers, and shall be apportioned to said institutions and said town on the bases hereinafter provided for construction and for maintenance and operation, respectively.

(*c*) The cost of construction and the cost of maintenance and operation of the said main sewer from said point about eight hundred feet east of said Danvers-Beverly boundary line through the city of Beverly, including the cost of the pumping station to be located at or near Tuck's Point in the city of Beverly, and the cost of the outfall sewer from said pumping station to its junction in or near Juniper Cove with the outfall sewer from the cities of Salem and Peabody, shall be borne by said institutions, the town of Danvers, and the city of Beverly, and shall be apportioned to said institutions, town and city on the bases hereinafter provided for construction and for maintenance and operation, respectively.

(*d*) The cost of acquiring, as hereinbefore provided, the main sewer of the city of Peabody and of such changes as may be necessary therein, and the cost of maintenance and operation of the same, shall be borne by the city of Peabody.

(*e*) The cost of acquiring, as hereinbefore provided, the main trunk sewer through the city of Salem, the Salem pumping station and that part of the outfall sewer from said pumping station to its junction in or near Juniper Cove with the outfall sewer from Beverly and Danvers, and of such changes therein as may be necessary, and the cost of any new outfall sewer from said pumping station to said junction, shall be borne by the cities of Salem and Peabody, and shall be apportioned to such cities on the basis hereinafter provided. The cost of maintenance and operation of the section of the sewerage system described in this subdivision shall be borne by the cities of Salem and Peabody and shall be apportioned to said cities on the basis hereinafter provided.

(*f*) The cost of construction and the cost of maintenance and operation of an outfall sewer as herein provided for from the junction, in or near Juniper Cove, of the outfall sewer from Danvers and Beverly with the outfall sewer from Peabody and Salem to its outlet and the cost of any changes that may be neces-

sary in the present outfall sewer from Salem and Peabody, between Juniper Cove and its outlet near Great Haste Island, shall be borne by said institutions, the towns of Danvers and Marblehead, the city of Beverly, the city of Peabody, and the city of Salem, and shall be apportioned to said institutions, towns and cities on the bases hereinafter provided for construction and for maintenance and operation, respectively.

(*g*) All overhead charges paid or incurred by said board in the construction and in the maintenance and operation of the sewerage system herein provided for shall be borne by said institutions, the towns of Danvers and Marblehead, the city of Beverly, the city of Peabody and the city of Salem, and shall be apportioned to said institutions, towns and cities on the bases hereinafter provided for construction and for maintenance and operation, respectively.

(*h*) The cost of any and all connecting sewers that said board may construct to serve the institutions as provided in section fourteen shall be borne by the institutions for which the same are respectively constructed.

Interest on bonds and notes issued to pay for the cost of construction of said sewerage system shall be deemed a part of such cost and added thereto, and interest on notes issued to pay for the cost of maintenance and operation of said system shall be deemed a part of such cost and added thereto.

Beginning in the year nineteen hundred and thirty, said board shall determine annually on or before February fifteenth, what part of the retirement and interest payments falling due that year on bonds or notes issued under section fifteen, including notes issued to pay annual interest on bonds or notes previously issued and any and all other sums, shall be allocated to each account described in subdivisions (*a*) to (*h*), inclusive, as its share for that year of the cost of construction. Each share so determined in the case of subdivisions (*a*), (*b*), (*c*), (*e*), (*f*) and (*g*) shall be apportioned to the institutions, towns and cities participating in that share, one third in proportion to their respective valuations as determined as hereinafter provided for the year nineteen hundred and thirty by the commissioner of corporations and taxation, and two thirds in proportion to their respective normal average flow of sewage as determined by said board for the period covered by the years nineteen hundred and twenty-eight and nineteen hundred and twenty-nine; it being hereby provided that, until the construction of the sewers and other works herein provided for and until the sewerage system thus made is in operation, said board in determining, for purposes of apportionment, the flow of sewage, shall make use of the flow of sewage of the existing systems from said institutions and cities, and as said town of Danvers has at present no sewerage system and will not have one for some years adequate to dispose of the sewage from said town, the flow of sewage from said town of Danvers

shall for said purposes be determined at one million two hundred and fifty thousand gallons per day. The cost of maintenance and operation of said sewers and other works for each account described in subdivisions (*a*) to (*g*), inclusive, shall be estimated by said board for each year on or before February fifteenth and shall be apportioned by said board to the institutions, towns and cities participating in that account in proportion to their respective flow of sewage as determined by said board for the previous year. Said board is authorized to estimate and assess the apportionment for the fiscal year beginning July first, nineteen hundred and seventy-five after February fifteenth, nineteen hundred and seventy-five, and to revise and amend any such apportionment that may have been made prior hereto for said fiscal year, so that the final apportionment shall be based on the respective flows of sewage as determined by said board for the previous year. Any balance remaining at the end of any year on account of assessments herein provided for shall be credited to the institutions, towns or cities as the case may be in the same proportion as assessed, and any deficit on account of any year shall be assessed the following year in the same proportion as for the year in which the deficit occurred. For the purposes of apportioning the annual cost of maintenance and operation, the flow of sewage from the town of Danvers shall in no year prior to the year nineteen hundred and thirty-five be determined at less than one million two hundred and fifty-thousand gallons per day.

The annual apportionments so determined, including the annual allocations under subdivisions (*d*) and (*h*), both for cost of construction and for maintenance and operation, shall in the case of each of said cities, towns and institutions be added together, and on or before the fifteenth day of February in each year, beginning in nineteen hundred and thirty as aforesaid, the treasurer of said South Essex Sewerage District shall notify each of the amount to be paid by it, and shall in writing demand that such amount be paid on or before the first day of November in that year, and said amount shall be so paid; and in case of failure to pay after a written demand therefor, said district may recover such amount in contract from those liable to pay the same. Every apportionment both for cost of construction and for maintenance and operation made against the commonwealth, the county of Essex or any of the institutions aforesaid, shall be deemed to be a charge of maintenance, care and operation of the particular institution against which or on account of which any such apportionment shall be so made.

In case any of said cities, towns, the commonwealth, the county or institutions for any reason shall not pay on or before the first day of November in any year the amount apportioned to it as aforesaid, said board, through its treasurer, may borrow from time to time in anticipation of the payment of any and all unpaid assessments therefor a sum or sums sufficient to pay the balance of retirement and interest payments falling due that

year as hereinbefore provided, and may issue notes therefor and may refund such notes from time to time until all of such assessments shall have been fully paid, and may pay interest on all such notes, which interest payments shall be included in the subsequent apportionment.

Said board, through its treasurer, may borrow from time to time to meet interest payments on bonds or notes a sum or sums sufficient to pay such interest payments, and may issue notes therefor, and may refund such notes from time to time until assessments to meet such interest payments shall have been fully paid, and may pay interest on all such notes, which interest payments shall be included in the next apportionment.

SECTION 2. Chapter 190 of the acts of 1972 is hereby amended by striking out section 3 and inserting in place thereof the following section: —

Section 3. After any connection by any sewer system serving the property described in section one, to the district trunk sewer in accordance with section two, the board is hereby authorized to allocate and apportion annually to said portion of the town of Middleton described in section one a proportionate share of the cost of maintenance and operation of the sewer system on the same basis as determined for the members in said district and make such assessment in the same manner as the members in said district are assessed.

SECTION 3. Notwithstanding any provision of general or special law to the contrary, the cost of maintenance and operation of any sewers, works or facilities owned or controlled by the South Essex Sewerage District or constructed prior to the year nineteen hundred and sixty-nine shall be apportioned to the institutions, towns and cities participating therein in proportion to the respective flow of sewage as determined by the South Essex Sewerage Board for the previous year.

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

Approved April 7, 1975.

Chap. 102. AN ACT RELATIVE TO CERTAIN ACTIVITIES OF DOMESTIC MANUFACTURING CORPORATIONS SUBJECT TO TAXATION.

Be it enacted, etc., as follows:

The first paragraph of section 2 of chapter 58 of the General Laws, as appearing in section 1 of chapter 490 of the acts of 1958, is hereby amended by adding the following sentence: — The operation of a solid waste disposal facility, as defined in section eighteen of chapter sixteen, or the production of any material or other product therefrom which is usable or marketable shall not be deemed to be a manufacturing activity for the purposes of this section.

Approved April 7, 1975.

Chap. 103. AN ACT PROVIDING FOR CIVIL SERVICE STATUS FOR NELSON C. HARRIS, INCUMBENT OF THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE TOWN OF NORTH READING.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Nelson C. Harris, incumbent of the office of the chief of the fire department of the town of North Reading, shall be subject to the provisions of chapter thirty-one of the General Laws, provided he passes a qualifying examination to which he shall be subjected by the director of civil service. If said incumbent passes said examination, he shall be certified for such office and shall be deemed to be permanently appointed thereto. If he fails to pass said examination, he may continue to serve in said office, but shall not otherwise be subject to the provisions of said chapter thirty-one. *Approved April 7, 1975.*

Chap. 104. AN ACT PROVIDING FOR CIVIL SERVICE STATUS FOR CERTAIN FIRE FIGHTERS IN THE FIRE DEPARTMENT OF THE TOWN OF NORTH READING.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, Richard F. Nash, Francis P. Driscoll and Steven E. Pepper, incumbents in the position of fire fighters of the fire department of the town of North Reading, shall be subject to the provisions of chapter thirty-one of the General Laws, provided that each of such incumbents shall pass a qualifying examination to which they shall be subjected by the director of civil service. Each incumbent who passes said examination shall be certified for such position and shall be deemed to be permanently appointed thereto subject to serving a probationary period from the date of such appointment. Each incumbent who fails to pass said examination may continue to serve in such position, but shall not otherwise be subject to the provisions of said chapter thirty-one. *Approved April 7, 1975.*

Chap. 105. AN ACT ELIMINATING THE MINIMUM HEIGHT REQUIREMENT FOR APPLICANTS FOR THE POSITION OF CORRECTION OFFICER.

Be it enacted, etc., as follows:

Section 13A of chapter 31 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 86 of chapter 835 of the acts of 1974, and inserting in place thereof the following sentence: — If, in the

opinion of the administrator, physical qualifications are necessary or desirable for an original appointment to any office or position, he may order a physical examination.

Approved April 7, 1975.

Chap. 106. AN ACT EXTENDING THE LAW RELATIVE TO THE APPLICATION OF THE CIVIL SERVICE LAW WHEN A POSITION BECOMES SUBJECT TO SAID LAW BY VIRTUE OF A CHANGE IN LAW OR RULE.

Be it enacted, etc., as follows:

Chapter 677 of the acts of 1971 is hereby amended by striking out section 4 and inserting in place thereof the following section: —

Section 4. This act shall cease to be operative on June thirtieth, nineteen hundred and seventy-seven.

Approved April 7, 1975.

Chap. 107. AN ACT INCREASING THE PENALTY FOR VIOLATIONS OF CERTAIN TOWN BY-LAWS.

Be it enacted, etc., as follows:

Section 21 of chapter 40 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 316 of the acts of 1965, and inserting in place thereof the following sentence: — They may, except as herein provided, affix penalties for breaches thereof, not exceeding two hundred dollars for each offence, which may be recovered by indictment or on complaint before a district court, and shall enure to the town or to such uses as it may direct.

Approved April 7, 1975.

Chap. 108. AN ACT REPEALING THE LAW PROVIDING FOR THE REMOVAL OF THE GEORGE FINGOLD LIBRARY FROM ITS PRESENT LOCATION IN THE STATE HOUSE.

Be it enacted, etc., as follows:

Chapter one thousand and forty-three of the acts of nineteen hundred and seventy-three is hereby amended by striking out section two.

Approved April 7, 1975.

Chap. 109. AN ACT FURTHER DEFINING THE RIGHTS OF CREDITORS.

Be it enacted, etc., as follows:

Chapter 140C of the General Laws is hereby amended by inserting after section 9 the following section: —

Section 9A. In any response by a creditor to an oral or written inquiry received by a creditor concerning the rate of a finance charge, such rate shall be expressed by the term "annual percentage rate". *Approved April 7, 1975.*

Chap. 110. AN ACT RELATIVE TO THE MASSACHUSETTS CLEAN WATERS ACT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 57 of chapter 21 of the General Laws, as appearing in section 1 of chapter 692 of the acts of 1970, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The division of water pollution control shall be responsible for the administration of its regulations.

SECTION 2. The third paragraph of said section 57 of said chapter 21, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause: —

(1) identifying substances which, because of their chemical, flammable, explosive, reactive or toxic characteristics, constitute or may reasonably be expected to constitute a danger to the public health, safety or welfare or to the environment and which should be handled and disposed of only by licensed hazardous waste disposers. Radioactive wastes, infectious wastes and waste narcotics and prescription drugs, for which disposal is regulated under other statutes, are specifically excluded from regulation under this statute. Mercury, beryllium, cadmium, compounds thereof, and such other elements and compounds as may be listed from time to time by said board, shall not be disposed of in any waters of the commonwealth except as they occur as trace contaminants in other materials and not in excess of quantities or concentrations specified by said board;.

SECTION 3. The first paragraph of section 58 of said chapter 21, as so appearing, is hereby amended by adding the following sentence: — Any license revoked for cause in accordance with said regulations shall be for not less than two nor more than five years. *Approved April 7, 1975.*

Chap. 111. AN ACT FURTHER REGULATING THE RIGHTS OF CERTAIN PERSONS TO GIVE DISCHARGES AND OTHER RELEASES RELATIVE TO INSURANCE POLICIES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide that certain persons, as of

January first, nineteen hundred and seventy-five, may give certain discharges and releases, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twenty-eight A of chapter one hundred and seventy-five of the General Laws is hereby repealed.

SECTION 2. The provisions of section one of this act shall take effect as of January first, nineteen hundred and seventy-five.

Approved April 8, 1975.

Chap. 112. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FIVE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

Legislature.

Senate.

Item		
0111-8000	For expenses of senators, including travel, prior appropriation continued	**$75,000**
0116-0030	For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and seventy-six	**25,000**
0181-5000	For the expenses of the revolutionary bicentennial commission including the preparation of a documentary history of the revolutionary government in Massachusetts; to be in addition to any federal funds available for the purpose	**54,450**

Judiciary.

Supreme Judicial Court.

Item

0301-0102 For clerical assistant to the clerk **$12,500**

Executive.

Governor.

0411-8014 For the preparation and publication of the official papers of a former governor **$25,000**

Secretary of the Commonwealth.

0519-0000 For expenses of a census, as authorized by chapter ten of the acts of nineteen hundred and seventy-five **$41,800**

0521-0000 For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, prior appropriation continued, and including not more than twelve permanent positions **75,000**

Treasurer and Receiver-General.

0610-0000 For the office of the treasurer and receiver-general, including not more than one hundred and twelve permanent positions **$24,000**

Highway Fund 30.0%

General Fund 70.0%

0611-5000 For compensation to victims of violent crimes **150,000**

Executive Office for Administration and Finance.

Unassigned Accounts.

Unforeseen Emergencies.

1599-2004 For a reserve to meet the increased cost of food, provided that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other items of appropriation for the fiscal year nineteen hundred and seventy-five where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged

$1,350,000

1599-2008 For a reserve to meet the increased cost of fuel and power; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-five where the amounts otherwise available are insufficient for the purpose; and, provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the amounts of such transfer to the several state or other funds to which such items of appropriation are charged

15,750,000

1599-2022) 1599-2024) The unexpended balances remaining item 1599-2022 and 1599-2024 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four are hereby transferrred and made available for the purposes of the following item: —

Item

1599-2026 For a reserve to meet the cost of salary adjustments authorized by the acts of nineteen hundred and seventy-four and to meet the cost of a certain completed management study; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated to other items of appropriation for the fiscal year nineteen hundred and seventy-five which are available, in whole or in part, for personal services, such amounts as are necessary to meet the cost of said increases where the amounts otherwise available are insufficient for the purpose, to be in addition to amounts otherwise appropriated for said services for said fiscal year; and provided further, that the governor, upon recommendation of the commissioner of administration, is further authorized to allocate the cost of such salary adjustments to the several state or other funds to which items of appropriations are charged; and provided further, that the amount available in this item shall also be available for the purposes of item 1599-2016 of section two of chapter one thousand one hundred and eighty-one of the acts of nineteen hundred and seventy-three.

Department of Natural Resources.

Division of Conservation Services.

2631-8683 Notwithstanding the provisions of section eight A of chapter twenty-nine of the General Laws, a certain claim in the amount of five thousand three hundred and eighty-three dollars may be paid from the amount available in this account.

Executive Office of Human Services.

Department of Correction.

4313-0001 Correctional institution at Walpole, including not more than three hundred and fifty-two permanent positions **$300,000**

4315-0001 Correctional institution at Framingham, including not more than one hundred and thirty-four permanent positions **23,000**

4316-0001 Correctional institution at Norfolk, including not more than three hundred and nine permanent positions **10,725**

4343-0001 For a pre-release center at Shirley, including not more than twenty-seven permanent positions **57,679**

Department of Public Welfare.

4402-5000) From the unencumbered balance remaining in item 4402-5000 of
) section two of chapter four hundred and thirty-one of the acts
4403-2000) of nineteen hundred and seventy-four, the sum of fifty million,
) nine hundred and thirty-nine thousand dollars is hereby trans-
4406-2000) ferred and made available for the purposes of the following items of said section two of said chapter four hundred and thirty-one in the amounts shown: —

Item 4403-2000 ..... $38,385,000
4406-2000 12,554,000

4402-5013 Item 4402-5013 of section two of chapter one thousand one hundred and one of the acts of nineteen hundred and seventy-three, as amended by chapter four hundred and twenty-three of the acts of nineteen hundred and seventy-four, is hereby further amended by adding at the end thereof the following: — and provided further, that the accounts payable funds reserved for the payment of encumbrances in this item are hereby extended until June the thirtieth, nineteen hundred and seventy-five.

Item

4406-2003 Item 4406-2003 of section two of chapter one thousand one hundred and one of the acts of nineteen hundred and seventy-three, as amended by chapter four hundred and twenty-three of the acts of nineteen hundred and seventy-four, is hereby further amended by adding at the end thereof the following: — and provided further, that the accounts payable funds reserved for the payment of encumbrances in this item are hereby extended until June the thirtieth, nineteen hundred and seventy-five.

Department of Mental Health.

5011-0000 For administration of the boarding out of children, with the consent of the parents or guardians, and of the transportation and medical examination of patients and certain mentally retarded persons; provided, that applications for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means, including not more than three hundred and seventy permanent positions **$40,409**

Region One.

5181-0000 For the maintenance of the Belchertown state school, including not more than seven hundred and sixty-three permanent positions **$263,561**

Region Two.

5211-0000 For administration, including not more than eleven permanent positions **$5,709**

5221-0000 For mental health and retardation services, including not more than one hundred and seventeen permanent positions **37,904**

5291-0000 For the maintenance of the Gardner state hospital, including not more than five hundred and fifty-one permanent positions **327,227**

5293-0100 For the maintenance of the Worcester state hospital, including not more than one thousand one hundred and one permanent positions **212,771**

Region Three.

5321-0000 For mental health and retardation services, including not more than one hundred and twenty-five permanent positions **$8,602**

5361-0000 For the maintenance of the Dr. Harry C. Solomon mental health center, including not more than one hundred and twenty-eight permanent positions **111,141**

5364-0100 For the maintenance of the Mystic Valley mental health center; provided, that federal funds not exceeding three hundred fifty-three thousand four hundred and forty dollars may be expended for the purposes of this item; said federal funds to be in addition to the amount appropriated; including not more than twenty-one permanent positions **79,678**

Region Four.

5471-0000 For the maintenance of the John T. Berry rehabilitation center, including not more than seventy-seven permanent positions **$26,000**

5481-0000 For the maintenance of the Charles V. Hogan regional center, including not more than four hundred and forty-five permanent positions **179,221**

Item

5491-0000 For the maintenance of the Danvers state hospital, including not more than nine hundred and thirty-two permanent positions **$336,403**

Region Five.

5592-0100 For the maintenance of the Westborough state hospital, including not more than nine hundred and seventy permanent positions **$111,478**

5593-0100 For the maintenance of the Cushing hospital, including not more than six hundred and ninety-three permanent positions **12,860**

Region Six.

5662-0100 For certain expenses of the Dr. Solomon Carter Fuller mental health center; provided, that federal funds not exceeding nine hundred ninety-eight thousand five hundred and ninety dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount herein appropriated, including not more than nine permanent positions **$76,290**

Region Seven.

5761-0000 For the maintenance of the Dr. John C. Corrigan mental health center, including not more than one hundred and twelve permanent positions **$11,781**

5791-0000 For the maintenance of the Foxborough state hospital, including not more than five hundred and ninety-seven permanent positions **627,327**

5792-0100 For the maintenance of the Taunton state hospital, including not more than seven hundred and thirty-seven permanent positions **33,155**

Executive Office of Transportation and Construction.

Department of Public Works.

6020-2907 For a certain payment, as authorized by chapter eighty-five of the resolves of nineteen hundred and seventy-four **$1,537**

Highway Fund 100.0%

Executive Office of Educational Affairs.

State College at Salem.

8069-49 Item 8069-49 of section two of chapter four hundred and seventy-six of the acts of nineteen hundred and sixty-eight is hereby amended by adding the words: — ; provided, that the unexpended balance remaining in this item which expired on June thirtieth, nineteen hundred and seventy-four is hereby made available for expenditure until June thirtieth, nineteen hundred and seventy-six.

Bunker Hill Community College.

8074-63 Item 8074-63 of section two of chapter eleven hundred and eighty of the acts of nineteen hundred and seventy-three is hereby amended by striking out the wording and inserting in place thereof the following wording: —

For the construction of a parking space on land now owned by the Boston Redevelopment Authority, including site preparation; provided, that a lease of not less than five years shall be executed between the Boston Redevelopment Authority and the Massachusetts board of regional community colleges for the occupancy and use of the said land.

Executive Office of Public Safety.

Division of State Police.

Item

8312-0100 For the administration of the division, including the compensation of state police officers formerly in the service of the commonwealth, now retired; including not more than one thousand one hundred and forty-seven permanent positions **$1,773,404**
General Fund 15.0%
Highway Fund 85.0%

Board to Facilitate the Use of Public Buildings by the Physically Handicapped.

8321-1000 For the expenses of the board, including not more than seven permanent positions **$6,150**

Executive Office of Elder Affairs.

Office of the Secretary.

9110-1610 Item 9110-1610 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording and inserting in place thereof the following: —

For certain public social services to be performed by the department of elder affairs pursuant to contracts entered into between the department and the department of public welfare; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall not be less than seventy-five per cent of such expenditures; provided further, that a detailed monthly report of all expenditures made from this item, including the purposes made therefor, shall be submitted to the house and senate committees on ways and means not later than the fifteenth day of the following month; and, provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of one hundred seventeen thousand seven hundred and nine dollars and seventy-seven cents shall be allowed and paid from this item for certain home care social services.

9110-1620 Item 9110-1620 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording and inserting in place thereof the following: —

For an elder service corps; provided, that all funds appropriated under this item shall be for corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter one thousand one hundred and sixty-eight of the acts of nineteen hundred and seventy-three; and, provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowable under the earnings limitations sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred dollars per month; and, provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws the sum of seven thousand eight hundred dollars shall be allowed and paid from this item for certain elder service corps services.

9110-1630 Item 9110-1630 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby

Item

amended by striking out the wording and inserting in place thereof the following: —

For a home care service program for the elderly, of which no more than ten per cent of the funds appropriated hereunder may be used as the commonwealth's assistance to grantees to meet the matching requirements of Title III of the Older Americans Act, and that to qualify for such assistance, the grantee shall provide at least twenty-five per cent of the total grant; provided, that all other funds appropriated under this item shall be used for the purpose of home care services for the elderly; and, provided further, that a detailed monthly report of all expenditures made from this item, including the purposes made therefor, shall be submitted to the house and senate committees on ways and means not less than the fifteenth day of the following month; prior appropriation continued; and, provided further, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws the sum of eighteen thousand six hundred and sixty-seven dollars and thirty-five cents shall be allowed and paid from this item for certain home care services.

SECTION 2A. The department of youth services shall expend that portion of the sums appropriated in item 4237-1010 in section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four for the continued maintenance and operation of the Wayside Union residential counseling and guidance center.

SECTION 3. Notwithstanding the provisions of section twenty-nine of chapter twenty-nine of the General Laws, as most recently amended by section seven of chapter one thousand two hundred and thirty of the acts of nineteen hundred and seventy-three, until July first, nineteen hundred and seventy-six, the budget director is hereby authorized to approve transfers from sums, which may be available in any other subsidiary account set up within the same appropriation account as prescribed in the schedules referred to in section twenty-seven of said chapter twenty-nine, such amounts as are necessary to meet the cost resulting from an insufficient appropriation in the subsidiary account titled "01 Salaries, Permanent Positions"; provided, that no part of such amounts shall be used to fill positions which are currently vacant or which become vacant during the remainder of the current fiscal year.

SECTION 3A. Notwithstanding any provisions of law to the contrary, federal funds not exceeding two hundred forty-seven thousand and two hundred dollars received as reimbursement for costs incurred in energy management resource development and conservation programs from the Federal Energy Administration may be expended without further appropriation.

SECTION 4. Until July first, nineteen hundred and seventy-six, any secretary of an executive office who grants an approval for an expenditure which exceeds an appropriation or an allotment in accordance with the sixth sentence of the second paragraph of section twenty-six of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four shall forthwith re-

port such approval in writing to the house and senate committees on ways and means.

SECTION 5. This act shall take effect upon its passage.

Approved April 9, 1975.

Chap. 113. AN ACT PROVIDING NOTIFICATION OF EXPIRATION FOR LICENSES TO CARRY OR POSSESS FIREARMS AND CLARIFYING CERTAIN PROVISIONS OF THE LAW RELATIVE TO CARRYING AND POSSESSING FIREARMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to further strengthen the laws relative to unauthorized carrying and possession of firearms and certain other weapons, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 131 of chapter 140 of the General Laws, as most recently amended by chapter 649 of the acts of 1974, is hereby further amended by adding the following sentence: — The commissioner of public safety shall send by first class mail to the holder of each license to carry a firearm a notice of the expiration of his license not less than ninety days before such expiration, and shall enclose therewith a form for renewal of said license.

SECTION 2. Section 10 of chapter 269 of the General Laws, as appearing in chapter 649 of the acts of 1974, is hereby further amended by striking out subsection (*a*) and inserting in place thereof the following subsection: —

(*a*) Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:

(1) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(3) complying with the provisions of section one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or

(4) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B of chapter two hundred and sixty-nine;

and whoever carries on his person, or carries on his person or

under his control in a vehicle a rifle or shotgun, loaded or unloaded, without either:

(1) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(3) having in effect a firearm identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or

(4) having complied as to carrying, with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty upon ownership or possession of rifles and shotguns;

(5) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B of chapter two hundred and sixty-nine;

shall be punished by imprisonment in the state prison for not less than two and one-half nor more than five years, or for not less than one year nor more than two and one-half years in a jail or house of correction. The sentence imposed upon such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection (*a*) be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence. Prosecutions commenced under this section shall neither be continued without a finding nor placed on file.

The provisions of section eighty-seven of chapter two hundred and seventy-six, shall not apply to any person seventeen years of age or over, charged with a violation of this subsection, or to any child between age fourteen and seventeen, so charged, if the court is of the opinion that the interests of the public require that he should be tried for such offense instead of being dealt with as a child.

SECTION 3. Said section 10 of said chapter 269, as so appearing, is hereby further amended by adding after subsection (*k*) the following subsection: —

(*l*) The provisions of this section shall be fully applicable to any person proceeded against under section seventy-five of chapter one hundred and nineteen and convicted under section eighty-three of chapter one hundred and nineteen, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter one hundred and nineteen to adjudicate a person a delinquent child, including the power so granted under section eighty-three of said chapter one hundred and nineteen.

SECTION 4. The provisions of section one of this act shall take effect on April first, nineteen hundred and seventy-six.

SECTION 5. Sections two and three of this act shall take effect on April first, nineteen hundred and seventy-five.

Approved April 11, 1975.

Chap. 114. AN ACT FURTHER REGULATING THE COMMITMENT OF CERTAIN PERSONS TO FACILITIES FOR THE CARE AND TREATMENT OF THE MENTALLY ILL OR MENTALLY RETARDED.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 123 of the General Laws is hereby amended by striking out paragraph (*b*), as amended by section 9 of chapter 760 of the acts of 1971, and inserting in place thereof the following paragraph: —

(*b*) If the application for hospitalization under the provisions of this section is made by a physician specifically designated to have the authority to admit to a facility in accordance with the regulations of the department, such person shall be admitted to the facility immediately after his reception. If the application is made by someone other than a designated physician, such person shall be given a psychiatric examination by a designated physician immediately after his reception at such facility. If the physician determines that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness he may admit such person to the facility for care and treatment.

SECTION 2. Paragraph (*e*) of said section 12 of said chapter 123, as amended by section 10 of said chapter 760, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — Following apprehension, the court shall have the person examined by a physician designated to have the authority to admit to a facility in accordance with the regulations of the department.

Approved April 11, 1975.

Chap. 115. AN ACT EXEMPTING ADMINISTRATIVE ASSISTANTS CONNECTED WITH THE OFFICES OF CITY COUNCILS AND MAYORS AND SELECTMEN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 31 of the General Laws is hereby amended by striking out section 5, as most recently amended by section 1 of chapter 311 of the acts of 1972, and inserting in place thereof the following section: —

Section 5. No rule made by the commission shall apply to the

selection or appointment of persons in any of the positions described in the following clauses:

Officers and legislators elected by popular vote and persons appointed to fill vacancies in elective positions.

Heads of departments, members of boards and commissions, chaplains employed as such, members of authorities and other officers appointed by the governor, or whose appointment is subject to approval by the governor, and heads of municipal departments, except those expressly made subject to this chapter by statute.

Qualified physicians, registered nurses, graduate nurses, licensed practical nurses and student nurses in institutions and hospitals unless federal standards for a merit system of personnel administration apply.

Superintendents and assistant superintendents of charitable institutions unless federal standards for a merit system of personnel administration apply.

Students who are employed part-time in a school department or educational institution which they are attending; and student interns assigned to any agency under an agreement authorized by law with an educational institution or foundation.

Officers and employees of the legislative branch.

Judges and officers and employees of the judicial branch.

Officers, noncommissioned officers and enlisted men in the military or naval services of the state.

Directors of divisions authorized by law in the departments of the commonwealth except those expressly made subject to this chapter by statute.

Officers, secretaries and employees of the office of the governor or of the executive council, the office of the lieutenant governor, employees of the state treasurer appointed under section five of chapter ten, and employees of the commissioner of banks, except those expressly made subject to this chapter by statute.

Director of health, welfare and retirement trust funds board.

Teachers in the state department of correction whose duties require the possession of a teacher's certificate.

Clerical employees in the registries of probate of all the counties.

City and town managers and assistant city or town managers, and administrative assistants, secretaries, stenographers, clerks, telephone operators and messengers connected with the offices of city councils, mayors, city managers, town managers and selectmen.

Officers whose appointment or election is by a city council, or subject to its confirmation, except those expressly made subject to this chapter by statute.

City solicitors, assistant city solicitors, town counsels and assistant town counsel.

Legislative counsel in cities or towns.

Election officials, including registrars of voters.

Public school teachers and administrators whose duties require the possession of a teacher's certificate.

Employees of the treasurer and collector of taxes of any city or town.

Two employees of the city clerk of any city and two employees of the town clerk of any town.

Police and fire commissioners and chief marshals or chiefs of police and of fire departments, except as provided in section forty-eight.

Male school traffic supervisors or male employees not members of the regular police force who are doing intermittent work protecting school children going to and from schools.

Parking meter supervisors, except as provided in section forty-eight B.

Professional librarians and subprofessional librarians whose duties require that they have certificates issued by the board of library commissioners and pages who are employed in libraries on a part-time or intermittent basis and are full time day high school students between the ages of fourteen and eighteen or full time day college students between the ages of seventeen and twenty-three.

Such others as are by law exempt from the operation of this chapter.

SECTION 2. The provisions of section five of chapter thirty-one of the General Laws, as amended by section one of this act, shall not impair the civil service status or promotional opportunities of administrative assistants connected with the offices of city councils and mayors and selectmen who are so employed on the effective date of this act.

Approved April 11, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, April 11, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 115 of the Acts of 1975 entitled, AN ACT EXEMPTING ADMINISTRATIVE ASSISTANTS CONNECTED WITH THE OFFICES OF CITY COUNCILS AND MAYORS AND SELECTMEN FROM THE PROVISIONS OF THE CIVIL SERVICE LAW., and the enactment of which received my approval on April 11, 1975 should take effect forthwith.

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

In order to exempt administrative assistants connected with the offices of city councils, mayors and selectmen from the provisions of the civil service law.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, April 11, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 116. AN ACT INCREASING CERTAIN LICENSE FEES IN THE TOWN OF BROOKLINE AND AUTHORIZING THE TRANSPORTATION BOARD TO PRESCRIBE THE FEE FOR HACKNEY LICENSES IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty-three of chapter one hundred and forty or section two of chapter one hundred of the General Laws or any other general or special law or by-law to the contrary, certain annual license fees required by or in the town of Brookline may be increased to the following amounts: —

Lodging House License Fee: One to nine rooms: twenty-five dollars; ten to nineteen rooms: fifty dollars; more than nineteen rooms: one hundred dollars.

Auctioneer License Fee: Ten dollars.

SECTION 2. The town of Brookline, acting through its transportation board, may, notwithstanding any provision of section twenty-two of chapter forty of the General Laws or any other general or special law or by-law to the contrary, prescribe the fees for hackney licenses in said town.

Approved April 11, 1975.

Chap. 117. AN ACT AUTHORIZING THE TOWN OF SOUTH HADLEY TO INCREASE THE AMOUNT OF LAND

ACQUIRED IN THE CITY OF CHICOPEE FOR SEWAGE TREATMENT PURPOSE.

Be it enacted, etc., as follows:

Section 1 of chapter 584 of the acts of 1951 is hereby amended by striking out subparagraph (4) and inserting in place thereof the following subparagraph: —

(4) A parcel beginning at a new stone bound, said stone bound also marking the centerline of Parcel No. One, thence at a magnetic bearing of S 11° 46' 40" W for a distance of 766.43' to a new stone bound; thence at a magnetic bearing of S 78° 26' 20" E for a distance of 313.57' to a new stone bound; thence at a magnetic bearing of N 10° 49' 20" E for a distance of 750' to a new stone bound on the southerly sideline of James Street; thence generally westerly along the arc defining the southerly sideline of James Street for a distance of 400' to a new stone bound marking the intersection of the southerly sideline of James Street and the easterly sideline of the existing treatment plant access easement (Hampden County Registry of Deeds, Book 2188, Page 9); thence at a magnetic bearing of S 5° 29' E for a distance of 201' to a point on the northerly sideline of the treatment plant site acquired under the provisions of Chapter 584 of the Acts of 1951; thence at a magnetic bearing of N 83° 59' 20" W, for a distance of 25.13' to the point of beginning; said Parcel No. Four being increased from 2.86 acres authorized in 1951 to 5.85 acres.

Approved April 11, 1975.

Chap. 118. AN ACT AUTHORIZING THE CITY OF WORCESTER TO INCREASE THE AMOUNT OF MONEY WHICH MAY BE APPROPRIATED ANNUALLY FOR THE PURCHASE OF TOKEN AWARDS TO BE MADE BY ITS PARKS AND RECREATION DEPARTMENT.

Be it enacted, etc., as follows:

Notwithstanding the provisions of clause (42) of section five of chapter forty of the General Laws, the city of Worcester may appropriate, in any fiscal year, a sum not to exceed ten thousand dollars for the purchase of token awards for participation in any game, meet or contest conducted or held as a part of or in connection with the recreational program of the parks and recreation department of said city. *Approved April 11, 1975.*

Chap. 119. AN ACT RELATIVE TO THE VALUATION OF THE PROPERTY OF URBAN REDEVELOPMENT CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 121A of the General Laws is hereby amended by striking out the seventh paragraph, as appearing in section 4 of chapter 640 of the acts of 1956, and inserting in place thereof the following paragraph: —

Notwithstanding any other provisions of this chapter or of any other law, the assessors of the city or town in which a project is to be located may, and upon the request of the housing board they shall, determine for the purposes of this section the maximum fair cash value of any proposed project or of any stage or stages thereof. Such determination may be made prior to the construction of the project or of any stage or stages thereof on the basis of the plan for such project, stage or stages, and every fifth year thereafter. Whenever any such quinquennial determination shall have been made, the fair cash value of the real estate and tangible personal property of the corporation shall in no event be valued for the purposes of this section in an amount exceeding such maximum cash value, except upon a showing that the corporation has acquired real estate or tangible personal property not included in the plan upon which such maximum fair cash value was based, and in such event any such excess valuation shall be limited to the value of such additional real estate and tangible personal property.

SECTION 2. For the purposes of section ten of chapter one hundred and twenty-one A of the General Laws, as amended by section one of this act, determinations of value made prior to January first, nineteen hundred and seventy-one shall be deemed to have been made on January first, nineteen hundred and seventy-one.

SECTION 3. The provisions of this act shall apply to fiscal years commencing on and after July first, nineteen hundred and seventy-five. *Approved April 11, 1975.*

Chap. 120. AN ACT VALIDATING THE ESTABLISHMENT OF AND ACTIONS OF THE MORNINGDALE WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The establishment of the Morningdale Water District and all proceedings heretofore taken by said district or its officers or the inhabitants of said district relative to the acceptance of chapter four hundred and nineteen of the acts of nineteen hundred and forty-nine and the establishment and organization of said district are hereby validated and confirmed and said district is hereby declared to be, and at all times since its establishment to have been, a valid district with all the rights, powers and duties prescribed by said chapter four hundred and nineteen.

SECTION 2. All proceedings heretofore taken by the Morningdale Water District are hereby validated and confirmed.

SECTION 3. All votes heretofore passed by the Morningdale Water District are hereby validated and confirmed.

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

Approved April 11, 1975.

Chap. 121. AN ACT RELATIVE TO THE EFFECTIVE DATES OF AWARDS OF ARBITRATION PANELS UNDER THE LAW RELATIVE TO COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

The ninth paragraph of section 4 of chapter 1078 of the acts of 1973 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Any award of the arbitration panel may be retroactive to the expiration date of the last contract.

Approved April 11, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, May 1, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 121 of the Acts of 1975, entitled, AN ACT RELATIVE TO THE EFFECTIVE DATES OF AWARDS OF ARBITRATION PANELS UNDER THE LAW RELATIVE TO COLLECTIVE BARGAINING BY PUBLIC EMPLOYEES, and the enactment of which received my approval on April 11, 1975, should take effect forthwith.

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

In order to immediately implement certain provisions of the collective bargaining law before the beginning of the next fiscal year.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 2, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts

at four o'clock and fifty-four minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one hundred and twenty-one of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 122. AN ACT REQUIRING TELEPHONE SERVICE IN LONG-TERM CARE FACILITIES.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 72D, inserted by chapter 48 of the acts of 1967, and inserting in place thereof the following section: —

Section 72D. All long-term care facilities licensed to care for any number of persons shall provide telephone service for the use of the residents therein. The department shall promulgate regulations which shall specify such phone service.

Approved April 11, 1975.

Chap. 123. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW FURTHER REGULATING THE TRANSFER OF CERTAIN CASES FROM THE SUPERIOR COURT TO THE MUNICIPAL COURT OF THE CITY OF BOSTON OR OTHER DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. Section 104 of chapter 231 of the General Laws is hereby amended by striking out the second and third paragraphs, as appearing in chapter 377 of the acts of 1965, and inserting in place thereof the following two paragraphs: —

Removal of a case under this section shall remove any default of a defendant entered for failure to appear and answer in the district court, excepting cases in which the ad damnum does not exceed four thousand dollars.

If the ad damnum in the writ does not exceed four thousand dollars, the case shall be tried in the district court and the defendant shall, if he desires trial by the superior court, file said entry fee and bond within ten days after notice of the decision or finding. Such filing shall have the same effect as a request for retransfer under section one hundred and two C, and the decision shall be transmitted to and the case tried in the superior court subject to the provisions of said section one hundred and two C applicable to transferred cases.

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

apply to all cases entered on or after July twenty-eighth, nineteen hundred and seventy-four. *Approved April 14, 1975.*

Chap. 124. AN ACT FURTHER REGULATING THE REQUIREMENT THAT CEMETERY CORPORATIONS OR FUNERAL DIRECTORS INFORM FAMILIES OR REPRESENTATIVES OF DECEASED PERSONS OF CERTAIN OPTIONS REGARDING AVAILABLE BURIAL SERVICES.

Be it enacted, etc., as follows:

Chapter 114 of the General Laws is hereby amended by striking out section 5B, inserted by chapter 688 of the acts of 1974, and inserting in place thereof the following section: —

Section 5B. Each such cemetery corporation shall notify, or cause the funeral director designated by the representatives of the deceased to notify, the family of the deceased or the person making funeral arrangements for the deceased of the choice of three options for burial services; services at the gravesite without observation of the lowering of the casket into said gravesite, services at the gravesite with observation of the lowering of the casket into said gravesite, or where available, services within a chapel at the cemetery.

A cemetery corporation which violates any provision of this section shall be punished by a fine of not less than one hundred nor more than five hundred dollars.

Approved April 14, 1975.

Chap. 125. AN ACT PERMITTING FOSTER CARE IN A PRIVATE RESIDENCE FOR MORE THAN SIX CHILDREN TO ENABLE SIBLINGS TO REMAIN TOGETHER.

Be it enacted, etc., as follows:

The definition of "Family foster care" in section 9 of chapter 28A of the General Laws, as appearing in section 1 of chapter 785 of the acts of 1972, is hereby amended by inserting after the word "marriage", in line 4, the words: — ; provided, however, that such care may be provided for more than six children in order to place siblings in the same residence.

Approved April 14, 1975.

Chap. 126. AN ACT REPEALING THE LAW RELATIVE TO MORTGAGE LOAN INVESTMENT COMPANIES.

Be it enacted, etc., as follows:

Chapter one hundred and seventy-three of the General Laws is hereby repealed. *Approved April 14, 1975.*

Chap. 127. AN ACT INCLUDING SERVICES PERFORMED BY REGISTERED DENTISTS WITHIN CERTAIN COVERAGE UNDER ACCIDENT AND SICKNESS INSURANCE POLICIES AND CERTAIN CONTRACTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 108A, inserted by chapter 490 of the acts of 1974, the following section: —

Section 108B. Whenever the terms "physician" or "doctor" are used in any policy of accident and sickness insurance issued in the commonwealth or in any contract for the provision of health care, services or benefits issued by any health, medical or other service corporation or company existing under and by virtue of any laws of the commonwealth, said terms shall include within its meaning those persons licensed in accordance with the provisions of sections forty-three to fifty-three, inclusive, of chapter one hundred and twelve in respect to any oral surgical care, services, procedures or benefits covered by said policy of insurance or health care contract which said persons are licensed to perform.

SECTION 2. This act shall apply to all accident and sickness insurance policies and contracts for health care, services or benefits issued or renewed after the effective date of this act.

Approved April 14, 1975.

Chap. 128. AN ACT ELIMINATING THE REFERENCE TO THE GENERAL REGISTER IN THE LAW CONCERNING CERTAIN DUTIES OF REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

Section 38 of chapter 51 of the General Laws is hereby amended by striking out the third sentence, as amended by section 16 of chapter 437 of the acts of 1962, and inserting in place thereof the following sentence: — They shall revise and correct the current annual register and the list of persons qualified to vote for electors of president and vice-president prepared as required by section fifty-eight A in accordance with any facts they may have presented to them. *Approved April 14, 1975.*

Chap. 129. AN ACT PROHIBITING THE TAKING OF STRIPED BASS AND SHAD IN FISH TRAPS.

Be it enacted, etc., as follows:

Chapter 130 of the General Laws is hereby amended by striking out sections 100B and 100C and inserting in place thereof the following two sections: —

Section 100B. No person shall take, or attempt to take, with or by the use of a net, seine or any other contrivance of any kind or description, except hook and line, any striped bass within the jurisdiction of the commonwealth; provided, that it shall not be a violation of this section for any person to take striped bass by means of such seine, net or other contrivance, while fishing for other fish for the catching of which the use of such seine, net or other contrivance is permitted, if such striped bass is immediately returned to the waters from which taken. Whoever violates any provision of this section shall be punished by imprisonment for sixty days or by a fine of not less than five hundred nor more than one thousand dollars, or by both such imprisonment and fine.

Section 100C. No person shall take, or attempt to take, with or by the use of a net, seine or any other contrivance of any kind or description, except by hook and line, any shad within the jurisdiction of the commonwealth; provided, that it shall not be a violation of this section for any person to take shad by means of such seine, net or other contrivance, while fishing for other fish for the catching of which the use of such seine, net or other contrivance is permitted, if such shad is immediately returned alive to the waters from which taken. Whoever violates any provision of this section shall be punished by a fine of not less than twenty-five nor more than fifty dollars. *Approved April 14, 1975.*

Chap. 130. AN ACT ESTABLISHING A SQUANNACOOK AND NISSITISSIT RIVERS SANCTUARY.

Be it enacted, etc., as follows:

Chapter 132A of the General Laws is hereby amended by adding after section 16 the following section: —

Section 17. There is hereby established in the towns of Ashby, Groton, Pepperell, Shirley, Townsend and Lunenburg a protected area to be known as the Squannacook and Nissitissit Rivers Sanctuary. Said Squannacook and Nissitissit Rivers Sanctuary shall be comprised of the waters of the Squannacook river and its tributaries, to wit: Ash swamp, Ashby reservoir, Bayberry Hill brook, Bixby brook, Flat pond, Flat Pond brook, Fitchburg reservoir, Locke brook, Mason brook, Pearl Hill brook, Pumpkin brook, Trap Fall brook, Trout brook, Walker brook, Willard brook, Witch brook with the exclusion of that section of the Squannacook river from the Hollingsworth and Vose dam at West Groton located approximately North 42° 36' 45", West 71° 38' 7", on the U.S. Geological servey map Shirley quadrangle to the confluence of the Nashua river; and the waters of the Nis-

sitissit river and its tributaries to wit: Coon Tree pond, Gulf brook, Heald pond, Mine brook, Port Barrel pond, Park Barrel Pond brook, Stewart brook, Sucker brook, Wolf brook. After the effective date of this act, no new discharge of treated or untreated sewage or other wastewater will be permitted to be discharged to the Squannacook and Nissitissit Rivers Sanctuary. For the purpose of this section, sewage shall mean the water-carried waste products or discharges from human beings, sink wastes, wash water, laundry wastes and similar so-called domestic waters; wastewater shall mean sewage, liquid or water-carried waste products or discharges from human beings, sink wastes, wash water, laundry wastes and similar so-called domestic wastes, and also sewage, liquid or water-carried waste from industrial, commercial, municipal, private or other sources; and person shall mean any individual, association, partnership, corporation, company, business, organization, trust, estate, the commonwealth or any political subdivision thereof, any administrative agency, public or quasi-public corporation or body or any other legal entity or the legal representatives, agents, or assignees thereof.

No person shall install or construct, or cause to be installed or constructed, any new outfall, drainage pipe, ditch, channel or other conveyance to carry storm water runoff, either directly or indirectly from any structure, parking lot, or storage yard, other than from a one or two-family residence and appurtenant parking and storage facilities, into the Squannacook and Nissitissit Rivers Sanctuary or any tributaries thereof until plans have been approved by the planning board and conservation commission of the affected town in which the pipe, ditch, channel or other conveyance is located. Said town may require the construction of any structure or structures or treatment works which it deems necessary to prevent the pollution of the Squannacook and Nissitissit Rivers Sanctuary by matter carried by such storm water runoff.

The attorney general shall take such action as may be necessary from time to time to enforce the provisions of this section. The superior court shall have jurisdiction in equity to enforce the provisions of this section. *Approved April 14, 1975.*

Chap. 131. AN ACT RELATIVE TO THE MEMBERSHIP OF THE SEWER COMMISSION IN THE TOWN OF COHASSET.

Be it enacted, etc., as follows:

SECTION 1. Chapter 65 of the acts of 1962 is hereby amended by inserting after section 3 the following section: —

Section 3A. Notwithstanding the provisions of section three of this act, and the provisions of section fourteen of chapter one

hundred and twenty-six of the acts of eighteen hundred and eighty-six, as amended by chapter four hundred and eighty-nine of the acts of nineteen hundred and forty-six, effective at the annual town election for the year nineteen hundred and seventy-five, the duly elected water commissioners shall also act as the board of sewer commissioners of said town. The town may vote at any annual town meeting after the year nineteen hundred and seventy-five, to decide from time to time, but not more frequently than three years from any previous vote under this section, whether the water commissioners shall act as the board of sewer commissioners or that the town shall elect a board of sewer commissioners. If the town from time to time, votes to elect a board of sewer commissioners, which election shall be held at the next annual town meeting following the town meeting in which the election was voted, then said board shall consist of three members, who shall be citizens of the town, to hold office, one until the expiration of one year, one until the expiration of two years and one until the expiration of three years, and until their successor are qualified. Thereafter, at each annual town meeting when the term of a member expires, the town shall elect one member of the board to serve for three years and until his successor is qualified. Upon the election and qualification of the three members of the board of sewer commissioners for one, two and three-year terms respectively, the water commissioners shall have no further authority to act as sewer commissioners. If the town, from time to time, thereafter votes to have the duly elected water commissioners act as the board of sewer commissioners, then the elective position of sewer commissioners shall be abolished as of the date of the annual town meeting so voting.

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

Approved April 16, 1975.

Chap. 132. AN ACT PROVIDING THAT THE PLACEMENT OF THE NAMES OF CANDIDATES FOR PUBLIC OFFICE ON THE OFFICIAL BALLOT USED IN MUNICIPAL ELECTIONS IN THE CITY OF WORCESTER SHALL BE DRAWN BY LOT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or any ordinance of the city of Worcester to the contrary, in all municipal elections held in said city the names of all candidates shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters. Each candidate or his duly authorized representative shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an

elected incumbent thereof shall be added the words "Candidate for Re-election".

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

Approved April 17, 1975.

Chap. 133. AN ACT EXEMPTING CERTAIN POSITIONS IN THE DATA PROCESSING SERVICE DEPARTMENT OF THE CITY OF WORCESTER FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of director of data processing services, assistant data processing systems manager, senior computer systems analyst, principal programmer, senior programmer, data processing analyst, administrative assistant, principal computer operator, input-output clerk, senior computer operator, computer operator, senior data entry operator, data entry operator, principal clerk and programmer in the data processing service department of the city of Worcester shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person in the data processing service department of the city of Worcester on the effective date of this act.

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

Approved April 17, 1975.

Chap. 134. AN ACT EXEMPTING COUNSELS, ATTORNEYS-AT-LAW AND COUNSELLORS-AT-LAW FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 31 of the General Laws, as appearing in section 8 of chapter 780 of the acts of 1967, is hereby amended by striking out, in lines 41 and 42, the words "City solicitors, assistant city solicitors, town counsels and assistant town counsel" and inserting in place thereof the words: — Counsels, attorneys-at-law, including attorneys designated as counsel or counsellors-at-law, city solicitors, assistant city solicitors, town counsels and assistant town counsels.

SECTION 2. The provisions of section five of chapter thity-one of the General Laws, as amended by section one of this act, shall not impair civil service status of any person holding employment on a permanent basis on the effective date of this act.

Approved April 17, 1975.

Chap. 135. AN ACT AUTHORIZING THE MANCHESTER DEMOCRATIC TOWN COMMITTEE TO ADD TO ITS ELECTED MEMBERS.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of section nine of chapter fifty-two of the General Laws or any other general or special law to the contrary, the democratic town committee of the town of Manchester elected in the year nineteen hundred and seventy-two in said town may add to its elected members; provided, however, that by so doing the total number of members shall not be made to exceed thirty-five.

Approved April 17, 1975.

Chap. 136. AN ACT AUTHORIZING THE TOWN OF GREAT BARRINGTON TO TAKE OVER THE FIRE AND SIDEWALK DUTIES AND RESPONSIBILITIES OF THE GREAT BARRINGTON FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The Great Barrington Fire District is hereby authorized to sell and convey, for a nominal consideration, to the town of Great Barrington the following three parcels of land, bounded and described as follows: —

Parcel 1. A certain tract or parcel of land situated in Great Barrington, bounded and described as follows: Beginning at a set stone which marks the southwesterly corner of land of the Great Barrington Fire District and southeasterly corner of the premises hereby conveyed, said stone being located in or near the north line of said Castle Street; thence westerly on said Castle Street 55.9 feet to an iron pipe which marks the southeasterly corner of land now or formerly of G. E. Nettleton; thence north by line parallel with the west line of the house located on the premises hereby conveyed and 2 feet distant therefrom and on the east line of said Nettleton 141.8 feet to an iron pipe standing in the south line of land now or formerly of the George A. Stevens Lumber Company; thence easterly on line of land now or formerly of said George A. Stevens Lumber Company and land formerly of Gimlich & White to the northwesterly corner of land of the Great Barrington Fire District; thence southerly in the west line of the said Great Barrington Fire District to the place of beginning.

Being all and the same premises conveyed to Irene Carson by deed from Emmitt P. Carson and Sophie Carson, dated April 1, 1947, and recorded in Southern Berkshire registry of deeds in Book 283, Page 364.

Parcel 2. A certain tract or parcel of land situated on the northerly side of Castle Street, in said Great Barrington, bounded and described as follows: Beginning at an iron pin set in the ground

at the northeast corner of the premises hereby conveyed (it being supposed to be also the northwest corner of premises formerly owned by Maria O. Manning); thence south, thirty-five and one-half (35½) degrees west, eight (8) rods and five (5) links, to the northerly line of Castle Street; thence westerly, along the line of said Castle Street seventy-five (75) feet; thence northerly, in a line parallel with the easterly line, and seventy-five (75) feet distant therefrom, to land formerly of Silas Sprague, deceased; thence easterly, on said Sprague's southerly line seventy-five (75) feet, to the place of beginning.

Meaning and intending hereby to convey a portion of the same premises described in a certain deed from Richard H. Moore to Martha E. Norton, dated April 1, 1895, and recorded in the Southern Berkshire registry of deeds in Book 171, Page 444. The said premises are hereby conveyed subject to the reservation and agreement in relation to sewer, which are contained in said deed.

Parcel 3. A certain tract or parcel of land situated on the northerly side of Castle Street, in said Great Barrington, bounded and described as follows: Beginning at the northeast corner of the tract hereby conveyed, it being also the northwest corner of other premises conveyed by Martha E. Norton, to said inhabitants of the Great Barrington Fire District; thence south, thirty-five and one-half (35½) degrees west, eight (8) rods and five (5) links, to the northerly line of Castle Street, thence westerly, along the line of said Castle Street, six (6) feet, thence northerly, in a line parallel with the easterly line of the tract hereby conveyed, and six (6) feet distant therefrom, to land formerly of Silas Sprague, deceased, thence easterly, on said Sprague's southerly line six (6) feet, to the place of beginning: being a portion of the premises described in a certain deed from Richard H. Moore to said Martha E. Norton, dated April 1, 1895, and recorded in the Southern Berkshire registry of deeds in Book 171, Page 444. The said premises are hereby conveyed subject to the reservation and agreement in relation to sewer, which are contained in said deed.

Said District is hereby further authorized to transfer its privileges and franchises so far as the same relates to its fire department and sidewalk department in said District, and said town is hereby authorized to take over the same together with all of the duties and obligations of said District.

SECTION 2. The provisions of this act, insofar as the fire and sidewalk department shall not affect any act done, ratified or confirmed by said District, or any of their officers prior to the effective date of this act, nor any right accrued or established, nor any action, suit, or proceeding commenced or had in a civil case, any indebtedness incurred by said District, insofar as they concern the fire or sidewalk department, and outstanding at the time they are taken over by said town shall be assumed by said town.

SECTION 3. The selectmen of said town shall appoint a chief of the fire department who shall have all the powers and duties of a

chief of a fire department including the power of appointment and promotion of members of the said department, provided, however, the incumbent chief of the Great Barrington Fire District shall be chief of the fire department of the said town and shall retain all his rights presently enjoyed under the provisions of civil service.

SECTION 4. Said town shall allow said District the continued use of said District fire building presently being used by it for water department purposes and provided further that said District use shall be without cost to said District.

SECTION 5. Section four of chapter two hundred and fifty-five of the acts of eighteen hundred and ninety-six is hereby repealed.

SECTION 6. This act shall take effect on July first, nineteen hundred and seventy-six if it has been accepted by the Great Barrington Fire District and the town of Great Barrington.

Approved April 17, 1975.

Chap. 137. AN ACT AUTHORIZING CITIES AND TOWNS TO EXPEND MONEY IN ANTICIPATION OF THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE AMERICAN REVOLUTION PRIOR TO THE DELIVERY OF CERTAIN GOODS OR MATERIALS OR THE RENDERING OF SERVICES.

Be it enacted, etc., as follows:

Chapter 911 of the acts of 1971 is hereby amended by adding the following section: —

Section 3. Notwithstanding the provisions of section fifty-six of chapter forty-one of the General Laws, money may be expended under this act before goods or materials are delivered or services rendered, provided that bills for the same are examined and approved by the town accountant as required by said section fifty-six.

Approved April 17, 1975.

Chap. 138. AN ACT RELATIVE TO THE QUALIFICATIONS FOR LICENSURE AS A PHYSICIAN.

Be it enacted, etc., as follows:

Section 2 of chapter 112 of the General Laws is hereby amended by striking out the third sentence, as amended by sections 1 and 2 of chapter 723 of the acts of 1974, and inserting in place thereof the following sentence: — An applicant who has received from a medical school, legally chartered in a sovereign state other than the United States, the commonwealth of Puerto Rico or Canada, a degree of doctor of medicine or its equivalent shall be required to furnish to the board such documentary evi-

dence as the board may require that his education is substantially the equivalent of that of graduates of medical schools in the United States and such other evidence as the board may require as to his qualifications to practice medicine, and shall, unless granted an exemption by the board, be required to present a Standard Certificate granted after examination by the Educational Council for Foreign Medical Graduates; provided, however, that an applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he has completed two years of premedical studies in a college or university of the United States or Canada shall not be required to possess a certificate by the Educational Council for Foreign Medical Graduates and shall be admitted to the examination for licensure if he has studied medicine in a medical school outside the United States which is recognized by the World Health Organization, has completed all the formal requirements for the degree corresponding to doctor of medicine except internship and social service or internship or social service, has satisfactorily completed one academic year of supervised clinical training sponsored by an approved medical school in the United States or Canada, and has completed one year of graduate medical education in a program approved by the Liaison Committee on Graduate Medical Education of the American Medical Association. *Approved April 17, 1975.*

Chap. 139. AN ACT REQUIRING THAT CERTIFICATION OF VOTERS ON CERTAIN NOMINATION PAPERS AND CERTIFICATES OF PARTY ENROLLMENT SHALL BE SIGNED BY A MAJORITY OF THE BOARD OF REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 46 of chapter 53 of the General Laws, as appearing in section 8 of chapter 337 of the acts of 1941, is hereby amended by adding the following sentence: — The certification of voters shall be signed by a majority of the board of registrars.

SECTION 2. The second paragraph of section 48 of said chapter 53 is hereby amended by striking out the second sentence, as appearing in chapter 332 of the acts of 1951, and inserting in place thereof the following sentence: — Said registrars shall issue such a certificate, signed by a majority thereof, forthwith upon request of any such candidate so enrolled or of his authorized representative. *Approved April 17, 1975.*

Chap. 140. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE CARVER, MARION AND WAREHAM RE-

GIONAL REFUSE DISTRICT AND THE MEMBER TOWNS THEREOF AUTHORIZING SAID DISTRICT TO BORROW A CERTAIN SUM OF MONEY FOR REFUSE DISPOSAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The vote passed by the Carver, Marion and Wareham Regional Refuse Disposal District Committee of the Carver, Marion and Wareham Regional Refuse District on the fifth day of June, nineteen hundred and seventy-four, authorizing the borrowing of an additional sum of one hundred twenty-five thousand dollars for the purpose of constructing and originally equipping a district refuse disposal facility and the votes of the towns of Carver, Marion and Wareham approving the incurring of such indebtedness are hereby validated, ratified and confirmed in all respects, and the district may incur indebtedness in accordance with that vote of the district committee and as provided in chapter forty of the General Laws.

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

Approved April 18, 1975.

Chap. 141. AN ACT INCREASING THE AMOUNT OF MONEY WHICH MAY BE EXPENDED FOR LEGAL COUNSEL IN CONNECTION WITH COLLECTIVE BARGAINING WITH EMPLOYEE ORGANIZATIONS FOR SCHOOL EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (*j*), as appearing in section 1 of chapter 638 of the acts of 1949, and inserting in place thereof the following clause: —

(*j*) To engage legal counsel; provided, however, that no money in excess of ten thousand dollars annually, shall be expended in connection with collective bargaining with employee organizations for school employees without prior approval of all municipalities comprising said district. Such approval shall be granted by the mayor, the city council in a city having a Plan D or Plan E form of government, or the board of selectmen.

SECTION 2. Section 37E of said chapter 71, as appearing in section 1 of chapter 128 of the acts of 1969, is hereby amended by striking out, in line 6, the word "five" and inserting in place thereof the word: — ten.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-six.

Approved April 18, 1975.

Chap. 142. AN ACT FURTHER REGULATING THE ISSUANCE OF DRIVERS' LICENSES BY THE DEPARTMENT OF PUBLIC UTILITIES TO PERSONS OVER AGE SEVENTY.

Be it enacted, etc., as follows:

Section 9 of chapter 159A of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 197 of the acts of 1972, and inserting in place thereof the following sentence: — No such license shall be issued by the department to any person who has not attained age eighteen or who has not qualified in accordance with the department's requirements or to any person who has attained age seventy unless such person, within ninety days of his seventieth birthday, and twice in each year thereafter at intervals not less than three nor more than six months apart, passes a physical examination in accordance with requirements established by the department. *Approved April 18, 1975.*

Chap. 143. AN ACT PROVIDING FOR A LIEN FOR WORK, LABOR OR MATERIALS FURNISHED IN MANUFACTURING OR PROCESSING OF LEATHER GOODS OR HIDES.

Be it enacted, etc., as follows:

Section 31A of chapter 255 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 330 of the acts of 1968, and inserting in place thereof the following sentence: — A lien on account of work, labor and materials furnished in the spinning, throwing, manufacturing, bleaching, mercerizing, dyeing, printing, finishing or otherwise processing of cotton, wool, silk, artificial silk or synthetic fibers, or of leather goods or hides, or of goods of which cotton, wool, silk, artificial silk or synthetic fibers form a component part and the processing of wood, metals, paper, paperboard, plastic and plastic compounds, covering the addition of materials and labor furnished in printing, cutting, milling, extruding, combining and sewing, as against goods in the lienor's possession, shall extend to any unpaid balance of account for work, labor and materials furnished in the course of any such process in respect of any other such goods of the same owner whereof the lienor's possession has terminated. *Approved April 18, 1975.*

Chap. 144. AN ACT PROVIDING THAT CERTAIN STATUTES, ORDINANCES AND BY-LAWS RELATIVE

TO HISTORIC DISTRICTS, REGIONAL HISTORIC DISTRICTS AND ARCHITECTURALLY CONTROLLED DISTRICTS SHALL PREVAIL OVER THE STATE BUILDING CODE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 802 of the acts of 1972 is hereby amended by striking out section 75, as amended by section 20 of chapter 541 of the acts of 1974, and inserting in place thereof the following section: —

Section 75. All by-laws and ordinances of cities and towns or regulations promulgated by any state boards, commissions, agencies or departments or any special acts or any specific regulations promulgated by a local official under section twenty-eight of chapter one hundred and forty-eight of the General Laws in conflict with the state building code shall cease to be effective on January first, nineteen hundred and seventy-five; provided, however, that in the event of a conflict between the provisions of the code and a statute, ordinance or by-law regulating any historic district, regional historic district or architecturally controlled district, provisions of any such statute, ordinance or by-law regulating exterior architectural features within such district shall prevail.

SECTION 2. The first paragraph of section 3A of chapter 143 of the General Laws, as most recently amended by section 12 of chapter 541 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — Unless otherwise provided by the provisions of the state building code, the local inspector shall enforce the state building code as to any building or structure within the city or town from which he is appointed, including any building or structure owned by any authority established by the legislature but not owned by the commonwealth, and such state building code shall be the code for all buildings and structures within such city or town. In the event of a conflict between said code and a statute, ordinance or by-law regulating any historic district, regional historic district or architecturally controlled district, provisions of any such statute, ordinance or by-law regulating exterior architectural features within such district shall prevail.

SECTION 3. This act shall take effect as of January first, nineteen hundred and seventy-five.

Approved April 18, 1975.

Chap. 145. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ERECT A PLAQUE ON THE CHARLES BRAGA, JR. MEMORIAL BRIDGE COMMEMORATING THE FACT THAT CHARLES BRAGA, JR. WAS THE FIRST NATIVE FROM THE CITY OF

FALL RIVER TO BE KILLED IN ACTION, WHILE A MEMBER OF THE ARMED FORCES OF THE UNITED STATES DURING WORLD WAR II.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to erect a plaque on the Charles Braga, Jr. Memorial bridge, connecting the town of Somerset and the city of Fall River, commemorating the fact that Charles Braga, Jr. was the first native from the city of Fall River to be killed in action while a member of the armed forces of the United States during World War II. For said purposes said department may expend such sums as may be appropriated therefor. Said plaque shall be attached to the bridge by said department in accordance with the standards of said department and as authorized by the Federal Highway Administration. *Approved April 18, 1975.*

Chap. 146. AN ACT PROVIDING PAYMENT TO VETERINARIANS FOR EMERGENCY TREATMENT TO CERTAIN DOGS AND CATS INJURED ON WAYS.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 151A the following section: —

Section 151B. Any veterinarian registered under the provisions of section fifty-five or fifty-six A of chapter one hundred and twelve who renders emergency care or treatment to, or disposes of, a dog or cat that is injured on any way, shall receive payment from the owner of such dog or cat, if known, or if not known, from the dog fund of the county in which the injury occurred, in an amount not to exceed twenty dollars for such care, treatment or disposal; provided, however, such emergency care, treatment or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of such dog or cat is identified or for a period of twenty-four hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or disposes of, such dog or cat shall notify the dog officer in the city or town and, upon notification, such dog officer shall assume control of such dog or cat. *Approved April 23, 1975.*

Chap. 147. AN ACT REQUIRING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF WATERWAYS OR THE DIRECTOR OF MARINE AND RECREATIONAL VEHICLES OF RULES AND REGULATIONS RELATING TO HUNTING AND FISHING ON GREAT PONDS.

Be it enacted, etc., as follows:

Section 45 of chapter 131 of the General Laws, as most recently amended by chapter 498 of the acts of 1971, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — Any such rules and regulations shall, to the extent that they relate to hunting or fishing, or both, be subject to the approval of the director, and, to the extent that they relate to any other use thereof, be subject to the approval of the director of the division of waterways or the director of the division of marine and recreational vehicles, as the case may be. *Approved April 24, 1975.*

Chap. 148. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF NAHANT BE EXEMPTED FROM THE CIVIL SERVICE LAW AND FURTHER REGULATING THE APPOINTMENT OF MEMBERS OF THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, appointments to and promotions in the police force of the town of Nahant shall not be subject to the civil service law and rules.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police force of said town holding such status on the effective date of this act.

SECTION 3. This act shall be submitted to the voters of the town of Nahant at its next annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act providing that members of the police department of the town of Nahant be exempted from the civil service law and further regulating the appointment of members of the police department of said town', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise. *Approved April 24, 1975.*

Chap. 149. AN ACT RELATIVE TO THE LAW REGULATING THE PROMOTION AND SALE OF SECURITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 202 of chapter 110A of the General Laws is hereby amended by striking out paragraph (*b*), as amended by section 8 of chapter 430 of the acts of 1973, and inserting in place thereof the following paragraph: —

(*b*) Every applicant for initial or renewal registration shall pay

a registration fee of two hundred dollars in the case of a broker-dealer and twenty dollars in the case of an agent, including an agent automatically registered pursuant to section 202 (*a*). When an agent transfers his connection from one broker-dealer or issuer to another, he shall pay a fee of twenty dollars.

SECTION 2. Said section 202 of said chapter 110A is hereby further amended by adding the following paragraph: —

(*e*) Each applicant for initial or renewal registration as a broker-dealer shall be duly registered with the Securities and Exchange Commission. *Approved April 24, 1975.*

Chap. 150. AN ACT AUTHORIZING THE CITY OF WALTHAM TO BORROW MONEY FOR THE PURPOSE OF PAYING JUDGMENTS ENTERED AGAINST SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the city of Waltham may borrow at one time or from time to time a sum not exceeding one million three hundred thousand dollars for the purpose of paying judgments entered against said city, including judgments entered in the cases of Tukay Fur Service, Inc. vs. City of Waltham and Ralph C. Erickson, et als vs. City of Waltham and a companion case and may issue bonds or notes therefor which shall bear on their face the words, City of Waltham Outstanding Judgment Loan, Act of 1975. Each authorized issue shall constitute a separate loan and each such loan shall be paid in not more than ten years from its date, and except as provided herein shall be subject to the provisions of chapter forty-four of the General Laws.

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

Approved April 28, 1975.

Chap. 151. AN ACT REQUIRING THE DISCLOSURE OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS AND THE REGULATION OF SAID EXPENDITURES AND CONTRIBUTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for public disclosure of political contributions and expenditures, and the regulation of said contributions and expenditures, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter 55 and inserting in place thereof the following chapter: —

CHAPTER 55.

DISCLOSURE AND REGULATION OF CAMPAIGN EXPENDITURES AND CONTRIBUTIONS.

Section 1. For the purpose of this chapter, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

"Candidate", any individual who seeks nomination or election to public office, whether or not such individual is nominated or elected. For the purpose of this chapter, an individual shall be deemed to be seeking nomination or election to such office if he has (1) received a contribution or made an expenditure, or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the specific public office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made, or (2) taken the action necessary under the laws of the commonwealth to qualify himself for nomination or election to such office, or, if said individual holds elective public office, whether elected or appointed to such office, and he has (3) received any money or anything of value, or made any disbursement resulting from any purchases, made from said individual, or a committee, or a person acting on behalf of said individual or committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, regardless of the purpose of said activity, held on behalf of said individual at any time while he holds said public office.

"Contribution", a contribution of money or anything of value to an individual, candidate, political committee, or person acting on behalf of said individual, candidate or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include any: (1) gift, subscription, loan, advance, deposit of money, or thing of value, except a loan of money to a candidate by a national or state bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business; (2) transfer of money or anything of value between political committees; (3) payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee; (4) purchase from an individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for fund-raising activities, including testimonials, held on behalf of said individual, candidate or political committee, to the extent that the pur-

chase price exceeds the actual cost of the goods sold or services rendered; (5) discount or rebate not available to other candidates for the same office and to the general public; and (6) forgiveness of indebtedness or payment of indebtedness by another person; but shall not include the rendering of services by speakers, editors, writers, poll watchers, poll checkers or others, nor the payment by those rendering such services of such personal expenses as may be incidental thereto, nor the exercise of ordinary hospitality.

"Director", the director of campaign and political finance.

"Election", any convention or caucus of a political party held to nominate a candidate, and any city, town or state preliminary, primary or election, and any special preliminary, primary or election.

"Expenditure", any expenditure of money, or anything of value, by an individual, candidate, or political committee, or a person acting on behalf of said individual, candidate, or political committee, for the purpose of influencing the nomination or election of said individual or candidate, or of presidential and vice presidential electors, or for the purpose of promoting or opposing a charter change, referendum question, constitutional amendment, or other question submitted to the voters, and shall include: (1) any purchase, payment, distribution, loan, advance, deposit, or gift of money, or anything of value; and (2) any transfer of money or anything of value between political committees.

"Political committee", any committee, association, organization or other group of persons, including a national, regional, state, county, or municipal committee, which receives contributions or makes expenditures for the purpose of influencing the nomination or election of a candidate, or candidates, or of presidential and vice presidential electors, or for the purpose of opposing or promoting a charter change, referendum question, constitutional amendment, or other question submitted to the voters.

Notwithstanding any other provisions of this chapter, any receipt or disbursement of any money or anything of value by an individual, or person acting on behalf of said individual, which is not otherwise a "contribution" or "expenditure" as defined in this section, resulting from any purchases from said individual, or any person acting on behalf of said individual, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activity, including a testimonial, held on behalf of said individual, regardless of the purpose of said activity, shall be deemed to be a "contribution" or "expenditure" if said individual: (1) is a candidate in accordance with the provisions of clauses (1) or (2) of the definition of "Candidate" at the time of said receipt or disbursement; (2) holds elective public office, whether elected or appointed to such office, at the time of said receipt or disbursement, and thereby becomes a candidate in accordance with the provisions of clause (3) of said definition; or

(3) becomes a candidate in accordance with said clauses (1) or (2) of said definition subsequent to such receipt or disbursement, and shall be reported as a contribution or an expenditure in accordance with the provisions of sections eighteen and nineteen.

Section 2. Every candidate shall keep detailed accounts of all contributions received by him, or by a person acting on his behalf, and of all expenditures made by him, or by a person acting on his behalf. Said Accounts may be kept by an agent duly authorized thereto, but the candidate shall be responsible for said accounts, which shall be kept separate and distinct from all other accounts and shall include contributions made by the candidate from his own personal funds or otherwise. Said accounts shall include:

(1) the full name and residential address of each person who has made a contribution, in an amount or value of fifteen dollars or more, or twenty-five dollars or more, if the candidate is required to designate a depository in accordance with the provisions of section nineteen, in a reporting period, and such information for each contribution of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all contributions received from such contributor within said reporting period is the sum of fifteen dollars or more, or twenty-five dollars or more, as the case may be, and the amount or value and date of the contribution; provided, however, that any contributions resulting from any purchases from a candidate or a person acting on his behalf, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said candidate, regardless of the purpose of said activity, shall not be included with the accounts of those contributions described herein, but shall be included with those accounts of contributions in clauses (2) and (4) of this section;

(2) for those contributions resulting from such purchases as are excluded from clause (1), the full name and residential address of each person who has made such purchases if the amount or value paid is fifteen dollars or more, or twenty-five dollars or more, if the candidate is required to designate a depository in accordance with the provisions of section nineteen, in a reporting period and such information for each amount or value paid for each purchase of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period is the sum of fifteen dollars or more, or twenty-five dollars or more, as the case may be, and the amount or value paid and date of the purchase;

(3) the amount or value and date of each contribution made, in a reporting period, except for those contributions resulting from such purchases as are excluded from clause (1), which is not otherwise included under clause (1);

(4) for those contributions resulting from such purchases as are excluded from clause (1), which are not otherwise included under clause (2), the amount or value paid and date for all such purchases in a reporting period;

(5) the full name and address of each person to whom an expenditure is made in excess of twenty-five dollars in a reporting period, a receipted bill stating the particulars for each such expenditure, including the amount or value, date and purpose of each such expenditure; provided, however, that any expenditures resulting from such purchases as are excluded from clause (1) shall not be included with the accounts of those expenditures described herein;

(6) for those expenditures resulting from such purchases as are excluded from clause (5), the full name and address of each person to whom any expenditure is made, in a reporting period, in an amount or value in excess of twenty-five dollars, the amount or value, date and purpose of each such expenditure;

(7) the amount or value, date and purpose of each expenditure made, in a reporting period, which is not otherwise included under clause (5), except those expenditures resulting from such purchases as are excluded from clause (5);

(8) for those expenditures resulting from such purchases as are excluded under clause (5), the amount or value, date and purpose of each expenditure made in a reporting period, which is not otherwise included under clause (6).

The candidate shall preserve all receipted bills and accounts required to be kept by this section until the term of the office the candidate is seeking has ended.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 3. The state chairman of each of the two leading political parties, the state secretary, and a dean of a law school located in the commonwealth, to be appointed by the governor as provided hereinafter, shall serve as a commission for the purposes of selecting the director of campaign and political finance. The term of the dean of a law school shall be six years but shall expire if he should cease to act as dean; a successor shall be appointed within thirty days after the occurrence of a vacancy in said office. The state secretary shall act as chairman of said commission.

Selection of the director, who shall be a resident of the commonwealth, shall be by unanimous vote of the members of the commission. The commission shall select a successor director no later than thirty days prior to the expiration date of the term of the director and no later than sixty days after the occurrence of a vacancy in said office; provided, however, in the event that a vacancy shall exist in the office of director for ten days beginning with the date of the primary election at which a can-

didate for any statewide office is nominated and ending one hundred and twenty days after the election, the chairman of the commission shall appoint a director pro tem, who shall serve until a successor director is appointed in accordance with the provisions hereof. An incumbent director may be selected for a succeeding term or terms.

The director shall serve for a term of six years and, unless removed, until his successor has been selected and has assumed the office. He may not be removed from office except upon an affirmative vote of all of the members of the commission then serving. Removal of the director shall be at the discretion of the commission, and shall not be reviewable.

The director shall devote full-time to his duties during normal business hours and shall receive an annual salary of twenty-two thousand dollars. He shall not, during the term he serves as director, engage in any political activities of any nature, nor shall he hold any other public office; provided, however, that he shall be free to advise and consult with legislative committees, the members of the general court and other persons affected by the laws under his jurisdiction, and to advocate and sponsor legislation.

The director shall appoint at least one full-time accountant, one full-time clerk, two full-time investigators, and one full-time secretary, with not less than one and not more than three additional part-time aides during election years. Said positions shall not be subject to the provisions of chapter thirty-one.

The director shall make available to investigative, accounting and law enforcement agencies of the commonwealth all information necessary or advisable to fulfill their duties, with respect to this chapter. He shall, from time to time as he deems necessary or advisable, issue rules and regulations in conformity with the provisions of this chapter and chapter thirty A, and shall also issue interpretative bulletins and respond with reasonable promptness to requests for information, interpretations and advice presented by candidates, state committees, political committees and members of the public.

All acts, decisions and rulings of the director shall be subject to judicial review under the provisions of chapter thirty A upon the application of any interested person.

The director shall have the power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates, treasurers, political committees, and any other person pursuant to this chapter and any other laws of the commonwealth pertaining to campaign contributions and expenditures. He may require, by summons, the attendance and testimony under oath of witnesses and the production before him of books and papers relating to any matter being investigated by him. Such summons shall be served in the same manner as summonses for witnesses

in criminal cases issued on behalf of the commonwealth and all provisions of law relative to summonses issued in such cases shall apply to summonses issued under this section so far as applicable. Any justice of the supreme judicial court or of the superior court may upon application by the director compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before said director in furtherance of any investigation in the same manner and to the same extent as before said courts.

The director shall establish rules of procedure governing the conduct of his hearings and investigations which shall be made available in printed form to each witness prior to his testimony. Witnesses shall have the right to be represented by counsel and shall before testifying be sworn. Witnesses shall testify only at private hearings and the same provisions with reference to secrecy which govern proceedings of a grand jury shall govern all proceedings before the director. Violations of such provisions with regard to secrecy shall be punished by a fine of up to one thousand dollars and imprisonment for not more than one year, or both. Upon conviction for any such violation said director shall be removed and the office of director deemed vacant.

The director shall inform any person or committee under investigation by said director by registered mail, return receipt requested, of his intention to present to the attorney general evidence of any alleged violation of this chapter. Within ten days of receipt of said notice said alleged violator may request a hearing before the director for the purpose of presenting evidence to the contrary. Said director shall not present evidence of any such alleged violation to the attorney general until after said hearing. Evidence of any such violation of this chapter which has come to his attention shall be presented by the director to the attorney general only after the relevant election involved, but within two years after said election.

Section 4. Political committees organized or operating principally within the commonwealth on behalf of candidates for president and vice president of the United States shall be subject to the provisions of this chapter. The director, upon the filing with him of a list of names and addresses of officers and members of such a committee under the provisions of section five, shall forthwith, by registered mail, return receipt requested, inform the candidate, in whose behalf said list is filed, of such filing, enclosing a duplicate of said list. Unless the candidate shall, within fourteen days after the receipt of such notification, consent in writing, signed by him and filed with the director, to the formation of such committee, such committee shall thereupon be ordered dissolved by the director and, upon its dissolution, shall forthwith file a financial report under the provisions of section eighteen. If the candidate shall, within fourteen days after the receipt of such notification, consent in writing, signed

by him and filed with the director, to the formation of such committee, such committee shall then be deemed to be organized as a non-elected political committee and be subject to the applicable provisions of this chapter. Candidates for nomination or election to the senate or house of representatives of the United States shall not be subject to the provisions of this chapter insofar as they may conflict with federal law.

Section 5. Each political committee shall organize by filing with the director or, if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization.

The statement of organization shall include: (1) the name of the political committee which, if organized on behalf of a candidate, shall include the name of the candidate in said name; (2) the address of the political committee; (3) a statement of the purpose for which the political committee is organized; (4) the name and residential address of the chairman and the treasurer; (5) the name, residential address, and position of other principal officers, including officers and members of the finance committee, if any, and; (6) the name and address, if known, and party affiliation of each candidate the political committee is supporting; provided, however, that if a candidate is nominated without reference to a political party, the name of his political party shall not be required.

The statement of a political committee organized on behalf of a candidate shall also include the written consent of said candidate. No candidate shall give his consent to more than one such committee.

Any change in information previously submitted in a statement of organization shall be reported to the director, or if organized for the purpose of a city or town election only, to the city or town clerk, within ten days following the change.

Each political committee shall have a treasurer who shall qualify for his office by filing a written acceptance thereof with the director, or if organized for the purpose of a city or town election only, with the city or town clerk. Said treasurer shall remain subject to all the duties and liabilities imposed by this chapter until his written resignation of the office is received or his successor's written acceptance is filed as aforesaid. No person acting under the authority of, or on behalf of, any political committee shall receive any money or anything of value, or expend or disburse the same, or incur expenses while it has no treasurer qualified as aforesaid, or while the name and address of any of its officers or members, as originally or subsequently chosen, is not filed in accordance with the provisions of this section or chapter fifty-two, as the case may be.

Each treasurer of a political committee shall keep and preserve detailed accounts, vouchers and receipts as prescribed for a candidate by the provisions of section two.

No expenditure shall be made for, or on behalf of, a political committee without the authorization of the chairman or treasurer, or their designated agents.

All funds of a political committee shall be kept separate from any personal funds of officers, members or associates of such committee.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 6. Political committees, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another non-elected political committee organized on behalf of a candidate shall not exceed in any one calendar year the sum of one hundred dollars; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other non-elected political committees organized on behalf of candidates shall not exceed in any one calendar year the sum of fifteen hundred dollars.

Such committee may place surplus funds in a savings account and may earn interest thereon but it may not invest its funds or other things of value in any other manner.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 7. No person or combination of persons including a corporation formed under the provisions of chapter one hundred and eighty, shall in connection with any nomination or election receive money or its equivalent, expend or disburse or promise to expend or disburse the same, except as authorized by this chapter. A political committee or a person acting under the authority or on behalf of such a committee may receive money or its equivalent, or expend or disburse or promise to expend or disburse the same for the purpose of aiding or promoting the success or defeat of a candidate at a primary or election or a political party or principle in public election or favoring or opposing the adoption or rejection of a question submitted to the voters, and for other purposes expressly authorized by this chapter subject, however, to the provisions thereof. Any individual may make campaign contributions to candidates or non-elected polit-

ical committees organized on behalf of candidates; provided, that the aggregate of all such contributions for the benefit of any one candidate and the non-elected political committee organized on such candidate's behalf shall not exceed in any one calendar year the sum of one thousand dollars. Any individual may in addition make campaign contributions for the benefit of elected political committees or non-elected political committees organized on behalf of a political party; provided, that the aggregate of such campaign contributions for the benefit of the political committees of any one political party shall not exceed in any one calendar year the sum of one thousand dollars. Any individual may in addition make campaign contributions not exceeding in any one calendar year the sum of one thousand dollars to non-elected political committees not organized on behalf of any candidate or candidates or political party. Any candidate may in addition make expenditures without limitation for the purposes of his own campaign and may make campaign contributions without limitation for the benefit of non-elected political committees organized on his behalf. Notwithstanding the provisions of this section an individual of less than eighteen years of age shall not make campaign contributions in an amount in excess of twenty-five dollars in the aggregate during any one calendar year. Any candidate required to designate a depository for campaign funds by section nineteen and any person acting for such a candidate or such a political committee shall pay for services rendered or goods sold in excess of the sum of fifty dollars only through or by the means of a check drawn upon such depository and bearing the legend "Campaign Account — (name of candidate or political committee)", and shall secure the signature of the person receiving such check to the following certificate to be printed on all such checks: "The undersigned affirms under the penalties of perjury that he is the named payee of this check or an authorized officer thereof, that he or it performed the services or delivered the goods indicated hereon, that the payment is for the sole purpose of paying for such goods or services and that no person other than the named payee has any interest, direct or indirect, in this payment".

Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Section 8. No corporation carrying on the business of a bank, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, or water company, no company having the right to take land by eminent domain or to exercise franchises in public ways, granted by the commonwealth or by any county, city or town, no trustee or trustees owning or holding the majority of the stock of such a corporation, no business corporation incor-

porated under the laws of or doing business in the commonwealth and no officer or agent acting in behalf of any corporation mentioned in this section, shall directly or indirectly give, pay, expend or contribute, or promise to give, pay, expend or contribute, any money or other valuable thing for the purpose of aiding, promoting or preventing the nomination or election of any person to public office, or aiding, promoting or antagonizing the interests of any political party, or influencing or affecting the vote on any question submitted to the voters, other than one materially affecting any of the property, business or assets of the corporation. No question submitted to the voters solely concerning the taxation of the income, property or transactions of individuals shall be deemed materially to affect the property, business or assets of the corporation. No person or persons, no political committee, and no person acting under the authority of a political committee, or in its behalf, shall solicit or receive from such corporation or such holders of stock any gift, payment, expenditure, contribution or promise to give, pay, expend or contribute for any such purpose.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both.

Section 9. No individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person if the aggregate amount contributed in a calendar year exceeds fifty dollars except by check or other negotiable instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding fifty dollars except by check.

Any individual or candidate, or any person acting on behalf of said individual or candidate, or on behalf of a political committee, who violates any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 10. No person shall, directly or indirectly, make a campaign contribution in any name except his own nor in any manner for the purpose of disguising the true origin of the contribution nor unless he makes his name and residential address known to the person receiving such contribution at the time such contribution is made; nor shall any trust, foundation or association other than a political committee make a campaign contribution unless at the time such contribution is made there is also

made known to the person receiving such contribution, the names and addresses of its principal officers. No candidate or political committee or person acting under its authority or in its behalf shall knowingly receive a campaign contribution, or knowingly enter or cause the same to be entered in the accounts or records of such candidate or committee, unless the provisions of this section have been complied with.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 11. No person, no political committee and no person acting under the authority of a political committee or in its behalf, shall demand, solicit, ask or invite from a candidate for nomination or election to public office, or a person occupying an elective public office, any payment or gift of money or other valuable thing, or promise of payment or gift of money or other valuable thing for advertising, gratuities, donations, tickets, programs, or any other purpose whatsoever; and no such candidate for nomination or election, and no one occupying an elective public office, shall make any such payment or gift, or promise to make any such payment or gift, to any person, political committee, or any person acting under the authority of a political committee, if such person or political committee has demanded, solicited, asked, or invited from him any such payment, gift or promise of payment or gift; but this section shall not apply to the soliciting or making in good faith of gifts for charitable or religious purposes.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 12. No political committee, and no person acting under its authority or in its behalf, shall demand or solicit from any candidate for nomination to elective office, or from any one acting in his behalf, a payment of money or a promise of payment of money, as a prerequisite to his obtaining from such committee or its agent the nomination papers required by sections ninety-five to one hundred and one, inclusive, of chapter fifty-three.

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

Section 13. No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, pay-

ment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 14. No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for the purposes set forth in section thirteen.

Any appointed officer or employee convicted of violating any provision of this section may be removed by the appointing authority without a hearing.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 15. No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

Nothing in this section shall be construed to prevent any person holding elective public office from contributing to a candidate or to an elected or non-elected political committee.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 16. No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so.

Violation of any provision of this section shall be punished by

a fine of not less than one hundred nor more than one thousand dollars.

Section 17. No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose.

Violation of any provision of this section shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 18. Each candidate and each treasurer of a political committee shall file with the director or, if the candidate seeks public office at a city or town election, or if the committee is organized for the purpose of a city or town election, with the city or town clerk, reports of contributions received and expenditures made on forms to be prescribed by the director. A committee organized under the provisions of section five to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election.

Such reports shall be filed as follows:

(*a*) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year.

(*b*) by each candidate for nomination or election to city or town office, and by the non-elected political committee organized on behalf of such candidate, except a candidate seeking election as a member of a representative town meeting or of a town or city ward committee, and any non-elected political committee organized on behalf of such candidate, on or before: (1) the eighth day preceding a city or town preliminary or primary, including a caucus, the eighth day preceding a city or town election, and if a city election, as a final report, the tenth day of January in the following year complete as to the thirty-first day of December of the prior year, and if a town election, as a final report, the thirtieth day following said election; (2) the eighth day preceding a special primary, including a caucus, the eighth day preceding a special election, and, as a final report, the thirtieth day following a special election.

(*c*) by each candidate and each non-elected political committee required to designate a depository by section nineteen on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election, complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding election for the office sought by the candidate, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(*d*) by the treasurer of each state committee referred to in section one of chapter fifty-two and required to designate a depository by section nineteen, on or before: (1) the third business day following the designation of such depository, and (2) as a final report, the tenth day of January of the year following the election complete as to the thirty-first day of December of the prior year.

The reporting period of the initial report shall commence on the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day such depository is designated.

The reporting period of the second report shall commence on the day following the designation of the depository and shall end as of the thirty-first day of December of the year of the election.

(*e*) by all other non-elected and elected political committees which are not required to file reports as aforesaid, on or before: (1) the same days and in accordance with the same schedule as set forth in clause (*a*), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a state primary or election; (2) the same days and in accordance with the same schedule as set forth in clause (*b*), if the political committee is aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing a question submitted to the voters, in a city or town preliminary, primary or election.

(*f*) by each political committee organized under the provisions of section five to favor or oppose a question submitted to the voters, if the question appears on the ballot at the state election on: (1) the day of the organization; and (2) the sixtieth day prior to the election; on or before (3) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and, thereafter; (4) the fifth day of each month until all declared liabilities of such committee have been discharged.

The reporting period of the initial report shall commence on

the day following the preceding biennial state election, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

The reporting period of the second report shall commence on the day following said day of organization and shall end as of the sixtieth day prior to the election.

The reporting period of all subsequent reports shall commence on the day following the end of the reporting period of the last report filed and shall end as of the first or fifteenth day of each month, as the case may be.

(*g*) by each political committee organized under the provisions of section five to favor or oppose a question submitted to the voters, if the question appears on the ballot at a city or town election on: (1) the day of organization; (2) on or before the thirtieth day following the election, and, thereafter; (3) on the fifth day of each month until all declared liabilities of such committee have been discharged.

The reporting period of the initial report shall commence on the day following the preceding city or town election, or the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the day of organization.

The reporting period of the second report shall commence on the day following the day of organization and shall end as of the day the report is filed.

The reporting period of all subsequent reports shall commence on the day following the end of the reporting period of the last report filed and shall end as of the first day of each month.

(*h*) by all candidates and all political committees, except those candidates seeking election as members of a representative town meeting, or of a city ward or town committee, and non-elected political committees organized on behalf of such candidates, on or before the tenth day of January in each year in which they are not otherwise required to file a report on or before the tenth day of January.

For candidates, and non-elected political committees organized on behalf of such candidates for whom said report would be an initial report, the reporting period shall commence on the day following the preceding election for the office sought by such candidate and shall end as of the thirty-first day of December of the year prior to the last day for filing; and for all other political committees for which said report would be an initial report, the reporting period shall commence on the day following the preceding state, city or town election, as the case may be, and in accordance with the provisions of this section governing said initial report of such committees, and shall end as of the thirty-first day of December of the year prior to the last day for filing said report. For all candidates and all political committees, if said

report is not an initial report, the reporting period of such reports required to be filed on or before the tenth day of January in each year shall commence on the first day of January of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of said prior year.

The reports required to be filed in accordance with the provisions of clauses (*a*) and (*b*), except for the report to be filed in accordance with said provisions on or before the tenth day of January of the year following the election, shall not be required of a candidate, or of the non-elected political committee organized on behalf of said candidate, if the candidate is not a candidate as defined in clause (2) of the definition of candidate of section one.

Notwithstanding the provisions of clauses (*a*), (*b*), (*c*) and (*d*), for those contributions received subsequent to the end of the reporting period of the last report filed, which was identified in said clauses as a final report, by a candidate or political commitee, and intended for application to the preceding election of said candidate or of said reporting political committee, an additional report, which shall be the final report for such candidates and committees shall be required. This report shall be filed on or before the tenth day of January following the last day for filing said final report of clauses (*a*), (*b*), (*c*) and (*d*), and shall be complete as of the thirty-first day of December of the prior year. The reporting period of said report shall commence on the day following the end of the reporting period of the last report, or final report required to be filed by said clauses.

Except as otherwise provided, each candidate and the non-elected political committee organized on behalf of said candidate, shall, upon the filing of the initial report, include all contributions received and expenditures made since the day of the preceding election for the office sought by the candidate, or since the end of the reporting period of the last report filed, if any, whichever reporting period is shorter, and all other political committees shall, upon the filing of their initial report, include all contributions received and expenditures made since: (1) the day of the preceding biennial state election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a state primary or election, or (2) the day of the preceding city or town election, or the end of the reporting period of the last report filed, if any, whichever period is shorter, if the political committee is either aiding or promoting the success or defeat of one or more candidates, or is favoring or opposing the adoption or rejection of a question submitted to the voters, at a city or town preliminary, primary or election.

Except as otherwise provided, the end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

The reports required to be filed by this section shall be cumulative during the calendar year to which they relate.

Where there has been no change in an item included in a previous report, only the amount of the item need be carried forward.

Whether or not a contribution has been received or an expenditure has been made during any reporting period as described in this section, a candidate or political committee shall file the required report for said reporting period.

Each report required to be filed under the provisions of this section by a candidate or a political committee shall disclose: (1) the amount of money on hand at the beginning of the reporting period; (2) the full name and residential address, listed alphabetically, of each person who has made a contribution, except for those contributions identified in clauses (5) and (6) of this paragraph and which shall be reported therein, in an amount or value of fifteen dollars or more, or twenty-five dollars or more, if the candidate or political committee is required to designate a depository in accordance with the provisions of section nineteen, in the reporting period, and such information for each contribution of less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all contributions received from such contributor within said reporting period is the sum of fifteen dollars or more, or twenty-five dollars or more, as the case may be, and the amount of value and date of the contribution and the total of all contributions listed; provided, however, that any contributions resulting from any purchases from an individual, candidate, or political committee, or from a person acting on behalf of said individual, candidate, or political committee, whether through the device of tickets, advertisements, or otherwise, for any fund-raising activities, including testimonials, held on behalf of said individual, candidate, or political committee, regardless of the purpose of such activity, shall not be included together with those contributions reportable under the provisions of this clause; but shall be reported in clauses (3) and (7); (3) for those contributions resulting from such purchases as are excluded from clause (2), the full name and residential address, listed alphabetically, of each person who has made such purchases if the amount or value paid is fifteen dollars or more, or twenty-five dollars or more, if the candidate or political committee is required to designate a depository in accordance with the provisions of section nineteen, in the reporting period, and such information for each amount or value paid for such purchase of

less than the sum of fifteen dollars, or twenty-five dollars, if the aggregate of all amounts or value paid for such purchases made by said person within said reporting period is the sum of fifteen dollars or more, or twenty-five dollars or more, as the case may be, and the amount or value paid and date of the purchase and the total of all amounts listed; (4) the total amount or value of contributions made in the reporting period, except for those contributions resulting from such purchases as are excluded from clause (2), and not otherwise reported under clause (2); (5) the name and address, listed alphabetically, of each candidate or political committee from which was received, or to which was made, any transfer of money or anything of value, in the reporting period, together with the amount or value and date of such transfer; (6) the amount or value and date of each loan to or from any person, in the reporting period, together with the name and residential address of the lender and endorser, if any, listed alphabetically, and the amount or value and date of each loan; (7) for those contributions resulting from such purchases as are excluded from clause (2), the total amount or value paid for such purchases, in the reporting period, and not otherwise reported under clause (3); (8) the gross proceeds from such amounts or value paid for such purchases as are excluded from clause (2), in the reporting period, which is the sum of the totals reported by clauses (3) and (7); (9) the net proceeds from such amounts or value paid for such purchases as are excluded from clause (2), in the reporting period, which is the total amount or clause (8) minus the sum of clauses (12) and (13); (10) the total sum of all contributions received, in the reporting period, which is the sum of clauses (2), (4), (5), (6), and (9); (11) the full name and address, listed alphabetically, of each person to whom an expenditure is made, in the reporting period, in an amount or value of twenty-five dollars or more, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed, and in the case of a political committee supporting more than one candidate, the name and address, the elective office held, if any, and office sought by each candidate on whose behalf said expenditure was made; provided, however, that any expenditures resulting from such purchases as are excluded from clause (2) shall not be included together with those expenditures reportable under this clause; but shall be reported in clauses (12) and (13); (12) for those expenditures resulting from such purchases as are excluded from clause (11), the full name and address, listed alphabetically, of each person to whom an expenditure is made, in the reporting period, in an amount or value of twenty-five dollars or more, the amount or value, date and purpose of each such expenditure and the total of all such expenditures listed; (13) for those expenditures resulting from such purchases as are excluded from clause (11), the total amount or value of such expenditures resulting from such purchases, in the

reporting period, and not reported otherwise under clause (12); (14) the total amount or value of expenditures made in the reporting period, except those excluded from clause (11), and not otherwise reported under clause (11); (15) the total sum of expenditures made, in the reporting period, which is the sum of clauses (11) and (14); (16) the amount and date of each then existing liability remaining unfulfilled and in force when the report is made, the name and address of the person to whom the liability exists, and a clear statement of the purpose for which it was incurred; (17) a listing of all banks or other financial institutions used; and (18) in the event of the dissolution of a political committee, a statement of such dissolution detailing the intended or actual disposition of any residual funds.

In addition, the report required to be filed on or before the tenth day of January shall contain a statement detailing the intended or actual disposition of any residual funds.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 19. (*a*) Candidates for nomination or election to the offices of governor, lieutenant governor, secretary of state, attorney general, state treasurer and receiver general, auditor, United States senator, United States representative, governor's councillor, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer, and sheriff, and the treasurer of each state committee referred to in section one of chapter fifty-two, and the treasurer of the non-elected political committee authorized by any of the aforesaid candidates or organized on behalf of a candidate for president or vice president of the United States shall, forthwith, upon the organization of said political committee, or upon becoming a candidate in accordance with the provisions of clauses (1) or (2) of the definition of candidate in section one, designate as a depository for campaign funds of such candidate or political committee a national bank authorized to transact business in the commonwealth or a trust company organized and existing under the laws of the commonwealth. Each such candidate and the treasurer of each such political committee shall file with the director, no later than the third business day following the designation of such depository, a certificate of appointment containing the name of the bank or trust company so designated, and the name of the candidate or political committee, and shall authorize the bank or trust company so designated to submit the reports required by subsection (*e*).

(*b*) Every candidate and the treasurer of every committee required to designate a depository shall, by the end of the third business day after receipt of any contribution deposit it in the form received in the designated depository. No such deposit shall be made or received to the credit of any account designated as

provided for in this section unless such deposit shall be accompanied by a deposit slip containing for each contribution in excess of the sum of twenty-five dollars the name and address of the contributor in the case of an individual or political committee and in addition in the case of a trust, foundation or other association the data required by section ten; provided that such information shall also be listed for each contribution of less than the sum of twenty-five dollars if the aggregate of all contributions deposited from such contributor during the preceding fourteen days is the sum of twenty-five dollars or more. If any deposits represent the proceeds of borrowings, the deposit slip shall indicate the names and addresses of the lender, those persons liable either primarily or secondarily for any portion of such borrowings and those persons providing collateral, if any, for such borrowings.

(*c*) All payments for campaign purposes made by or for the benefit of a candidate or by the treasurer of a committee required to designate a depository after the date such depository is required to be designated which are in excess of fifty dollars shall be made only from funds on deposit in said depository through checks drawn on such depository and indicating that such ckecks are drawn on the campaign account of the candidate or the political committee involved. All checks drawn on such campaign accounts shall be payable either to the order of a named payee not the candidate or treasurer or, if for no more than fifty dollars, may be payable to the candidate or treasurer, except that the total of checks payable to the candidate or treasurer for each period under subsection (*e*) hereof shall not exceed five hundred dollars, and shall contain printed thereon a statement of purposes as follows: —

PURPOSES OF PAYMENT.

(Check One and Fill in Specific Purpose)

TV, Radio	Printing	Signs or Displays ...
Newspaper	Office	Transfer of Fund ....
Meetings	Travel	Other .....
Specific Purpose		

Such checks shall also contain thereof for signature by the named payee, the certificate required by section six.

(*d*) No candidate or committee treasurer required to designate a depository for campaign funds shall authorize the incurring of any expenditure in behalf of the candidate or a committee unless there are monies on deposit in the depository designated in accordance with the provisions of this section to the credit of the campaign account of such candidate or committee sufficient to pay the amount of expenditures so authorized, together with all other expenditures previously authorized and still outstanding, or unless such candidate or treasurer files with the director on the dates indicated in subsection (*e*) hereof a complete statement of all unpaid obligations then outstanding, the terms of payment,

purpose of the expenditure by which the obligation was created and name and address of the person holding the obligation.

(*e*) The cashier or treasurer of the bank, selected by any candidate or committee as above provided, shall file with the director by the fifth and twentieth of each month while such account is in existence, a statement of the balance as of the preceding first or fifteenth of the month together with a summary of all of the deposit slips presented to the bank since the last such statement with any deposit of monies to the campaign account of such candidate or committee, listing the names alphabetically and other data as to all donors as it appeared on the deposit slip, and a list of all the checks presented to the bank since the last such statement upon which any funds were withdrawn from any such account with the names and addresses of the payees and the amount of each check, and the purposes for which the money was paid as thereon indicated.

(*f*) Such accounts shall remain in existence until the election and so long thereafter as a candidate or political committee has unpaid obligations still outstanding. A candidate or the treasurer of a political committee which has such obligations shall file with the director by the fifth of each month a summary of all campaign contributions (including campaign contributions in the form of forgiveness of indebtedness) received during the preceding month together with the name and address and all other data as to each such contributor required by section ten.

Any candidate or political committee which fails to file any report required by this section shall be assessed a penalty not greater than ten dollars for each day such candidate or political committee has not filed such report by the director and paid to the state treasurer.

Violation of any provision of this section shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Section 20. As used in this section "Campaign media expenses" shall mean only such liabilities incurred, or expenditures made, for television or radio time or for newspaper, billboard, or magazine advertising, advertising agency, public relations, printing, opinion polling, computer, telephone, telegraph, and such postage expenses as may be incurred in the mailing of campaign literature on behalf of the candidate, used during the calendar year of the election, whether such liabilities were incurred or expenditures were made prior to, or during, said calendar year.

For purposes of this section, the campaign media expenses limitations placed on a candidate, and which will be reported by him, shall include only such liabilities incurred, or expenditures made, on behalf of a candidate, by a candidate, a non-elected political committee organized on his behalf, or by any other person who acted with the prior knowledge and consent of said candidate.

No candidate for election to the following public offices of the commonwealth shall incur liabilities or make expenditures for campaign media expenses for use in the calendar year of a state election or special election in excess of the following amounts:

Governor-Lieutenant-Governor	$500,000

United States Senator, subject to the provisions of the most recent Federal Election Campaign Act

Attorney General	$250,000
Secretary	$100,000
Treasurer and Receiver General	$100,000
Auditor	$100,000
Governor's Councillor	$ 25,000

United States Congressman, subject to the provisions of the most recent Federal Election Campaign Act

State Senator	$ 15,000
Representative to the General Court	$ 5,000

District attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer, and sheriff, seven cents for each inhabitant of the respective electoral district as enumerated in the last census, state or federal, whichever shall be the more recent.

No candidate for nomination to the following public offices of the commonwealth shall incur liabilities or make expenditures for campaign media expenses for use in the calendar year of a state primary election in excess of the following amounts:

Governor	$500,000

United States Senator, subject to the provisions of the most recent Federal Election Campaign Act

Lieutenant-Governor	$100,000
Attorney General	$250,000
Secretary	$100,000
Treasurer and Receiver General	$100,000
Auditor	$100,000
Governor's Councillor	$ 25,000

United States Congressman, subject to the provisions of the most recent Federal Election Campaign Act

State Senator	$ 15,000
Representative to the General Court	$ 5,000

District attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer, and sheriff, seven cents for each inhabitant of the respective electoral district as enumerated in the last census, state or federal, whichever shall be the more recent.

Candidates who are required to designate a depository by section nineteen, and for whom there have been established campaign media expense limitation by this section, shall file an accounting of their campaign media expenses with the director in the year of the election, on or before: (1) the tenth day of March and June, the eighth day preceding a primary, the eighth day preceding a biennial state election, and the tenth day of January in

the following year complete as to the thirty-first day of December of the prior year; (2) the thirtieth day and the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, and the tenth day of January of the following year complete as to the thirty-first day of December of the prior year.

Candidates for state senator and representative to the general court shall file an accounting of their campaign media expenses with the director in the year of the election, on or before: (1) the eighth day preceding a primary, the eighth day preceding a biennial state election, and by the tenth day of January of the following year complete as to the thirty-first day of December of the prior year; (2) the eighth day preceding a special primary, including a convention or caucus, the eighth day preceding a special election, and the thirtieth day following a special election.

Each report shall include the name and address of each person to whom a liability exists or an expenditure is made, the amount or value, date and purpose. Said reports shall be cumulative.

The reporting period of the initial report required to be filed in the year of the election under the provisions of this section shall commence on the first day of January in said year. The end of the reporting period of each report required to be filed under the provisions of this section shall be as of the tenth day preceding the last day for filing. The beginning of the reporting period for each report subsequent to the initial report shall be the day following the end of the reporting period of the last report filed.

Violation of any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

Section 21. All persons, firms and corporations establishing an account receivable or receiving payment for television or radio time or for newspaper, billboard, magazine advertising, advertising agency, public relations, printing, opinion polling, computer expenses, from any candidate or political committee which is required to file campaign media expense reports, or from any person on behalf of such candidate, shall by the first day of each month, complete, as of the twentieth day of the previous month and transmit a report of such accounts receivable or payments made to the director on a form furnished by the director, who shall file all documents received pursuant to this section in his office.

Section 22. The treasurer of any corporation mentioned in section eight which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or other valuable thing in order to influence or affect the vote on any question submitted to the voters which materially affects any of the property, business or assets of the corporation, shall, within thirty days after the election at which the question was submitted to the voters, file a statement with the director setting forth the

amount of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and name and last known address of the person to whom it was made.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 23. Whoever, acting under the authority or in behalf of a political committee, receives any money or its equivalent, or promise of the same, or expends or incurs any liability to pay the same, shall, on demand, and in any event within three business days after such receipt, expenditure, promise or liability, give to the treasurer a detailed account of the same, with all vouchers required by this chapter, which shall be a part of the accounts and files of such treasurer.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 24. If the statement required to be filed by a candidate, treasurer or other person relates to a nomination or election to a city or town office, or to a question appearing upon the official ballot used at a city or town election, the statement shall be filed with the clerk of the city or town involved; all other such statements shall be filed with the director. All such statements shall be signed under the penalties of perjury.

Section 25. The director shall retain all statements and reports filed with his office under the provisions of this chapter until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the director shall retain all required statements and reports filed with his office for a period of two years.

The director shall make all statements and reports required to be filed with him by this chapter available for convenient public inspection and reproduction by a copying machine at a commercially reasonable fee as soon as such statements and reports are filed with him.

Section 26. The city or town clerk shall retain all reports and statements required to be filed with him until the term of the office the candidate is seeking has ended. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with his office for a period of two years. Such statements and reports shall be available for convenient public inspection and copying at the office of the city or town clerk during normal business hours as soon as such statements and reports are filed with him.

Section 27. The director shall furnish to city and town clerks at the expense of the commonwealth, blanks and forms approved by him and by the attorney general, suitable for the submission of such statements and reports as are required by this chapter.

The city and town clerk shall transmit said blanks to all candidates for nomination or election to city or town office, who are known to him, and to all political committees required to file with him. The director shall transmit said blanks to all candidates for nomination to state or county office, who are known to him, and to all political committees required to file with him. Such blanks shall be furnished upon request to any person or political committee required to file a statement or report.

The director shall provide to all candidates and political committees required to file with him a summary of this chapter and all other laws of the commonwealth relating to contributions and expenditures, and shall furnish to city and town clerks, at the expense of the commonwealth sufficient copies of said summary so that they may provide said summary to all candidates and political committees required to file with them.

Section 28. The director shall inspect all statements and reports of candidates, or non-elected political committees supporting such candidates, filed with him, and the clerks of cities and towns shall inspect all such statements and reports filed with them, within thirty days of the reporting dates required by this chapter, and all other statements and reports within sixty days of the reporting dates required by this chapter. If upon examination of the records it appears that any candidate or political committee has failed to file a statement or report as required by law, or if it appears to the director that any such statement or report filed with him does not conform to law, or if it appears to a city or town clerk that such statement or report relating to a city or town nomination or election does not conform to law, or upon written complaint by five registered voters that a statement or report does not conform to law, or that any candidate or political committee has failed to file a statement or report required by law, the director or city or town clerk, as the case may be, shall, in writing, notify the delinquent person. Such complaint shall state in detail the grounds of objection, shall be sworn to by one of the subscribers, and shall be filed with the director or with the proper city or town clerk within ten days after the required date for filing a statement or report, or within ten days after the actual filing of a statement or report, or an amended statement or report.

Section 29. Upon failure to file a statement or report within ten days after receiving notice under section twenty-eight, or if any statement filed after receiving such notice discloses any violation of any provision of this chapter, the director in accordance with section three, or the city or town clerk, as the case may be, shall notify the attorney general thereof and shall furnish him with copies of all papers relating thereto, and the attorney general, within two months thereafter, shall examine every such case, and, if satisfied that there is cause, he shall in the name of the commonwealth institute appropriate civil proceedings or refer the case to the proper district attorney for such action as may be appropriate in the criminal courts.

Section 30. The supreme judicial or superior court may compel any person failing to file a statement as above required, or filing a statement not conforming to the foregoing requirements in respect to its truth, sufficiently in detail, or otherwise, to file a sufficient statement, upon the application of the attorney general or district attorney or petition of any candidate voted for, or of any five persons qualified to vote at the election on account of which the expenditures, or any part thereof, were made or are alleged to have been made. Such petition shall be filed within sixty days after such election, if the statement was filed within the thirty days required, but a petition may be filed within thirty days of any payment not included in the statement so filed. Proceedings under this section shall be advanced for speedy trial upon the request of either party. No petition brought under this chapter shall be discontinued without the consent of the attorney general.

Section 31. No person compelled to testify in any proceedings under section thirty shall be liable to criminal prosecution for any matters or causes in respect of which he shall be examined or to which his testimony shall relate, except to prosecution for perjury committed in such testimony.

Section 32. A candidate shall be deemed to have committed a corrupt practice who commits any of the following offences:

Making or permitting any person or non-elected political committee authorized by him to make a false return in any statement filed under sections eighteen, nineteen and twenty-four by him or on his behalf.

Making a false return in any statement filed under sections eighteen and twenty-four by a candidate for nomination or election.

Knowingly expending as a candidate for elective office any sum for campaign expenses in excess of the maximum sum set forth for the office in section twenty.

Any candidate fraudulently and wilfully obstructing and delaying a voter, interfering with, hindering or preventing an election officer from performing his duties, forging an endorsement upon, altering, destroying or defacing a ballot, tampering with or injuring or attempting to injure any voting machine or ballot box to be used or being used in a primary or election, or preventing or attempting to prevent the correct operation of such machine or box.

Section 33. (*a*) If the attorney general or five or more voters have reasonable cause to believe that a corrupt practice, as defined in section thirty-two, has been committed by any successful candidate, other than a candidate for the United States Congress, or for the general court, for whom such voters had the right to vote, with reference to his election, or by any other person in his interest or behalf with reference thereto, the attorney general or such voters may apply to a justice of the superior court, sitting in equity within and for Suffolk county, for leave to

bring an election petition against such candidate praying that the election of such candidate be declared void. Such application shall be subscribed and sworn to by the petitioners and it shall be heard ex parte by the justice of the superior court upon such evidence as he may require; and if the petitioners shall establish to his satisfaction that there is reasonable cause to believe that a corrupt practice has been committed with reference to the election of the candidate in question, which materially affected the results of the election, and that upon the evidence obtainable there is reasonable cause to believe that such violations may be proved, he shall make an order granting leave to the petitioners to bring an election petition against such candidate.

(*b*) After the entry of such order, and within two months after the election to which it relates, the election petition may be filed in the superior court within and for Suffolk county.

Notice of the petition shall be by writ of subpoena according to the usual course of proceedings in equity and shall be returnable fourteen days after the date on which the petition is filed.

A subpoena issued upon an election petition shall be served not less than seven days before the return day.

A defense to an election petition shall be by answer, filed within seven days after the return day, and no replication need be filed.

Election petitions shall be entered on the equity docket.

(*c*) Election petitions and all motions and other applications, whether interlocutory or final, and all hearings on the merits or upon the making, entering or modifying of decrees therein shall be heard and determined by three justices of the superior court who shall, immediately following the filing of an election petition, be assigned by the chief justice of said court for the hearing and determination of all matters arising under election petitions prior to the next state election. No reference to a master shall be had upon any matter arising under an election petition, except in matters of fact relating to financial statements and the examination of accounts and vouchers. All proceedings under election petitions shall have precedence over any case of a different nature pending in any court, and the justices of the superior court may from time to time make such rules regulating the practice and proceedings in matters of such election petitions, not inconsistent with this chapter, as they deem expedient. In the absence of any such rules, the practice and procedure in election petitions shall be governed by such laws or rules of court, not inconsistent with this chapter, as may from time to time be in force relating to the practice and proceedings in matters of equity.

(*d*) Upon an election petition the decision of the three justices of the superior court assigned as aforesaid, or of a majority of them, shall be final and conclusive upon all matters in controversy, whether interlocutory or final, and whether in matters of fact or matters of law. But the said justices, or a majority of them,

may, after a finding of facts, either of their own motion or at the request of either party, report the case to the supreme judicial court for determination by the full court; and thereupon like proceedings shall be had as upon a report after a finding of facts by a justice of the superior court in equity proceedings.

(*e*) If upon an election petition one or more violations of section thirty-two are proved, it shall be a defense to the petition if the defendant establishes to the satisfaction of a majority of the justices hearing the same, with reference to all said violations, the following:

As to every such violation, either that

(1) Such violation was not committed by the candidate, but was committed contrary to the orders and without the sanction or connivance of the candidate;

(2) The participation, if any, of the candidate in such violation, arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith;

(3) The candidate took all reasonable means for preventing the commission of violations of this chapter with reference to the election in question;

(4) The violation in question was of a trivial, unimportant and limited character;

(5) The violation in question did not materially affect the results of the election.

(*f*) The court may by an order make the final disposition of an election petition conditional upon the filing of a statement required by this chapter in a modified form, or within an extended time, and upon compliance with such other terms as the court may deem best calculated to carry into effect the objects hereof, and in such case the court shall require, within a time certain, further proof as to the compliance with the conditions of such order, whereupon a final decree shall be entered.

(*g*) If upon the hearing of an election petition a majority of the justices hearing the same shall find that in relation to the election of the candidate in question a corrupt practice, as defined in section thirty-two, was committed by the defendant, a decree shall be entered subject to the limitations and conditions hereinbefore prescribed, declaring void the election of the defendant to the office in question, and ousting and excluding him from such office and declaring the office vacant.

(*h*) No person called to testify upon an election petition shall be excused from testifying or producing any papers on the ground that his testimony may tend to criminate him or subject him to a penalty; but he shall not be prosecuted or subjected to any penalty or forfeiture except forfeiture of election to office, for or on account of any action, matter or thing concerning which he may so testify, except for perjury committed in such testimony.

(*i*) No decree entered upon an election petition shall be a bar to or affect in any way any criminal prosecution of any candidate or other person, or any inquest in accordance with sections thirty-five to forty-one, inclusive.

(*j*) A certified copy of any final decree entered upon an election petition, as provided by this chapter, shall forthwith be transmitted by the clerk to the director; and any vacancy in any office created by any such decree shall be filled in the manner provided by law in case of the death of the incumbent, but in no case shall the candidate so excluded from the office be eligible therefor.

(*k*) If upon the hearing of an election petition it shall appear to a majority of the justices hearing the same that with reference to the election in question there is a reasonable presumption that any violation of this chapter was committed, they shall cause notice of the facts to be given by the clerk of said court to the district attorney for the county where the violation appears to have been committed, with a list of the witnesses to establish the violation, and any other information which they may consider proper; and thereupon the district attorney shall cause complaint therefor to be made before a court or magistrate having jurisdiction thereof, or shall present the evidence thereof to the grand jury. If it shall appear that a successful candidate for district attorney has been guilty of any such violation, a majority of said justices shall order the notice of the facts to be given to the attorney general, who shall designate a district attorney to make such complaint or presentment. A majority of said justices may issue process for the apprehension of any person so appearing to have committed a violation of this chapter, and may bind over, as in criminal prosecutions, such witnesses as they deem necessary to appear and testify at the court having jurisdiction of the crime.

Section 34. Sections one to thirty-three, inclusive, shall apply to all public elections and to elections by the general court and by city councils and by either branch thereof, and, so far as applicable, to the nomination by primaries, caucuses, conventions and nomination papers of candidates to be voted for at such elections. The term "political committee" as defined in section one shall not apply to the proprietors and publishers of publications issued at regular intervals, in respect to the ordinary conduct of their business, nor shall they, in respect thereto, be subject to sections two to six, inclusive, of this chapter.

Section 35. Upon a complaint subscribed and sworn to by any person before a district court, alleging that reasonable grounds exist for believing that any law relating to the qualification or registration of voters, or to voting lists or ballots, or to primaries, caucuses, conventions and elections, or to any matters pertaining thereto, has been violated, such court may at once hold an inquest to inquire into such alleged violation of law.

Section 36. The court may exclude all persons whose presence is not necessary at such inquest; and may also direct the witnesses to be kept so separated that they cannot converse with each other until they have been examined. The attorney general, the district attorney, or some person designated by either, shall attend the inquest and examine the witnesses.

Section 37. Such court or attorney may issue subpoenas for witnesses, who shall be allowed the same fees, whose attendance may be enforced in the same manner, and who shall be subject to the same penalties, as if served with a subpoena in behalf of the commonwealth in a criminal prosecution before such court.

Section 38. Such court may employ a stenographer and may have the proceedings reduced to writing; and, if he finds that the law has been violated, shall report to the superior court all the material facts and the names of any persons guilty of any such violation.

Section 39. The court may bind over, as in criminal prosecutions, such witnesses as are necessary, or as said attorney may designate, to appear and testify in the superior court.

Section 40. If a person charged by the report with the commission of an offence is not in custody, the court shall forthwith issue a process for his apprehension; but such process may issue before the filing of said report, if otherwise lawful.

Section 41. No person shall be excused from testifying or producing any papers in any inquest proceedings under sections thirty-five to forty, inclusive, on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or be subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required so to testify, except for perjury committed in such testimony.

Section 42. The director in proceedings based upon an election petition, as provided in section thirty-three, and the clerk of the court wherein a person is convicted of a violation of any provision of law relating to corrupt practices in elections, shall, within ten days after final judgment on such election petition or conviction, forward to the clerk of the city or town where the defendant resides a certified copy of the record of the final judgment or conviction, and the name of such person shall forthwith be stricken from the roll of registered voters of the city or town for a period of three years.

SECTION 2. Notwithstanding any provision of the law to the contrary any record filed with the state secretary on or after December fifth, nineteen hundred and seventy-four relating to campaign expenses or contributions shall be transmitted to the director of campaign and political finance, appointed under section three of chapter fifty-five of the General Laws, as soon as practicable following the effective date of this act, and such records shall be deemed to have been filed with the director.

SECTION 3. The person appointed director of campaign and political finance, under section two A of chapter fifty-five of the General Laws, inserted by section one of chapter eleven hundred and seventy-three of the acts of nineteen hundred and seventy-three, shall continue to serve as director of campaign and political finance under section three of said chapter fifty-five, as appearing in section one of this act, until the expiration of the term for which he was appointed and shall exercise all the powers and perform the duties incumbent upon the director under chapter fifty-five of the General Laws, as amended by this act. All employees of the office of campaign and political finance shall continue to serve therein without interruption of seniority, retirement, vacation or other rights. The appointive member of the commission created under said section three of said chapter fifty-five for the purposes of electing the director of campaign and political finance, holding such office on the effective date of this act, shall serve until the expiration of the term for which he was appointed. *Approved April 28, 1975.*

Chap. 152. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO CONVEY CERTAIN LAND TO A. CHRISTINE HIGGINS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the conveyance of the fee simple in two tracts of land by the water resources commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The water resources commission on behalf of the commonwealth is hereby authorized to convey to A. Christine Higgins, the fee simple in the following described two parcels of land: —

Parcel one A certain parcel of land situated on the southerly side of Finn road in the town of Harvard, county of Worcester, and the southerly side of Harvard road in the town of Stow, county of Middlesex, being more particularly bounded and described as follows:

Beginning at the northeasterly corner of the parcel herein described in the southerly line of Harvard Road.

THENCE RUNNING in a general northerly direction, along the Town line of Harvard & Stow, to a point;

THENCE RUNNING N 82° 45' 20" W, 276.21 feet to a point at other land of the grantor;

The last two courses being by land of said Erickson now or formerly;

THENCE RUNNING N 18° 35' 00" W, by other land of the grantor, 323.70 feet to a point in the southerly line of Finn Road;

THENCE RUNNING S 89° 00' 20" E, by the southerly line of Finn Road, 457.31 feet to a point in the Town line of Harvard and Stow;

Said parcel contains 2.7 acres more or less and is a portion of the land identified as tract 125 in an order of taking dated May 30, 1969 and filed at the Worcester district registry of deeds on May 30, 1969 Book 4948 Page 175 and at the Middlesex district registry of deeds on May 30, 1969 Book 11685 Page 140.

Parcel two A certain parcel of land situated off the southerly side of Finn road in said town of Harvard, county of Worcester, being more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein described being the southwesterly corner of Lot No. 5 on plan to be referred to and at land of Emma Gustafson now or formerly;

THENCE RUNNING N. 15° 35' 30" E, by land of said Gustafson now or formerly, 71.0 feet to a point;

THENCE RUNNING S. 83° 26' 06" E, 527.69 feet to a point;

THENCE RUNNING S. 18° 35' 00" E, 85.0 feet to a point at land of Henry Erickson now or formerly;

The last two courses being by other land of the grantor;

THENCE RUNNING N. 82° 45' 20" W, by land of said Erickson now or formerly and land of Arvid Tervo now or formerly, 575.00 feet to the point of beginning.

The above described parcel contains 36,640 square feet more or less and is identified as tract 126 in order of taking dated May 30, 1969 and filed at the Worcester district registry of deeds on May 30, 1969 in Book 4948 Page 184.

Said two parcels of land were taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty for the purpose of flood prevention and related purposes.

The deed conveying said parcels of land shall reserve to the commonwealth an easement on the above described tracts being more particularly described as the perpetual right, power, privilege, and easement to overflow, flood, and submerge the land, previously described, periodically or continuously and shall also reserve to the commonwealth the perpetual right to prevent the placing, storing or dumping on any portion of said land of any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste or other materials without the written permission of the water resources commission.

Approved April 28, 1975.

Chap. 153. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE TOWN OF SCITUATE AND AUTHORIZING SAID TOWN TO BORROW MONEY FOR THE CONSTRUCTION OF A SLURRY TRENCH.

Be it enacted, etc., as follows:

SECTION 1. The town of Scituate, for the purpose of constructing a slurry trench or water impervious barrier to prevent the passage of ground water from a certain parcel of land which is to become a sanitary landfill area into a certain well located on a contiguous parcel of land or into the ground water supplying said well for the protection of public water supply, water flowage rights and the public water system, is hereby authorized to borrow at one time or from time to time such sums as may be necessary, not exceeding in the aggregate, three hundred and twenty thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Town of Scituate Slurry Trench Loan, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be paid within thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, and shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of any limitation or requirement contained in section seven.

SECTION 2. The action taken by the town of Scituate under Article 9 of the warrant of the special town meeting held on February third and fourth, nineteen hundred and seventy-five, is hereby validated and confirmed in all respects and the treasurer of said town, with the approval of the board of selectmen, may issue bonds or notes pursuant to section one of this act.

SECTION 3. The treasurer of said town with the approval of the selectmen may also make temporary loans under the provisions of section seventeen of chapter forty-four of the General Laws in anticipation of the proceeds of the bonds or notes authorized by section one.

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

Approved April 28, 1975.

Chap. 154. AN ACT RELATIVE TO THE HOLDING OF SECURITY DEPOSITS IN RENTAL HOUSING IN CONNECTION WITH MORTGAGES GUARANTEED UNDER FEDERAL LAW.

Be it enacted, etc., as follows:

The fourth paragraph of section 15B of chapter 186 of the General Laws, as appearing in section 1 of chapter 639 of the acts of 1972, is hereby amended by striking out the last sentence.

Approved April 28, 1975.

Chap. 155. AN ACT FURTHER REGULATING THE COLLECTION OF CERTAIN DEBTS.

Be it enacted, etc., as follows:

Section 49 of chapter 93 of the General Laws, inserted by section 1 of chapter 883 of the acts of 1970, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

No one who is a creditor or an attorney for a creditor, or an assignee of a creditor, of a natural person present or residing in Massachusetts who has incurred a debt primarily for personal, family or household purposes shall collect or attempt to collect such debt in an unfair, deceptive or unreasonable manner.

Approved April 28, 1975.

Chap. 156. AN ACT PROVIDING THAT USING A FALSE NAME TO OBTAIN A LICENSE TO OPERATE A MOTOR VEHICLE SHALL BE A FELONY.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (*a*) of subdivision (2) of section 24 of chapter 90 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 418 of the acts of 1974, and inserting in place thereof the following sentence: — whoever upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, operates a motor vehicle recklessly, or operates such a vehicle negligently so that the lives or safety of the public might be endangered, or upon a bet or wager or in a race, or whoever operates a motor vehicle for the purpose of making a record and thereby violates any provision of section seventeen or any regulation under section eighteen, or whoever without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property, or whoever loans or knowingly permits his license or learner's permit to operate motor vehicles to be used by any person, or whoever makes false statements in an application for such a license or learner's permit, or whoever knowingly makes any false statement in an application for registration of a motor vehicle, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both; and whoever uses a motor vehicle without authority knowing that such use is unauthorized shall, for the first offense be punished by a fine of not less than fifty dollars not more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years, or both, and for a second offense by imprisonment in the state prison for not more than five years or in a house of correction for not less than thirty days nor more than two and one half years, or by a

fine of not more than one thousand dollars, or by both such fine and imprisonment; and whoever is found guilty of a third or subsequent offense of such use without authority committed within five years of the earliest of his two most recent prior offenses shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment for not less than six months nor more than two and one half years in a house of correction or for not less than two and one half years nor more than five years in the state prison or by both fine and imprisonment; and whoever operates a motor vehicle upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, and, without stopping and making known his name, residence and the register number of his motor vehicle, goes away after knowingly colliding with or otherwise causing injury to any person shall be punished by imprisonment for not less than two months nor more than two years.

SECTION 2. Section 24B of said chapter 90 is hereby amended by striking out the paragraph inserted by section 1 of chapter 206 of the acts of 1974 and inserting in place thereof the following paragraph: —

Whoever falsely impersonates the person named in an application for a license or learner's permit to operate motor vehicles, or procures or assists another to falsely impersonate the person named in such an application whether of himself or another, or uses a name other than his own to falsely obtain such a license or whoever has in his possession, or utters, publishes as true, or in any way makes use of a license or learner's permit to operate motor vehicles that was obtained in such a manner shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison for not more than five years or in a jail or house of correction for not more than two years.

Approved April 28, 1975.

Chap. 157. AN ACT AUTHORIZING ABSENTEE VOTING AT SPECIAL AND REGULAR VOCATIONAL SCHOOL DISTRICT ELECTIONS.

Be it enacted, etc., as follows:

The first paragraph of section 103A of chapter 54 of the General Laws is hereby amended by striking out the first section, as amended by chapter 42 of the acts of 1972, and inserting in place thereof the following sentence: — Sections eighty-six to one hundred and three Q, inclusive, of this chapter, sections twenty-one and twenty-seven of chapter fifty-six and sections thirty-four A and thirty-seven A of chapter fifty-three shall, so far as applicable, apply to special and regular city primaries, pre-

liminary elections, elections and to town primaries, preliminary elections and elections whether special or regular and to special and regular regional vocational school district elections including elections called to authorize bond issues for said districts. *Approved April 28, 1975.*

Chap. 158. AN ACT RELATIVE TO THE ASSIGNMENT BY THE COMMISSIONER OF PUBLIC SAFETY OF ELEVATOR INSPECTORS IN CERTAIN CITIES AND TOWNS.

Be it enacted, etc., as follows:

The fifth sentence of section 62 of chapter 143 of the General Laws, as appearing in section 43 of chapter 802 of the acts of 1972, is hereby amended by striking out, in line 2, the word "shall" and inserting in place thereof the word: — may.

Approved April 30, 1975.

Chap. 159. AN ACT AUTHORIZING THE ASSESSORS OF THE TOWN OF HOLDEN TO ABATE A CERTAIN SEWER ASSESSMENT ON PROPERTY OWNED BY HERBERT H. LUNDQUIST AND MAE E. LUNDQUIST.

Be it enacted, etc., as follows:

The assessors of the town of Holden are hereby authorized to abate a sewer assessment in the amount of five hundred and thirteen dollars and sixty-five cents and any interest thereon made by said town against Herbert H. Lundquist and Mae E. Lundquist with respect to a parcel of land located on Kendall road in said town owned by said Herbert H. Lundquist and Mae E. Lundquist and acquired by them pursuant to a deed from Carl J. Bryngelson and Ivan H. Lundquist recorded in Worcester district registry of deeds in book 3958, page 409, and which is shown on the town of Holden assessors' map 129 as parcel 2.

Approved April 30, 1975.

Chap. 160. AN ACT PROVIDING FOR SEMI-ANNUAL PAYMENTS OF COUNTY ASSESSMENTS ON CITIES AND TOWNS.

Be it enacted, etc., as follows:

Chapter 35 of the General Laws is hereby amended by striking out section 31, as most recently amended by section 4 of chapter 492 of the acts of 1974, and inserting in place thereof the following section: —

Section 31. The county commissioners shall apportion and assess all county taxes among and upon the several cities and

towns according to the most recent equalization and apportionment reported by the state tax commission to the general court pursuant to section ten C of chapter fifty-eight, and shall, by their clerk, certify the assessments to the assessors thereof. The several amounts so apportioned and assessed shall be collected and paid similar to that of the state tax into the respective town treasuries, and the commissioners in their warrants shall require the selectmen or assessors of each town to pay, or to issue their warrants requiring the treasurer thereof to pay, to the county treasurer the amount so assessed. The county commissioners shall prescribe that one half of the total certified assessment of each city and town shall be paid on November first of each year and the remaining one half of such assessment shall be paid on May first of the next year. The selectmen or assessors of each city and town shall return a certificate of the name of the treasurer of such city or town, with the sum which he may be required to collect, to the county treasurer within the time fixed by the warrant of the county commissioners in accordance with the provisions of this section. *Approved April 30, 1975.*

Chap. 161. AN ACT PROVIDING FOR THE APPOINTMENT OF A MEMBER OF THE MASSACHUSETTS POLICE TRAINING OFFICERS ASSOCIATION, INCORPORATED TO MEMBERSHIP IN THE MASSACHUSETTS CRIMINAL JUSTICE TRAINING COUNCIL.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by striking out section 116, as most recently amended by section 2 of chapter 835 of the acts of 1974, and inserting in place thereof the following section: —

Section 116. There shall be a Massachusetts criminal justice training council, hereinafter called the council, to consist of the personnel administrator, the commissioner of public safety, the commissioner of correction, the commissioner of probation, the chairman of the parole board in the department of correction, the commissioner of police of the city of Boston, the executive director of the committee on criminal justice, the attorney general, the chief justice of the district courts, the executive secretary of the supreme judicial court, or their respective designees, the special agent in charge of the Boston office of the Federal Bureau of Investigation, if consent is given by the director of said bureau, who shall act in an advisory capacity but shall have no vote, the commissioner of education, or his designee, who shall act in an advisory capacity but shall have no vote, and the chairman of the criminal law committee of the Massachusetts Bar Association, or his designee, who shall act in an advisory capacity but shall have no vote, and ten members to be ap-

pointed by the governor, one of whom shall be an administrator of a city or town, three of whom shall be chiefs of police who shall be selected from a list of six nominees submitted by the board of directors of the Massachusetts Chiefs of Police Association, Inc., and one of whom shall be a member of the Massachusetts Police Association, who shall be selected from two nominees submitted by the board of directors of said association, one of whom shall be a clerk of the superior court, one of whom shall be a member of the Massachusetts Defenders Committee, one of whom shall be a sheriff of a county, one of whom shall be a district attorney of a district, one of whom shall be a member of the Massachusetts Police Training Officers Association, Incorporated who shall be selected from two nominees submitted by the board of directors of said association. The chairman of the council shall be designated from time to time by the governor. The members appointed by the governor shall serve for terms of two years. Upon the expiration of the term of a member his successor shall be appointed, in the same manner, for a like term. *Approved April 30, 1975.*

Chap. 162. AN ACT REDEFINING THE TERM "LOADED SHOTGUN OR RIFLE" IN THE LAW RELATIVE TO INLAND FISHERIES AND GAME.

Be it enacted, etc., as follows:

Section 1 of chapter 131 of the General Laws is hereby amended by striking out the definition of "Loaded shotgun or rifle", as appearing in section 1 of chapter 802 of the acts of 1967, and inserting in place thereof the following definition: —

"Loaded shotgun or rifle", any shotgun or rifle having a shell or cartridge in either the magazine or chamber thereof, or, in the case of a muzzle loading shotgun or rifle, containing powder in the flash pan, a percussion cap and shot or ball.

Approved April 30, 1975.

Chap. 163. AN ACT ELIMINATING THE POSITION OF COMMISSIONER OF COMMUNITY AFFAIRS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate elimination of the position of commissioner of community affairs and to effect the necessary changes incidental thereto, therefore it is hereby declared to be an emergency law, necessary to the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23B of the General Laws is hereby

amended by striking out sections 1 and 2 and inserting in place thereof the following two sections: —

Section 1. There shall be a department of community affairs, in this chapter called the department, which shall be under the supervision and control of the secretary of communities and development, in this chapter called the secretary. The secretary shall be the executive and administrative head of the department and shall be responsible for administering and enforcing the provisions of law relative to the department and to each administrative unit thereof. Powers and duties given to any administrative unit of the department by any general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary. The secretary may authorize any officer of the department to exercise in his name any power, or to discharge in his name any duty, assigned to him by law, and he may at any time revoke such authority. In case of a vacancy in the office of secretary, or in the secretary's absence or disability, the governor shall designate an acting secretary to serve as secretary until the vacancy is filled, or until the absence or disability ceases.

Section 2. There shall be in the department a division of community development, a division of community services and a division of social and economic opportunity. Each division shall be under the charge of an administrator subject to the direction, control and supervision of the secretary. Each administrator shall be a person of skill and experience in the field of his appointment and shall be appointed and may be removed by the secretary, with the approval of the governor, and shall serve until so removed. The position of administrator shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty. Each administrator shall devote his full time during business hours to the duties of his office.

SECTION 2. Said chapter 23B is hereby further amended by striking out section 4 and inserting in place thereof the following section: —

Section 4. There shall be established within the department such bureaus as the secretary shall from time to time deem necessary. All such bureaus shall be under the direction, control and supervision of the secretary, who may abolish or merge any such bureaus as he may deem advisable. The secretary shall prepare and maintain on a current basis a general statement of the organization of the department, of the assignment of functions of its various administrative units, officers and employees, and of the established places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department's description of organization. A current copy of the description of organization shall be on file in the offices of the state secretary and in the executive office for administration and finance.

Each bureau, subject to appropriation, shall be under the charge of a director, who shall be a person of skill and experience in the field of his appointment. The position of director shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty, and persons shall be appointed to and may be removed from such position by the secretary.

SECTION 3. Section 5 of said chapter 23B, as appearing in section 1 of chapter 761 of the acts of 1968, is hereby amended by striking out, in line 3, the words "the commissioner and", — and by striking out, in lines 35 and 36, the word "commissioner" and inserting in place thereof, in each instance, the words: — secretary or his designee.

SECTION 4. Section 5A of said chapter 23B, inserted by section 2 of chapter 774 of the acts of 1969, is hereby amended by striking out, in lines 2, 3, 7 and 14, the word "commissioner" and inserting in place thereof, in each instance, the word: — secretary.

SECTION 5. Section 6 of said chapter 23B, as appearing in section 1 of chapter 761 of the acts of 1968, is hereby amended by striking out, in lines 1 and 7, the word "commissioner" and inserting in place thereof, in each instance, the word: — secretary.

SECTION 6. Said chapter 23B is hereby further amended by striking out sections 8 and 9, as so appearing, and inserting in place thereof the following two sections: —

Section 8. The secretary shall appoint and may remove all employees in the department. Unless otherwise provided by law, all such appointments and removals shall be made in accordance with chapter thirty-one. From time to time the secretary may, subject to appropriation and regulations pertaining to the employment of consultants, employ such consultants as he may deem necessary.

In addition to assistant secretaries and directors of bureaus, the secretary may appoint an executive assistant, a chief counsel and experts on urban affairs, public information and intergovernmental relations, to serve in the department, and such other officers, experts and assistants as may be necessary to carry out the work of the department. Any person holding appointment under this paragraph shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty.

Section 9. The secretary or such person or persons he may designate from time to time may certify to the existence of any fact which may be a condition to the validity of any bond or note of any housing authority as defined in section one of chapter one hundred and twenty-one B or of the guaranty of the commonwealth on any such bond or note, and may certify that instruments and documents are true copies of instruments and documents on file with the department. The secretary shall file with the state secretary a written statement of any such designation and notice of any revocation thereof. Any person dealing with

any such housing authority or with the department shall be entitled to rely on such certification as conclusive evidence of the matters therein certified.

SECTION 7. Section 10 of said chapter 23B, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Any reference in any general or special law to the administrative head of any of the agencies enumerated in the foregoing paragraph, or to the commissioner of community affairs, shall, unless the context otherwise requires, mean the secretary of communities and development or such officer or employee of the department of community affairs as the secretary from time to time may designate.

SECTION 8. The first paragraph of section 12 of said chapter 23B, as appearing in section 1 of chapter 848 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be in the department an urban job incentive bureau.

SECTION 9. The third sentence of the first paragraph of section 16 of said chapter 23B, as appearing in section 1 of chapter 802 of the acts of 1972, is hereby amended by striking out, in line 2, the words "commissioner of community affairs" and inserting in place thereof the word: — secretary.

SECTION 10. The eighth paragraph of said section 16 of said chapter 23B, as amended by section 2 of chapter 541 of the acts of 1974, is hereby further amended by striking out, in line 1, the word "commissioner" and inserting in place thereof the word: — secretary.

SECTION 11. Section 20 of said chapter 23B, as amended by section 4 of said chapter 541, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The commission shall send a copy of any amendments to the state building code which are adopted to each inspector of buildings or building commissioner, as defined by section one of chapter one hundred and forty-three, and to the commissioner of public safety and to the secretary of communities and development as well as to the boards of selectmen in towns and to mayors in cities within a reasonable time after filing said amendments with the state secretary.

SECTION 12. Section 4 of chapter 40B of the General Laws is hereby amended by striking out the first sentence, as appearing in chapter 644 of the acts of 1971, and inserting in place thereof the following sentence: — In each planning district so established there shall be a district planning commission consisting of one member of the planning board of each city and town voting to join such district, elected annually by said planning board and certified in writing to the district planning commission.

SECTION 13. The second sentence of the first paragraph of section 24 of said chapter 40B, as appearing in section 3 of chapter 849 of the acts of 1970, is hereby amended by striking out, in line 15, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development.

SECTION 14. The first paragraph of section 3 of chapter 40C of the General Laws, as appearing in section 1 of chapter 359 of the acts of 1971, is hereby amended by striking out, in line 14, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development.

SECTION 15. Section 71 of chapter 41 of the General Laws, as appearing in chapter 126 of the acts of 1966, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Every such planning board shall file with the secretary of communities and development a copy of each report made by it.

SECTION 16. The first paragraph of section 12 of chapter 43B of the General Laws, as most recently amended by section 2 of chapter 37 of the acts of 1971, is hereby further amended by striking out, in line 5, the words "community affairs" and inserting in place thereof the words: — the secretary of communities and development.

SECTION 17. Section 9 of said chapter 43B is hereby amended by striking out subsection (*b*), as amended by sections 1 and 2 of chapter 786 of the acts of 1970, and inserting in place thereof the following subsection: —

(*b*) Within eight months after its election the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city or town, shall provide sufficient copies of the preliminary report to the city or town clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of community affairs. Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after his receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of community affairs.

SECTION 18. Subsection (*c*) of said section 9 of said chapter 43B is hereby further amended by striking out the second sentence, as most recently amended by section 1 of chapter 37 of

the acts of 1971, and inserting in place thereof the following sentence: — A copy of said final report shall also be submitted to the department of community affairs and to the attorney general.

SECTION 19. Subsection (*c*) of section 10 of said chapter 43B, as amended by sections 4 and 5 of chapter 786 of the acts of 1970, is hereby further amended by striking out the first three sentences and inserting in place thereof the following three sentences: — Whenever an order proposing a charter amendment to the voters is approved by the mayor and city council or town meeting, a copy of the proposed amendment shall be immediately submitted to the attorney general and to the department of community affairs and such order shall not take effect for four weeks after the date of such submission. Within such four weeks the attorney general shall furnish the city council or board of selectmen with a written opinion setting forth any conflict between the proposed amendment and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of community affairs.

SECTION 20. Section 16 of said chapter 43B is hereby amended by striking out the fourth sentence, added by section 7 of chapter 786 of the acts of 1970, and inserting in place thereof the following sentence: — Any paper or document which is required by this chapter to be filed with or submitted to the department of community affairs shall be deemed to be so filed or submitted when it is delivered to said department.

SECTION 21. Section 1 of chapter 121B of the General Laws is hereby amended by striking out the definition of "Commissioner".

SECTION 22. The definition of "Handicapped persons of low income" in section 1 of said chapter 121B is hereby amended by striking out, in line 4, the word "commissioner" and inserting in place thereof the words: — secretary of communities and development.

SECTION 23. The third sentence of subsection (*b*) of section 31 of said chapter 121B, as appearing in section 1 of chapter 751 of the acts of 1969, is hereby amended by striking out, in line 2, the word "commissioner" and inserting in place thereof the word: — department.

SECTION 24. The second sentence of the first paragraph of section 37 of said chapter 121B, as so appearing, is hereby amended by striking out, in line 3, the word "commissioner" and inserting in place thereof the words: — secretary of communities and development or such assistant secretary as he may from time to time designate.

SECTION 25. Section 34 of said chapter 121B is hereby amended by striking out the first paragraph, as amended by chapter 603 of the acts of 1971, and inserting in place thereof the following paragraph: —

The commonwealth, acting by and through the secretary or an

assistant secretary of communities and development, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a guarantee by the commonwealth of notes or bonds or both of the housing authority issued to finance the cost of a housing project or projects, and annual contributions by the commonwealth. The guarantee by the commonwealth of the notes and bonds of a housing authority shall be executed on each note and bond by the secretary or by an assistant secretary designated by the secretary. It shall be sufficient if the signature of the secretary or an assistant secretary upon such instrument is an engraved, printed or stamped facsimile signature, provided that he has, by a writing bearing his written signature and filed in the department of community affairs, authorized his facsimile signature to be placed thereon. The facsimile signature of the secretary or an assistant secretary so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. If the secretary or assistant secretary shall cease to be such officer before the delivery of such instruments, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

SECTION 26. The second sentence of the first paragraph of section 59 of said chapter 121B, as appearing in section 6 of chapter 359 of the acts of 1970, is hereby amended by striking out, in line 3, the word "commissioner" and inserting in place thereof the words: — secretary of communities and development or such assistant secretary as he may from time to time designate.

SECTION 27. All officers, deputies and employees of any board, agency, division, bureau, section or other administrative unit under the department of community affairs who immediately prior to the effective date of this act hold permanent appointment in positions classified under chapter thirty-one of the General Laws, or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the services of the divisions, bureaus, sections and other administrative units within the department of community affairs which are established by this act or shall be established in accordance with this act, every such transfer to be without impairment of the civil service status, seniority, retirement and other rights of the employee, without interruption of his service within the meaning of said chapter thirty-one or said section nine A of said chapter thirty, and without reduction in this compensation and salary grade, notwithstanding any change in his title or duties made as a result of such transfer, subject, however, to the provisions of said chapter thirty-one and the rules and regulations established thereunder. All officers, deputies and employees of any such board, office, agency, division, bureau, section or other administrative unit who immediately prior to said effective date shall, without such

tenure, hold positions not so classified, are hereby transferred to the service of the said department of community affairs without impairment of seniority, retirement, and other rights, without interruption of service within the meaning of said section nine A of said chapter thirty, and without reduction in compensation and salary grade; provided, however, that nothing in this section shall be construed to confer upon any officer, deputy or employee any rights not held prior to the transfer or to prohibit any subsequent reduction in compensation or salary grade if such were not prohibited prior to the transfer.

SECTION 28. All books, papers, records, documents, plans and property in the custody of the department of community affairs immediately prior to the effective date of this act shall continue in the custody and control of the department established thereunder.

All petitions, hearings, judicial or other proceedings pending immediately prior to the effective date of this act before any court of law or any administrative tribunal, including the department or any part thereof, shall continue unabated; and the authority and power of the department established hereunder shall be in all respects the same as that of the department prior to the effective date of this act.

All orders, rules and regulations promulgated by the department prior to the effective date of this act shall remain in full force and effect until superseded, revised or rescinded in accordance with law.

All contracts and obligations of the department of community affairs duly in effect immediately prior to the effective date of this act shall continue in full force and effect.

SECTION 29. Section 2 of chapter 357 of the acts of 1972 is hereby amended by striking out, in line 14, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development.

SECTION 30. Section 3 of chapter 578 of the acts of 1972 is hereby amended by striking out, in line 1, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development.

SECTION 31. The second paragraph of section 3 of chapter 846 of the acts of 1974 is hereby amended by striking out, in line 1, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development.

SECTION 32. The second paragraph of section 3 of chapter 708 of the acts of 1966, as most recently amended by section 21 of chapter 761 of the acts of 1968, is hereby further amended by striking out, in line 6, the words "commissioner of community affairs" and inserting in place thereof the words: — secretary of communities and development. *Approved April 30, 1975.*

Chap. 164. AN ACT AUTHORIZING THE ISSUANCE TO MELROSE POST 90 AMERICAN LEGION OF A LICENSE TO SELL ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON ITS PREMISES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixteen C of chapter one hundred and thirty-eight of the General Laws, but subject, however, to all other provisions of said chapter, the licensing authority of the city of Melrose is hereby authorized to grant to Melrose Post 90 American Legion a license to sell all alcoholic beverages to be drunk at its post headquarters, at 34 Crystal street in said city, to members of said post and to guests introduced by such members, and to no others.

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

Approved May 2, 1975.

Chap. 165. AN ACT PROVIDING FOR THE REINSTATEMENT OF WILLIAM G. MAHER TO THE POSITION OF PATROLMAN IN THE POLICE DEPARTMENT OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the director of civil service shall, upon request of the appointing authority of the city of Cambridge, reinstate William G. Maher to the position of patrolman in the police department of said city; provided, that the said appointing authority submits in writing to said director the reasons why such reinstatement would be in the public interest.

Approved May 2, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, May 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 165 of the Acts of 1975, entitled, AN ACT PROVIDING FOR THE REINSTATEMENT OF WILLIAM G. MAHER TO THE POSITION OF PATROLMAN IN THE POLICE DEPARTMENT OF THE CITY OF CAMBRIDGE, and the enactment of which received my approval on May 2, 1975, should take effect forthwith.

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

In order to permit the reinstatement of William G. Maher to the position of patrolman in the Cambridge Police Department.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 7, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and fifty-seven minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter one hundred and sixty-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 166. AN ACT EXEMPTING THE POSITION OF AGENT TO THE BOARD OF HEALTH OF THE TOWN OF FRAMINGHAM FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The office of agent to the board of health of the town of Framingham shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved May 2, 1975.

Chap. 167. AN ACT PROVIDING THAT A CHARTER COMMISSION MEMBER IN THE TOWN OF SUDBURY MAY SERVE AS A MEMBER OF THE HIGHWAY COMMISSION IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 577 of the acts of 1963 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — No person shall serve on the commission who holds another elective or appointive town office in the town, except that of charter commission member.

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

Approved May 2, 1975.

Chap. 168. AN ACT AUTHORIZING SCHOOL COMMITTEES PARTICIPATING IN REGIONAL SCHOOL DISTRICT COLLABORATIVE EDUCATIONAL PROGRAMS TO PREPAY CERTAIN TUITION THERETO.

Be it enacted, etc., as follows:

Section 56 of chapter 41 of the General Laws is hereby amended by inserting after the second sentence, as amended by chapter 890 of the acts of 1967, the following sentence: — Each school committee participating in a regional school district collaborative educational program, as authorized by the provisions of section four E of chapter forty, may prepay tuition thereto for a period not exceeding three months to the treasurer of the educational collaborative board of its respective regional school district. *Approved May 2, 1975.*

Chap. 169. AN ACT ELIMINATING THE REQUIREMENT THAT THE COMMISSIONER OF BANKS SHALL MAKE ANNUAL REPORTS TO THE GENERAL COURT ON MORTGAGE LOAN INVESTMENT COMPANIES

Be it enacted, etc., as follows:

Section 9 of chapter 167 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 592 of the acts of 1949, and inserting in place thereof the following sentence: — Thereafter, and on or before the first day of April in each year, he shall make an annual report to the general court containing a statement of the condition, as of the last day of December next preceding, of each trust company, corporation subject to chapter one hundred and seventy-two A and private or foreign bank under his supervision, including any such banks as are in the hands of the commissioner, together with such other information relative to the affairs of said banks and of persons subject to chapters one hundred and sixty-nine, and one hundred and seventy-four as, in his opinion, the public interest may require.

Approved May 2, 1975.

Chap. 170. AN ACT IMPOSING PENALTIES FOR FAILURE TO FILE CERTAIN REPORTS WITH THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 93 of the General Laws is hereby amended by inserting after section 24C the following section: —

Section 24D. Any collection agency neglecting to make an annual report required by regulation, or failing to amend such re-

port within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

SECTION 2. Section 98 of chapter 140 of the General Laws, as most recently amended by chapter 97 of the acts of 1957, is hereby further amended by adding the following sentence: — Any person neglecting to make the annual return required by this section, or failing to amend such return within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

SECTION 3. Section 3 of chapter 255B of the General Laws, as most recently amended by section 25 of chapter 1149 of the acts of 1973, is hereby further amended by adding the following paragraph: —

Any licensee neglecting to make an annual report required by regulation, or failing to amend such report within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

SECTION 4. Section 10 of chapter 255C of the General Laws, as appearing in section 1 of chapter 727 of the acts of 1964, is hereby amended by adding the following paragraph: —

Any licensee neglecting to make an annual report required by regulation, or failing to amend such report within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

SECTION 5. Section 3 of chapter 255D of the General Laws is hereby amended by adding the following paragraph: —

Any licensee neglecting to make an annual report required by regulation, or failing to amend such report within fifteen days after notice from the commissioner shall, unless such neglect or failure is due to justifiable cause and not due to wilful neglect, pay to the commonwealth five dollars for each day during which such neglect or failure continues.

Approved May 2, 1975.

Chap. 171. AN ACT INCREASING THE FEE WHICH MAY BE CHARGED BY HEADS OF THE FIRE DEPARTMENTS FOR THE ISSUANCE OF CERTAIN PERMITS.

Be it enacted, etc., as follows:

The first paragraph of section 10A of chapter 148 of the General Laws, as appearing in chapter 479 of the acts of 1945, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — A fee of not more than five dollars may be charged by the head of the fire department for any permit granted under authority of this section, and any such permit may be revoked for cause by him or by the marshal.

Approved May 2, 1975.

Chap. 172. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS FOR HIGHWAY PURPOSES IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

In accordance with the provisions of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, the department of public works, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain, purchase or otherwise, all or such portions thereof as said department may determine of a certain parcel of city owned industrial development land located in the city of Taunton for the construction of interstate highway route 495. Said land is shown on a map entitled "Commonwealth of Massachusetts Department of Public Works Route I—495 Environmental Statement Foxborough-Bridgewater", which is available for review through the administrative office of the department of public works, and contains approximately 10.1 acres.

Approved May 2, 1975.

Chap. 173. AN ACT RELATIVE TO THE OPERATION AND EQUIPPING OF MOTOR VEHICLES USED BY CERTAIN HAWKERS AND PEDDLERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 17, as most recently amended by section 7 of chapter 851 of the acts of 1974, and inserting in place thereof the following section: —

Section 17. No person operating a motor vehicle on any way shall turn it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. Unless a way is otherwise posted in accordance with the provisions of section eighteen, it shall be prima facie evidence of a rate of speed greater than is reasonable and proper as aforesaid (1) if a motor vehicle is operated on a divided

highway outside a thickly settled or business district at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or (2) on any other way outside a thickly settled or business district at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or (3) inside a thickly settled or business district at a rate of speed exceeding thirty miles per hour for a distance of one-eighth of a mile, or (4) within a school zone established in conformance with standards of the department of public works at a rate of speed exceeding twenty miles per hour. Operation of a motor vehicle at a speed in excess of fifteen miles per hour within one-tenth of a mile of a vehicle used in hawking or peddling merchandise and which displays flashing amber lights shall likewise be prima facie evidence of a rate of speed greater than is reasonable and proper. If a speed limit has been duly established upon any way, in accordance with the provisions of said section, operation of a motor vehicle at a rate of speed in excess of such limit shall be prima facie evidence that such speed is greater than is reasonable and proper; but, notwithstanding such establishment of a speed limit, every person operating a motor vehicle shall decrease the speed of the same when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions. No person shall operate a school bus at a rate of speed exceeding forty miles per hour, while actually engaged in carrying school children. No person shall operate any motor vehicle, trailer or semi-trailer unit while carrying its load under a permit issued under section thirty of chapter eighty-five upon any way at a rate of speed exceeding either forty miles per hour or the rate of speed otherwise duly established for such way, whichever is the lesser.

SECTION 2. Chapter 101 of the General Laws is hereby amended by inserting after section 16 the following section: —

Section 16A. Any hawker or peddler who sells frozen desserts, as defined in section sixty-five G of chapter ninety-four, on or from a motor vehicle, shall equip such vehicle with a flashing amber dome light and front and rear warning lights which shall flash alternately and which shall be kept flashing when such vehicle is stopped for the purpose of selling frozen desserts.

SECTION 3. The provisions of section sixteen A of chapter one hundred and one of the General Laws, inserted by section two of this act, shall apply to all such vehicles manufactured for the model year nineteen hundred and seventy-six or subsequent model years. *Approved May 2, 1975.*

Chap. 174. AN ACT RELATIVE TO THE SPEED OF BOATS IN THE VICINITY OF A DIVER'S FLAG.

Be it enacted, etc., as follows:

Section 13A of chapter 90B of the General Laws is hereby amended by striking out the last sentence, as appearing in section 1 of chapter 714 of the acts of 1974, and inserting in place thereof the following sentence: — A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed three miles per hour. *Approved May 2, 1975.*

Chap. 175. AN ACT AUTHORIZING THE ESTABLISHMENT OF A TRUST COMPANY FOR THE SOLE PURPOSE OF HOLDING, RECEIVING AND DELIVERING SECURITIES.

Be it enacted, etc., as follows:

Chapter 172 of the General Laws is hereby amended by inserting after section 10 the following section: —

Section 10A. Notwithstanding any other provision of law, the board of bank incorporation may grant a certificate, if satisfied that the public convenience and advantage will be promoted, to establish a trust company, owned as provided in section 8—102 of chapter one hundred and six, for the sole purpose of holding, receiving, and delivering securities and making book entries with respect to the transfer and pledge or the transfer and pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations as contemplated by sections 8—102 and 8—320 of chapter one hundred and six; provided, however, that said trust company shall not receive deposits, loan moneys, act in any other fiduciary capacity or as transfer agent or registrar of stocks, or otherwise carry on a banking business under the laws of the commonwealth. *Approved May 5, 1975.*

Chap. 176. AN ACT MAKING AN APPROPRIATION FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-FIVE TO SUPPLEMENT A CERTAIN ITEM CONTAINED IN THE GENERAL APPROPRIATION ACT.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing a certain item in the general appropriation act, the sum set forth in section two for the purpose and subject to the conditions specified therein is hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the conditions pertaining to appropriations in chapter four hundred and thirty-one, six hundred and ninety-eight, and eight hundred and fifty-five of the acts of nineteen hundred and seventy-four and chap-

ters fifty-four and one hundred and twelve of the acts of nineteen hundred and seventy-five, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-five, or for such period as may be specified, the sum so appropriated to be in addition to any amount at present available for the purpose.

SECTION 2.

EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.

Department of Education.

Division of School Facilities and Related Services.

Item		
7053—1910	For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided, that no expenditures shall be made herefrom unless there is allocated for the purposes of said program at least seven thousand five hundred dollars by the federal government	**$260,056**

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

Approved May 6, 1975.

Chap. 177. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF TISBURY BE EXEMPTED FROM CIVIL SERVICE LAW AND RULES AND FURTHER REGULATING THE APPOINTMENT OF THE MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, appointments to the police department of the town of Tisbury shall not be subject to the civil service law and rules, and any person so appointed who serves in such position for a period of one year may hold such position until he reaches age sixty-five unless sooner incapacitated by physical or mental disability from performing the duties of police officer or unless removed by the selectmen of said town in the manner provided by chapter thirty-one of the General Laws and the rules made thereunder, relative to removal from the classified civil service.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police department of said town holding civil service status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act providing that mem-

bers of the police department of the town of Tisbury be exempted from the civil service law and rules and further regulating the appointment of the members of the police department of said town', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

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

Approved May 6, 1975.

Chap. 178. AN ACT FURTHER REGULATING THE RATE OF INTEREST WHICH THE GLOUCESTER INDUSTRIAL DEVELOPMENT COMMISSION MAY PAY ON ITS BONDS.

Be it enacted, etc., as follows:

SECTION 1. The seventh sentence of section 3 of chapter 786 of the acts of 1951, as amended by section 1 of chapter 261 of the acts of 1958, is hereby further amended by striking out, in line 3, the words "not exceeding six per cent".

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

Approved May 6, 1975.

Chap. 179. AN ACT RELATIVE TO REQUIREMENTS FOR LIFE-SAVING DEVICES FOR CERTAIN VESSELS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to promote boating safety during the summer of nineteen hundred and seventy-five, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90B of the General Laws is hereby amended by inserting after the definition of "Owner" the following definition: —

"Personal flotation devices", — TYPE I, a coast guard approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position, and to have more than twenty pounds of buoyancy. Acceptable for all size boats. TYPE II, a coast guard approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least fifteen and five-tenths pounds of buoyancy. Acceptable for all size boats. TYPE III, a coast guard approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least fifteen and five-tenths pounds of buoyancy. While having the

same buoyancy as TYPE II, the TYPE III has a lesser turning ability to allow for a comfortable design for water activities such as water skiing. Acceptable for all size boats. TYPE IV, a coast guard approved device designed to be thrown to a person in the water and not worn. It is designed to have at least sixteen and five-tenths pounds of buoyancy. Acceptable for boats less than sixteen feet and canoes and kayaks and as a throwable device for boats sixteen feet and over in length.

SECTION 2. Section 5 of said chapter 90B, as appearing in section 2 of chapter 275 of the acts of 1960, is hereby amended by striking out subsection (*g*) and inserting in place thereof the following subsection: —

(*g*) Every motorboat shall carry at least one personal flotation device, as defined in section one, for each person aboard: — (1) Every Class A motorboat shall carry at least one personal flotation device of TYPE I, TYPE II, TYPE III OR TYPE IV for each person on board; and (2) Every motor boat of Class 1, 2, and 3 shall carry at least one personal flotation device of TYPE I, II or III for each person aboard, plus one TYPE IV as a throwable device. Such devices shall be clearly labeled or imprinted as such and placed so as to be readily accessible in the motorboat and maintained in good and serviceable condition and appropriate size for whom it is intended. Devices designed to be thrown, such as a ring buoy or buoyant cushion shall be readily available on the motorboat. Devices which use kapok or fibrous glass for flotation material shall have such material encased in plastic covers. Every motorboat carrying passengers for hire shall carry at least one coast guard approved life preserver or TYPE I personal flotation device for each person on board so placed as to be readily accessible for use. *Approved May 6, 1975.*

Chap. 180. AN ACT PROVIDING FOR THE OBSERVANCE OF JUNE SIXTEENTH, NINETEEN HUNDRED AND SEVENTY-FIVE AS ALFRED JOSEPH GOMES DAY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the observance of June sixteenth in the current year as Alfred Joseph Gomes Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The governor shall issue a proclamation setting apart Monday, June sixteenth, nineteen hundred and seventy-five, as Alfred Joseph Gomes Day and recommending that said day be observed in an appropriate manner by the public.

Approved May 6, 1975.

Chap. 181. AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO FUND CERTAIN INDEBTEDNESS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing funds to meet a deficit created during the current fiscal year by the payment of temporary loans prior to reimbursement from the federal and state governments, said loans having been issued pursuant to the provisions of chapter seventy-four of the acts of nineteen hundred and forty-five, as amended, the treasurer of the town of Swampscott, with the approval of the board of selectmen, is hereby authorized to borrow such sum, not exceeding four hundred and fifty thousand dollars, as may be necessary during the year nineteen hundred and seventy-five, and may issue notes therefor, which shall bear on their face the words, Town of Swampscott Funding Loan, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than one year from their dates. Indebtedness incurred under this act shall be outside the statutory limit of indebtedness, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

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

Approved May 6, 1975.

Chap. 182. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO QUESTIONS ON PUBLIC POLICY ON OFFICIAL ELECTION BALLOTS.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 42A, inserted by chapter 820 of the acts of 1974, and inserting in place thereof the following section: —

Section 42B. When a question to be submitted to the voters is one of public policy, it shall be stated upon the ballot of every voter thereon: "This question is not binding.".

Approved May 6, 1975.

Chap. 183. AN ACT INCREASING THE MEMBERSHIP OF THE INSURANCE ADVISORY COMMITTEES OF CERTAIN CITIES AND TOWNS, COUNTIES AND DISTRICTS.

Be it enacted, etc., as follows:

The first paragraph of section 3 of chapter 32B of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 334 of the acts of 1961, and inserting in place thereof the following sentence: —

Prior to the purchase of said insurance, and execution of all such agreements or contracts within the limits established by said sections, the appropriate public authority shall consult with an advisory committee consisting of seven persons duly elected or appointed to membership on such committee by organizations of the employees affected, for the purpose of securing the written recommendations of a majority of the membership of said committee.

Approved May 6, 1975.

Chap. 184. AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR THE CONSTRUCTION OF REFUSE TRANSFER FACILITIES.

Be it enacted, etc., as follows:

Section 7 of chapter 44 of the General Laws is hereby amended by striking out clause (4A), as appearing in section 1 of chapter 88 of the acts of 1974, and inserting in place thereof the following clause:—

(4A) For the construction of incinerators and refuse transfer facilities within the city or town for the purpose of disposing of waste, refuse and garbage, twenty years.

Approved May 8, 1975.

Chap. 185. AN ACT PROVIDING FOR FUNDING OF THE REIMBURSEMENT TO THE COMMONWEALTH FOR THE COST OF PENSIONS PAID EMPLOYEES OF THE DIVISION OF SAVINGS BANK LIFE INSURANCE OR THEIR SURVIVORS.

Be it enacted, etc., as follows:

The first sentence of section 17 of chapter 178 of the General Laws, as appearing in section 6 of chapter 421 of the acts of 1972, is hereby amended by inserting after the word "that", in line 11, the words: — the trustees may, at their discretion, include in the annual budget adopted for said division such amounts as they shall determine to be necessary to fund the commonwealth's share of future pension or retirement allowances for employees of the division or their survivors; provided further, that all amounts paid to the trustees to fund future pension or retirement allowances shall, until required for reimbursement, be invested by the trustees as funds of the General Insurance Guaranty Fund are required by law to be invested; and provided further, that.

Approved May 8, 1975.

Chap. 186. AN ACT REQUIRING REGISTRATION WITH THE COMMISSIONER OF BANKS FOR THE SALE OF CERTAIN SECURITIES BY SMALL LOAN COMPANIES.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 96 the following section: —

Section 96A. No security, as defined in clause (*k*) of section four hundred and one of chapter one hundred and ten A, issued by a person licensed under section ninety-six shall be sold or advertised for sale to the public without a permit issued by the commissioner and subject to such conditions as the commissioner shall determine. The commissioner may, after notice and hearing, revoke such permit for violation of any such condition.

Approved May 8, 1975.

Chap. 187. An ACT ESTABLISHING INVESTIGATION FEES FOR RELOCATIONS OF OFFICES OF CERTAIN LICENSEES SUPERVISED BY THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

SECTION 1. Section 24A of chapter 93 of the General Laws is hereby amended by adding the following two sentences: — Any change of location of an office of a licensee located within the commonwealth shall require the prior approval of the commissioner. Such request for relocation shall be in writing setting forth the reason or reasons for the request, and shall be accompanied by a relocation investigation fee of fifty dollars.

SECTION 2. Section 102 of chapter 140 of the General Laws is hereby amended by adding the following paragraph: —

Any change of location of an office of a licensee shall require the prior approval of the commissioner. Such request for relocation shall be in writing setting forth the reason or reasons for the request, and shall be accompanied by a relocation investigation fee of fifty dollars.

SECTION 3. Section 2 of chapter 255B of the General Laws is hereby amended by adding the following two sentences: — Any change of location of an office of a licensee shall require the prior approval of the commissioner. Such request for relocation shall be in writing setting forth the reason or reasons for the request, and shall be accompanied by a relocation investigation fee of fifty dollars.

SECTION 4. Section 2 of chapter 255C of the General Laws is hereby amended by inserting after the second sentence the following two sentences: — Any change of location of an office of a licensee shall require the prior approval of the commissioner.

Such request for relocation shall be in writing setting forth the reason or reasons for the request, and shall be accompanied by a relocation investigation fee of fifty dollars.

SECTION 5. Section 2 of chapter 255D of the General Laws is hereby amended by adding the following two sentences: — Any change of location of a place of business of a licensee shall require the prior approval of the commissioner. Such request for relocation shall be in writing setting forth the reason or reasons for the request and shall be accompanied by a relocation investigation fee of fifty dollars. *Approved May 8, 1975.*

Chap. 188. AN ACT PROVIDING THAT A REPRESENTATIVE OF THE MIDDLESEX COUNTY TOURIST AND DEVELOPMENT COUNCIL BE A MEMBER OF THE ADVISORY COMMITTEE ON VACATION TRAVEL ESTABLISHED TO ASSIST THE DEPARTMENT OF COMMERCE AND DEVELOPMENT, AND PROVIDING FOR FINANCIAL ASSISTANCE THERETO.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 6 of chapter 23A of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 6 of chapter 761 of the acts of 1968, and inserting in place thereof the following sentence: — There shall be advisory committees on manpower development training; regional planning; commercial and industrial development; vacation travel, which shall consist of seventeen members including the chief executive officers of the thirteen regional associations known as the Berkshire Hills Conference, Inc., Central Massachusetts Tourist Council, Inc., Essex County Tourist Council of Massachusetts, Inc., Cape Cod Chamber of Commerce, Greater Boston Chamber of Commerce, Martha's Vineyard Chamber of Commerce, Mohawk Trail Association, Nantucket Island Chamber of Commerce, Inc., Pioneer Valley Association, Inc., Plymouth Chamber of Commerce, Inc., Old Sturbridge, Inc., The Middlesex County Tourist and Development Council, and The Tourist Council of Bristol County, Inc., science and technology; international trade; and a women's advisory committee.

SECTION 2. The second paragraph of section 14 of said chapter 23A, added by section 1 of chapter 1038 of the acts of 1973, is hereby amended by inserting after the word "of", in line 3, the words: — The Middlesex County Tourist and Development council,. *Approved May 8, 1975.*

Chap. 189. AN ACT INCREASING THE AMOUNT FOR WHICH PARENTS SHALL BE LIABLE FOR INJURIES OR

DAMAGES RESULTING FROM WILLFUL ACTS OF THEIR MINOR CHILDREN WHO ARE BETWEEN SEVEN AND SEVENTEEN YEARS OF AGE.

Be it enacted, etc., as follows:

The third sentence of section 85G of chapter 231 of the General Laws, as amended by section 1 of chapter 552 of the acts of 1972, is hereby further amended by striking out, in line 1, the word "three" and inserting in place thereof the word: — five.

Approved May 8, 1975.

Chap 190. AN ACT RESTRICTING THE CONSTRUCTION AND MAINTENANCE OF CERTAIN SEWAGE DISPOSAL SYSTEMS.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out section 127M, inserted by chapter 848 of the acts of 1973, and inserting in place thereof the following section: —

Section 127M. No subsurface sewage leaching system or septic tank shall be constructed within one hundred feet of any private well, or within one hundred feet of any known source of public surface water supply or tributary thereto. No subsurface sewage leaching system or septic tank shall be constructed within seventy-five feet in the case of a single or duplex dwelling, or one hundred feet in the case of a commercial building, or of a multiple dwelling, as defined in section one of chapter one hundred and fifty-one B, of the normal spring high water level of any great pond, pond, stream, brook, river, surface or subsurface drain, swamp, or wetland or of any mean high water for tidal water, without the prior written approval of the department of environmental quality engineering.

Approved May 8, 1975

Chap. 191. AN ACT RELATIVE TO REPORTS FROM MEMBER BANKS TO THE COOPERATIVE CENTRAL BANK.

Be it enacted, etc., as follows:

Chapter 45 of the acts of 1932 is hereby amended by adding the following section: —

Section 12. Member banks shall make such reports and provide such information as is required by vote of the board of directors of the central bank and approved by the commissioner. If any member bank fails to make any such report or provide any such information, the executive officer of the central bank shall notify the commissioner of such failure and the commissioner shall forthwith notify such member bank in writing.

The failure of such member bank to make such report or provide such information within fifteen days after such notice from the commissioner shall constitute a violation of law within the meaning of section five of chapter one hundred and sixty-seven of the General Laws. *Approved May 8, 1975.*

Chap. 192. AN ACT REIMBURSING CERTAIN CORRECTIONAL OFFICERS OF FRANKLIN COUNTY FOR CERTAIN LEGAL EXPENSES INCURRED BY THEM.

Be it enacted, etc., as follows:

Notwithstanding any provision of general or special law to the contrary, the county commissioners of Franklin county are hereby authorized and directed to reimburse those former and present correctional officers of said county, including the sheriff of said county and the master of the house of correction in said county, for the legal expenses incurred by them between April ninth, nineteen hundred and sixty-eight and September twenty-sixth, nineteen hundred and sixty-nine, in connection with, and during the pendency of a suit brought against them by Harry Lee Dodd relative to his confinement at the Franklin county jail.

Approved May 8, 1975.

Chap. 193. AN ACT REQUIRING CREDIT UNIONS TO ADVERTISE THAT SHARE AND DEPOSIT ACCOUNTS ARE INSURED BY THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

Chapter 294 of the acts of 1961 is hereby amended by inserting after section 12, as amended by section 5 of chapter 306 of the acts of 1973, the following section: —

Section 13. Advertising of Membership.— Every member shall display at each place of business maintained by it a sign indicating that its share and deposit accounts are insured by the Massachusetts Credit Union Share Insurance Corporation and shall include in all of its advertisements a statement that its share and deposit accounts are so insured. The corporation, with the approval of the commissioner, shall determine the form of such signs, and the substance of any such statement.

Approved May 8, 1975.

Chap. 194. AN ACT RELATIVE TO ASSESSMENTS PAID BY CREDIT UNIONS WHOSE SHARE AND DEPOSIT

LIABILITIES ARE INSURED BY THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION.

Be it enacted, etc., as follows:

The second paragraph of section 7 of chapter 294 of the acts of 1961, as appearing in section 4 of chapter 306 of the acts of 1973, is hereby amended by inserting after the first sentence the following two sentences: — The directors may also, subject to the approval of the commissioner, and subject to the approval of one third of the delegates representing member credit unions who shall be given ten days' written notice of the purpose of a meeting called by the directors to obtain such approval, semiannually declare additional excess assessments of members to maintain the member assessment from time to time at a level in excess of the said one per cent but not greater than two per cent of its share and deposit liabilities. With like approval the directors may, on the semiannual assessment dates if reasonably necessary, in lieu of declaring such an additional excess assessment, effect a uniform refund in whole or in part of the excess assessments previously paid in, but in no event shall any such refund cause the member assessment to fall below one per cent of a member's share and deposit liabilities.

Approved May 8, 1975.

Chap. 195. AN ACT AUTHORIZING CERTAIN INVESTMENTS OF THE MUTUAL SAVINGS CENTRAL FUND, INC.

Be it enacted, etc., as follows:

The first paragraph of section 7 of chapter 44 of the acts of 1932 is hereby amended by striking out clause (*b*) and inserting in place thereof the following clause: —

(*b*) Obligations of the United States and federal agency obligations in which savings banks may invest pursuant to paragraph six of section forty-two of chapter one hundred and sixty-eight of the General Laws, maturing not more than five years from the date of acquisition thereof by the corporation. The corporation may also enter into repurchase agreements fully secured by any of the obligations described in this clause.

Approved May 8, 1975.

Chap. 196. AN ACT EXTENDING THE COVERAGE OF ACCIDENT AND HEALTH INSURANCE TO CERTAIN ADOPTED CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby

amended by striking out section 47C, inserted by section 1 of chapter 785 of the acts of 1974, and inserting in place thereof the following section: —

Section 47C. Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of section one hundred and ten which provides hospital expense and surgical expense insurance, which provides for dependent coverage, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance, which provides for dependent coverage, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits, which provides for dependent coverage, and which is issued or renewed to any person or group of persons in the commonwealth shall include as insured members of the blanket general policy, policy of accident and sickness, or fund, newborn infants and newborn infants of a dependent of a policyholder domiciled in the commonwealth or a beneficiary domiciled in the commonwealth of a fund immediately from the moment of birth and thereafter. Any such policy shall also include as insured members of the blanket general policy, policy of accident or sickness, or fund, adoptive children of a policyholder domiciled in the commonwealth or beneficiary of a fund domiciled in the commonwealth immediately from the date of the filing of a petition to adopt under chapter two hundred and ten and thereafter if the child has been residing in the home of the policyholder or beneficiary as a foster child for whom the holder or beneficiary has been receiving foster care payments, or, in all other cases, immediately from the date of placement by a licensed placement agency of the child for the purposes of adoption in the home of a policyholder or beneficiary and thereafter. The coverage for newly born infants and adoptive children shall consist of coverage of injury or sickness including the necessary care and treatment of medical diagnosed congenital defects and birth abnormalities, or premature birth. If payment of a specific premium is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child or of filing of a petition to adopt a foster child or of placement of a child for purposes of adoption and payment of the required premium must be furnished to the insurer or indemnity corporation. For the purposes of this section "notification" may mean submission of a claim.

SECTION 2. Chapter 176A of the General Laws is hereby amended by striking out section 8B, inserted by section 2 of said chapter 785, and inserting in place thereof the following section: —

Section 8B. Any contract, which provides for dependent coverage, between a subscriber and the corporation under an individual or group hospital service plan which shall be delivered or issued for delivery or subsequently renewed in the commonwealth shall include as insured members newborn infants and newborn infants of a dependent of a contract holder immediately from the moment of birth and thereafter. Any such policy shall also include as insured members adoptive children of a contract holder immediately from the date of filing of a petition to adopt under chapter two hundred and ten and thereafter, if the child has been residing in the home of the contract holder as a foster child for whom the contract holder has been receiving foster care payments, or, in all other cases, immediately from the date of placement by a licensed placement agency of the child for purposes of adoption in the home of the contract holder and thereafter. Such insurance shall provide benefits for expense arising from illness, injury, congenital malformation, or premature birth. If payment of a subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child or of filing of a petition to adopt a foster child or of placement of a child for purposes of adoption and payment of the required fees must be furnished to the non-profit service corporation. For the purposes of this section, "notification" may mean submission of a claim.

SECTION 3. Chapter 176B of the General Laws is hereby amended by striking out section 4B, inserted by section 3 of said chapter 785, and inserting in place thereof the following section: —

Section 4B. Any subscription certificate, which provides for dependent coverage, under an individual or group medical service agreement which shall be delivered or issued for delivery or subsequently renewed in the commonwealth shall include as insured members, newborn infants and newborn infants of a dependent of a subscription certificate holder immediately from the moment of birth and thereafter and shall also include as insured members adoptive children of a subscription certificate holder immediately from the date of the filing of a petition to adopt under chapter two hundred and ten and thereafter if the child has been residing in the home of the subscription certificate holder as a foster child for whom the holder has been receiving foster care payments, or, in all other cases, immediately from the date of placement by a licensed placement agency of a child for purposes of adoption in the home of the subscription certificate holder and thereafter. Such insurance shall provide benefits for expense arising from illness, injury, congenital malformation, or premature birth. If payment of a subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child or of filing of a petition to adopt a foster child or of placement of a child for purposes of adoption and payment of the required

fees must be furnished to the non-profit service corporation. For the purposes of this section, "notification" may mean submission of a claim.

SECTION 4. This act shall take effect on January first, nineteen hundred and seventy-six. *Approved May 8, 1975.*

Chap. 197. AN ACT FURTHER REGULATING TREATMENT AND REHABILITATION OF CERTAIN DRUG DEPENDENT PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 38 of chapter 123 of the General Laws is hereby amended by striking out the definition of "Drug dependent person", as amended by section 4 of chapter 827 of the acts of 1974, and inserting in place thereof the following definition: —

"Drug dependent person", a person who is unable to function effectively and whose inability to do so causes, or results from, the use of a drug other than alcohol, tobacco or lawful beverages containing caffeine, and other than from a medically prescribed drug when such drug is medically indicated and the intake is proportioned to the medical need.

SECTION 2. Said section 38 of said chapter 123 is hereby amended by striking out the definition of "Drug offense", as appearing in section 6 of chapter 1071 of the acts of 1971, and inserting in place thereof the following definition: —

"Drug offense", an act or omission relating to a dependency related drug which constitutes an offense pursuant to section twenty-one or subdivision (1) of section twenty-four of chapter ninety, section eight of chapter ninety B, chapter ninety-four C or section sixty-two of chapter one hundred and thirty-one; provided, however, in the case of a juvenile this definition shall be applicable if said juvenile is charged with being delinquent by reason of an offense pursuant to said sections.

SECTION 3. Section 47 of said chapter 123 is hereby amended by striking out the second and third paragraphs, as appearing in section 17 of chapter 827 of the acts of 1974, and inserting in place thereof the following two paragraphs: —

If the defendant requests such an examination, the court may in its discretion determine that the defendant is a drug dependent person, who would benefit by treatment, without ordering the examination. In such event, the court shall inform the defendant that he may request assignment to a drug treatment facility, and advise him of the consequences of assignment and that if he is so assigned the court proceedings shall be stayed for the term of such assignment.

The court proceedings shall be stayed for the period during which a request made under this section is under consideration by the court. If the defendant requests an examination, the court

shall, unless the court has already determined that the defendant is a drug dependent person, appoint a psychiatrist, or if it is, in the discretion of the court, impracticable to do so, a physician, to conduct the examination at an appropriate location designated by it. In no event shall the request for such an examination or any statement made by the defendant during the course of the examination, or any finding of the psychiatrist or physician be admissible against the defendant in any court proceedings.

SECTION 4. Said section 47 of said chapter 123 is hereby further amended by striking out the fifth and sixth paragraphs, as so appearing, and inserting in place thereof the following two paragraphs: —

If the defendant is also charged with a violation of any law other than a drug offense, the stay of the court proceedings may be vacated by the court upon the report of the psychiatrist or physician, whereupon the report shall be considered upon disposition of the charges in accordance with sections forty-eight and forty-nine, and the remaining provisions of this section shall not apply. If the defendant is charged with a drug offense only and if the psychiatrist or physician reports that the defendant is a drug dependent person who would benefit by treatment, the court shall inform the defendant that he may request assignment to a drug treatment facility, and advise him of the consequences of the assignment and that if he is so assigned the court proceedings shall be stayed for the term of such assignment.

If the defendant requests assignment and if the court determines that he is a drug dependent person who would benefit from treatment the court may stay the court proceedings and assign him to a drug treatment facility.

SECTION 5. Said section 47 of said chapter 123 is hereby further amended by striking out the eleventh, twelfth and thirteenth paragraphs, as so appearing, and inserting in place thereof the following three paragraphs:—

If the defendant requests assignment, and if the court determines that the defendant is a drug dependent person who would benefit by treatment, and the defendant is charged for the first time with a drug offense not involving the sale or manufacture of dependency related drugs, and there are no continuances outstanding with respect to the defendant pursuant to this section, and adequate and appropriate treatment at a facility is not available, the stay of court proceedings shall remain in effect until such time as adequate and appropriate treatment at a facility is available.

In all other cases, an assignment order shall not be made unless, after consultation with the facility or the division, the court determines that adequate and appropriate treatment is available, provided, however, that the court may in its discretion order that the stay of court proceedings remain outstanding

until such time as adequate and appropriate treatment is available.

In the event that the stay of the court proceedings remain in effect for the reason that adequate and appropriate treatment at a facility is not available, the issue of the availability of adequate and appropriate treatment at a facility may be reopened at any time by the court on its own motion, or on motion by the prosecutor, or the defendant.

SECTION 6. Said section 47 of said chapter 123 is hereby further amended by striking out the sixteenth paragraph, as so appearing, and inserting in place thereof the following paragraph: —

If the court does not assign the defendant to a facility, the stay of the court proceedings shall be vacated.

SECTION 7. Said section 47 of said chapter 123 is hereby further amended by striking out the twenty-second paragraph, as so appearing, and inserting in place thereof the following paragraph: —

In reaching its determination of whether or not the defendant successfully completed the treatment program, the court shall consider, but shall not be limited to, whether the defendant cooperated with the administrator and complied with the terms and conditions imposed on him during his assignment. If the report states that the defendant successfully completed the treatment program, or if the defendant completes the term of treatment ordered by the court, the court shall dismiss the charges pending against the defendant. If the report does not so state, or if the defendant does not complete the term of treatment ordered by the court, then, based on the report and any other relevant evidence, the court may take such action as it deems appropriate, including the dismissal of the charges or the revocation of the stay of the court proceedings.

Approved May 8, 1975.

Chap. 198. AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH SPECIAL FUNDS FOR THE BICENTENNIAL CELEBRATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize immediately cities and towns to establish special funds for the Bicentennial Celebration, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 911 of the acts of 1971 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. Such city or town may establish in its treasury a special fund in which shall be deposited such sums as may be ap-

propriated by it under the provisions of this act, together with any other monies, gifts, fees and donations received and the proceeds from the sale of souvenirs.

Any and all such funds received by the treasurer shall be kept separate from any other monies, funds or property of such city or town, and the principal and interest thereof may, from time to time upon the authorization of the mayor or city manager, as the case may be, or of the board of selectmen, be expended for the purposes of said celebration without further appropriation.

SECTION 2. Any funds remaining in said special fund after January first, nineteen hundred and seventy-seven shall be paid into the city or town treasury. *Approved May 9, 1975.*

Chap. 199. AN ACT REGULATING THE DEMOTION OF SCHOOL PRINCIPALS AND SUPERVISORS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 42A, as amended by chapter 269 of the acts of 1953, and inserting in place thereof the following section: —

Section 42A. No principal, supervisor, assistant principal, or professional employee performing the duties of a principal, supervisor, assistant principal, by whatever title his position may be known, who has served in that position for over three years shall without his consent be demoted except for inefficiency, incapacity, unbecoming conduct, insubordination or other good cause; nor unless, at least thirty days, exclusive of customary vacation periods, prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests, he shall have been furnished by the committee with a written charge or charges of the cause or causes for which his demotion is proposed; nor unless, if he so requests, he has been given a hearing before the school committee, which may be either public or private at the discretion of the school committee, and at which he may be represented by counsel, present evidence and call witnesses to testify in his behalf and examine them; nor unless the charge or charges shall have been substantiated; nor unless the superintendent shall have given the committee his recommendations thereon.

For the purpose of this section, a person shall be deemed to have been demoted if his salary has been reduced contrary to the provisions of section forty-three of this chapter or if he has been transferred without his consent to a position wherein he no longer serves at discretion.

Any person who has been demoted by vote of a school committee under the provisions of this section may within thirty days after the vote of dismissal or demotion appeal therefrom to the superior court in the county in which he was employed.

Approved May 9, 1975.

Chap. 200. AN ACT RELATIVE TO PERIODIC REVIEW OF AMBIENT AIR QUALITY STANDARDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to bring immediate economic relief to the consumers of the commonwealth from the spiraling costs of energy and other products due to the high cost of fuels, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Prior to April first, nineteen hundred and seventy-six, the department of public health or its successor shall not, in taking any action pursuant to chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-four, be subject to the provisions of sections sixty-one and sixty-two of chapter thirty of the General Laws; provided, however, that said department shall submit to the secretary of environmental affairs on April first, nineteen hundred and seventy-six a report for review. Said report shall assess all environmental impacts associated with any actions taken pursuant to the provisions of chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-four.

(*The foregoing was laid before the Governor on the twenty-ninth day of April, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

Chap. 201. AN ACT RELATIVE TO THE ASSESSMENT OF TAXES FOR THE CURRENT YEAR IN THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter fifty-nine of the General Laws, as most recently amended by chapter forty-three of the acts of nineteen hundred and seventy-five, the assessors of the town of Agawam, if they have not received, prior to May twenty-eighth, nineteen hundred and seventy-five, from the town clerk a certificate under section fifteen A of chapter forty-one of the General Laws of the appropriations voted for the annual budget for the ensuing fiscal year and if it appears to them after inquiry of the town clerk, that such appropriations have not been voted, shall forthwith assess a tax for said ensuing fiscal year in accordance with the provisions of section twenty-three of chapter fifty-nine of the General Laws, except that, in determining the amount of the tax to be assessed, there shall be considered as having been appropriated for the annual budget for said ensuing fiscal year an amount equal to

the aggregate appropriations voted for the annual budget for the current fiscal year.

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

Approved May 10, 1975.

Chap. 202. AN ACT FURTHER REGULATING THE OPERATION OF CERTAIN FARM VEHICLES BY MINORS.

Be it enacted, etc., as follows:

Section 62 of chapter 149 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 176 of the acts of 1974, and inserting in place thereof the following sentence: — This section shall not prohibit the employment of minors in drug stores or retail food stores, nor shall it prevent the employment of a minor, to whom has been issued a license to operate motor vehicles, in the operation on a farm, or on a way for a distance not exceeding ten miles therefrom, of any truck, tractor, trailer or self-propelled agricultural instrument registered by a farmer under chapter ninety, nor in the operation of any vehicle not registered in accordance with the provisions of section nine of said chapter ninety if such vehicle is used exclusively for agricultural purposes.

Approved May 12, 1975.

Chap. 203. AN ACT FURTHER REGULATING THE SALE OF AGRICULTURAL AND OTHER SEEDS.

Be it enacted, etc., as follows:

SECTION 1. Sections two hundred and sixty-one A to two hundred and sixty-one L, inclusive, of chapter ninety-four of the General Laws are hereby repealed.

SECTION 2. Chapter 128 of the General Laws is hereby amended by adding the following eighteen sections: —

Section 84. The following words, as used in sections eighty-four to one hundred and one, inclusive, unless the context otherwise requires, shall have the following meanings: —

"Advertisement", all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of said sections eighty-four to one hundred and one, inclusive.

"Agricultural seeds", seeds of grass, forage, cereal, mangel beets, and fiber crops and any other kinds of seeds commonly recognized as agricultural, lawn or field seeds, and mixtures of such seeds, including seed potatoes.

"Certified", "Registered", "Foundation", or any other terms conveying similar meaning when referring to seed, seed which

has been produced, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency.

"Director", the director of the Massachusetts agricultural experiment station.

"Flower seeds", seeds of herbaceous plants grown for their blooms, ornamental foliage or other ornamental parts and commonly known and sold under the name of flower seeds.

"Hybrid", the first generation seed of a cross produced under controlled pollination, the parents of which are each sufficiently uniform to permit repeated production of the hybrid without change in performance.

"Kind", one or more related species or subspecies which, singly or collectively, is known by one common name, for example, corn, oats, alfalfa or timothy.

"Labeling", all labels, and other written, printed or graphic representations, in any form, accompanying and pertaining to any seed whether in bulk or in containers, including invoices.

"Lot", a definite quantity of seed which is identified by the same lot number or other mark, each portion or container of which is representative of the whole quantity.

"Noxious-weed seeds", shall include "Prohibited noxious-weed seeds" and "Restricted noxious-weed seeds", as hereinafter defined; provided that the commissioner may add to or subtract from the list of seeds included under either definition whenever he finds, after public hearing, that such addition or subtractions are or are not within the respective definitions.

"Officially recognized", recognized and designated by the laws or regulations of the United States or any state, any province of Canada, or the government of any foreign country in which said seeds were produced.

"Prohibited noxious-weed seeds", seeds or perennial weeds which not only reproduce by seed, but also spread by underground roots or stems and other reproductive parts and which, when established, are highly destructive and difficult to control by ordinary good cultural practice, including the seed of Canada thistle (Cirsium arvense), field bindweed (Convolvulus arvensis), and quack grass (Agropyron repens).

"Restricted noxious-weed seeds", seeds of such weeds as are very objectionable in fields, lawns or gardens, but which can be controlled by good cultural practice; including the seeds of dodder (Cuscuta spp.), horsenettle (Solanum carolinense), wild mustards (Brassica spp.), limited to India mustard (B. juncea), charlock or wild mustard B. Kaber (B. arvensis), and black mustard (B. nigra), wild garlic and wild onion (Allium spp.), perennial sowthistle (Sonchus arvensis), corncockle (Agrostemma githago), buckhorn plantain (Plantago lanceolata), wild radish (Raphanus raphanistrum), bedstraw (Galium spp.) and annual bluegrass (Poa annua).

"Seed potatoes", Irish potato and parts thereof grown for propagation purposes.

"Seizure", a legal process carried out by court order against a definite amount of seed.

"Stop sale", an administrative order provided by law, restraining the sale, use, disposition and movement of a definite amount of seed.

"Treated", seed that has received an application of a substance or process which substance or process is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom.

"Tree and shrub seeds", seeds of woody plants commonly known and sold as tree or shrub seeds.

"Variety (Cultivar)", a subdivision of a kind characterized by growth, yield, disease resistance, plant, flower, fruit, seed or other characteristics by which it can be differentiated under certain conditions from other plants of the same kind, including hybrid designations.

"Type", a group of varieties (cultivars) so nearly similar that the individual varieties (cultivars) can not be clearly differentiated except under special conditions.

"Vegetable seeds", seeds of those food crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds.

"Weed seeds", the seeds of all plants generally recognized as weeds, including noxious-weed seeds.

The terms "pure seed", "germination", and other seed labeling and testing terms in common usage shall be defined as in the "Rules for Testing Seeds" published by the Association of Official Seed Analysts, effective October first, nineteen hundred and seventy, and as subsequently amended.

Section 85. Except as otherwise provided in section ninety-two, each container of agricultural, vegetable, flower or tree and shrub seed which is sold, offered for sale or exposed for sale within the commonwealth for sowing purposes shall bear thereon, or have attached thereto in a conspicuous place on one side of a plainly written or printed label or tag, in the English language, the name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within the commonwealth. If said seed has been treated, a separate label may be used, which shall bear thereon a word or statement indicating that the seed has been treated, the commonly accepted coined, chemical or abbreviated chemical name of the applied substance, and, if the substance in the amount present with the seed is harmful to humans or other vertebrate animals, a statement advising caution such as "Do not use for food, feed or oil purposes". If said seed contains mercurials or similarly toxic substances, a statement or symbol shall indicate

that it is poisonous. It shall contain the name and number of each kind of "Restricted Noxious-Weed Seed" per pound when present.

Section 86. Each container shall also bear the commonly accepted name of the kind and variety or cultivar of those kinds which are usually named as to variety or cultivar, as prescribed by rules and regulations, of each agricultural seed component in excess of five per cent of the whole and the percentage by weight of each in the order of its predominance. When the variety or cultivar thereof is unknown, the label or tag shall have printed thereon the words "variety unknown". When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label, and the lot number or other lot identification, the origin, if known, of alfalfa, red clover, white clover and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated, and the percentage by weight of all weed seeds, and the percentage by weight of agricultural seeds other than those required to be named on the label, which shall be designated as "other crop seed", and the percentage by weight of inert matter. For each agricultural seed named there shall appear, the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present and the calendar month and year the test was completed to determine such percentages.

Section 87. Containers of one pound or less for peas, beans and sweet corn and containers of one quarter pound or less for all other kinds of vegetable seeds shall also bear, thereon, the date of test or calendar year for which seed is packaged, and the kind and variety of seed. For seed that germinates less than the standard last adopted by the director, there shall appear on the containers the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages, and the words "Below Standard" in not less than eight point type.

Containers of more than one pound for peas, beans and sweet corn and containers of more than one quarter pound for all other kinds of vegetable seeds shall bear the kind and variety of seed, the lot number or other lot identification, the percentage of germination, exclusive of hard seeds the percentage of hard seeds, if present, and the calendar month and year the test was completed to determine such percentages and for seeds germinating less than the standard, the words "Below Standard" in not less than eight point type.

Section 88. For flower seeds where there are annual, biennial and perennial sorts, or any two of such sorts a statement shall appear in a conspicuous location on the seed container to indicate whether the seed is of annual, biennial or perennial sort.

If flower seeds are in packets for use in home flower gardens the label shall contain the date of test or calendar year for which

seed is packaged and the name of the kind and variety, if any, or a statement of type and performance characteristics as prescribed in regulations.

For seeds for which standard testing procedures shall have been adopted, and which germinate less than the standard last adopted by the director and approved by the commissioner under section ninety-eight the label shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages and the words "Below Standard" in not less than eight point type.

For flower seeds in containers other than packets prepared for use in home flower gardens there shall appear the name of the kind and variety, if any, or a statement of type and performance characteristics as prescribed in regulations and the lot number or other lot identification.

Seeds packaged for which standard testing procedures shall have been adopted shall contain the percentage of germination, exclusive of hard seed, the percentage of hard seed, if present, and the calendar month and year the test was completed to determine such percentages. For seeds germinating less than the standard, there shall appear the words "Below Standard" in not less than eight point type.

Section 89. For tree and shrub seeds packaged in containers of one quarter pound or more, the label shall contain the kind of seed and variety, the percentage by weight of pure seed, the percentage of germination of those kinds for which standard testing procedures have been adopted, the year of harvesting, the date of test or calendar year for which seed is packaged and the origin or specific locality, state and county in the United States or nearest equivalent political unit in the case of foreign countries in which the seed was harvested. If origin is unknown, that fact shall be stated.

Section 90. No person shall sell, offer for sale or expose for sale any agricultural, vegetable, flower or tree and shrub seed within the commonwealth unless the test to determine the percentage of germination required by sections eighty-six to eighty-nine was completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale or offering for sale or transportation. The records of such tests shall be available to the commissioner or his duly authorized assistants for a period of at least one year from date of test. The director may by rules and regulations designate a shorter period for kinds of seed which he finds under ordinary conditions of handling will not maintain during the aforesaid nine-month period, a germination within the established limits of tolerance, or a longer period for any kind of seed which is packaged in such container materials and under conditions such as provided for by hermetically sealed containers, prescribed by the director as he finds will, during

such longer period, maintain the viability of said seed under ordinary conditions of handling.

Neither shall seed be sold which is not labeled in accordance with the provisions of sections eighty-four to one hundred and one, inclusive, or which bears a false or misleading labeling or pertaining to which there has been a false or misleading advertisement, which consists of or contains, "Prohibited" noxious-weed seeds, which consists of or contains, "Restricted" noxious-weed seeds at a rate per pound in excess of the number declared on the label attached to the container of the seed or associated with the seed, subject to tolerances, containing more than one per cent of all weed seeds, nor shall seed be sold which is so weak or low in germination according to standards adopted and rules and regulations prescribed by the director under the provisions of section ninety-eight as to be unfit for seeding purposes, which is represented to be "certified seed" "registered seed" or "foundation seed" or designated by any other term conveying similar meaning, unless such seed has been produced, processed and labeled in accordance with the procedures and in compliance with the rules and regulations of an officially recognized certification agency or agencies and bears an official tag or label of such an agency, or to be represented by hybrid seed unless such seed conforms to the definition of hybrid in section eighty-four, except that this provision shall not apply to variety names in common trade usage.

Section 91. No person within the commonwealth shall detach, alter, deface or destroy any label provided for in said sections eighty-four to one hundred and one, inclusive, or the regulations promulgated thereunder, or alter or substitute seed, in a manner that may defeat the purpose of said sections, disseminate any false or misleading advertisement concerning agricultural, vegetable, flower or tree and shrub seed, hinder or obstruct any authorized person in the performance of his duties under said sections eighty-four to one hundred and one, inclusive, fail to comply with an official order to withhold from sale certain seeds as provided in section ninety-five, move or otherwise handle or dispose of any lot of seed held under a "stop-sale" order or tags attached thereto, except with the written permission of the enforcing officer, and for the purpose specified therein, sell, offer or expose for sale any color mixture of a single kind of flower seed representing four or more colors or shades, in which any one color or shade occurs in sixty per cent or more of the plants which the mixture is capable of producing, unless colors or shades and approximate percentage of each is indicated on the label, or sell, offer or expose for sale a mixture of flower seed kinds in which any one kind is present in excess of twenty-five per cent by seed count unless the kinds present and the approximate percentage of each are indicated on the label and the use of the word "trace" as a substitute for any statement as to quantity or percentage which is required.

Section 92. Sections eighty-five through ninety-one, inclusive, shall not apply to seed or grain not intended for sowing purposes, and to seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing; provided, that any labeling or other representation made with respect to the unclean seed shall be subject to sections eighty-four to one hundred, inclusive.

Section 93. No person shall be subject to the penalties of section one hundred for having sold or offered or exposed for sale in the commonwealth any agricultural, vegetable, flower or tree and shrub seeds which were incorrectly labeled or represented as to kind, variety (cultivar) or origin, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration or other labeling information giving kind, variety or origin, if required, and to take such other precautions as may be necessary to insure the identity to be that stated.

The labeling requirements for all vegetable and agricultural seeds, including mixtures, flower and tree or shrub seeds shall be considered to have been met if the seed is taken from a properly labeled container in the presence of the purchaser.

Section 94. The commissioner and his duly authorized assistants shall have authority to enforce sections eighty-four to one hundred and one, inclusive, and to prosecute all violations thereof. Before any prosecution is begun by said commissioner or any of his duly authorized assistants, the parties concerned shall be given an opportunity to be heard before said commissioner or a person designated by him for such purpose. The parties concerned shall be given reasonable notice of the hearing, specifying the day, hour and place thereof, and accompanied by a description of the alleged violation.

Section 95. The commissioner, either in person or his assistants, shall have free access at all reasonable hours to each building or other place where agricultural seeds or mixtures thereof, vegetable seeds, flower seeds or tree and shrub seeds are stored, sold or offered or exposed for sale, for the purpose of inspection of such seeds, and, upon tendering the market price, may take samples of such agricultural, vegetable, flower or tree and shrub seeds or mixtures thereof for tests and analyses.

Such samples shall be thoroughly mixed and two official samples therefrom; each official sample shall be securely sealed. Such official samples shall be submitted by said commissioner or his duly authorized assistants to the director for testing and analyzing. One of such samples shall be held by the director or his duly authorized assistant at the disposal of the person named on the label as the vendor of the seed samples for six months after the results of the analysis have been reported, as provided in section ninety-seven, and the other sample retained by the director or such assistant for analysis.

The commissioner shall co-operate with the United States department of agriculture in seed law enforcement.

The commissioner may order that any agricultural seeds or mixtures thereof, vegetable seeds, flower seeds or tree and shrub seeds, the containers of which he finds are not tagged or labeled as provided in section eighty-five or which do not conform to the statements on the tags or labels attached to the containers thereof, be withheld from sale until properly tagged or labeled or until made to conform to the statements on the tags or labels attached to the containers thereof. Any person aggrieved by such an order may, within ten days after the entry thereof, appeal therefrom by petition to the superior court in the county where he resides or has his usual place of business or in the county of Suffolk. The court shall hear such petition speedily in accordance with the usual course of procedure in equity, and may affirm, modify or revoke such order. Such order shall remain in force until so modified or revoked.

Section 96. Any lot of agricultural, vegetable, flower or tree and shrub seed not in compliance with the provisions of sections eighty-four to one hundred, inclusive, shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which the seed is located. If the court finds the seed to be in violation of said sections, and orders the condemnation of such seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of the commonwealth; provided, that the court shall not order such disposition of such seed without first having given the claimant an opportunity to apply to the court for release of such seed or permission to process or relabel it to bring it into compliance with said sections.

Section 97. The director shall cause such tests and analyses as he may specify to be made of samples collected under section ninety-five in order to determine the quality of the seeds contained in such samples. The results of all such analyses shall be reported to the commissioner. To enable the director to determine the trueness to type or variety of vegetable, flower and other seeds, he shall provide that field tests be made of such samples of seeds as he may designate, and may publish the results of all such tests and analyses as are in accordance with the provisions of this section.

Section 98. The director, with the approval of the commissioner, shall, subject to the provisions of chapter thirty A, adopt vegetable seed and flower seed germination standards, prescribe rules and regulations from time-to-time, and in like manner, modify or amend rules and regulations governing the methods of sampling, inspecting, analyzing, testing and examining agricultural, vegetable, flower or tree and shrub seed and the tolerances to be followed in the administration of sections eighty-four to one hundred, inclusive, which shall be in

general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of said sections.

Section 99. Any person residing or doing business in the commonwealth may submit to the director samples of seeds for purity and germination tests subject to such rules and regulations as may be adopted by the director including a reasonable charge or fee for such tests. Receipts under this section shall be paid into the state treasury.

Section 100. Whoever sells, offers or exposes for sale any lot of agricultural seeds or mixtures thereof, vegetable seeds, flower seeds or tree and shrub seeds without complying with the requirements of sections eighty-four to ninety-nine, inclusive, applicable thereto or in violation of any order, under section ninety-five of the commissioner or of the superior court if an appeal is taken, or whoever falsely marks or labels any such seed or mixture, or impedes, obstructs or hinders the commissioner or any of his duly authorized agents, or the director or any of his duly authorized assistants, in the discharge of the authority or duties conferred or imposed by any provision of said sections, shall be punished by a fine of not more than five hundred dollars.

Section 101. No person shall sell, offer to sell or expose for sale seed potatoes that do not conform to the standards and allowable tolerances set forth in the rules and regulations established by the division of markets in the department. The director of the division of markets may when disease free stock is not available waive the provisions of this section for such periods of time as he may deem necessary. Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars. *Approved May 12, 1975.*

Chap. 204. AN ACT RELATIVE TO ENFORCEMENT OF WATER QUALITY STANDARDS AND RULES AND REGULATIONS OF THE DIVISION OF WATER POLLUTION CONTROL.

Be it enacted, etc., as follows:

Section 40 of chapter 21 of the General Laws, as amended by section 7 of chapter 546 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The director, his authorized representative, or personnel of the metropolitan district commission may enter at reasonable times any property, public or private, for the purpose of investigating or inspecting any condition relating to the discharge or possible discharge of pollutants and may make such tests as may be necessary to determine the existence and nature of such discharge; provided,

however, that personnel of the metropolitan district commission may investigate or inspect only such conditions as affect the waters and waterways under the care and control of said commission. *Approved May 12, 1975.*

Chap. 205. AN ACT FURTHER REGULATING THE PROCEDURE FOR SUBMITTING THE BUDGET OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO THE SECRETARY AND THE ADVISORY BOARD.

Be it enacted, etc., as follows:

Subsection (*i*) of section 5 of chapter 161A of the General Laws, as most recently amended by section 8 of chapter 1140 of the acts of 1973, is hereby further amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs: —

The secretary shall review and make recommendations regarding said budget within thirty days after submission.

Within ninety days after such submission, the advisory board shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory board shall deem appropriate. *Approved May 12, 1975.*

Chap. 206. AN ACT CHANGING THE METHOD OF FILLING VACANCIES IN THE OFFICE OF MAYOR, COUNCILLOR AT LARGE, AND WARD COUNCILLORS IN THE CITY OF GARDNER.

Be it enacted, etc., as follows:

Section 32 of chapter 119 of the acts of 1921 is hereby amended by striking out the first paragraph and inserting in place thereof the following three paragraphs: —

If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councillor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councillor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councillor, the city council shall appoint the person from the same ward who

received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councillor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term. *Approved May 12, 1975.*

Chap. 207. AN ACT AUTHORIZING THE COUNTY COMMISMISSIONERS OF BARNSTABLE COUNTY TO ENTER INTO AN AGREEMENT WITH OTHER GOVERNMENTAL AGENCIES TO JOINTLY INVENTORY, MEASURE AND RESEARCH THE QUALITY AND QUANTITY OF GROUND WATER IN SAID COUNTY.

Be it enacted, etc., as follows:

Section 1 of chapter 602 of the acts of 1974 is hereby amended by inserting after the first sentence the following two sentences: — For such purposes said commissioners are hereby authorized to enter into an agreement with one or more governmental agencies to jointly perform such inventory, measuring and researching. Notwithstanding the provisions of chapters thirty-four and thirty-five of the General Laws, the county treasurer of said county shall pay said county's proportionate share to such agency or agencies upon submission of original vouchers explaining in detail the indebtedness of said county for work completed, and upon order of said county.

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

Approved May 13, 1975.

Chap. 208. AN ACT AUTHORIZING MUNICIPAL LIGHT COMMISSIONS TO PURCHASE OIL AND OTHER FUEL SUPPLIES WITHOUT BIDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for municipal light commissions to take advantage of savings in the purchase of fuel, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section fifty-six D of chapter one hundred and sixty-four of the General Laws shall not apply to the purchase of oil or other fuel supplies by a municipal light commission or manager thereof, provided that such purchase has the prior approval of the auditor, treasurer and mayor, in the case of a city, or the board of selectmen in the case of a town.

SECTION 2. This act shall cease to be operative on July first, nineteen hundred and seventy-seven.

Approved May 13, 1975.

Chap. 209. AN ACT REDUCING THE BASIS OF ASSESSMENT OF THE TOWNS WITHIN THE CAPE COD MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 379 of the acts of 1930 is hereby amended by striking out the second sentence, as most recently amended by chapter 504 of the acts of 1969, and inserting in place thereof the following sentence: — Beginning with the fiscal year commencing on July first, nineteen hundred and seventy-five, to meet the expenses incurred under this act, there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to nine cents on each one thousand dollars of the equalized valuations of all such towns as most recently reported by the state tax commission to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws, and the state treasurer shall issue his warrant requiring the assessors of said towns to assess a tax to the amount so expended in proportion to their said valuation, and such amount shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided, that any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved May 13, 1975.*

Chap. 210. AN ACT REQUIRING THE INCLUSION OF NURSES' NOTES IN HOSPITAL RECORDS.

Be it enacted, etc., as follows:

Section 70 of chapter 111 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 7 of chapter 891 of the acts of 1967, and inserting in place thereof the following sentence: — Hospitals or clinics licensed by the department of public health or supported in whole or in part by the commonwealth, shall keep records of the treatment of the cases under their care including the medical history and nurses' notes. *Approved May 13, 1975.*

Chap. 211. AN ACT PROVIDING FOR SPECIAL VOTER REGISTRATION FOR CERTAIN FEDERAL SERVICE PERSONNEL.

Be it enacted, etc., as follows:

Chapter 51 of the General Laws is hereby amended by striking out section 50, as most recently amended by chapter 283 of the acts of 1966, and inserting in place thereof the following section: —

Section 50. Any person in the active service of the armed forces of the United States, and his spouse or dependent; any person in the merchant marine of the United States, and his spouse or dependent; and any citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia, and his spouse or dependent when residing with or accompanying him; if otherwise qualified to vote and having the qualifications entitling him to register in the same election district who was absent from the city or town of his legal residence during the periods when sessions for the registration of voters were held may appear before a registrar of voters of such city or town, during regular business hours of any day following the final day for registration before a primary or election, as fixed by section twenty-six, and, in accordance with this chapter, prove his qualifications as a voter under section one and be registered, provided he so appears at any time prior to four o'clock postmeridian on the day preceding a primary, preliminary election or election; but such registration shall be subject to revision and acceptance by the board.

Approved May 13, 1975.

Chap. 212. AN ACT CREATING A GOVERNMENT LAND BANK.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to aid private enterprise or public agencies in the speedy and orderly conversion of lands formerly used for certain military activities in order to prevent blight, economic dislocation, and unemployment and in the construction and rehabilitation of housing upon such lands in order to alleviate the housing shortage, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found that there exists within the commonwealth a condition of substantial and persistent unemployment which is detrimental to the welfare of the people of the commonwealth; that the termination by the United States of certain military activities within the commonwealth will, in the absence of a speedy and orderly conversion and redevelopment

of certain lands formerly used for such activities to non-military uses, result in blight, economic dislocation, and additional unemployment, all to the further detriment of the welfare of the people of the commonwealth; that private enterprise, unaided by the commonwealth, is unable to accomplish such a speedy and orderly conversion so as to prevent blight, economic dislocation, and additional unemployment; that there exists within the commonwealth an acute shortage of decent, safe, and sanitary housing available to persons of low and moderate income, to the detriment of the welfare of the people of the commonwealth; and that private enterprise, unaided by the commonwealth, is unable to accomplish the construction and rehabilitation of such housing so as to alleviate such shortage.

Therefore, it is the purpose of the government land bank created by this act to aid private enterprise or public agencies in the speedy and orderly conversion and redevelopment of certain lands formerly used for military activities to non-military uses, including industrial, commercial, and residential uses, in order to prevent blight, economic dislocation, and additional unemployment or to aid private enterprise in the construction and rehabilitation upon such lands of decent, safe, and sanitary housing available to persons of low and moderate income in order to alleviate the shortage of such housing.

SECTION 2. There shall be in the executive office for administration and finance, but not subject to its administrative supervision or control, a body corporate and politic known as the government land bank, in this act called the bank. The government land bank is hereby constituted a public instrumentality and the exercise by the bank of its powers and the discharge by the bank of its duties shall be deemed and held to be the performance of an essential government function.

The bank shall be governed by a board of nine directors, eight appointed by the governor, at least one of whom shall be a person experienced in industrial development, one of whom shall be a person experienced in employment development, one of whom shall be a person experienced in real estate law, one of whom shall be a person experienced in financial aspects of real estate development, one of whom shall be a representative of organized labor and one of whom shall be experienced in planning, and one member shall be the commissioner of administration, ex officio. Said commissioner shall have a full vote on the board. Directors, except the commissioner of administration, shall serve for terms of three years; provided, however, that of those initially appointed, three shall be for terms of one year, three for two years and three for three years. Vacancies arising otherwise than from the expiration of a term shall be filled by the governor for the remainder of the unexpired term. Directors shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

The governor shall from time to time designate one of the directors to serve as chairman. The directors shall annually elect from among themselves a vice-chairman and a secretary. The secretary shall keep a record of the proceedings of the bank and shall be the custodian of all books, documents, and papers filed with the bank and of its minute book and seal. He shall have authority to cause to be made copies of all minutes and other records and documents of the bank and to give certificates under the seal of the bank to the effect that such copies are true copies, and all persons dealing with the bank may rely upon such certificates. Six directors of the bank shall constitute a quorum.

The directors may, from time to time, appoint and, at pleasure, remove, an executive director, who shall devote his full time during business hours to the duties of his office and who shall receive such compensation as the directors shall determine; a treasurer, who shall be the chief financial and accounting officer of the bank and shall be in charge of its funds, books of account, and accounting records; and such other officers and employees as are necessary to the functioning of the bank. Officers and employees of the bank shall not be subject to the provisions of chapter thirty-one or section nine A of chapter thirty of the General Laws. Salaries for employees, including the executive director and the treasurer, shall be set by the directors, provided that no person shall receive more than twenty-five thousand dollars per annum and that the total personnel expenditure for the bank in any fiscal year shall not exceed one hundred thousand dollars in the aggregate, exclusive of grants and gifts.

The treasurer of the bank shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the directors may determine, the premium therefor to be paid by the bank.

SECTION 3. There shall be three advisory boards to the bank, one for the Chelsea Naval Hospital, one for Westover Air Force Base, and one jointly for the Boston Naval Shipyard, South Boston Annex and Boston Army Base. Each advisory board shall consist of eleven members, who shall be appointed as follows: — the mayor of the city of Chicopee and the chairman of the board of selectmen of the town of Ludlow shall each appoint four members of the Westover advisory board; the mayor of the city of Chelsea shall appoint eight members of the Chelsea advisory board; and the mayor of the city of Boston shall appoint eight members of the Boston advisory board. The three remaining members of each board shall be appointed by the governor.

Members shall serve for terms of three years; provided, however, that of those initially appointed, three of the members appointed by the mayor of Boston shall be for terms of one year each and three shall be for terms of two years each, and three of the members appointed by the mayor of Chelsea shall be for terms of one year each and three shall be for terms of two years

each. Of members appointed initially by the mayor of Chicopee, two shall be for terms of one year each and one for a term of two years. Of members initially appointed by the chairman of the board of selectmen of the town of Ludlow, two shall be for terms of one year each and one shall be for a term of two years. Of the members initially appointed by the governor to each board, one shall be for a term of two years.

Vacancies arising otherwise than from the expiration of a term shall be filled by the designated appointing authority for the remainder of the unexpired term. Members shall receive no compensation for their services, but shall be reimbursed for expenses necessarily incurred in the performance of their duties. The full membership of each advisory board shall by majority vote from time to time elect a member to serve as chairman.

The advisory boards may advise the board of directors of the bank with respect to the acquisition, taking possession, and disposition of any lands, and may advise the board of directors of the bank with respect to its exercise of any other power or discharge of any other duty as provided by this act.

SECTION 4. The bank may: —

(*a*) adopt, without regard to chapter thirty A of the General Laws, by-laws for the conduct of its business;

(*b*) adopt an official seal;

(*c*) sue and be sued in its own name;

(*d*) make and execute contracts and any other instruments necessary or convenient for the exercise of its power or the discharge of its duties;

(*e*) enter into agreements or other transactions with any governmental agency;

(*f*) subject to the approval of the state treasurer invest any funds not required for immediate disbursement in such investments as may be lawful for fiduciaries in the commonwealth;

(*g*) appear in its own behalf before governmental agencies;

(*h*) procure insurance against any loss in connection with its property in such amounts and from such insurers as it deems necessary or desirable;

(*i*) accept gifts, grants, or loans of funds, property, or financial or other aid from any private or public source;

(*j*) take possession on behalf of the commonwealth or acquire on its own behalf lands, improvements thereon, and related personal property, hereinafter called lands, or any interest therein, from the United States, which lands, or interest therein, were used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex and the Boston Army Base, subject to such restrictions as may be imposed on such acquisition by the United States; hold, protect, maintain and use such lands, or any interest therein, as it deems necessary or desirable to facilitate disposition of such lands, or any interest therein; and dispose of such lands, or any

interest therein, by sale, lease, or otherwise as provided by this act;

(*k*) take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this act.

SECTION 5. Whenever the United States shall give notice that any lands, or any interest therein, used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex and Boston Army Base, are available for disposal or make advertisement for bids with respect to such lands, or such interest, the bank may take whatever steps are required by federal law or regulations to acquire such lands, or such interest; provided, however, that the bank shall within one year from such notice or such advertisement, make no offer or bid to acquire such lands in competition with that of any municipality or municipalities, or any designee thereof, within which such land lies, unless such offer or bid is necessary, in the judgment of the bank, to prevent acquisition of such lands, or such interest, other than by such municipality or municipalities, or any designee thereof, or the bank.

SECTION 6. The bank shall dispose of lands, or any interest therein, formerly used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex and the Boston Army Base, to any public or private entity or entities, to be redeveloped in accordance with redevelopment plans approved after a public hearing, which need not be an adjudicatory hearing as provided by chapter thirty A of the General Laws by the bank. No public hearing herein authorized shall be held unless there has been published a notice of such hearing in a daily newspaper of general circulation in the area in which such hearing is to be held at least seven days prior to said hearing and further that the requirements of sections eleven A and eleven B of chapter thirty A of the General Laws are met.

No such redevelopment plan shall be approved by the bank unless the bank finds that such plan provides for redevelopment of such lands, in whole or in part, substantially for industrial, commercial or residential uses which will prevent blight, economic dislocation or unemployment, or for the construction or rehabilitation upon such lands of decent, safe, and sanitary housing available at low rentals which persons and families of low income, elderly persons, and veterans can afford, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such plan is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation and unemployment or to the alleviation of the shortage of such housing; that such plan is financially sound; and that such plan meets such other requirements as the bank may by regulation establish.

The bank shall establish and make public procedures for the amendment of approved redevelopment plan or plans.

No such redevelopment plan shall be approved by the bank within two years after the taking of possession or acquisition by the bank of the land, or any interest therein, to which such plan relates, unless such plan has been approved by the municipality, or jointly by the municipalities, within which such land lies. The bank may extend said two years by petition of any municipality wherein the lands are located.

Any disposition of lands, or any interest therein, by the bank may be by parcels which are the same as or different from those by which they were possessed or acquired by the bank.

Pending disposition of such lands, any existing housing acquired by the bank in the course of carrying out the provisions of this act shall be adequately and properly preserved, and may be maintained, or administered by the bank by a contract made by the bank with any public or private agency specializing in the area of housing development, management, or administration.

Whenever the bank shall have approved a redevelopment plan, the bank may at the discretion of the board of directors cause any such existing housing to be removed from such lands, to the extent and in such manner as provided in such plan.

The bank may, in accordance with the provisions of section two of chapter thirty A of the General Laws, adopt such rules and regulations as it may deem desirable for the exercise of its powers and the discharge of its duties as provided in this section.

SECTION 7. The proceeds of any notes issued as provided by this act, the proceeds of any disposition of lands or any interest therein by the bank as provided by this act, and any income or interest earned by the investment of funds pursuant to clause (*f*) of section four of this act shall be paid into the treasury of the commonwealth and shall be credited on the books of the commonwealth to a fund to be known as the Government Land Bank Fund. All monies credited to said Fund shall be used for the payment of such notes and for the acquisition, holding, protection, maintenance or use of lands, and to provide for personnel and administrative cost of the bank as provided by this act.

SECTION 8. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary, but not exceeding, in the aggregate, the sum of forty million dollars, for the purposes of acquisition, holding, protection, maintenance or use of lands or for provision of personnel and administrative cost of the bank as provided by this act, and may issue and renew from time to time notes of the commonwealth therefor, bearing interest at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII

of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and eighty-one. All payments on account of principal on such notes shall be repaid from the Government Land Bank Fund; provided, however, that notwithstanding any provision of this act, such notes shall be general obligations of the commonwealth.

SECTION 9. In no instance shall the bank expend in the aggregate more than fifteen million dollars for Westover Air Force Base, twenty million dollars for the Boston Naval Shipyard, including South Boston Annex and the Boston Army Base, and five million dollars for the Chelsea Naval Hospital.

SECTION 10. The bank shall keep accurate accounts of all receipts and expenditures of the Government Land Bank Fund; and shall make a report annually containing an abstract of such accounts and detailed information on all receipts and expenditures, including prices paid for lands purchased, and such other detailed information as provided in section fifteen of this act. Except as otherwise provided by this act, the bank shall have full power to exercise care of its property and management of its business and affairs, and to sell and convey any lands as provided by this act, by deed or other instrument sealed with its corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents.

SECTION 11. Rents and charges for services or facilities furnished or supplied by the bank shall not be subject to supervision or regulation by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof.

SECTION 12. The bank shall be liable in contract or in tort in the same manner as a private corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the bank shall not be subject to attachment or to levy and sale on execution, but if the bank refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the bank is situated, may direct the treasurer of the bank to pay such judgment. The lands of the bank shall not be subject to liens under chapter two hundred and fifty-four of the General Laws.

SECTION 13. The lands and tangible personal property of the bank shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments.

Nothing in this act shall be construed to prevent the taxation to the same extent and in the same manner as other lands are

taxed, of lands acquired by the bank and sold by it, or of lands so acquired by the bank and leased by it; provided, however, that lands so acquired by the bank and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A of the General Laws or to an insurance company or savings bank or groups of savings banks operating under said chapter, or a corporation or other entity operating under chapter one hundred and twenty-one C of the General Laws, or the economic development and industrial corporation of Boston, or such other corporation as may be established by special law for lands formerly used for Westover Air Force Base, the Chelsea Naval Hospital, or the Boston Naval Shipyard, including the South Boston Annex and the Boston Army Base, shall be taxed as provided in such chapter or special law and not otherwise.

SECTION 14. The bank shall annually submit to the governor, the chairman of the senate ways and means committee, the chairman of the house ways and means committee, the commissioner of administration, and the comptroller within ninety days after the end of its fiscal year a complete and detailed report setting forth its operations and accomplishments; its receipts and expenditures during such fiscal year; and, its assets and liabilities at the end of its fiscal year.

SECTION 15. The books and records of the bank shall be subject to annual audit by the auditor of the commonwealth.

SECTION 16. Whenever practicable the bank shall make use of the staff of the special commission relative to federal base conversion, established by chapter nineteen of the resolves of nineteen hundred and seventy-three, but the bank shall not be limited to said staff.

SECTION 16A. Upon the expiration of this act, title to all lands, or any interest therein, which immediately prior to the expiration date of this act, is held by the bank, is hereby transferred to and shall be vested in the commonwealth and shall be under the control of the executive office for administration and finance. The commissioner of administration is hereby authorized to hold, protect, maintain, and use such lands, or any interest therein, as he deems necessary or desirable to facilitate disposition of such lands or any interest therein, and to dispose of such lands, or any interest therein, by sale, lease or otherwise. The proceeds of any disposition of such lands, or any interest therein, shall be paid into the treasury of the commonwealth and shall be used solely toward meeting the debt service obligations of the General Fund.

SECTION 16B. Upon the expiration of this act, all monies credited to the Government Land Bank Fund shall, after all payments, other than the interest on or the principal of any notes issued pursuant to section eight of this act, due on account of the Bank shall have been made, revert to the treasury of the com-

monwealth and shall be used solely toward meeting the debt service obligations of the General Fund.

SECTION 16C. Upon the expiration of this act, all books, papers, records, documents, and equipment, which immediately prior to the expiration date of this act, are in the custody of the Bank, and which relate to or are maintained for the purpose of the exercise of the bank's powers or the performance of the bank's duties, are hereby transferred to the commissioner of administration.

SECTION 16D. Upon the expiration of this act, all duly existing contracts, leases and obligations of the bank, which relate to the exercise of its powers of the performance of its duties, and which are in force immediately prior to the expiration date of this act, shall thereafter be performed by the commissioner of administration. This section shall not affect any renewal provision or option to renew contained to any such lease in existence on said expiration date, all of which may thereafter be exercised by the commissioner of administration.

SECTION 16E. Upon the expiration of this act, all petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, the bank which arise from or relate to the exercise of its powers of the performance of its duties, and which are pending immediately prior to the expiration date of this act, shall continue unabated and remain in force notwithstanding the expiration of this act, and, shall thereafter be completed before or by the commissioner of administration.

SECTION 17. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 18. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 19. This act shall expire on June thirtieth, nineteen hundred and eighty. *Approved May 15, 1975.*

Chap. 213. AN ACT FURTHER REGULATING THE RESALE OF TICKETS FOR CERTAIN THEATRICAL EXHIBITIONS, PUBLIC SHOWS OR PUBLIC AMUSEMENTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the resale of tickets for certain theatrical exhibitions, public shows or public amusements, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by striking out section 185D, as amended by chapter 126 of the acts of 1967, and inserting in place thereof the following section: —

Section 185D. No licensee under section one hundred and eighty-five A shall resell any ticket or other evidence of right of entry to any theatrical exhibition, public show or public amusement or exhibition of any description at a price in excess of one dollar and fifty cents in advance of the price printed on the face of such ticket or other evidence or right of entry as the purchase price thereof. *Approved May 16, 1975.*

Chap. 214. AN ACT AUTHORIZING THE DEPARTMENT OF NATURAL RESOURCES TO SELL ITS EXISTING POWER LINE AND TO GRANT EASEMENTS TO MASSACHUSETTS ELECTRIC COMPANY IN LAND SITUATED ON MOUNT GREYLOCK FOR THE TRANSMISSION OF ELECTRICAL, TELEPHONE, MICROWAVE AND RADIO SIGNALS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the department of natural resources to convey to Massachusetts Electric Company the existing powerline with appurtenant rights and easements for the maintenance thereof and rights and easements in and to a certain plot of land for the transmission of microwave signals, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The department of natural resources is hereby authorized to sell and transfer its existing powerline of Mount Greylock to Massachusetts Electric Company together with such appurtenant rights and easements as may be required to maintain said line and to provide electricity to the summit as required by the department of natural resources, its designees, lessees and assigns. The terms and conditions of said easements and other rights to be granted shall be subject to the approval of the commissioner of natural resources. The property and land to be included in the bill of sale, easement deed, and other rights to Massachusetts Electric Company is hereby described as follows: — The powerline as it exists running to the summit of Mount Greylock including all equipment thereon, together with certain rights and easements described and located as follows:

A strip of land fifty feet in width being twenty-five feet on each side of said existing powerline from its beginning at Gould road, so-called and extending to its termination at WTEN-TV and other customers on the summit of Mount Greylock.

SECTION 2. The department of natural resources is hereby authorized to grant to Massachusetts Electric Company, its agents, successors, and assigns, a renewable and assignable ten year lease, for the transmission of microwave and radio signals, the terms and conditions of which shall be subject to the approval of the commissioner of natural resources, for the continued use of the following described parcel of land located on the summit of Mount Greylock in the town of Adams bounded and described as follows:

A plot of land 50' square described as follows: Beginning at a drill hole in a ledge near Pole #71 in said existing pole line and being north 20° 21 minutes west 159' more or less from the northwesterly side line of the roadway to the summit measured by the centerline of said existing powerline; thence extending north 20° 21 minutes west a distance of 50'; thence turning and running north 69° 39 minutes east a distance of 50'; thence turning and running south 20° 21 minutes east a distance of 50'; thence turning and running south 69°39 minutes west a distance of 50' to the drill hole at the point of beginning.

Said easement and lease shall be used for the transmission of electric, telephone, microwave and radio signals; provided, however, that said easements and lease and other rights shall signify the agreement by Massachusetts Electric Company that any and all subleases it may grant in and to all or any part of said easement, lease, and other rights shall be subject to the prior approval of the commissioner of natural resources; and provided, further, that a fair rental shall be borne by any Massachusetts Electric Company's lessees; and provided, further, an agreement by Massachusetts Electric Company to assume all costs and liabilities that may arise from said use, including any and all expenses, damages and costs that may arise from any interference with communication systems of the commonwealth and agreement that any and all buildings and equipment used in connection with said use shall be subject to the approval of said commissioner of natural resources. *Approved May 16, 1975.*

Chap. 215. AN ACT RELATIVE TO LEASE PAYMENTS BASED UPON REAL ESTATE TAX INCREASES.

Be it enacted, etc., as follows:

Section 15C of chapter 186 of the General Laws, inserted by section 1 of chapter 445 of the acts of 1971, is hereby amended by adding the following paragraph: —

If the exact percentage of any such increased tax contained in such a provision is found to exceed that proportion of such increased tax as the lessee's unit bears to the whole of the real estate so taxed, then the lessor shall return to the lessee that amount of the tax payment collected from the lessee which ex-

ceeded the lessee's proportionate share of the increased tax, plus interest calculated at the rate of five per cent per year from the date of collection. *Approved May 16, 1975.*

Chap. 216. AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE AND PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Brockton may appropriate and pay the sum of five thousand three hundred and eighty-six dollars and forty-eight cents to the following persons and organizations in the following amounts: —

Joseph Ambrosino, M.D.	$6.00
Brockton Hospital	$75.66
Milton F. Brougham, M.D.	$12.00
Brockton Visiting Nurses Association	$30.07
J. Edward Carchidi, D.D.S.	$564.00
Cardinal Cushing General Hospital	$380.00
John P. DeLea, M.D.	$1218.00
Hugh M. Foster, Jr., M.D.	$283.00
Goddard Medical Associates	$1899.75
Goddard Memorial Hospital	$100.00
Walter Goldstein, M.D.	$29.00
Antoine B. Hannouche, D.D.S.	$67.00
Hebrew Rehabilitation Center	$19.80
Francis A. Kincus, M.D.	$12.00
Philip Lieb, D.D.S.	$330.00
John W. Lingos, M.D.	$7.00
John E. McCluskey, M.D.	$99.00
Justin V. McGuirk, M.D.	$75.00
D. R. Montgomery, D.M.D.	$31.00
Park Pediatric Assoc. Inc.	$28.00
Pondville Hospital	$10.00
Somerville Ambulance Service, Inc.	$68.20
James L. Tullis, M.D.	$21.00
Alan D. Weiner, M.D.	$21.00

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payment for services which were not rendered to said city, shall

be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved May 16, 1975.

Chap. 217. AN ACT FURTHER REGULATING THE ISSUANCE OF MINORS' CERTIFICATES OF COMPETENCY IN THE SAFE HANDLING OF FIREARMS.

Be it enacted, etc., as follows:

The first paragraph of section 14 of chapter 131 of the General Laws is hereby amended by striking out clause (*c*), as amended by section 1 of chapter 156 of the acts of 1973, and inserting in place thereof the following clause: —

(*c*) or a certificate of competency as provided in this section or a certificate of competency from another state that has been approved by the director. *Approved May 16, 1975.*

Chap. 218. AN ACT IMPOSING LIABILITY UPON PERSONS CONVICTED OF USING MOTOR VEHICLES WITHOUT AUTHORITY FOR CERTAIN EXPENSES AND DAMAGES RELATIVE TO SUCH USE.

Be it enacted, etc., as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 24E, inserted by section 1 of chapter 647 of the acts of 1974, the following section: —

Section 24F. Persons convicted of using a motor vehicle without authority under the provisions of paragraph (*a*) of subdivision (2) of section twenty-four shall be liable in a civil action to the owner of such vehicle, if it is recovered, for all towing and storage charges necessitated and all property damage caused to said vehicle by such use without authority.

Approved May 16, 1975.

Chap. 219. AN ACT FURTHER REGULATING THE PUBLICATION OF ANNUAL TOWN REPORTS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by striking out section 49, as amended by section 8 of chapter 766 of the acts of 1971, and inserting in place thereof the following section: —

Section 49. The selectmen, before the annual town meeting, shall at the expense of the town print the annual town report for the use of the inhabitants containing the report of the select-

men for the calendar year preceding said meeting, the report of the school committee, statements in tabulated form prepared under section sixty of chapter forty-one unless otherwise printed as provided in said section, the annual report of the town accountant for the preceding fiscal year as provided in section sixty-one of chapter forty-one, the annual report of the town treasurer as provided in section thirty-five of chapter forty-one, and except as otherwise provided by vote or by-law of the town, of such other officers and boards as consider it expedient to make a report, the jury list as required by chapter two hundred and thirty-four, and such other matters as the law, or the town by vote or by-law, requires or as the selectmen consider expedient. If the selectmen neglect or refuse to make the annual report, they shall severally forfeit fifty dollars.

A town may by by-law provide for the printing of such fiscal year reports as it deems suitable within ninety days of the close of the fiscal year. A copy of such fiscal year reports shall be transmitted by the town clerk to the state library before the first day of November. *Approved May 16, 1975.*

Chap. 220. AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFIT WHICH MAY BE PAID BY THE RELIEF ASSOCIATION OF THE LYNN FIRE DEPARTMENT.

Be it enacted, etc., as follows:

The Relief Association of the Lynn Fire Department, a corporation duly established under chapter one hundred and seventy-six of the General Laws, is hereby authorized, upon the retirement from the fire department of the city of Lynn of any member in good standing, to pay to such member such sum, not exceeding seven hundred and fifty dollars, as may be determined by vote of said corporation. Any amount paid in accordance with this provision shall reduce the death benefit otherwise available upon the death of such member. *Approved May 16, 1975.*

Chap. 221. AN ACT RELATIVE TO THE PAYMENT OF FINES BY MAIL FOR CERTAIN TRUCK OVERLOAD VIOLATIONS.

Be it enacted, etc., as follows:

Section 4A of chapter 90C of the General Laws is hereby amended by striking out the first two paragraphs, as appearing in chapter 331 of the acts of 1973, and inserting in place thereof the following two paragraphs: —

The clerk of a district court or an assistant clerk or other person

designated by said clerk shall accept waiver of trial, plea of guilty, and payment of fine from any person summoned to appear before such court on a complaint alleging violation of any law relating to the operation, parking or control of motor vehicles, or bicycles, for which the punishment is a fine or forfeiture not exceeding the sum of fifty dollars and does not include a sentence of imprisonment, or in the case of an alleged violation of the weight limits provided in section nineteen A of chapter ninety, a fine or forfeiture not exceeding one hundred and fifty dollars. Judgment shall be entered against any person filing such waiver of trial and plea of guilty. Such waivers and pleas shall be made in writing on forms which shall be established by the chief justice of the municipal court of the city of Boston for said court and by the chief justice of the district courts for all other district courts. Such forms shall also contain instructions to offenders as to procedure under this section, and shall, with respect to summonses other than for parking or bicycle violations, contain information for the use of probation officers.

Fines under this section shall be in accordance with a schedule of fines which shall be established by the chief justice of the municipal court of the city of Boston for said court, and by the senior justice of each other district court, with the approval of the chief justice of the district courts, for each such other district court; provided, however, that fines for violations of said section nineteen A shall be computed in the manner provided by section twenty of chapter ninety on the basis of the number of pounds of excess weight alleged. A copy of such schedule of fines shall be so posted as to be plainly visible to the public in the office of the clerk of each district court. The fines listed on said schedule shall not exceed the maximum fines established by law for the particular type of violation. *Approved May 16, 1975.*

Chap. 222. AN ACT AUTHORIZING THE BOARD OF REAL ESTATE BROKERS AND SALESMEN TO DESIGNATE INDEPENDENT TESTING SERVICES TO CONDUCT EXAMINATIONS OF CERTAIN APPLICANTS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 87SS, as most recently amended by section 2 of chapter 775 of the acts of 1962, and inserting in place thereof the following section: —

Section 87SS. No license to engage as a broker or salesman shall be issued to any applicant unless he has complied with all the pertinent provisions of this section and sections eighty-seven TT to eighty-seven DDD, inclusive, and if the applicant is an individual, unless he shall have satisfactorily passed a written examination conducted by the board or an independent

testing service designated by the board, and, in the case of an application for a broker's license by an individual resident of the commonwealth, unless he shall have had his principal place of abode within the commonwealth for one year next prior to the issuance of such license; provided, however, that any applicant who is an attorney at law of the commonwealth shall not be required to take such examination or to have had such principal place of abode for such period.

Such examination shall be prepared by the board or the designated independent testing service to enable the board to determine the competence of the applicant to transact the business of a broker or a salesman. The board or its designated independent testing service shall conduct such examinations at least six times in each calendar year for broker's examinations and at least eight times in each calendar year for salesman's examinations. There shall be no limit placed on the number of applicants who may take the examinations on any examination date. In determining competence the board shall require proof that the applicant has a fair understanding of the principles of real estate practice, real estate agreements and principal and agent relations, of the rudimentary principles of the economics and appraising of real estate, and of the provisions of sections eighty-seven PP to eighty-seven DDD, inclusive. The examination for a salesman's license shall be based upon the same general subject matter as for a broker's license, but shall be more elementary in character.

The board may make, and from time to time alter, amend or repeal rules and regulations for the conduct of such examinations not inconsistent herewith. *Approved May 17, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, May 17, 1975.

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 222 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE BOARD OF REAL ESTATE BROKERS AND SALESMEN TO DESIGNATE INDEPENDENT TESTING SERVICES TO CONDUCT EXAMINATIONS OF CERTAIN APPLICANTS., and the enactment of which received my approval on May 17, 1975, should take effect forthwith.

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

In order to permit the immediate implementation of certain testing procedures.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 20, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and fifteen minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter two hundred and twenty-two of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 223. AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO GRANT A LIQUOR LICENSE TO QUINT'S KITCHEN.

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to grant to Gayle Quintin, doing business as Quint's Kitchen, of 357 Acushnet Avenue, New Bedford, a seven-day all alcoholic on premise restaurant license, notwithstanding the provisions of section sixteen C of chapter one hundred and thirty-eight of the General Laws. The licensee shall comply with all other provisions of said chapter one hundred and thirty-eight.

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

Approved May 19, 1975.

Chap. 224. AN ACT AUTHORIZING THE COUNTY TREASURER OF ESSEX COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the county treasurer of Essex county is hereby authorized to pay from any available funds in the county treasury such of the unpaid bills of said county, incurred twelve months or more prior to the passage of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-four, as appear

on a list approved by the director of accounts totaling seven thousand hundred and eighty dollars and fifty cents.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved May 19, 1975.

Chap. 225. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO EXPEND FEDERAL REVENUE SHARING FUNDS FOR THE OPERATION AND MAINTENANCE OF THE HOUSE OF CORRECTION IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. In addition to sums previously authorized for said purpose, the county commissioners of Berkshire county may expend from unallocated federal revenue sharing funds, the sum of thirty-three thousand dollars for the operation and maintenance of the Berkshire county house of correction.

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

Approved May 19, 1975.

Chap. 226. AN ACT INCREASING THE AMOUNT OF MONEY IN SAVINGS ACCOUNTS STANDING IN THE NAMES OF DECEASED DEPOSITORS IN NATIONAL BANKING ASSOCIATIONS, SAVINGS AND LOAN ASSOCIATIONS AND FEDERAL CREDIT UNIONS WHICH MAY BE PAID TO NEXT OF KIN.

Be it enacted, etc., as follows:

Section 48A of chapter 167 of the General Laws is hereby amended by striking out the third sentence, as appearing in

chapter 352 of the acts of 1964, and inserting in place thereof the following sentence: — The value of any savings accounts standing in the individual name of a deceased depositor in such association shall be paid to his legal representative; provided, that if the value thereof does not exceed two thousand dollars and there has been no demand for payment by a duly appointed executor or administrator, payment may be made, in the discretion of the treasurer or other duly authorized officer after the expiration of sixty days from the date of death of such depositor, to the husband, widow or next of kin of such deceased, upon presentation of a copy of the death certificate and the surrender of the passbook or other instrument, if any, evidencing such deposits. *Approved May 19, 1975.*

Chap. 227. AN ACT REGULATING DRIVEWAY OPENINGS ON STATE HIGHWAYS.

Be it enacted, etc., as follows:

Section 21 of chapter 81 of the General Laws is hereby amended by inserting after the first sentence the following sentence: — In the case of a driveway opening on a state highway, the said department shall not grant a permit for a driveway location or alteration if the board or department in a city or town having authority over public ways and highways has notified the department by registered mail, return receipt requested, of their objection to the driveway; provided, that such objection shall be based on highway safety and accepted by the said department. *Approved May 19, 1975.*

Chap. 228. AN ACT RELATIVE TO THE PAYMENT OF SEWER ASSESSMENTS IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Section 23 of chapter 83 of the General Laws, as most recently amended by section 4 of chapter 736 of the acts of 1964, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — If the town or city votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems the town or city may avail itself of any or all of the methods of payment authorized by law to a town or city, and the provisions of chapter eighty relative to the apportionment, division, reassessment, abatement and collection of assessments, to liens therefor and to interest thereon, shall apply to assessments made under this chapter. *Approved May 19, 1975.*

Chap. 229. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO CONVEY CERTAIN LAND TO THE TRUSTEES OF ESSEX AGRICULTURAL AND TECHNICAL INSTITUTE.

Be it enacted, etc., as follows:

The county commissioners of Essex county are hereby authorized and directed to convey the land formerly occupied by the Essex county sanatorium and the Essex county industrial farm to the trustees of Essex agricultural and technical institute to be used by said institute for educational purposes.

Approved May 19, 1975.

Chap. 230. AN ACT AUTHORIZING THE CITY OF PEABODY TO REVOKE ITS ACCEPTANCE OF THE LAW RELATIVE TO PREMIUM WITHHOLDINGS FOR GROUP LIFE AND HEALTH INSURANCE FOR RETIRED TEACHERS AND THEIR DEPENDANTS.

Be it enacted, etc., as follows:

The city of Peabody is hereby authorized to revoke its acceptance of section eleven E of chapter thirty-two B of the General Laws. If said city revokes said acceptance the provisions of said section eleven E shall not apply therein. Nothing herein contained shall prevent said city from again accepting the provisions of said section eleven E after the revocation of its acceptance thereof. *Approved May 19, 1975.*

Chap. 231. AN ACT FURTHER REGULATING TOWN MEETINGS IN THE TOWN OF BURLINGTON.

Be it enacted, etc., as follows:

Paragraph (*a*) of section 12 of chapter 686 of the acts of 1970 is hereby amended by striking out, in line 2, the words "three months" and inserting in place thereof the words: — one hundred and twenty days. *Approved May 19, 1975.*

Chap. 232. AN ACT ALTERING, REVISING AND RELOCATING THE BOUNDARY LINE BETWEEN THE TOWN OF CHELMSFORD AND THE TOWN OF WESTFORD.

Be it enacted, etc., as follows:

The boundary line between the town of Chelmsford and the town of Westford in the county of Middlesex is hereby altered, revised and relocated as follows: —

Beginning at a point on the town line at Tadmuck Road just south of Route 495, thence northerly 1665'± to a roadstone at Pine Hill Road in Westford near house 297, thence northerly 2400' to a roadstone at Galloway Rd. in Westford near house 31, thence northerly 1425'± to the Chelmsford-Westford Town line near house number 13, Whippletree Rd., thence northerly 1795'± to a roadstone at Old Westford Road in Chelmsford near house 333, thence northerly 3900'± to the Chelmsford-Westford Town line at Lowell and Graniteville Roads, at the point of ending, all as more particularly shown on a plan entitled "Chelmsford-Westford Town Line study, March, 1974, Middlesex County Engineering Department, Plan 4672.".

Approved May 19, 1975.

Chap. 233. AN ACT PROVIDING A CERTAIN GRACE PERIOD WITHIN WHICH CERTAIN MILITARY PERSONNEL MAY OBTAIN MOTOR VEHICLE INSPECTION AND WINDSHIELD STICKERS.

Be it enacted, etc., as follows:

Section 7A of chapter 90 of the General Laws is hereby amended by adding the following sentence: — Such rules and regulations shall further provide that a resident of the commonwealth who, being a member of the armed forces of the United States, has been absent from the commonwealth because of military assignment during the inspection periods provided for as aforesaid shall, upon his return to the commonwealth, be granted a grace period of seven days from the date of said return to have his motor vehicle inspected in accordance with the provisions of this section. *Approved May 19, 1975.*

Chap. 234. AN ACT PROHIBITING THE USE OF CERTAIN PEDESTRIAN INDICATIONS.

Be it enacted, etc., as follows:

Section 2 of chapter 85 of the General Laws, as most recently amended by chapter 574 of the acts of 1974, is hereby further amended by adding after the sixth sentence the following sentence: — The use of the flashing white walk pedestrian signal indication, as defined in the official standards of the department, is prohibited. *Approved May 19, 1975.*

Chap. 235. AN ACT AUTHORIZING THE CITY OF NEWTON TO USE CERTAIN LAND FOR CONSERVATION PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Newton, acting by its mayor and board of aldermen, may use for conservation purposes and free and clear from any obligation to use or maintain the same as a public park or for any other public purposes, that portion of the Charles Cohen Conservation Area, Webster Vale, so-called, on Madoc and Carlisle streets in Ward 7 in said city as laid out as Lots A and B by an instrument dated December 17, 1973, recorded on January 15, 1974, in Middlesex south district registry of deeds, Book 12579, page 340, and as Lots A and B in an accompanying plan entitled "Plan of Land in Newton, Barnes Engineering" December 18, 1973, recorded at Middlesex south district registry of deeds Plan number 56 (A of 2), received January 15, 1974.

SECTION 2. This act shall take effect upon its acceptance by the conservation commission and the board of aldermen of the city of Newton subject to the provisions of its charter, during the current year. *Approved May 20, 1975.*

Chap. 236. AN ACT RELATIVE TO THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC HEALTH.

Be it enacted, etc., as follows:

Section 2 of chapter 17 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences: — At the time of appointment, the commissioner shall be a graduate of an accredited four-year college or university and shall have had (*a*) not less than eight years of administrative experience of which at least three years shall have been in the organization, management or delivery of health care services; or (*b*) a doctorate or other degree beyond the level of baccalaureate in the field of business, economics, education, government, law, medicine, psychology, public administration, public health, public policy, social work, urban planning, or a field substantially related to one or more of the foregoing, and not less than five years of administrative experience of which at least two years shall have been in the organization, management or delivery of health care services. For the purposes of this section administrative experience shall mean service in a management or supervisory capacity. *Approved May 22, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, May 22, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 236 of the Acts of 1975, entitled, AN ACT RELATIVE TO THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC HEALTH, and the enactment of which received my approval on May 22, 1975 should take effect forthwith.

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

In order to expedite the appointment of a commissioner of public health.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, May 27, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 237. AN ACT AUTHORIZING THE CITY OF PEABODY TO PAY CERTAIN MEDICAL BILLS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the city of Peabody may appropriate and pay the sum of six hundred and ninety-six dollars to the Lahey Clinic Foundation, the sum of six hundred and twenty-five dollars to George W. B. Starke, M.D., the sum of one hundred and ten dollars and fifty cents to the New England Deaconess Hospital and the sum of forty dollars to James Tullis, M.D. for medical expenses incurred by Frank D'Amico, a former member of the fire department of the city of Peabody for treatment of duty-related injuries.

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

Approved May 23, 1975.

Chap. 238. AN ACT EXTENDING THE TIME DURING WHICH CERTAIN APPROPRIATIONS SHALL BE AVAILABLE FOR EXPENDITURE FOR FINANCIAL ASSISTANCE TO CITIES, TOWNS AND DISTRICTS FOR WATER POLLUTION PURPOSES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the period during which certain appropriations shall be available for expenditure for financial assistance to cities, towns and districts for water pollution purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

Chapter 747 of the acts of 1970 is hereby amended by adding the following section: —

Section 4. Notwithstanding the provisions of section fourteen of chapter twenty-nine of the General Laws, appropriations authorized by this chapter shall be available for expenditure until June thirtieth, nineteen hundred and eighty-five.

Approved May 23, 1975.

Chap. 239. AN ACT PERMITTING THE PRE-REGISTRATION OF CERTAIN GROUPS AT HOTELS OR MOTELS.

Be it enacted, etc., as follows:

Section 27 of chapter 140 of the General Laws is hereby amended by striking out the second sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — The entry of the names of the person engaging a room and of the occupants of said room shall be made by said person engaging said room or by an occupant thereof, except that when five or more members of a business, fraternal, or social group or other group having a common interest are engaging rooms, they may designate one person to make said entry on their behalf and prior to occupancy.

Approved May 23, 1975.

Chap. 240. AN ACT PROVIDING THAT GROUP INSURANCE COVERAGES PROVIDED FOR PUBLIC EMPLOYEES AND RETIRED PUBLIC EMPLOYEES MAY BE TREATED AS SEPARABLE BY SUCH EMPLOYEES.

Be it enacted, etc., as follows:

Section 5 of chapter 32B of the General Laws, as appearing in

section 2 of chapter 843 of the acts of 1973, is hereby amended by adding the following sentence: — As determined by the rules and regulations of the appropriate public authority all insurance coverages authorized by this chapter may be considered as separable for any employee, retired employee or deferred retiree who applies for any part of such coverage. *Approved May 23, 1975.*

Chap. 241. AN ACT FURTHER REGULATING THE METHOD OF PAYMENT OF THE PREMIUMS FOR CERTAIN GROUP INSURANCE COVERAGE OF CERTAIN EMPLOYEES OF TOWNS.

Be it enacted, etc., as follows:

Section 9D of chapter 32B of the General Laws, as most recently amended by section 3 of chapter 789 of the acts of 1973, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — A town shall provide for such payment either by a vote of the town, or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election in said town: — "Shall the town pay one half of the premium costs payable by the surviving spouse of an employee or retired employee for group general, or blanket hospital, surgical, medical or other health insurance?"

Approved May 23, 1975.

Chap. 242. AN ACT AUTHORIZING MERGERS OF MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS INTO THEIR DOMESTIC INSURANCE COMPANY SUSBIDIARIES.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by adding after section 193R the following section: —

Section 193S. Any member of an insurance holding company system, as such system is described in sections one hundred and ninety-three L to one hundred and ninety-three N, inclusive, may, at any time that its assets are at least eighty per cent committed to or used in the insurance business of its domestic insurance subsidiary, company or companies, be merged into any one of its domestic insurance subsidiaries. In any such merger, the resulting corporation shall be the domestic insurance company. Any such merger shall be subject to sections nineteen A and nineteen C of this chapter as if both of such companies were insurance companies. *Approved May 23, 1975.*

Chap. 243. AN ACT RELATIVE TO THE NUMBER OF SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF BARNSTABLE.

Be it enacted, etc., as follows:

Section 62 of chapter 215 of the General Laws is hereby amended by striking out the paragraph amended by chapter 489 of the acts of 1972, and inserting in place thereof the following paragraph: —

Barnstable, at Barnstable, on each Tuesday of each month except July and August, and the second and fourth Tuesdays of July and August. *Approved May 23, 1975.*

Chap. 244. AN ACT RELATIVE TO PERSONAL LOANS BY CREDIT UNIONS.

Be it enacted, etc., as follows:

SECTION 1. Subdivision (A) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 1, as appearing in section 6 of chapter 420 of the acts of 1971, and inserting in place thereof the following paragraph: —

1. To an amount of two hundred dollars or two per cent of the assets, whichever is greater, not exceeding five hundred dollars, if evidenced by the unendorsed and unsecured not of the borrower; provided, however, that if a credit union is insured in full under federal or state law, or under both, to an amount of two hundred dollars or two per cent of the assets, whichever is greater, not exceeding two thousand dollars, if evidenced by the unendorsed and unsecured note of the borrower.

SECTION 2. Said subdivision (A) of said section 24 of said chapter 171 is hereby further amended by striking out paragraph 2, as so appearing, and inserting in place thereof the following paragraph: —

2. To an amount of five hundred dollars or two per cent of the assets, whichever is greater, not exceeding one thousand dollars, if evidenced by the note of the borrower with one or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same; provided, however, that if a credit union is insured in full under federal or state law, or under both, to an amount of one thousand dollars or two per cent of the assets, whichever is greater, not exceeding three thousand dollars, if evidenced by the note of the borrower with one or more responsible endorsers or co-makers thereon, with satisfactory collateral pledged to secure the same.

SECTION 3. Subdivision (A) of said section 24 of said chapter 171 is hereby further amended by striking out paragraph 3A, as so appearing, and inserting in place thereof the following paragraph: —

3A. Notwithstanding the limitations in paragraph 3, a credit union which is insured in full under federal or state law, or under both, may make loans to an amount not exceeding three thousand dollars, and if the assets of such credit union are more than five hundred thousand dollars, to an amount not exceeding four thousand dollars, if evidenced by the note of the borrower with two or more responsible endorsers or co-makers thereon, or with satisfactory collateral pledged to secure the same.

Approved May 23, 1975.

Chap. 245. AN ACT PLACING THE POSITION OF ASSISTANT CITY CLERK OF THE CITY OF WALTHAM UNDER THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. The position of assistant city clerk of the city of Waltham shall be subject to the civil service law and rules, and the tenure of office of the incumbent thereof on the effective date of this act shall be unlimited, subject, however, to said law and rules. Said incumbent shall be subjected to a qualifying examination by the division of civil service and, if he passes said examination, he shall be certified for said position and shall be deemed to be permanently appointed thereto without being required to serve any probationary period. If he fails to pass said examination he may continue to serve in said position but shall not be subject to the civil service law and rules.

SECTION 2. This act shall take effect upon its acceptance by the city of Waltham. *Approved May 23, 1975.*

Chap. 246. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF ANDOVER TO APPOINT THE REPRESENTATIVE OF SAID TOWN TO THE MERRIMACK VALLEY PLANNING COMMISSION.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section four of chapter forty B of the General Laws, the board of selectmen of the town of Andover is hereby authorized to appoint the representative of said town to the Merrimack Valley Planning Commission. Said representative shall not be required to be a member of the planning board of said town. *Approved May 23, 1975.*

Chap. 247. AN ACT ALLOWING CERTAIN CREDITABLE SERVICE FOR CERTAIN MEMBERS OF THE RETIREMENT SYSTEM OF THE CITY OF GARDNER.

Be it enacted, etc., as follows:

Any person who has served as a municipal cafeteria employee and who, on the effective date of this act is an employee of the city of Gardner and is a member in service of the Gardner retirement system, shall, upon paying into the annuity savings fund of such system an amount equal to five per cent of the total salary received by him during his period of service as such cafeteria employee, together with interest to the date of such payment, be allowed credit for all of his service as such cafeteria employee.

Approved May 23, 1975.

Chap. 248. AN ACT PROHIBITING CERTAIN MUNICIPAL TREASURERS FROM DEPOSITING OF FUNDS IN CERTAIN FINANCIAL INSTITUTIONS.

Be it enacted, etc., as follows:

Section 55 of chapter 44 of the General Laws is hereby amended by inserting after the first sentence the following sentence: — The treasurer of any city, town, district or regional school district shall not deposit funds for which he is accountable in any bank, trust company or banking company with which such treasurer is associated as an officer or employee or has been associated as an officer or employee at any time during the three years immediately preceding the date of any such deposit.

Approved May 23, 1975.

Chap. 249. AN ACT AUTHORIZING THE CITY OF CHELSEA TO PAY A CERTAIN SUM OF MONEY TO THE SALVATION ARMY CITADEL IN SAID CITY.

Be it enacted, etc., as follows:

For the purpose of discharging a moral obligation, the city of Chelsea is hereby authorized to appropriate and pay to the Salvation Army Citadel, located at 258 Chestnut street in the city of Chelsea, the sum of two thousand five hundred dollars for damages sustained to the Citadel during the distribution of the necessities of life for victims of the major fire in said city on October fourteenth, nineteen hundred and seventy-three, payment of which is legally unenforceable against said city.

Approved May 23, 1975.

Chap. 250. AN ACT AUTHORIZING THE PERSONNEL ADMINISTRATOR IN THE DIVISION OF PERSONNEL ADMINISTRATION TO EXTEND THE PERIOD OF ELIGIBILITY OF PERSONS ON CERTAIN CIVIL SERVICE LISTS.

Be it enacted, etc., as follows:

Section 12 of chapter 31 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by section 81 of chapter 835 of the acts of 1974, and inserting in place thereof the following paragraph: —

No person shall remain eligible for more than two years upon any eligible list, notwithstanding any other provision of law to the contrary, except provisions of law extending eligibility to persons in the military and naval service; provided, however, that whenever the administrator is temporarily enjoined by a court order from certifying persons from an eligible list, the period of eligibility of all persons whose names appear on said list shall be extended for a period equal to the duration of such order; and provided further, that the administrator may, if he deems that the public convenience so requires, extend the period of eligibility of all persons on an eligible list until such time as a new eligible list is established for the same position.

Approved May 23, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 29, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 250 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE PERSONNEL ADMINISTRATOR IN THE DIVISION OF PERSONNEL ADMINISTRATION TO EXTEND THE PERIOD OF ELIGIBILITY OF PERSONS ON CERTAIN CIVIL SERVICE LISTS., and the enactment of which received my approval on May 23, 1975, should take effect forthwith.

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

In order to immediately extend the period of eligibility of persons on certain civil service lists.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 29, 1975.

I, Paul F. Pimentel, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in

this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and twenty minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter two hundred and fifty of the acts of nineteen hundred and seventy-five.

PAUL F. PIMENTEL,
Deputy Secretary of the Commonwealth.

Chap. 251. AN ACT AUTHORIZING THE RENTING OF ROOMS BY HOMEOWNERS DURING THE BICENTENNIAL CELEBRATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the renting of rooms by homeowners during the bicentennial period in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, in any city or town except the city of Boston, the board of selectmen of a town or the city council with the approval of the mayor in a city is hereby authorized to grant homeowners in their respective city or town permits to rent rooms during the period from January first, nineteen hundred and seventy-five, to December thirty-first, nineteen hundred and seventy-six, inclusive.

Approved May 27, 1975.

Chap. 252. AN ACT AUTHORIZING THE CITY OF TAUNTON TO BORROW ADDITIONAL FUNDS FOR AN ELECTRIC GENERATING UNIT.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 857 of the acts of 1969 is hereby amended by striking out the first sentence, as amended by section 1 of chapter 1035 of the acts of 1973, and inserting in place thereof the following sentence: — For the purpose of constructing and equipping a new electric generating unit, including transmission and other facilities appurtenant thereto, the city of Taunton may borrow from time to time such sums as may be necessary, not exceeding twenty-four million dollars, and may issue bonds or notes of the city therefor which shall bear on their face the words, Taunton Electric Loan, Act of 1969.

SECTION 2. Any loan order or other action taken by the city of Taunton prior to the effective date of this act in connection with

the construction or financing of the electric generating unit authorized by chapter eight hundred and fifty-seven of the acts of nineteen hundred and sixty-nine, as amended, shall be deemed to be as effective as if this act had been in effect prior to the date of such order or action.

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

Approved May 27, 1975.

Chap. 253. AN ACT LOWERING THE RATE OF INTEREST CHARGED BY COUNTIES ON OVERDUE ACCOUNTS.

Be it enacted, etc., as follows:

Section 24 of chapter 35 of the General Laws, as most recently amended by section 2 of chapter 530 of the acts of 1951, is hereby further amended by striking out, in line 5, the word "twelve" and inserting in place thereof the word: — eight.

Approved May 27, 1975.

Chap. 254. AN ACT INCREASING THE MEMBERSHIP OF THE MALDEN STADIUM AND ATHLETIC FIELD COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 456 of the acts of 1946, as appearing in chapter 57 of the acts of 1955, is hereby amended by striking out, in line 7, the word "three" and inserting in place thereof the word: — five.

SECTION 2. The two additional members of the Malden Stadium and Athletic Field Commission as provided by section one of this act shall be appointed for terms of three years.

Approved May 27, 1975.

Chap. 255. AN ACT AUTHORIZING THE TRANSFER OF THE FORESTRY DEPARTMENT TO THE JURISDICTION OF THE BOARD OF PUBLIC WORKS IN THE TOWN OF READING.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 118 of the acts of 1921 is hereby amended by adding the following paragraph: —

The board of public works shall exercise all the powers and duties previously exercised by the board of selectmen relative to the forestry department of said town.

SECTION 2. All personnel, records, property and equipment of the forestry department of the town of Reading shall be transferred to the board of public works of said town upon the effective date of this act.

SECTION 3. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved May 27, 1975.*

Chap. 256. AN ACT REPEALING THE PENALTY FOR REFUSALS BY HOLDERS OF COMMON VICTUALLER LICENSES TO SUPPLY FOOD.

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter one hundred and forty of the General Laws is hereby repealed.

SECTION 2. Section 9 of said chapter 140, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 9, the words "or a common victualler who violates section eight". *Approved May 28, 1975.*

Chap. 257. AN ACT DESIGNATING THE SHREWSBURY REGIONAL MENTAL HEALTH CENTER AS THE IRVING A. GLAVIN REGIONAL CENTER AT SHREWSBURY.

Be it enacted, etc., as follows:

The Shrewsbury regional mental health center located on Lake Street in the town of Shrewsbury shall be designated and known as the Irving A. Glavin Regional Center at Shrewsbury.

Approved May 28, 1975.

Chap. 258. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totalling ninety-seven thousand four hundred and forty dollars and thirty-six cents, as set forth with the joint committee on local affairs, as are legally unenforceable against said city, by reason of the services thereunder having been fully performed before the signing of the contract therefor and as are certified for payment by, and were contracted for, the mayor's office, the land reclamation area sewage disposal plant, the highways maintenance department, the buildings division, the council on aging and the public works department of said city.

SECTION 2. No bill shall be approved by the city auditor of said city for payment or paid by the treasurer thereof under au-

thority of this act unless and until a certificate has been signed and filed with said city auditor, stating under the penalties of perjury that the services for which said bill has been submitted were ordered by an official or an employee of said city and that such services were rendered to said city.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved May 28, 1975.

Chap. 259. AN ACT FURTHER REGULATING THE USE OF DEALER'S PLATES.

Be it enacted, etc., as follows:

Section 5 of chapter 90 of the General Laws, as most recently amended by chapter 652 of the acts of 1974, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — Such plates issued to a dealer in both recreational vehicles and recreational vehicle trailers may be used only in connection with the business of said trailers; provided, however, that plates issued to a dealer in boats and boat trailers may be used in connection with the business of said boat trailers and for the use of said trailers for the transport, to and from said dealer's place of business, of boats or parts thereof which are sold, leased, rented, repaired or to be repaired by said dealer but this should not be construed, however, to limit the use of plates issued to dealers in other trailers.

Approved May 28, 1975.

Chap. 260. AN ACT ELIMINATING THE REQUIREMENT THAT AN ABSENTEE BALLOT BE NOTARIZED IN CERTAIN SITUATIONS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 54 of the General Laws is hereby amended by striking out section 86, as most recently amended by section 9 of chapter 920 of the acts of 1971, and inserting in place thereof the following section: —

Section 86. Any voter who during the hours that polling places are open on the day of a special state election or the biennial state election or of any special or regular state primary or of a presidential primary is absent from the city or town where he is a voter by reason of his employment in another community or for any other reason or who will be unable by reason of physical disability to cast his vote in person at the polling place, and

whose application for an official absent voting ballot has been filed with the city or town clerk as provided in section eighty-nine, or with the state secretary, and certified under section ninety-one, may vote in accordance with sections eighty-seven to one hundred and three, inclusive; provided, that a voter who is in a penal institution under sentence shall not be entitled or permitted to avail himself of the provisions of this and the seventeen following sections; and provided, further, that a voter who will be unable by reason of temporary physical disability to cast his vote in person at the polling place shall file with the city or town clerk with his application for an official absent voting ballot a certificate executed by a registered physician, attending registered nurse, attending licensed practical nurse, superintendent of a hospital or like institution, a practitioner of the Christian Science Church, or an ordained minister, priest, or rabbi who is personally acquainted with the voter and aware of his physical disability, stating that the voter will be unable by reason of physical disability to cast his vote in person at the polling place on the day of election; and provided, further, that a voter who will be unable by reason of permanent physical disability to cast his vote in person at the polling place shall file once with the city or town clerk a certificate executed by a registered physician who is personally acquainted with the voter and aware of his permanent physical disability, "stating that it is reasonably certain because of permanent physical disability that the voter will be unable to cast his vote in person at the polling place on the day of the election". The city or town clerk shall maintain a list of such permanently disabled voters and such voters shall not be required to file any such certification thereafter with his application for an absentee ballot. Persons who are now listed on the permanently disabled voters' list shall be sent an affidavit as provided in affidavit (1A) of subsection (*c*) of section eighty-seven and shall not be required to have their absentee ballots notarized. Subsequent people who are added to the list shall likewise become eligible for the affidavit form of absentee ballot. Registrars and assistant registrars of all colleges and universities within and outside of the commonwealth shall be authorized to act in place of a notary public for purposes of absentee ballots and the notarization thereof. Said registrars and assistant registrars of colleges and universities shall be authorized to act as notaries only for students who are enrolled in the college or university in which they are both affiliated. Said registrar and assistant registrar when acting in place of a notary shall do so personally by signing his name and shall not use a facsimile or stamp or any other device.

SECTION 2. Subsection (*c*) of section 87 of said chapter 54, as most recently amended by chapter 106 of the acts of 1973, is

hereby further amended by inserting after affidavit (1) the following affidavit: —

(1A) for ballots forwarded by mail:
State of _____,
County of _____, ss.

I, _____, under the pains and penalties of perjury, do solemnly swear that I am a registered voter at _____, in the city or town
(voting address)
of _____, Mass.; that I will be unable to cast my vote in person at the polling place on the day of the election; that I have carefully read the instructions forwarded to me with the ballot herein enclosed; that I have marked, enclosed, and sealed the within ballot as stated hereon; and that I have marked said ballot in, and that I will mail it at the post office situated in the city or town of _____, in the state or country of _____.
(Signature) _____

The state secretary shall furnish such explanatory matter and instructions as he may deem appropriate to carry into effect the purposes of sections eighty-six to one hundred and three, inclusive. *Approved May 28, 1975.*

Chap. 261. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FIVE TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

Treasurer and Receiver-General.

State Board of Retirement.

Item

0612-1000 For the payment of the commonwealth's share in financing the state employees' retirement system, prior appropriation continued; provided, that the amounts of all reimbursements received on account of retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addition to this item and to be available for expenditure without further appropriation **$5,000,000**
Highway Fund 15.0%
General Fund 84.8%
Inland Fisheries and Game Fund 2%

0612-2000 For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith **1,600,184**
Highway Fund 22.0%
General Fund 78.0%

0612-4000 For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired **1,000**

0612-5000 For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law **1,800**
MDC Sewerage District Fund 25.0%
MDC Water District Fund 25.0%
Highway Fund 25.0%
MDC Parks District Fund 25.0%

0612-6000 For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law **60,000**
Highway Fund 60.0%
MDC Parks District Fund 39.0%
General Fund 1.0%

0612-7000 For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district **23,000**
MDC Sewerage District Fund 100.0%

0612-8000 For retirement of certain veterans formerly in the service of the metropolitan water system **11,000**
MDC Water District Fund 100.0%

Executive Office of Human Services.

Department of Public Welfare.

4403-2000 For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund **$11,200,000**

SECTION 2A. Notwithstanding any provision of law to the contrary, the unexpended balance of item 1599-2026 of section two of chapter one hundred and twelve of the acts of nineteen hundred and seventy-five is hereby reduced by the amount of seventeen million eight hundred ninety-six thousand nine hundred and eighty-four.

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

Approved May 29, 1975.

Chap. 262. AN ACT AUTHORIZING THE TOWN OF WEST TISBURY TO USE CERTAIN PROPERTY AS A TOWN HALL.

Be it enacted, etc., as follows:

SECTION 1. Chapter 154 of the acts of 1939 is hereby amended by striking out section 1, as amended by section 1 of chapter 57 of the acts of 1946, and inserting in place thereof the following section: —

Section 1. The Trustees of Dukes County Academy, incorporated by chapter seventy-nine of the acts of eighteen hundred and thirty-three, also known as the Dukes County Academy Association, is hereby authorized to transfer all real estate and moneys held by it to the town of West Tisbury, the property transferred as aforesaid, including the existing building thereon, to be used as a town hall.

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

Approved May 30, 1975.

Chap. 263. AN ACT PROVIDING FOR VOLUNTARY ADMINISTRATION FOR ESTATES OF CERTAIN DECEASED RECIPIENTS OF MEDICAL CARE AND ASSISTANCE PROGRAMS.

Be it enacted, etc., as follows:

Section 16 of chapter 195 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 30 of chapter 1210 of the acts of 1973, and inserting in place thereof the following paragraph: —

If an inhabitant of the commonwealth dies leaving an estate consisting entirely of personal property the total value of which does not exceed two thousand dollars, his surviving spouse, child, parent, brother, sister, niece, nephew, aunt or uncle, if of full age and legal capacity and an inhabitant of the commonwealth, or, in the case of a person who at his death, was an inpatient or resident of any facility of the department of mental health or was receiving relief or support under chapter one hundred and seventeen or assistance under chapter one hundred and eighteen, one hundred and eighteen A or one hundred and eighteen E, any person designated to act as a voluntary administrator of the estate of such person by the department of mental health or the department of public welfare, may, after the expiration of thirty days from the death of the decedent, provided no petition for letters testamentary or letters of administration have been filed with the probate court of the county in which the decedent resided, file with said probate court upon a form prescribed by the court a statement, verified by oath, or affirmation containing: (*a*) the name and residential address of the affiant, (*b*) the name, residence and date of death of the deceased, (*c*) the relationship of the affiant to the deceased, (*d*) a schedule showing every asset of the estate known to the affiant

and the estimated value of each such asset, (*e*) a statement that the affiant has undertaken to act as voluntary administrator of the estate of the deceased and will administer the same according to law, and apply the proceeds thereof in conformity with this section and (*f*) the names and addresses of surviving joint owners of property with the deceased, known to the affiant. The oath required by this section shall not be governed by section one A of chapter two hundred and sixty-eight.

Approved May 30, 1975.

Chap. 264. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF FRANKLIN COUNTY TO ACT AS AN ECONOMIC DEVELOPMENT REGIONAL COMMISSION.

Be it enacted, etc., as follows:

Section 1 of chapter 425 of the acts of 1963, as most recently amended by section 1 of chapter 1191 of the acts of 1973, is hereby further amended by adding the following three paragraphs: —

Said county commissioners may agree to act as and assume the duties, obligations, and responsibilities of an economic development regional commission for the towns in Franklin county, subject to the availability of funds for such purpose; provided, however, that said towns shall be eligible for designation as an economic development region in accordance with the provisions of the Public Works and Economic Development Act of 1965.

If said commissioners vote to act as and assume the duties, obligations, and responsibilities of an economic development regional commission, said county commissioners may designate the Franklin county planning board to serve as the economic development regional commission, and may appoint such technical and advisory committees as are necessary and required by the Public Works and Economic Development Act of 1965, in accordance with the provisions of said act, for the purpose of providing advice and guidance.

Said county commissioners may prepare, adopt and amend economic development programs which shall be public records. Said commissioners may conduct feasibility and implementation studies for public facilities and programs and develop public and private development projects which are consistent with and which aid in implementing the objectives of said commission. Said county commissioners may expend such sums as may be appropriated therefor in the county budget to implement its plans and recommendations for the economic and industrial development of the region and may sponsor conferences, institutes, seminars and training programs on behalf of the region.

Approved May 30, 1975.

Chap. 265. AN ACT AUTHORIZING THE TOWN OF RICHMOND TO PAY A CERTAIN UNPAID BILL TO EXCAVATORS & GRADERS, INC.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the town of Richmond is hereby authorized to pay to Excavators & Graders, Inc., an unpaid bill in the amount of seventeen thousand dollars for work and labor performed in clearing the road and right of ways as a result of tornado damage in the year nineteen hundred and seventy-three, which bill is legally unenforceable against said town for the reason that this contract was classified as an emergency and let without bid.

SECTION 2. No bill shall be approved by the town accountant of said town for payment or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant, stating under the penalties of perjury that the work, labor and materials for which said bill has been submitted were ordered by an official or an employee of said town and that such work, labor and materials were furnished to said town.

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for work, labor and materials which were not received by said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both. *Approved May 30, 1975.*

Chap. 266. AN ACT AUTHORIZING THE TOWN OF TISBURY TO ACQUIRE LAND IN THE TOWN OF OAK BLUFFS FOR A SANITARY LANDFILL.

Be it enacted, etc., as follows:

'SECTION 1. The town of Tisbury is hereby authorized to acquire by purchase or gift for use as a sanitary landfill a certain parcel of land in the town of Oak Bluffs, bounded and described as follows: — Beginning at the North corner of the land formerly belonging to one Jonathan Athern at its intersection with the land acquired by the Town of Tisbury under the Last Will and Testament of Ellis H. Manter and running thence southwesterly along the line of land of said Town of Tisbury to a point where same is intersected by the boundary line between the Towns of Tisbury and Oak Bluffs; thence running southeasterly along said boundary line of said Towns to a point where the same intersects the easterly line of a tract commonly called the Athern Lot now owned by one George H. Fisher; thence running northeasterly along his easterly line to a point where the same intersects the southerly line of lands of the heirs of the late Peter West; thence

running northwesterly along said West's line to the point or place of Beginning.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Oak Bluffs at an annual or special town meeting in the form of the following question: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act authorizing the town of Tisbury to acquire land in the town of Oak Bluffs for a sanitary landfill', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise. *Approved May 30, 1975.*

Chap. 267. AN ACT PROVIDING THAT ABSENT VOTER BALLOTS RECEIVED ON ELECTION DAYS SHALL BE PROCESSED IN THE OFFICE OF THE REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 95, as most recently amended by section 6 of chapter 123 of the acts of 1966, and inserting in place thereof the following section: —

Section 95. The city or town clerk, on the day of the election, but no later than one hour after the hour for the closing of the polls, shall transmit all envelopes purporting to contain official absent voting ballots received on or before the close of business on the day preceding the day of the election and which have not been marked "Rejected as Defective", as provided in section ninety-four or "Rejected as Voted in Person", as provided in section one hundred, to the election officers in the several precincts where the voters whose names appear on such envelopes assert the right to vote. The warden or his deputy shall forthwith, after receipt of any such envelopes, distinctly announce the name and residence of each such voter and check his name on the voting lists referred to in section sixty of chapter fifty-one, or on his certificate of supplementary registration attached to such lists, as provided in section fifty-one of chapter fifty-one, or on the copy of the list referred to in section one hundred and three M of chapter fifty-four, as the case may be, if it has not already been so checked. He shall then remove from such envelope the envelope referred to in clause (*c*) of section eighty-seven, or in clause (*b*) or clause (*c*) of section one hundred and three O, as the case may be, shall open the envelopes in which the ballot is enclosed in such a manner as not to destroy the affidavit thereon, take the ballot therefrom without opening it or permitting it to be examined and deposit it in the ballot box. All envelopes referred to in this section shall be retained with

the ballots cast at the election and shall be preserved and destroyed in the manner provided by the law for the retention, preservation or destruction of official ballots.

Envelopes purporting to contain official absent voter ballots which are received on the day of the election shall be processed in the office of the registrars by two election officers appointed pursuant to the provisions of section eleven to eleven B, inclusive. Said envelopes shall be processed in the same manner as those received on or before the close of business on the day preceding the day of the election. Said ballots may be counted at the office of the registrars at the hour of the closing of the polls and after the canvas and the count has been completed said registrars shall amend each precinct tally sheet, official return book and check list delivered to the office of the registrars. *Approved May 30, 1975.*

Chap. 268. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO ACQUIRE BY PURCHASE OR EMINENT DOMAIN THE BERKSHIRE ATHENAEUM PROPERTY IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized to acquire, by purchase or eminent domain, the Berkshire Athenaeum property located in the city of Pittsfield and to remodel the building on said premises. Said building shall be used for the relocation of certain county facilities, now located in the superior court house building in said county, which are in need of additional space. Said property shall not be sold or demolished or transferred without express permission of the general court. Said commissioners may convert and remodel such vacated space in said court house for other county use.

SECTION 2. For the purposes authorized in section one, the treasurer of Berkshire county, with the approval of the county commissioners, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million dollars, and may issue bonds or notes of the county therefor which shall bear on their face the words, Berkshire Athenaeum Acquisition Loan, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than thirty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may

deem proper but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved May 30, 1975.

Chap. 269. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would cause great inconvenience because the issue of bonds and notes to carry out the purposes of various acts passed during the regular annual legislative session of the years nineteen hundred and seventy-two, nineteen hundred and seventy-three and nineteen hundred and seventy-four would thereby be delayed, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the bonds which the state treasurer is authorized to issue under section three of chapter six hundred and forty-eight of the acts of nineteen hundred and seventy-two, increasing the amount of money that the metropolitan district commission may expend for construction of certain flood control facilities in the cities of Melrose, Malden, Everett and Revere and the towns of Saugus, Stoneham and Wakefield shall be issued for maximum terms of twenty years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-seven, as recommended by the governor in a message to the general court dated March twentieth, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Notwithstanding any provision of the law to the contrary, the notes which the state treasurer is authorized to issue under section five of chapter eight hundred and eighty-four of the acts of nineteen hundred and seventy-three, providing for the sale of certain low rent housing projects and providing for replacement housing and relocation assistance to displaced occupants and authorizing rehabilitation funds for certain housing in the commonwealth, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and seventy-eight; and the bonds which the state treasurer is authorized to issue under section six of said chapter eight hundred and eighty-four shall be issued for maximum terms of twenty years, the

initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and ninety-eight, as recommended by the governor in a message to the general court dated March twentieth, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 3. Notwithstanding any provision of the law to the contrary, the bonds which the state treasurer is authorized to issue under section two of chapter six hundred and eighty-six of the acts of nineteen hundred and seventy-four, providing means and procedures for the commonwealth's share of matching grants for its cities and towns in support of projects related to the bicentennial period, shall be issued for maximum terms not to exceed ten years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-seven, as recommended by the governor in a message to the general court dated March twentieth, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 4. Section 4 of chapter 792 of the acts of 1974 is hereby amended by striking out, in line 2, the word "three" and inserting in place thereof the word: — four.

SECTION 5. Section 16 of said chapter 792 is hereby amended by striking out, in line 2, the word "note" and inserting in place thereof the word: — notes. *Approved June 2, 1975.*

Chap. 270. AN ACT FURTHER REGULATING THE FREQUENCY OF POST AUDITS CONDUCTED BY THE DEPARTMENT OF THE STATE AUDITOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the frequency of post audits conducted by the department of the state auditor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 12 of chapter 11 of the General Laws is hereby amended by striking out the first sentence, as appearing in chapter 733 of the acts of 1962, and inserting in place thereof the following two sentences: — The department of the state auditor shall make an audit as often as the state auditor determines it necessary, but in no event less than once in every two years of the accounts of all departments, offices, commissions, institutions, and activities of the commonwealth, including those of districts and authorities created by the general court, and including

those of the income tax division of the department of corporations and taxation, and for said purpose the authorized officers and employees of said department of the state auditor shall have access to such accounts at reasonable times and said department may require the production of books, documents and vouchers, except tax returns, relating to any matter within the scope of such audit. The state auditor shall annually reconcile the income and balance the cash of all agencies that receive revenue.

Approved June 2, 1975.

Chap. 271. AN ACT DESIGNATING THE SEROLOGY LABORATORY OF THE STATE LABORATORY INSTITUTE AS THE DR. WILLIAM A. HINTON SEROLOGY LABORATORY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the designation in the current month of the serology laboratory as the Dr. William A. Hinton Serology Laboratory, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The serology laboratory of the State Laboratory Institute, located in the Jamaica Plain district of the city of Boston shall be designated and known as the Dr. William A. Hinton Serology Laboratory, in memory of Dr. William A. Hinton, a former director of the Wasserman Laboratory of the department of public health. A suitable marker bearing said designation shall be attached to said laboratory by the department of public health.

Approved June 2, 1975.

Chap. 272. AN ACT DESIGNATING THE BUILDING OF THE STATE LABORATORY INSTITUTE AS THE DR. THEOBALD SMITH HEALTH SERVICES LABORATORY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the designation in the current month of the State Laboratory Institute building as the Dr. Theobald Smith Health Services Laboratory, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The building of the State Laboratory Institute, located in the Jamaica Plain district of the city of Boston shall be designated and known as the Dr. Theobald Smith Health Services Labora-

tory, in memory of Dr. Theobald Smith, a former director of the biologic laboratory. A suitable marker bearing said designation shall be attached to said building by the department of public health. *Approved June 2, 1975.*

Chap. 273. AN ACT DESIGNATING THE METABOLIC DISORDERS LABORATORY OF THE STATE LABORATORY INSTITUTE AS THE DR. ROBERT A. MACCREADY METABOLIC DISORDERS LABORATORY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the designation in the current month of the metabolic disorders laboratory as the Dr. Robert A. MacCready Metabolic Disorders Laboratory, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The metabolic disorders laboratory of the State Laboratory Institute located in the Jamaica Plain district of the city of Boston shall be designated and known as the Dr. Robert A. MacCready Metabolic Disorders Laboratory, in honor of Dr. Robert A. MacCready, former director of the division of diagnostic laboratories and founder of the Massachusetts Metabolic Disorders Screening Program. A suitable marker bearing said designation shall be attached to said laboratory by the department of public health. *Approved June 2, 1975.*

Chap. 274. AN ACT EXTENDING THE RIGHTS OF TENANTS TO REPAIR CERTAIN DANGEROUS CONDITIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 127L of chapter 111 of the General Laws, as appearing in chapter 799 of the acts of 1972, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — When violations of the standards of fitness for human habitation as established in the state sanitary code, or of other applicable laws, ordinances, by-laws, rules or regulations, may endanger or materially impair the health, safety or well-being of a tenant of residential premises and are so certified by the board of health or local code enforcement agency, or in the city of Boston by the commissioner of housing inspection, or by a court of law, and if the owner or his agent has been notified in writing of the existence of the violations and has failed to begin all necessary repairs or to contract in writing with a third party for such repairs within five days after such notice, and to substantially complete

all necessary repairs within fourteen days after such notice, unless a board of health, local code enforcement agency or court has ordered that said violations be corrected within a shorter period, in which case said period shall govern, the tenant or tenants may repair or have repaired the defects or conditions constituting the violations.

SECTION 2. The first sentence of the second paragraph of said section 127L of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the word: — four.

SECTION 2A. The third sentence of said second paragraph of said section 127L of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the word "two" and inserting in place thereof the word: — four.

SECTION 3. The second sentence of the third paragraph of said section 127L of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the word: — four. *Approved June 2, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 2, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Thomas P. O'Neill, III, pursuant to the provisions of Article XLVIII of the Amendment to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 274 of the Acts of 1975, entitled, AN ACT EXTENDING THE RIGHTS OF TENANTS TO REPAIR CERTAIN DANGEROUS CONDITIONS, and the enactment of which received my approval on June 2, 1975, should take effect forthwith.

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

In order to more effectively enforce certain health and safety laws and rules.

Sincerely,
THOMAS P. O'NEILL, III,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 3, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and thirty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amend-

ments to the Constitution said chapter takes effect forthwith, being chapter two hundred and seventy-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 275. AN ACT RELATIVE TO THE VOTER REGISTRATION OF MARRIED WOMEN.

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 51 of the General Laws, inserted by section 1 of chapter 28 of the acts of 1972, is hereby amended by striking out the third sentence.

Approved June 2, 1975.

Chap. 276. AN ACT EXTENDING THE AGE OF CHILDREN IN NEED OF CARE AND OF CHILDREN CONCERNING WHOM REPORTS OF ABUSE AND NEGLECT ARE REQUIRED FROM SIXTEEN TO EIGHTEEN YEARS.

Be it enacted, etc., as follows:

SECTION 1. Subsection D of section 23 of chapter 119 of the General Laws is hereby amended by striking out, in line 5, as appearing in section 7 of chapter 859 of the acts of 1969, the word "sixteen" and inserting in place thereof the word: — eighteen.

SECTION 2. Subsection E of said section 23 of said chapter 119, as appearing in section 1 of chapter 646 of the acts of 1954, is hereby amended by striking out, in line 1, the word "fourteen" and inserting in place thereof the word: —eighteen.

SECTION 3. The first sentence of section 24 of said chapter 119 is hereby amended by striking out, in line 7, as appearing in section 8 of chapter 731 of the acts of 1972, the word "sixteen" and inserting in place thereof the word: — eighteen.

SECTION 4. Section 51A of said chapter 119, added by section 5 of chapter 1076 of the acts of 1973, is hereby amended by striking out, in line 5, the word "sixteen" and inserting in place thereof the word: — eighteen. *Approved June 2, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 2, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Thomas P. O'Neill, III, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures,

hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 276 of the Acts of 1975, entitled, AN ACT EXTENDING THE AGE OF CHILDREN IN NEED OF CARE AND OF CHILDREN CONCERNING WHOM REPORTS OF ABUSE AND NEGLECT ARE REQUIRED FROM SIXTEEN TO EIGHTEEN YEARS, and the enactment of which received my approval on June 2, 1975, should take effect forthwith.

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

In order to immediately bring the Commonwealth into certain provisions of federal law.

Sincerely,
THOMAS P. O'NEILL, III,
Acting Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 3, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and thirty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter two hundred and seventy-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 277. AN ACT FURTHER REGULATING ABANDONED PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 200A of the General Laws is hereby amended by striking out the definition of "Abandoned property", as appearing in chapter 801 of the acts of 1950, and inserting in place thereof the following definition: —

(*b*) "Abandoned property", property shall be presumed abandoned to which there has been no valid claim or evidence of ownership within a period of ten years.

SECTION 2. Said section 1 of said chapter 200A is hereby further amended by striking out the definition of "Person", as amended by section 1 of chapter 470 of the acts of 1959, and inserting in place thereof the following definition: —

(*g*) "Person", any individual, corporation, joint stock companies, estate, trust, partnership, association, government or political subdivision, public corporation or authority, any bank defined in section one of chapter one hundred and sixty-seven, savings bank, savings and loan association, credit union, trust

company, national banks, federal savings and loan association, co-operative banks, bank holding companies and bank subsidiaries, mutual funds and any issuer of travelers checks, money orders, outstanding checks and unclaimed wages or similar monetary obligations or commitments, whether organized or operated under state or federal law; utility companies, insurance companies; two or more persons having a joint or common trust or any legal or commercial entity.

SECTION 3. Section 7 of said chapter 200A, as most recently amended by section 2 of chapter 377 of the acts of 1969, is hereby further amended by striking out paragraph (*a*) and inserting in place thereof the following paragraph: —

(*a*) All persons or the agents thereof shall file an annual report under penalties of perjury to the state treasurer relative to any property held by them declared by this chapter to be presumed abandoned.

SECTION 4. Said section 7 of said chapter 200A is hereby further amended by striking out paragraph (*c*).

Approved June 2, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 23, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 277 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING ABANDONED PROPERTY., and the enactment of which received my approval on June 2, 1975, should take effect forthwith.

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

In order to immediately clarify the status and reporting requirements for certain property.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 24, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and thirty-four minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amend-

ments to the Constitution said chapter takes effect forthwith, being chapter two hundred and seventy-seven of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 278. AN ACT RELATIVE TO THE RECORDS OF DELINQUENT CHILDREN.

Be it enacted, etc., as follows:

Section 100A of chapter 276 of the General Laws, as amended by section 1 of chapter 525 of the acts of 1974, is hereby further amended by striking out the fifth and sixth paragraphs and inserting in place thereof the following two paragraphs: —

An application for employment used by an employer which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of services which did not result in a complaint transferred to the superior court for criminal prosecution." The attorney general may enforce the provisions of this paragraph by a suit in equity commenced in the superior court.

The commissioner, in response to inquiries by authorized persons other than any law enforcement agency, any court, or any appointing authority, shall in the case of a sealed record or in the case of court appearances and adjudications in a case of delinquency or the case of a child in need of services which did not result in a complaint transferred to the superior court for criminal prosecution, report that no record exists.

Approved June 2, 1975.

Chap. 279. AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO DEFER THE INITIAL PRINCIPAL PAYMENTS OF CERTAIN BONDS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section nine-

teen of chapter forty-four of the General Laws, the initial payment or payments of principal on the electric light bonds in the amount of twenty million dollars authorized by a vote at a special town meeting of the town of Braintree held October first, nineteen hundred and seventy-three, may be made not later than three years from the date of said bonds.

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

Approved June 3, 1975.

Chap. 280. AN ACT PROVIDING FOR THE REMOVAL AND RELOCATION OF A PRIVATE BURIAL GROUND IN THE TOWN OF WESTPORT.

Be it enacted, etc., as follows:

SECTION 1. Rita Lafrance of the town of Westport may remove and level a private burial ground located on Lot #4 of "Subdivision of Land in Westport, owned by Rita Lafrance, Drift Road, Westport, HOS Engr. Assoc., Inc., Raynham, Scale 1" = 160', July, 1974, revised August 24, 1974", recorded in Bristol county southern district registry of deeds, Plan Book 94, Page 3.

SECTION 2. In case any remains are found in any grave in said private burial ground Rita Lafrance may agree with the next of kin, or other persons having the right to represent or dispose of such remains, as to the cemetery within the county of Bristol, to and in which such remains shall be removed and reinterred, and in such case said Rita Lafrance shall pay the reasonable cost of a burial lot and shall pay the expenses reasonably necessary for such removal, including the removal and resetting of gravestones, monuments and markers of such graves. In any case where such next of kin or other persons are unknown or unascertainable, or where there is no such agreement such remains shall be removed and reinterred in Beach Grove Cemetery in said town, and any gravestone, monument or marker of such graves shall be set in place in such cemetery.

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

Approved June 3, 1975.

Chap. 281. AN ACT VALIDATING THE PROCEEDINGS TAKEN BY THE TOWN OF BRAINTREE AT A SPECIAL TOWN MEETING HELD ON MARCH TWELFTH, NINETEEN HUNDRED AND SEVENTY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the special town meeting held in the town of Braintree on March twelfth, nineteen hundred

and seventy-five, are hereby confirmed and validated, notwithstanding the failure of said town to comply with its by-laws relative to the posting of the warrant for said meeting.

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

Approved June 3, 1975.

Chap. 282. AN ACT AUTHORIZING THE USE OF ONE HUNDRED PER CENT BOND PAPER SIZED WITH ANIMAL GLUE OR GELATIN IN THE RECORDING OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

The second sentence of section 3 of chapter 66 of the General Laws, as appearing in section 1 of chapter 662 of the acts of 1941, is hereby amended by inserting after the word "finished", in line 6, the words: — or on one hundred per cent bond paper sized with animal glue or gelatin. *Approved June 3, 1975.*

Chap. 283. AN ACT RELATING TO THE ASSESSMENT OF PROPERTY OWNED BY RELIGIOUS ORGANIZATIONS.

Be it enacted, etc., as follows:

Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause eleventh, as most recently amended by section 1 of chapter 186 of the acts of 1972, and inserting in place thereof the following clause: —

Eleventh, Houses of religious worship owned by, or held in trust for the use of, any religious organization, and the pews and furniture, and, to an amount not exceeding twenty thousand dollars for each parsonage so owned, or held in irrevocable trust, for the exclusive benefit of the religious organizations, and including the official residences occupied by district superintendents of the United Methodist Church and The Christian and Missionary Alliance and of the Church of the Nazarene, and by district executives of the Southern New England District of the Assemblies of God, Inc., Unitarian-Universalist Churches and The Baptist General Conference of New England, and the official residence occupied by the president of the New England Synod of the Lutheran Church in America, Inc., and the official residence occupied by a person who has been designated by the congregation of a Hebrew Synagogue or Temple as the rabbi thereof, but such exemption shall not, except as herein provided, extend to any portion of any such house of religious worship appropriated for purposes other than religious worship or instruction. *Approved June 3, 1975.*

Chap. 284. AN ACT REMOVING A RESTRICTION PERTAINING TO THE APPROPRIATIONS FOR UNPAID BILLS BY CERTAIN CITIES.

Be it enacted, etc., as follows:

Section 64 of chapter 44 of the General Laws, as appearing in chapter 730 of the acts of 1969, is hereby amended by striking out the fifth paragraph. *Approved June 3, 1975.*

Chap. 285. AN ACT AUTHORIZING THE COUNTY OF BARNSTABLE TO BORROW FOR THE PURPOSES OF MAKING CONTRIBUTIONS FOR THE CONSTRUCTION OF SEA WALLS AND OTHER FORMS OF SHORE PROTECTION FOR TOWNS IN SAID COUNTY.

Be it enacted, etc., as follows:

The county of Barnstable is hereby authorized to contribute to the cost of constructing sea walls or other works, to be built by the state department of public works during the years nineteen hundred and seventy-five to nineteen hundred and seventy-nine, inclusive, under authority of section eleven of chapter ninety-one of the General Laws, for the protection of the shores of the towns in said county from erosion by the sea, and the county treasurer, with the approval of the county commissioners, may pay the county's proportion of such cost from the highway appropriation for the year during which the agreement to make such payment is entered into or, for the purpose of so contributing, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Shore Protection Loan, Act of 1975. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell such securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws. *Approved June 3, 1975.*

Chap. 286. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW PROVIDING FOR THE ELECTION OF TOWN MEETING MEMBERS IN THE TOWN OF NORWOOD.

Be it enacted, etc., as follows:

SECTION 1. Chapter 541 of the acts of 1947 is hereby amended by striking out section 3, as amended by section 1 of chapter 954 of the acts of 1973, and inserting in place thereof the following section: —

Section 3. Within the limits established by this act the town of Norwood shall determine by by-laws the number of districts into which the town shall be divided and the percentage of the registered voters which shall constitute the representative town meeting.

SECTION 2. Said chapter 541 is hereby further amended by striking out section 7, as amended by section 1 of chapter 461 of the acts of 1966, and inserting in place thereof the following section: —

Section 7. Each of the existing town meeting districts shall be represented in the representative town meeting by elected representatives, the number of which shall bear the same proportion to the total elected membership as the number of inhabitants in the district bears to the total number of inhabitants in the town as nearly may be. The representative town meeting membership shall, in each district, consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town and which will cause the total elected membership to be not more than three hundred. *Approved June 3, 1975.*

Chap. 287. AN ACT RELATIVE TO THE PAYMENT BY THE FALL RIVER POLICE RELIEF ASSOCIATION OF SUMS OF MONEY TO RETIRED MEMBERS OF THE ASSOCIATION AND AUTHORIZING THE PAYMENT OF CERTAIN DEATH BENEFITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 194 of the acts of 1959 is hereby amended by striking out, in line 5, the words "five hundred" and inserting in place thereof the words: — one thousand,— and by striking out, in line 7, the word "wife" and inserting in place thereof the words: — or her spouse.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-five. *Approved June 3, 1975.*

Chap. 288. AN ACT REQUIRING THAT INITIATIVE AND REFERENDUM PETITIONS SHALL STATE THE LAST DAY AND HOUR FOR FILING WITH THE REGISTRARS AND WITH THE SECRETARY OF STATE.

Be it enacted, etc., as follows:

Section 22A of chapter 53 of the General Laws, as most recently amended by chapter 596 of the acts of 1948, is hereby further amended by adding the following sentence: — Each initiative and referendum petition shall state the last day and hour for filing such petitions with the registrars and with the secretary of state.

Approved June 3, 1975.

Chap. 289. AN ACT AUTHORIZING THE APPOINTMENT OF ROBERT T. WITTS AS A CORRECTIONAL OFFICER.

Be it enacted, etc., as follows:

Notwithstanding any law or rule to the contrary regulating the maximum age of correction officers, Robert T. Witts may be appointed a correctional officer at Massachusetts Correctional Institution, Concord, provided he meets all other requirements for certification and appointment to such position.

Approved June 3, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
COUNCIL CHAMBER, STATE HOUSE
BOSTON, June 3, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 289 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE APPOINTMENT OF ROBERT T. WITTS AS A CORRECTIONAL OFFICER, and the enactment of which received my approval on June 3, 1975 should take effect forthwith.

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

In order to permit the immediate appointment of Robert T. Witts as a correctional officer at the Massachusetts Correctional Institution.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 4, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and one minute, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments

to the Constitution said chapter takes effect forthwith, being chapter two hundred and eighty-nine of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 290. AN ACT AUTHORIZING THE CITY OF SALEM TO ESTABLISH AND MAINTAIN A CHRONIC DISEASE AND REHABILITATION FACILITY.

Be it enacted, etc., as follows:

SECTION 1. The city of Salem may establish and maintain a public hospital to be known as the Salem Chronic Disease and Rehabilitation Facility.

SECTION 2. There shall be a board of trustees of said hospital which shall consist of fifteen members, appointed by the mayor, subject to confirmation by the city council. Five of said members shall be appointed for a term of three years, five for a term of two years, and five for a term of one year, and their successors shall be appointed for terms of three years. After the original appointments, all appointments to said board shall be made by the mayor after consultation with the board of trustees and subject to confirmation by the city council. Vacancies in the membership of said board shall be filled for the unexpired term by appointment of the mayor after consultation with the board of trustees and subject to confirmation by the city council. The members of the board shall serve without compensation and shall be deemed to be special municipal employees for the purpose of chapter two hundred and sixty-eight A of the General Laws.

SECTION 3. The board of trustees of the Salem Chronic Disease and Rehabilitation Facility shall serve as the governing body of said facility and shall provide and maintain health care programs and facilities for the treatment of those admitted to said facility.

SECTION 4. The board of trustees shall have the following powers and duties:

(a) Responsibility for the general care and control of the hospital subject to all applicable general laws;

(b) Any powers and duties from time to time conferred or imposed on them by statute or ordinance;

(c) Authority to establish rules and regulations for operation of the hospital and supervision of the officers and employees in its service;

(d) Responsibility for submission to the mayor of an annual budget estimating appropriations required for the fiscal year;

(e) Authority to expend monies appropriated by the city council for said hospital;

(f) Authority to enter into any contracts required for opera-

tion of said hospital, allowing group purchasing with Salem Hospital and North Shore Children's Hospital;

(g) Authority to receive and accept any and all gifts made to said hospital and to supervise the application of such gifts.

SECTION 5. This act shall take effect upon its acceptance by the city of Salem. *Approved June 3, 1975.*

Chap. 291. AN ACT TO PROVIDE FOR THE FISCAL REQUIREMENTS OF THE GENERAL FUND.

Be it enacted, etc., as follows:

SECTION 1. For the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty-one there shall be established and set up on the books of the commonwealth two separate funds, as follows: —

(*a*) a General Obligations Fund, the revenue credited to which shall be used solely toward meeting the debt service obligations charged to said fund;

(*b*) a Mass Transportation Fund, the revenue credited to which shall be used solely for the payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes.

Any unexpended balance remaining in the General Obligations Fund at the close of business on June thirtieth, nineteen hundred and eighty-one, shall be transferred to the General Fund and used solely toward meeting the debt service obligations of the General Fund. Any unexpended balance remaining in the Mass Transportation Fund at the close of business on the said June thirtieth shall be transferred to the fund established by section four of chapter six hundred and sixty-five of the acts of nineteen hundred and sixty-four.

SECTION 2. The provisions of section four of chapter six hundred and sixty-five of the acts of nineteen hundred and sixty-four shall not apply for the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty-one, and any unexpended balance remaining in the fund established by said section four at the close of business on June thirtieth, nineteen hundred and seventy-five, shall be transferred to the Mass Transportation Fund established by section one of this act.

SECTION 3. Payments required to be made under the provisions of section twenty-five B of chapter fifty-eight of the General Laws, for the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty-one shall be made from the Mass Transportation Fund established by section one of this act.

SECTION 4. Payments required to be made by the commonwealth under sections three and six of chapter eight hundred

and twenty-five of the acts of nineteen hundred and seventy-four, shall be made from the Mass Transportation Fund.

SECTION 5. For the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty, there is hereby imposed, in addition to the excise imposed under the provisions of chapter sixty-four B of the General Laws, an additional excise at the rate of three per cent upon charges taxable under said chapter sixty-four B. All provisions of said chapter relative to the assessment, payment, collection, abatement, verification and administration, including penalties, shall be applicable to the additional excise imposed by this section. All sums received under the provisions of this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes.

SECTION 6. For the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty, there is hereby imposed, in addition to the excises imposed under the provisions of chapters sixty-four A, sixty-four E and sixty-four F of the General Laws, an additional excise of one cent on each gallon of fuel and special fuels taxable under said chapters. All provisions of said chapters relative to the assessment, payment, collection, abatement, verification and administration, including penalties, shall be applicable to the additional excise imposed by this section.

SECTION 7. Notwithstanding any other provision of law to the contrary, the excises imposed by section six of this act shall be credited to the Mass Transportation Fund created by section one of this act and used solely for the payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes.

SECTION 8. Every person other than a licensed distributor, as defined in section one of chapter sixty-four A of the General Laws, who at the commencement of business on July first, nineteen hundred and seventy-five, has on hand for sale or use fuel, as defined in section one of said chapter sixty-four A, other than such fuel as is wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner of corporations and taxation within twenty days thereafter a return subscribed under penalties of perjury showing a complete inventory of such fuel, and shall, at the time he is required to file such return, pay an additional tax on such fuel at the rate of one cent per gallon. All provisions of said chapter sixty-four A relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines,

shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes.

SECTION 9. Every person other than a licensed supplier, as defined in section one of chapter sixty-four E of the General Laws, who at the commencement of business on July first, nineteen hundred and seventy-five, has on hand for sale or use special fuels, as defined in section one of said chapter sixty-four E, other than special fuels as is wholly contained within the fuel supply tank of a motor vehicle, shall make and file with the commissioner of corporations and taxation within twenty days thereafter a return subscribed under the penalties of perjury showing a complete inventory of such special fuels, and shall, at the time he is required to file such return, pay an additional tax on such special fuels at the rate of one cent per gallon. All provisions of said chapter sixty-four E relative to the collection, payment, abatement, verification and administration, including penalties, shall be applicable to the tax imposed by this section. All sums received under this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited to the Mass Transportation Fund and shall be used solely for payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes.

SECTION 10. Notwithstanding any provision of this act, the amount to be paid by every distributor, unclassified importer and licensee under chapters sixty-four A, sixty-four E and sixty-four F of the General Laws for fuels and special fuels sold or used in the commonwealth or imported or caused to be imported into the commonwealth prior to July first, nineteen hundred and seventy-five, shall be seven and one half cents on each gallon so sold, used, imported or caused to be imported.

SECTION 11. For the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty, there is hereby imposed, in addition to the excise levied under the provisions of section six of chapter sixty-four C of the General Laws, an additional excise of two and one-half mills per cigarette sold and all provisions of said chapter relative to the assessment, payment, collection, abatement, verification and administration, including penalties, shall be applicable to the additional excise imposed by this section.

SECTION 12. Every manufacturer, wholesaler, vending machine operator, unclassified acquirer or retailer, as defined in section of chapter sixty-four C of the General Laws, who, at the commencement of business on July first, nineteen hundred and seventy-five, has on hand any cigarettes for sale or any unused adhesive or meter stamps, shall make and file with the commissioner of corporations and taxation within twenty days thereafter a return, subscribed under the penalties of perjury,

showing a complete inventory of such cigarettes and stamps, and shall, at the time he is required to file such return, pay an additional excise at the rate of two and one-half mills per cigarette on all cigarettes and all unused adhesive and meter stamps upon which an excise of only eight mills has previously been paid. All provisions of said chapter sixty-four C, relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section.

SECTION 13. All sums received under sections eleven and twelve of this act shall be paid into the treasury of the commonwealth and credited as follows: —

(*a*) Two and one-quarter mills of the excise imposed by said sections and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the General Obligations Fund.

(*b*) One-quarter mill of the excise imposed by said section and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance, and repair of mass transportation lines and for other mass transportation purposes.

SECTION 14. Notwithstanding the provisions of section twenty-eight of chapter sixty-four C of the General Laws, for the period beginning July first, nineteen hundred and seventy-five and ending June thirtieth, nineteen hundred and eighty all sums received under said chapter shall be paid into the treasury of the commonwealth and shall be credited as follows: —

(*a*) Five mills of the excise imposed by section six of said chapter sixty-four C and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the General Fund and shall be used solely toward meeting the debt service obligations of the General Fund.

(*b*) Three mills of the excise imposed by said section six and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance, and repair of mass transportation lines and for other mass transportation purposes provided that there shall be deducted therefrom an amount sufficient to reimburse the commonwealth for the expenses incurred in the administration of this chapter, including any amounts abated or refunded under section seven of said chapter sixty-four C.

SECTION 15. Notwithstanding the provisions of section fifteen of chapter one hundred and twenty-eight A of the General Laws, for the period beginning July first, nineteen hundred and seventy-five, and ending June thirtieth, nineteen hundred and

eighty, all receipts paid into the state treasury under said chapter except payments credited to the Agricultural Purposes Fund under section fifteen of said chapter, shall be credited to the Mass Transportation Fund established by section one of this act.

SECTION 16. Notwithstanding any other provision of law to the contrary, for the period beginning July first, nineteen hundred and seventy-five, and ending June thirtieth, nineteen hundred and eighty, all sums received under section twenty-one of chapter one hundred and thirty-eight of the General Laws and all sums received as penalties, forfeitures, interest, costs of suits and fines, less all amounts allowed as refunds and abatements under said section shall be credited to the General Obligations Fund and used solely toward meeting the debt service obligations of said fund.

SECTION 17. For the period beginning July first, nineteen hundred and seventy-five, and ending June thirtieth, nineteen hundred and eighty, there is hereby imposed, in addition to the excise imposed by section twenty-one of chapter one hundred and thirty-eight of the General Laws, an additional excise on the sale of alcoholic beverages or alcohol as follows: —

(*a*) For each barrel of thirty-one gallons, or fractional part of a barrel, aforesaid, of malt beverages, at the rate of ninety cents per barrel aforesaid;

(*b*) For each wine gallon, or fractional part thereof, of cider containing more than three per cent but not more than six per cent of alcohol by weight at sixty degrees Fahrenheit, at the rate of one cent per wine gallon;

(*c*) For each wine gallon, or fractional part thereof, of still wine, other than cider containing more than three per cent but not more than six per cent of alcohol as aforesaid, including vermouth, at the rate of fifteen cents per wine gallon;

(*d*) For each wine gallon, or fractional part thereof, of champagne and all other sparkling wines, at the rate of twenty cents per wine gallon;

(*e*) For each wine gallon, or fractional part thereof, of all other alcoholic beverages containing fifteen per cent or less of alcohol by volume at sixty degrees Fahrenheit, at the rate of thirty cents per wine gallon;

(*f*) For each wine gallon, or fractional part thereof, of all other alcoholic beverages containing more than fifteen per cent but not more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, at the rate of one dollar and ten cents per wine gallon;

(*g*) For each proof gallon, or fractional part thereof, of all other alcoholic beverages containing more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, or alcohol, at the rate of one dollar and ten cents per proof gallon.

All provisions of said section twenty-one of said chapter one hundred and thirty-eight relative to the assessment, collection,

payment, abatement, verification and administration of said excise, including penalties, shall, so far as pertinent, be applicable to the excise imposed by this section. All sums received under this section shall be credited to the General Obligations Fund established by section one of this act.

SECTION 18. Every licensed manufacturer, wholesaler, importer and other licensee under chapter one hundred and thirty-eight of the General Laws, who, at the commencement of business on July first, nineteen hundred and seventy-five, has on hand for sale at the premises covered by a license issued to such person under any provision of said chapter one hundred and thirty-eight, or at any other premises, any alcoholic beverages or alcohol with respect to which the additional excise imposed under section seventeen of this act has not been paid or is not payable under the provisions of said section seventeen, shall make and file with the commissioner of corporations and taxation a complete inventory thereof within thirty days thereafter and shall pay to said commissioner, at the time of filing such inventory, an excise with respect to such alcoholic beverages and alcohol in an amount equal to the additional excise imposed under the provisions of said section seventeen. All provisions of section twenty-one of chapter one hundred and thirty-eight of the General Laws relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties shall, so far as pertinent, be applicable to the excise imposed by this section. All sums received under this section shall be credited to the General Obligations Fund established by section one of this act.

SECTION 19. For the period beginning July first, nineteen hundred and seventy-five, and ending June thirtieth, nineteen hundred and eighty, the provisions of section twenty-four of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine shall not apply to the excise imposed by chapter one hundred and thirty-eight of the General Laws.

SECTION 20. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved June 6, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 291 of the Acts of 1975, entitled, AN ACT TO PROVIDE FOR THE FISCAL REQUIRE-

MENTS OF THE GENERAL FUND, and the enactment of which received my approval on June 6, 1975, should take effect forthwith.

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

In order to provide for the fiscal requirements of the General Fund not later than July first, nineteen hundred and seventy-five.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 6, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 292. AN ACT VALIDATING CERTAIN PROCEEDINGS TAKEN BY THE TOWN OF ANDOVER AND AUTHORIZING THE PAYMENT OF A CERTAIN SUM OF MONEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

SECTION 1. The town of Andover is hereby authorized to pay to the Massachusetts Bay Transportation Authority from any available funds the sum of twenty thousand dollars for passenger rail service provided or to be provided during the period from January first, nineteen hundred and seventy-four, through June thirtieth, nineteen hundred and seventy-five.

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

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

Approved June 6, 1975.

Chap. 293. AN ACT FURTHER PROVIDING FOR THE CONSTRUCTION OF CERTAIN DRAINAGE AND FLOOD CONTROL FACILITIES IN THE CITIES OF MELROSE, MALDEN, EVERETT AND REVERE AND THE TOWNS OF SAUGUS, STONEHAM AND WAKEFIELD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of further carrying out the drainage and flood control works authorized by chapter five hundred and seventy-four of the acts of nineteen hundred and fifty-five, as amended by chapter three hundred and thirty-two of the acts of nineteen hundred and fifty-six, chapter six hundred and fifty-three of the acts of nineteen hundred and fifty-seven, chapter six hundred and forty of the acts of nineteen hundred and sixty-seven, and further authorized by chapter five hundred and nineteen of the acts of nineteen hundred and sixty-one, by chapter five hundred and ninety-five of the acts of nineteen hundred and sixty-three, by chapter six hundred and eighty-three of the acts of nineteen hundred and sixty-eight, by chapter five hundred and twenty-seven of the acts of nineteen hundred and sixty-nine, by chapter six hundred and seventy-one of the acts of nineteen hundred and seventy, and by chapter six hundred and forty-eight of the acts of nineteen hundred and seventy-two, the metropolitan district commission may expend, in addition to the amounts authorized by said chapter five hundred and seventy-four, as amended, and by said chapter five hundred and nineteen, by said chapter five hundred and ninety-five, by said chapter six hundred and eighty-three, by said chapter five hundred and twenty-seven, by said chapter six hundred and seventy-one, and by said chapter six hundred and forty-eight, a sum not to exceed two million five hundred thousand dollars.

SECTION 2. Said commission, for the purpose of this act, may on behalf of the commonwealth, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water courses, right-of-way or easements, and shall have all the rights, powers and duties and be subject to the limitations of section thirty-two of chapter ninety-two of the General Laws; provided, however, that cities and towns in the area or areas within which construction may occur shall grant to the commission the right to enter upon any public land and to construct such facilities as may be necessary without recourse to damage therefor. The commission, however, shall, as provided in said section thirty-two, heed all reasonable requests of officials of said cities and towns to restore such public property to its present condition in so far as is practical.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds

of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of two million five hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Drainage and Flood Control Loan, Act of 1975, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semi-annually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand.

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

Approved June 6, 1975.

Chap. 294. AN ACT RELATIVE TO THE ESTABLISHMENT OF A SEWERAGE COST APPORTIONMENT IN THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. In lieu of sewer betterment assessments under chapters eighty and eighty-three of the General Laws, the town of Northborough shall charge a permanent sewer privilege fee as established by this act. The fees herein may be changed from time to time by vote of the board of sewer and water commissioners.

SECTION 2. Whenever a connection is made, either directly or indirectly, to the town sewer system, or whenever the use of a sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or, in the case of a change in use of a sewer previously connected, then the fee shall be that which is in effect at the time an application for a building permit is filed; or, if no such permit is required, then the fee shall be that which is in effect at the time an occupancy permit is issued; otherwise the fee shall be that which is in effect at the time the new use begins.

SECTION 3. The permanent sewer privilege fee shall be at the rate of two thousand dollars per unit. The number of units to be assessed on each such connection shall be as follows:

A. Residential use.

1. Each single family building connected directly to the town sewer system shall be assessed as one unit.

2. Each dwelling unit in a multiple family dwelling, whether connected to the town sewer system directly or indirectly, and whether in one or more buildings, shall be one unit for the first dwelling unit and one-half unit for each additional dwelling unit.

For the purpose of this section, multiple family dwellings shall be deemed to include, but not be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, motels, hotels, or otherwise.

3. In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers, or by persons other than the town of Northborough each single family dwelling connected to the town sewer system shall be assessed one-half unit for a period of five years from the date of the original subdivision plan approval by the planning board. Clause 1 shall apply to all connections made after the original five year period.

B. Other uses.

1. For uses other than residential, there shall be an assessment of a minimum of one unit, and an additional unit for every ten thousand square feet of floor space, or major portion thereof, exceeding an initial ten thousand square feet, up to a total of fifty thousand square feet of floor space; and an additional unit for every twenty-five thousand square feet of floor space, or major portion thereof exceeding the initial fifty thousand square feet.

2. In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by developers or by persons other than the town of Northborough the charges assessed shall be one-half of the charges described in clause 1 for a period of five years from the date of the original subdivision plan approval. Said clause 1 shall apply to all connections made after the original five year period.

C. Changes in use.

1. When a sewer has previously been connected, in residential uses when additional dwelling units are added, a fee of one-half unit per additional dwelling shall be assessed.

2. When a sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed of one unit for each additional ten thousand square feet of floor space, or major portion thereof, up to a total of fifty thousand square feet of total floor space of the building; and an additional unit for every twenty-five thousand square feet of floor space, or major portion thereof, exceeding the initial fifty thousand square feet.

SECTION 4. The owner or occupant of any building upon land abutting on a public or private way, in which there is a common sewer, shall connect the same therewith by a sufficient drain.

A variance from this requirement may be granted by the board of health on the following conditions:

A. That said building has a private disposal system in use which meets the requirements of the board of health of said town said variance to be only for so long as said system continues to meet those requirements as they may be amended or revised; or

B. That said land, by reason of its grade or level or any other cause cannot be drained into such sewer, until such incapacity is removed, and further, provided that a private septic system is installed which meets the requirements as they may be amended or revised.

SECTION 5. The fee under this act shall be assessed by the sewer commissioners of said town upon the estate benefited thereby. Such assessment shall be made by filing with the board of assessors of said town a certificate, designating the way on which the premises connected lies, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall within thirty days after the filing of the same with the board of assessors, be recorded in the Worcester county registry of deeds, or, in the case of registered land, filed in the office of the assistant recorder for the Worcester county registry district. The board of assessors of said town shall, upon receipt of such certificate, forthwith commit such assessment with a warrant to the collector of taxes of said town, who shall forthwith make a demand in writing for the payment of such assessment, and every owner shall, within three months after such demand is served upon him or on the occupant of such estate, or sent by mail to the last address of the owner known to said collector of taxes, pay to said collector of taxes the sum so assessed or charged.

SECTION 6. Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, to liens thereof, and to interest thereon shall apply to assessments made under this act. In applying said provisions to assessments made under this act, the notice referred to herein shall be deemed to be the demand of the tax collector. The lien for any assessment made under this act shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

SECTION 7. In addition to the fees prescribed by this act, the owner shall pay the rates established from time to time for sewer usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced.

SECTION 8. This act shall take effect upon its passage.

Approved June 6, 1975.

Chap. 295. AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriations the treasurer of said city is hereby authorized to pay such of the unpaid bills incurred by said city and totalling one hundred eighteen thousand seven hundred and ninety-one dollars and seventy cents, as set forth in the list on file with the joint committee on local affairs. Said bills were incurred by the department of veteran's services of said city and are legally unenforceable against said city.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby received payment for services which were not rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved June 6, 1975.

Chap. 296. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO CERTAIN CLUBS IN THE CITY OF MELROSE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven or section eleven A of chapter one hundred and thirty-eight of the General Laws as to the time and manner of voting upon the questions therein set forth, the board of election commissioners of the city of Melrose shall cause to be placed on the official ballot to be used in the city of Melrose by the registered voters of said city at the biennial city election to be held in the year nineteen hundred and seventy-five, the following question:

"Shall licenses be granted in the city of Melrose for the sale therein of all alcoholic beverages by clubs as defined in section one of chapter one hundred and thirty-eight of the General Laws?"

Yes	
No	

If a majority of the votes cast in answer to said question is in the affirmative, said city shall be taken to have authorized, until

the end of calendar year nineteen hundred and seventy-six, the sale in said city of all alcoholic beverages to be drunk on the premises of clubs as defined and limited in section one of chapter one hundred and thirty-eight of the General Laws, notwithstanding any provisions of section twelve of said chapter to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the city of Melrose at the next biennial state election, and at each biennial state election thereafter until the voters of said city have voted in the affirmative three consecutive times or in the negative three consecutive times:

"Shall licenses be granted in the city of Melrose for the sale therein of all alcoholic beverages by clubs as defined in section one of chapter one hundred and thirty-eight of the General Laws?"

Yes	
No	

If a majority of the votes cast in answer to said question is in the affirmative, said city shall be taken to have authorized for the two calendar years, next succeeding, the sale in said city of all alcoholic beverages to be drunk on the premises of clubs as defined and limited in section one of chapter one hundred and thirty-eight of the General Laws, notwithstanding any provisions of section twelve of said chapter to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

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

Approved June 6, 1975.

Chap. 297. AN ACT PROVIDING FOR THE APPOINTMENT OF ASSOCIATE MEMBERS TO THE HISTORIC DISTRICT COMMISSION IN THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter forty C of the General Laws, the city of Springfield may, by ordinance, provide for the appointment by its mayor, subject to confirmation by the city council of said city, of associate members of the historic district commission of said city who shall have the right to vote only on the issuance of a certificate of appropriateness for the district wherein they reside. Associate members originally appointed shall serve for terms of one, two or three years, as determined by the mayor of said city, and their successors shall serve for terms of three years. Each associate member shall at the time of his appointment, be a resident of a historic district under the jurisdiction of the historic district commission and shall cease to be an associate member of said

commission if he ceases to be a resident of such district. No more than two such associate members shall at the same time be residents of the same district. Any vacancy in the office of associate member shall be filled for the unexpired term in the same manner as the original appointment.

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

Approved June 6, 1975.

Chap. 298. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 470 of the acts of 1973 is hereby amended by striking out, in line 23, the words "route 3" and inserting in place thereof the words: — route 6.

SECTION 2. Section 9 of said chapter 470 is hereby amended by inserting after the word "the", in line 25, the words: — applicant, the.

Approved June 6, 1975.

Chap. 299. AN ACT AUTHORIZING THE TRANSFER OF CERTAIN LAND FROM THE PORTUGUESE CEMETERY OF OUR LADY OF THE LIGHT TO THE ROMAN CATHOLIC BISHOP OF FALL RIVER.

Be it enacted, etc., as follows:

SECTION 1. The Portuguese Cemetery of Our Lady of the Light, incorporated under the provisions of chapter seventy-eight and chapter one hundred and twenty-three of the revised laws of the commonwealth on April fourteenth, nineteen hundred and ten, is hereby authorized to transfer all its right, title and interest to any and all land held in the city of Fall River to the Roman Catholic Bishop of Fall River, a corporation sole.

SECTION 2. For the purposes of this act the incorporators of the Portuguese Cemetery of Our Lady of the Light shall be Joseph A. Faria and Richard H. Silva of the town of Swansea and Gilbert C. Oliveira, Paul F. Silva and Manuel Barboza, Jr. of the city of Fall River.

The powers of said incorporators shall be limited to electing officers and directors from the members of the incorporators, notifying all interested parties of their intention to transfer and, after a meeting called specifically for the purpose of voting the transfer of the land to the said Roman Catholic Bishop of Fall River, executing a deed conveying all of the right, title and interest in the land, including the license granted by the board of aldermen in the city of Fall River, adopted on September fif-

teenth, nineteen hundred and eleven, to said Roman Catholic Bishop of Fall River.

SECTION 3. The Portuguese Cemetery of Our Lady of the Light, shall be dissolved upon the conveyance of the deed, duly recorded and said license assigned. *Approved June 6, 1975.*

Chap. 300. AN ACT REQUIRING PAYMENT OF AN ADDITIONAL EXAMINATION FEE DIRECTLY TO A TESTING SERVICE DESIGNATED BY THE BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN.

Be it enacted, etc., as follows:

Section 87ZZ of chapter 112 of the General Laws is hereby amended by striking out paragraph (*a*), as most recently amended by section 52 of chapter 684 of the acts of 1972, and inserting in place thereof the following paragraph: —

(*a*) For each examination for a broker's license, fifteen dollars; for each examination for a salesman's license, eight dollars; provided, however, that a veteran holding an honorable discharge or a blind person shall not be required to pay any examination fee; and provided, further, in the event the examination is conducted by an independent testing service designated by the board under authority of section eighty-seven SS, in addition to the above fee, each individual shall pay to the testing service a fee, approved by the board, covering the actual cost of giving the examination.

Approved June 6, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, June 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 300 of the Acts of 1975, entitled, AN ACT REQUIRING PAYMENT OF AN ADDITIONAL EXAMINATION FEE DIRECTLY TO A TESTING SERVICE DESIGNATED BY THE BOARD OF REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN, and the enactment of which received my approval on June 6, 1975, should take effect forthwith.

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

In order to permit the immediate implementation of certain testing procedures.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 9, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 301. AN ACT RELATIVE TO THE ACCEPTANCE BY THE TOWN OF NORTH ATTLEBOROUGH OF THE VETERANS' RETIREMENT LAW, SO CALLED.

Be it enacted, etc., as follows:

Notwithstanding the limitation contained in the first paragraph of section sixty of chapter thirty-two of the General Laws, sections fifty-six to sixty, inclusive, of said chapter thirty-two shall be in effect in the town of North Attleborough upon a majority vote of the selectmen in said town.

Approved June 6, 1975.

Chap. 302. AN ACT REGULATING CERTAIN REIMBURSEMENTS UNDER INSURANCE POLICIES FOR SERVICES BY PODIATRISTS.

Be it enacted, etc., as follows:

Section 110 of chapter 175 of the General Laws is hereby amended by inserting after subdivision (H) the following subdivision:—

(I) Whenever any general or blanket policy of insurance delivered or issued for delivery in the commonwealth under the provisions of this section provides for reimbursement for any podiatric service which is within the lawful scope of practice of

a duly licensed podiatrist, a policyholder shall be entitled to reimbursement for such service, whether the service is performed by a physician or duly licensed podiatrist.

Approved June 6, 1975.

Chap. 303. AN ACT FURTHER REGULATING MEETINGS OF GOVERNMENTAL BODIES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 30A of the General Laws is hereby amended by striking out section 11A, as most recently amended by chapter 77 of the acts of 1966, and inserting in place thereof the following two sections: —

Section 11A. The following terms as used in section eleven B shall have the following meanings: —

"Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting or part of a meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", a state board, committee, special committee, subcommittee or commission, whether or not created by executive order, within the executive or legislative branch of the commonwealth or the governing board or body of any authority established by the general court to serve a public purpose in the commonwealth or any part thereof, but shall not include the general court or the committees or recess commissions thereof, or bodies of the judicial branch, or any meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it, nor shall it include the Board of Bank Incorporation, the State Tax Commission and the General Insurance Guaranty Fund.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

Section 11B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members of the governmental body have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitations contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and after a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition or mental health rather than the professional competence of an individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting or social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of a

governmental body subject to this section shall be filed with the secretary of state, and a copy thereof posted in the office of the executive office for administration and finance at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to the time of such meeting. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meetings.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive sessions. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, a member shall be furnished by the state secretary with a copy of this section. Each member shall sign a written acknowledgement that he has been provided with such a copy.

The attorney general shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions of this section, any justice of the supreme judicial court or the superior court sitting in any county shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Any such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the governmental body is located. The order of notice on the petition shall be heard no later than ten days after the filing thereof or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the

hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such petition were in accordance with and authorized by this section, by section twenty-three B or by section nine G of chapter thirty-four. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which provisions of this section may have been violated, provided that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy hereby created is not exclusive, but shall be in addition to every other available remedy.

SECTION 2. Chapter 34 of the General Laws is hereby amended by striking out section 9F, as most recently amended by section 2 of chapter 437 of the acts of 1960, and inserting in place thereof the following two sections: —

Section 9F. The following terms as used in section nine G shall have the following meanings: —

"Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", a county board, commission, committee and subcommittee.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

Section 9G. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private

for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has convened in an open session for which notice has been given, a majority of the members of the governmental body have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitations contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition, or mental health rather than the professional competence of an individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting, or social meeting at which matters relating to official business are discussed, so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of a governmental body shall be filed in the office of the county

commissioners and a copy thereof, publicly posted in such place or places as the county commissioners shall designate for the purpose at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to the time of such meeting. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meetings.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret so long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive session. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body a member shall be furnished by the county commissioners with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the district in which the violation allegedly occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body, member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the county is located. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at

any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such petition was in accordance with and authorized by section eleven B of chapter thirty, by this section or by section twenty-three B of chapter thirty-nine. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall, be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which provisions of this section may have been violated, provided that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require records of any such meeting to be made public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 3. Chapter 39 of the General Laws is hereby amended by striking out sections 23A, 23B and 23C and inserting in place thereof the following three sections: —

Section 23A. The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings: —

"Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", a municipal board, commission, committee or subcommittee, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

Section 23B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation and character, physical condition or mental health rather than the professional competence of a single individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.

(3) To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.

(4) To discuss the deployment of security personnel or devices.

(5) To consider allegations of criminal misconduct.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk, and notices of meetings of the committee shall be filed with its secretary and posted in his office or on the principal official bulletin board of the district. If the meeting shall be of a board, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meeting, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret, so long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded votes and shall become a part of the record of said executive sessions. Upon request of any member of a governmental body, any vote taken in its executive session shall be verified by a roll call.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the district in which the violation allegedly occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding them open for meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body

or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney of the district in which the city or town is located. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such petition the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such petition was in accordance with and authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting which violates the provisions of this section, providing that such petition is filed within fourteen days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by the provisions of this section. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

Section 23C. No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenience place until the meeting is adjourned.

SECTION 4. Chapter 66 is hereby amended by inserting after section 17B the following section: —

Section 17C. Upon proof of failure of a governmental body as defined in section eleven A of chapter thirty A, section nine F of chapter thirty-four and section twenty-three A of chapter thirty-nine, or by any member or officer thereof to carry out any of the provisions prescribed by this chapter for maintaining public records, a justice of the supreme judicial or the superior

court sitting within and for the county in which such governmental body acts or, in the case of a governmental body of the commonwealth, sitting within and for any county, shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out the provisions of this chapter. Such order may be sought by petition of three or more registered voters, by the attorney general, or by the district attorney for the district in which the governmental body acts. The order of notice on the petition shall be returnable no later than ten days after the filing thereof and the petition shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the petition without notice when such order is necessary to fulfill the purposes of this section. In the hearing of any such petition the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such petition were in accordance with and authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by section twenty-three B. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Any such order may also, when appropriate, require the records of any such meeting of a governmental body to be made a public record unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized by section eleven B of chapter thirty, by section nine G of chapter thirty-four or by section twenty-three B. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-six. *Approved June 6, 1975.*

Chap. 304. AN ACT AUTHORIZING THE TOWN OF ADAMS TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The town of Adams is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, the following unpaid bills to D. Krutiak the sum of two hundred and eighty dollars, to R. Randall the sum of one hundred and thirty-five dollars and ten cents, and to Wolverine Sports, a division of School Tech, Inc. a corporation duly organized

under the laws of the state of Michigan, the sum of fifty-three dollars and seventy-eight cents, said bills being legally unenforceable by reason of their not having been contracted for pursuant to provisions of the by-laws of said town.

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

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for materials and equipment which were not received by said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved June 9, 1975.

Chap. 305. AN ACT FURTHER DEFINING THE REQUIREMENTS FOR THE TEACHING OF CERTAIN COURSES IN PUBLIC HIGH SCHOOLS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 13, as most recently amended by chapter 111 of the acts of 1973, and inserting in place thereof the following section: —

Section 13. In every public high school having not less than one hundred and fifty pupils, any course not included in the regular curriculum shall be taught if the parents or guardians of not less than twenty pupils or of a number of pupils equivalent to five per cent of the pupil enrollment in the high school, whichever is less, request in writing the teaching thereof, provided said request is made and said enrollment is completed before the preceding August first and provided a qualified teacher is available to teach said course. The teaching of any course as provided by this section may be discontinued if the enrollment of pupils falls below ten. Such courses as may be taught under this section shall be given the same academic credit necessary for a high school diploma as is given to similar courses taught in said public high school, provided that the school committee shall make a determination as to the credit equivalency of such course prior to its being offered.

Approved June 9, 1975.

Chap. 306. AN ACT TO FURTHER REGULATE CERTAIN COMMON CARRIERS.

Be it enacted, etc., as follows:

Notwithstanding any provisions of chapter one hundred and fifty-nine A of the General Laws or any other general or special law to the contrary, the department of public utilities may, with the approval of the mayor of the city of Boston, issue licenses for the operation of motor vehicles carrying passengers for hire to and from a major regional transportation terminal in the city of Boston and locations outside the city of Boston along the following public ways: all streets in the city of Boston between such terminal and the entrance and exit ramps of the Massachusetts Turnpike Extension, of the John F. Fitzgerald Highway, or of interstate highway Route 93 in the city of Boston, provided that such public ways are already in use by through, commercial passenger bus or truck traffic. Any license issued pursuant to this act shall stipulate that the licensee may receive or discharge passengers within the city of Boston for operations carried out under authority of such license only at one, specified, major regional transportation terminal.

Approved June 9, 1975.

Chap. 307. AN ACT REQUIRING THE PROMPT TRANSMISSION BY TREASURERS OF CITIES, TOWNS AND DISTRICTS OF DUES DEDUCTIONS FROM SALARIES OF TEACHERS TO CERTAIN TEACHERS' ASSOCIATIONS.

Be it enacted, etc., as follows:

Section 17C of chapter 180 of the General Laws is hereby amended by striking out the third sentence, as appearing in chapter 175 of the acts of 1972, and inserting in place thereof the following sentence: — The treasurer of the city, town or district shall deduct from the salary of such teacher such amount of dues as may be certified to him on the payroll and transmit the sum so deducted to said association within thirty days of such deduction; provided, that the city, town or district treasurer is satisfied by such evidence as he may require that the treasurer of such association has given to said association a bond, in a form approved by the commissioner of corporations and taxation, for the faithful performance of his duties, in a sum and with such surety or sureties as are satisfactory to the city, town or district treasurer.

Approved June 9, 1975.

Chap. 308. AN ACT REVOKING THE PLYMOUTH-CARVER REGIONAL SCHOOL COMMITTEE'S ACCEPTANCE

OF THE PROVISIONS OF THE LAW RELATIVE TO THE APPROPRIATION OF FUNDS FOR LIFE AND HEALTH INSURANCE FOR RETIRED TEACHERS.

Be it enacted, etc., as follows:

Notwithstanding the acceptance of section eleven E of chapter thirty-two B of the General Laws by the Plymouth-Carver Regional School Committee, the provisions of said section shall not be applicable to the Plymouth-Carver Regional School District. *Approved June 9, 1975.*

Chap. 309. AN ACT AUTHORIZING THE TOWN OF HARWICH TO RECEIVE AND ADMINISTER THE PROPERTY OF THE HARWICH PORT CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The Harwich Port Cemetery Association, a corporation duly established under the laws of the commonwealth, hereinafter called the association, may, by deed duly executed, convey and transfer to the town of Harwich, and said town is hereby authorized and empowered to receive, and thereafter to hold and maintain, but for cemetery purposes only, and subject to all rights heretofore existing in any burial lots, the real and personal property of the association not subject to any trust, and, thereupon, and upon the transfer of the trust funds as hereinafter provided, the association shall be dissolved; and the cemetery of the association shall be and become a public burial place, ground or cemetery.

SECTION 2. Insofar as authorized by a decree of a court of competent jurisdiction and in compliance with the terms and conditions of such decree, said town may receive from the association a conveyance and transfer of, and administer, all funds or other property held by the association in trust for the perpetual care of the lots in the cemetery and for other purposes, and also any property devised or bequeathed to the association under the will of any person living at the time of said transfer or conveyance or under the will of any deceased person not then probated. Interest and dividends accruing on funds deposited in trust with any savings bank under authority of section twenty-five of chapter one hundred and sixty-eight of the General Laws, or with any other banking institution, for the benefit of the association, or any lots in the cemetery may, after such conveyance, be paid by such bank or institution to the treasurer of said town; and upon such payment said treasurer shall use the same for the purposes of said trusts.

SECTION 3. All real and personal property and property rights, acquired by said town from the association under authority of

this act, shall be held and managed by said town in the same manner in which cities and towns are authorized by law to hold and manage property for cemetery purposes; provided, that all rights which any persons have acquired in the cemetery of the association or any lots therein shall remain in force to the same extent as if this act had not been passed and such transfer had not occurred. The records of the association shall be delivered to the clerk of said town and such clerk may certify copies thereof. *Approved June 9, 1975.*

Chap. 310. AN ACT PROVIDING THAT THE DIRECTOR OF FINANCE AND ADMINISTRATION IN THE CITY OF PEABODY SHALL BE THE MEMBER EX OFFICIO OF THE RETIREMENT BOARD OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section twenty of chapter thirty-two of the General Laws, the director of finance and administration of the city of Peabody shall be the member ex officio of the retirement board of said city instead of the city auditor or other officer having similar duties.

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

Approved June 10, 1975.

Chap. 311. AN ACT TRANSFERRING THE BUREAU OF BUILDING CONSTRUCTION FROM THE EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION TO THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the transfer of the bureau of building construction to the executive office for administration and finance on July first in the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Sections twenty to thirty, inclusive, of chapter six A of the General Laws are hereby repealed.

SECTION 2. Chapter 7 of the General Laws is hereby amended by inserting after section 38, added by chapter 697 of the acts of 1974, the following ten sections: —

Section 39. There shall be within the central services division of the executive office for administration and finance a bureau of building construction headed by a director of building con-

struction. Said director shall be the chief engineer of the bureau of building construction.

The director of building construction and a deputy director of building construction shall each be appointed by the commissioner, with the approval of the governor, and may be removed, in like manner. Each shall be a person of ability and experience; and shall devote his entire time to the duties of his office. Neither of said offices shall be subject to section nine A of chapter thirty or chapter thirty-one. No person shall be appointed director of deputy director of said bureau unless at the time thereof he shall be registered by the commonwealth as an architect or professional engineer pursuant to the provisions of chapter one hundred and twelve and shall have proven ability and extended experience in the design and construction of buildings.

The commissioner shall appoint all other officers and employees in said bureau, and all such appointments shall be made in accordance with chapter thirty-one.

The commissioner shall be responsible for the exercise of all powers and the performance of all duties assigned by law to said bureau, which shall be under his direction, control and supervision.

Section 40. Except as otherwise provided in this section or by any appropriation act, the director of building construction shall, in the manner and to the extent provided by this chapter, have control and supervision of all building construction projects, as hereinafter defined, which may be undertaken by the commonwealth or by any county. Such projects shall include any project financed in whole or in part by appropriation, bond issue or federal funds, the estimated cost of which shall exceed ten thousand dollars, and which shall be undertaken for demolition of or construction of any building and appurtenant structures, facilities and utilities, including original equipment and furnishings thereof. Such projects shall also include any project the estimated cost of which shall exceed ten thousand dollars for the alteration, repair or addition to any existing building and appurtenant structure, facility and utility; provided such alteration, repair or addition requires alteration of the structural or mechanical design of the building, structure or utility. Such projects shall not include projects involving the ordinary repair or maintenance of such buildings, structures or utilities not requiring structural or mechanical alterations, and responsibility for such repair or maintenance projects shall rest with the operating agency unless otherwise specified by the act in which funds for the project are appropriated. Such projects shall not include any project undertaken by or on behalf of any city or town or other local authority, or appurtenant buildings or structures which are required to be constructed as integral parts of the development of improvement of sewer, water and highway systems.

The commissioner may after consultation with said director and the agency or county for which the project shall be under-

taken, hereinafter called the operating agency, direct that any such project shall be undertaken by the operating agency free from the control and supervision of said director, subject, however, to the following conditions: that, as far as feasible, the standard contract documents and specifications referred to in section forty-one shall be used in connection with the project; that no person shall be engaged as a designer on the project who shall not have the qualifications required by section thirty B; that the operating agency shall file with said director certified copies of the working plans and specifications for the project and of all changes therein; that the commissioner may at any time or times add such other conditions to such exemption as in his opinion would benefit the commonwealth; and that the commissioner shall transfer from the bureau of building construction to the operating agency the funds available for the project.

For the purposes of sections forty-one and forty-two, the word "project" or "projects" shall mean any project which shall, in accordance with this section, be subject to the control and supervision of said director.

Section 41. The contract which the director of building construction shall make with the designer appointed under section thirty B shall provide, among other appropriate terms, that the designer shall: in consultation with the operating agency and subject to its initial approval, prepare plans and specifications for the project for submission to said director for his approval; so far as feasible, use standard contract documents and specifications which said director shall have prepared and made available in the bureau of building construction; be charged with general supervision of construction of the project; appoint and employ a qualified clerk-of-the-works for the project who shall be approved by the director, shall devote full time to the work of the project, oversee continuously the detail of construction, keep informed at all times of the financial status of the project, and make such investigations for and reports and recommendations to the designer or the director as either may require; and subject to the approval of the said director, be currently reimbursed for all expenses incurred in connection with the employment of such clerk-of-the-works.

No person shall be so appointed and employed as clerk-of-the-works unless at the time thereof he shall be registered by the commonwealth as an architect or professional engineer under the provisions of chapter one hundred and twelve, shall have had at least five years experience in the construction and supervision of construction of buildings for an architectural, engineering or construction firm or association, and shall have proven ability to estimate construction costs and to keep accurate records and accounts thereof; or if not so registered, he shall have had at least ten years of such experience and shall have such proven ability to estimate construction costs and to keep records and accounts thereof.

If the designer shall not, within thirty days following final approval of the plans and specifications for the project, so appoint and employ such a clerk-of-the-works, the director shall, on behalf of the commonwealth, appoint and contract with a qualified clerk-of-the-works for the project; provided, however, that the director may exempt any project from the necessity of having a clerk-of-the-works or of having a clerk-of-the-works who shall have the qualifications required by this section, if in his opinion such exemption would benefit the commonwealth.

Section 42. No obligation shall be incurred or payment made for preparation of any plans or specifications for any project without the prior approval of the director of building construction; and in the case of a project undertaken on behalf of the commonwealth, no plans or specifications, other than preliminary plans or specifications, shall be prepared until a special appropriation shall have been made therefor or for the project or until federal funds or assistance shall have been made available therefor. No other obligation shall be incurred or payment made in connection with any project until such obligation or payment shall have been approved in accordance with sections thirty-nine to forty-eight, inclusive.

Working plans and specifications for each project shall, following initial approval thereof by the operating agency, be submitted by the designer to the director for his approval. In reviewing such plans and specifications, the duty of the director shall be to see that they are clear and complete and permit execution of the project with economy and efficiency.

Following final approval of such plans and specifications, the director shall advertise in a reasonable number of newspapers for proposals for performance of the work of the project; except that the commissioner may direct that the purchase of any materials, original equipment or original furnishings for the project shall be made under the provisions of sections twenty-two to twenty-six, inclusive. Subject to the prior approval of the commissioner and to the applicable provisions of sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine, he shall award the contract or contracts for such work to the lowest responsible eligible bidder; but no such contract on behalf of the commonwealth shall be awarded by him for a sum in excess of the amount which the comptroller shall certify to be available therefor. If the director shall knowingly award a contract in violation of any provision of this section, he may be removed from office by the governor.

Section 43. A request for any change in the plans, specifications or contracts for any project may be initiated by the operating agency, the designer, any contractor or sub-contractor working on the project, or the director of building construction, and shall be processed within the time limits set forth in section thirty-nine P of chapter thirty. Such request shall be submitted

first to the clerk-of-the-works. He shall examine and forward the same, with his recommendations, to the designer and simultaneously furnish copies thereof to the director and the operating agency. The designer shall then examine and forward the same, with his recommendations, to the director and simultaneously furnish copies thereof to the operating agency. The director shall approve or disapprove the request; provided, however, that if the regulations of the commissioner under this section shall so require, the approval granted by the director shall not be effective without the approval also of the operating agency and the commissioner. The commissioner may make, alter, amend or repeal such rules and regulations as he may deem necessary for the purposes of this section.

If the request shall be approved, said director shall forthwith issue a formal change order to the contractor and shall send copies thereof to the comptroller, the operating agency and the designer.

If the director disapproves the request, he shall forthwith so notify in writing the designer, the operating agency and the requesting party also; and the requesting party or the operating agency may, within five days following receipt of such notice, appeal such disapproval to the commissioner. Such appeal shall set forth in writing the reasons therefor and a copy thereof shall be furnished to the director at the time the appeal is filed with the commissioner. The commissioner shall, within ten days following receipt of such an appeal, render a written decision thereon.

The provisions of section twenty A of chapter twenty-nine shall not apply to any change-order request submitted and acted on in accordance with this section.

Section 44. Whenever the director of building construction disapproves any plan, specification, contract, appointment of a clerk-of-the-works or payment for any project, he shall forthwith notify the requesting party, the designer and operating agency in writing of his reasons therefor. Within three days following receipt of such notice the requesting party, the designer or operating agency may appeal such action to the commissioner, in which event the commissioner shall decide the matter.

Any such appeal shall set forth in writing the reasons therefor and a copy thereof shall be furnished to the director at the time the appeal is filed with the commissioner.

The commissioner may adopt and issue, and from time to time amend or repeal, regulations governing the hearing and deciding of appeals to it permitted under this section from actions of said director and governing exercise of any other powers and duties given the commissioner by sections thirty-nine to forty-eight, inclusive. Such regulations shall become effective when they shall have been approved by the governor and a copy thereof shall have been filed with the state secretary. The commissioner

shall cause printed copies of such regulations to be made available to said director for general distribution.

As used in this section and section forty-three, the word "days" shall not include Saturdays, Sundays or legal holidays.

Section 45. In addition to the powers and duties given him, the director of building construction shall have the following powers and duties:

1. From time to time he shall cause each project to be inspected to determine the quality of construction thereof and to assure that the project and construction thereof shall comply with the plans, specifications and contracts therefor.

2. He shall be responsible for accepting or rejecting each project upon its completion and for directing final payment for work done thereon; provided, however, that if upon inspection of any project for acceptance he shall find that the plans, specifications, contracts or change-orders for the project shall not have been fully complied with or that the operating agency shall for any reason object to his acceptance of the project, he shall, until such compliance has been effected, such objection has been removed or adjustment satisfactory to him has been made, refuse to accept the project and direct such payment.

3. Upon acceptance of the project, he shall release the same to the operating agency.

4. From each agency of the commonwealth which has or shall have charge of any building owned by or maintained at the expense of the commonwealth, he shall request, and the agency shall promptly furnish, periodic maintenance reports in such form and containing such information as he shall from time to time determine.

Section 46. The commissioner shall cause the director of building construction to examine all requests for projects as provided in section seven of chapter twenty-nine. The director of building construction, with the approval of the commissioner, may develop projects of his own whenever in his judgement the maintenance of state-owned property requires such improvements to prevent deterioration or costly future repairs. Said director shall cause to be made and filed with him preliminary plans and descriptive specifications sufficient for a careful estimate by a competent expert; and for such purpose such sums as may be appropriated or otherwise made available therefor may, with his approval, be expended and he may, with the approval of the commissioner, employ temporarily such architects, engineers, contractors and consultants as may be necessary.

Annually said director shall submit a list containing all such projects so requested to the commissioner on or before a date set by the commissioner. Such report shall show the estimated cost of each such project.

Section 47. The director of building construction may adopt and issue, and from time to time amend or repeal, such regula-

tions as he shall deem necessary or desirable to expedite the work of the bureau of building construction. Such regulations shall become effective when they shall have been approved by the commissioner and a copy thereof shall have been filed with the state secretary. Printed copies of such regulations shall be available for general distribution.

Section 48. The director of building construction may, with the approval of the commissioner and the governor, accept on behalf of the commonwealth any federal funds or assistance for financing the cost of plans and specifications for any project.

If such funds or assistance shall be appropriated for aiding construction of any project, the director may, with like approval, apply for the same and may, with the approval of the governor, accept the same on behalf of the commonwealth. Any project so aided shall be executed in all respects subject to applicable federal law and rules and regulations and also to the applicable provisions of this chapter not inconsistent therewith.

SECTION 3. The first sentence of the fourth paragraph of section 30B of said chapter 7, as amended by section 10 of chapter 704 of the acts of 1969, is hereby further amended by striking out, in lines 3 and 4, the words "thirty of chapter six A" and inserting in place thereof the word: — forty.

SECTION 4. Said section 30B of said chapter 7 is hereby further amended by striking out the seventh paragraph, as amended by section 11 of said chapter 704, and inserting in place thereof the following paragraph: —

When the commissioner appoints a designer he shall forthwith notify in writing the director of building construction of the appointment and shall instruct said director forthwith to enter into a contract with the designer, subject to such conditions as the commissioner may set forth in said notice.

SECTION 5. The first sentence of the first paragraph of section 7 of chapter 29 of the General Laws, as appearing in section 3 of chapter 473 of the acts of 1963, is hereby amended by striking out, in line 2, the words "thirty A" and inserting in place thereof the word: — forty.

SECTION 6. The second paragraph of said section 7 of said chapter 29 is hereby amended by striking out the first sentence, as amended by section 32 of chapter 704 of the acts of 1969, and inserting in place thereof the following two sentences: — The commissioner shall assign the examination of the project to the director of building construction for the preparation of recommendations on the technical feasibility of the project, the type and design of construction and preliminary cost estimates. The commissioner shall designate the budget bureau or other appropriate agency or agencies within the executive office for administration and finance to study the requested project to determine its financial impact on the budget and its effect on the policy and program of development of the commonwealth's services.

SECTION 7. The first sentence of section 8A of said chapter 29, as most recently amended by section 33 of said chapter 704, is hereby further amended by striking out, in lines 14 and 15, the words "secretary of transportation and construction" and inserting in place thereof the words: — commissioner of administration, and by striking out, in line 16 and in line 20, the word "secretary" and inserting in place thereof, in each instance, the word: — commissioner.

SECTION 8. The transfer of the bureau of building construction from the executive office of transportation and construction shall not be construed as abolishing said bureau, nor shall the establishment of the bureau of building construction in the division of central services in the executive office for administration and finance by section thirty-nine of chapter seven of the General Laws, inserted by section two of this act, be construed as creating a new agency, but as a transfer of said bureau from the executive office of transportation and construction to the division of central services of the executive office for administration and finance. Unless a contrary intent clearly appears, all powers and duties of said bureau, as existing immediately prior to said effective date, shall be exercised and performed by said bureau as so transferred, and all powers and duties of the secretary of transportation and construction with respect to said bureau, as so existing, shall be transferred to the commissioner of administration. The phrase "bureau of building construction in the executive office of transportation and construction" or any words connoting the same, when used in any statute, order, rule or regulation, shall mean the bureau of building construction in the division of central services of the executive office for administration and finance, unless a contrary intent clearly appears.

SECTION 9. All officers and employees of the bureau of building construction in the executive office of transportation and construction, including the incumbents of the offices of director and deputy director of said bureau, who, immediately prior to the effective date of this act, hold positions classified under chapter thirty-one of the General Laws, or have tenure in their positions by reason of section nine A of chapter thirty of the General Laws, are hereby transferred to the bureau of building construction within the division of central services of the executive office for administration and finance, every such transfer to be without impairment of civil service status, seniority, retirement or other rights of the officer or employee, without interruption of his service within the meaning of said chapter thirty-one or said section nine A, and without reduction in compensation and salary grade.

All officers and employees of the bureau of building construction of the executive office of transportation and construction who, immediately prior to said effective date, do not hold positions classified under said chapter thirty-one, or do not have

tenure in their positions by reason of said section nine A, are hereby transferred to the bureau of building construction within the division of central services of the executive office for administration and finance, every such transfer to be without impairment of seniority, retirement and other rights of the officer or employee, without interruption of service within the meaning of said section nine A, and without reduction in compensation and salary grade.

Nothing in this section shall be construed to confer upon any officer or employee any rights not held immediately prior to said effective date, or to prohibit any subsequent reduction in compensation or salary grade, transfer or reassignment, suspension, discharge, layoff or abolition of position not prohibited prior thereto.

All questions regarding the identification of such officers and employees and of the agency or executive office to which they are so transferred shall be determined by the commissioner of administration.

SECTION 10. All books, papers, records, documents, equipment, lands, interests in land, buildings, facilities, and other property, both personal and real, which immediately prior to the effective date of this act, are in the custody of the secretary of transportation and construction or any other agency from which powers and duties are transferred to the executive office of administration and finance by the provisions of this act, and which relate to or are maintained for the purpose of the exercise of such powers or the performance of such duties, are hereby transferred to the commissioner of administration. All questions regarding the identification of such property and to whom custody thereof is so transferred shall be determined by the commissioner of administration.

SECTION 11. All monies heretofore appropriated by the bureau of building construction or to the secretary of transportation and construction on behalf of the bureau of building construction from which or from whom powers and duties are transferred by the provisions of this act which relate to the exercise of such powers or the performance of such duties, and remaining unexpended on the effective date of this act, are hereby transferred to, and shall be available for expenditure by, the commissioner of administration.

All questions regarding the identification of such monies shall be determined by the commissioner of administration.

SECTION 12. All duly existing contracts, leases and obligations of the bureau of building construction, or of the secretary of transportation and construction on behalf of said bureau, from which, or from whom, powers and duties are transferred to the executive office of administration and finance by this act, which relate to the exercise of such powers or the performance of such duties, and which are in force immediately prior

to the effective date of this act, shall thereafter be performed by said bureau as so transferred and the commissioner of administration, as the case may be. This section shall not affect any renewal provision or option to renew contained to any such lease in existence of said effective date, all of which may thereafter be exercised by the commissioner of administration.

All questions regarding the identification of such contracts, leases and obligations and of the agency or executive office to which the performance thereof is so transferred shall be determined by the commissioner of administration.

SECTION 13. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, the secretary of transportation and construction with reference to the functions of the bureau of building construction, which are pending immediately prior to the effective date of this act shall continue unabated and remain in force notwithstanding the passage of this act, and, to the extent that the power to determine or bring such proceedings is transferred by this act to the commissioner of administration, they shall be completed before or by said commissioner unless a contrary intent clearly appears.

All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal or other proceedings duly begun by, the bureau of building construction, or any person holding an office therein, which are pending immediately prior to said effective date shall continue unabated and remain in force notwithstanding the passage of this act, and shall be completed before or by said bureau as so transferred, unless a contrary intent clearly appears.

SECTION 14. All orders, rules and regulations duly made by the secretary of transportation and construction with reference to the functions of the bureau of building construction, which are in force immediately prior to the effective date of this act shall continue in force, and, to the extent that the power to make such orders, rules and regulations is transferred by this act to the commissioner of administration, they shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by said commissioner, unless a contrary intent clearly appears.

All orders, rules and regulations duly made by the bureau of building construction, or any person holding an office therein, which are in force immediately prior to said effective date, shall thereafter be enforced, until superseded, revised, rescinded or canceled in accordance with law, by said bureau, as so transferred.

All questions regarding the identification of such petitions, hearings, prosecutions, proceedings, orders, rules, regulations, licenses, permits, certificates and approvals, and to whom the completion or enforcement thereof is so transferred, shall be determined by the commissioner of administration.

SECTION 15. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved June 10, 1975.*

Chap. 312. AN ACT AUTHORIZING THE CITY MANAGER OF THE CITY OF WORCESTER TO DESIGNATE CERTAIN HEARING OFFICERS UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Notwithstanding any provision of any general or special law to the contrary, the city manager of the city of Worcester is hereby authorized to designate persons who shall be members of the bar of the commonwealth to conduct any civil service hearing required to be conducted by the appointing authority pursuant to chapter thirty-one of the General Laws; provided, however, that the official report of any such hearing officer shall not be binding upon the city manager, who shall make the final determination in any such proceeding.

Approved June 10, 1975.

Chap. 313. AN ACT REQUIRING FIRST-AID KITS IN SCHOOL BUSES.

Be it enacted, etc., as follows:

Section 7B of chapter 90 of the General Laws is hereby amended by adding after clause (12) the following clause: —

(13) Every school bus shall be equipped with a first-aid kit.

Approved June 10, 1975.

Chap. 314. AN ACT AUTHORIZING THE NORTH SHORE REGIONAL SCHOOL DISTRICT TO LEASE EQUIPMENT, LAND AND BUILDINGS FOR EDUCATIONAL PURPOSES FOR TEN YEARS.

Be it enacted, etc., as follows:

Section 6 of chapter 545 of the acts of 1972, as most recently amended by chapter 69 of the acts of 1975, is hereby further amended by adding after clause (n) the following two clauses: —

(o) To lease, or lease with an option to purchase, equipment for educational purposes. Such leases may be made for periods not exceeding ten years.

(p) To lease land and buildings or portions of buildings for educational purposes. Such leases may be made for periods not exceeding ten years and may contain provisions for the extension of the leases for two additional terms not in excess of

five years each, exercisable at the sole option of the regional district school committee. *Approved June 10, 1975.*

Chap. 315. AN ACT CLARIFYING THE LAW WITH RESPECT TO THE AGE OF MAJORITY FOR CERTAIN LEGAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 85 O, inserted by section 74 of chapter 925 of the acts of 1973, the following section: —

Section 85P. Except as otherwise specifically provided by law, any person domiciled in the commonwealth who has reached the age of eighteen shall for all purposes, and any other person who has reached the age of eighteen shall with respect to any transaction governed by the law of the commonwealth, be deemed of full legal capacity unless legally incapacitated for some reason other than insufficient age.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-four. *Approved June 10, 1975.*

Chap. 316. AN ACT LIMITING THE SUMMARY SUSPENSIONS OF PUBLIC SCHOOL TEACHERS.

Be it enacted, etc., as follows:

Section 42D of chapter 71 of the General Laws is hereby amended by striking out the last paragraph, as amended by chapter 156 of the acts of 1968, and inserting in place thereof the following paragraph: —

The school committee, a superintendent or any other school official designated for the purpose, by the superintendent, may, notwithstanding any provision of this section to the contrary, suspend for a period of not more than five days a teacher for unbecoming conduct or for any other cause which such committee, superintendent or official deems adequate.

Approved June 10, 1975.

Chap. 317. AN ACT RELATIVE TO VOTING PRECINCTS IN THE TOWN OF READING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 7 of the acts of 1943 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The selectmen shall forthwith divide the territory of said town into not less than four and not more than eight precincts, each of which shall be plainly designated and shall be divided as equally as possible by the number of inhabitants therein. No precinct shall exceed four thousand inhabitants. The precincts shall be so established as to consist of compact and contiguous territory to be bounded as far as possible, by the center line of known streets and ways or by other well-defined limits. These boundaries should be periodically reviewed, and, if need be, wholly or partly revised by the selectmen in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting held not later than November of that year. The foregoing provisions of this section shall not authorize any action contrary to the provisions of chapter nine or chapter fifty-four of the General Laws.

The selectmen shall, within ten days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the inhabitants therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the inhabitants therein; and they shall also cause to be posted in at least one public place in each precinct, a map or description of that precinct, with the names and residences of the inhabitants therein. The division of the town into precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon establishment of precincts as hereinbefore provided.

SECTION 2. Said chapter 7 is hereby further amended by striking out section 3, as amended by chapter 49 of the acts of 1964, and inserting in place thereof the following section: —

Section 3. Other than the officers designated in the by-laws of the town as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a

representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town, and which will cause the total elected membership to be as nearly one hundred and ninety-two as may be. The selectmen may, from time to time, upon notification by the town clerk that the number of precinct members is out of proportion to the number of inhabitants in a particular precinct or precincts, reapportion the number of precinct members to be as proportionate as possible to the number of inhabitants therein, or redivide the various precincts to ensure that the unit of representatives is consistent with the number of inhabitants.

The registered voters in every precinct shall, at the first annual town election held after the establishment of such precincts, and the registered voters of any precinct affected by any revision of precincts at the first annual town election following such revision, conformable to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in the by-laws, as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each such member by mail of his election.

SECTION 3. This act shall be effective for the first annual town election following passage of this act and thereafter.

Approved June 10, 1975.

Chap. 318. AN ACT RELATIVE TO THE REMOVAL OF ASSISTANT CLERKS IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 10 of chapter 218 of the General Laws, as appearing in section 1 of chapter 148 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences: — The clerk of a district court may, subject to the approval of the justice, appoint one or more assistant clerks for whose official acts the clerk shall be responsible, who shall be paid by him unless salaries payable by the county are authorized in this section or in section fifty-three, and who may be removed by the clerk at his pleasure or by the court for cause shown. In courts having one or more assistant clerks the clerk may designate one as the first assistant clerk. If an assistant clerk is removed by the court such removal shall be subject to review by the chief justice of the district courts.

SECTION 2. Said section 10 of said chapter 218 is hereby further amended by striking out the last paragraph, as so appearing, and inserting in place thereof the following paragraph: —

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

Approved June 10, 1975.

Chap. 319. AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY IN THE TOWN OF DARTMOUTH TO ISSUE AN ALL ALCOHOLIC BEVERAGES CLUB LICENSE TO SMUSERV, INC.

Be it enacted, etc., as follows:

Notwithstanding any limitation on the number of licenses to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws but subject, however, to all other provisions of said chapter, the licensing board of the town of Dartmouth is hereby authorized to issue to Smuserv, Inc., an annual club license to sell all alcoholic beverages to be drunk on its premises to members and to guests introduced by such members and to no others. Said license shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town, then said license shall be in addition to any such new quotas.

Approved June 10, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 10, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 319 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY IN THE TOWN OF DARTMOUTH TO ISSUE AN ALL ALCOHOLIC BEVERAGES CLUB LICENSE TO SMUSERV, INC., and the enactment of which received my approval on June 10, 1975 should take effect forthwith.

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

In order to immediately authorize the town of Dartmouth to issue a liquor license to SMU above the normal quota.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 11, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 320. AN ACT AUTHORIZING THE MAYOR OF THE CITY OF REVERE TO APPOINT NOT MORE THAN SIXTY MEMBERS TO THE RESERVE POLICE FORCE IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law to the contrary, the mayor of the city of Revere is hereby authorized to appoint not more than sixty members to the reserve police force in said city from a certified civil service list.

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

Approved June 12, 1975.

Chap. 321. AN ACT FURTHER REGULATING COURT ORDERS TO VACATE THE MARITAL HOME.

Be it enacted, etc., as follows:

Chapter 208 of the General Laws is hereby amended by striking out section 34B, inserted by chapter 472 of the acts of 1970, and inserting in place thereof the following section: —

Section 34B. Upon the filing of a libel for divorce, or for nullity of marriage or of a petition for separate support or maintenance, and during the pendency thereof, the court may order the husband or wife to vacate forthwith the marital home for such certain period of time not exceeding ninety days, and upon further motion for such additional certain period of time, as the court deems necessary or appropriate if the court finds, after a hearing, that the health, safety or welfare of the moving party or any minor children residing with the parties would be endangered or substantially impaired by a failure to enter such an order. The opposing party shall be given at least three days' notice of such hearing and may appear and be heard either in person or by his attorney. If the moving party demonstrates a substantial likelihood of immediate danger to his or her health, safety or welfare or to that of such minor children from the opposing party, the court may enter a temporary order without notice, and shall immediately thereafter notify said opposing party and give him or her an opportunity to be heard as soon as possible but not later than five days after such order is entered on the question of continuing such temporary order. The court may issue an order to vacate although the opposing party does not reside in the marital home at the time of its issuance, or if the moving party has left such home and has not returned there because of fear for his or her safety or for that of any minor children.

Approved June 12, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 1, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 321 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING COURT

ORDERS TO VACATE THE MARITAL HOME, and the enactment of which received my approval on June 12, 1975, should take effect forthwith.

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

In order to immediately implement certain provisions in the regulation of court orders to vacate the marital home.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON July 1, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 322. AN ACT INCREASING THE PENALTY FOR THROWING OR DROPPING GLASS ON PUBLIC WAYS AND CERTAIN AREAS ON OR NEAR BATHING BEACHES.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 32. Whoever throws or drops glass on a public way, or on or near a bathing beach, or on a public way, sidewalk or reservation in the immediate neighborhood of a bathing beach, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

Approved June 12, 1975.

Chap. 323. AN ACT FURTHER REGULATING EDUCATIONAL COLLABORATIVE AGREEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The fifth paragraph of section 4E of chapter 40 of the General Laws, as appearing in chapter 797 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Each

school committee entering into such an agreement shall appoint one person from its own membership or designate one person from outside its membership to form a board to be known as an educational collaborative board.

SECTION 2. The sixth paragraph of said section 4E of said chapter 40, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Each educational collaborative board shall elect one of the treasurers of the cities or towns belonging to the collaborative as its treasurer who shall serve without compensation.

Approved June 12, 1975.

Chap. 324. AN ACT RELATIVE TO THE SALE OF MOTOR VEHICLES WHICH HAVE BEEN USED AS POLICE VEHICLES.

Be it enacted, etc., as follows:

Section 92A of chapter 266 of the General Laws, as most recently amended by chapter 141 of the acts of 1973, is hereby further amended by striking out, in lines 10 and 11, the words ", and painting the exterior thereof one solid color".

Approved June 12, 1975.

Chap. 325. AN ACT RELATIVE TO THE ISSUANCE OF BONDS FOR THE FINANCING OF THE INDUSTRIAL DEVELOPMENT OF CITIES AND TOWNS.

Be it enacted, etc., as follows:

The first paragraph of section 10 of chapter 40D of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 772 of the acts of 1967, and inserting in place thereof the following sentence: — The principal amount of each issue of bonds shall be sufficient after due allowance for bond discount and expense to pay the estimated cost of the project or projects on account of which such bonds shall be issued, less amounts, if any, contributed or to be contributed from other sources to pay the cost of such project or projects.

Approved June 12, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, June 12, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Con-

stitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 325 of the Acts of 1975, entitled AN ACT RELATIVE TO THE ISSUANCE OF BONDS FOR THE FINANCING OF THE INDUSTRIAL DEVELOPMENT OF CITIES AND TOWNS, and the enactment of which received my approval on June 12, 1975, should take effect forthwith.

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

In order to expedite the financing of certain local industrial development projects.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 13, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 326. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE CITY OF HOLYOKE FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Subject to the provisions of chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, as amended, the department of public works, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, the public lands in the city of Holyoke hereinafter described, or such portions thereof as said department may determine, and to divert said lands from their present parks and recreation uses to highway use, as hereinafter provided.

Said parcel of land to be so transferred and diverted contains approximately eight hundred and forty-six square feet and is shown as parcel 13-1 on a plan of a proposed state highway al-

teration in the city of Holyoke (Layout No. 6169), said plan being entitled "The Commonwealth of Massachusetts Plan of Road in the City of Holyoke Hampden County Altered and laid out as a State Highway by the Department of Public Works Scale: 40 feet to the inch".

Said land so transferred and diverted shall be used for the widening and reconstruction of interstate highway route 91 at Cherry street in said city. *Approved June 12, 1975.*

Chap. 327. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-FIVE, TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

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

SECTION 2.

Legislature.

Item

1101-9002 For a forecasting and policy analysis model of the state economy; provided, that the unexpended balance remaining in item 1101-9002 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby transferred and made available for the purpose of item 0117-0000 of said section two of said chapter four hundred and thirty-one; appropriation expires June thirtieth, nineteen hundred and seventy-six.

Other Expenses.

0161-0000 For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials, prior appropriation continued **$100,000**

Item

0181-5002 For providing matching funds for a grant by the National Science Foundation establishing a science and technology capability for the general court; provided, that these funds may be expended upon written approval of the president of the senate and the speaker of the house of representatives, appropriation expires June thirtieth, nineteen hundred and seventy-six **$25,000**

Judiciary.

Supreme Judicial Court.

0301-0006 For office supplies, services and equipment **$10,000**

Administration of Probate and Insolvency Courts.

0305-1001 For the compensation of the special judge of probate when acting for other judges of probate **$5,209**

0305-2001 For expenses of the special judge of probate when acting for other judges of probate **1,300**

0305-5001 For office expenses of the chief judge **5,425**

Suffolk County Court House.

0312-0001 For reimbursing the city of Boston for thirty per cent of the cost of maintenance of the Suffolk county court house, as provided by and subject to the conditions of section six of chapter four hundred and seventy-four of the acts of nineteen hundred and thirty-five; provided, that this appropriation shall not be construed as fixing the specific amount for which the commonwealth shall be liable on account of said maintenance **$377,161**

Secretary of the Commonwealth.

0511-0000 Item 0511-0000 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four, as amended by chapter six hundred and ninety-eight of the acts of nineteen hundred and seventy-four, is hereby further amended by adding the words: — ; and provided further, that certain salaries in the amount of eleven thousand three hundred and fifty-three dollars earned but not paid in the prior year shall be allowed and paid from this item **$11,353**

Office of Campaign and Political Finance.

0531-0100 For the expenses and administration of the office of campaign and political finance, including not more than eight permanent positions **$5,450**

Treasurer and Receiver-General.

0610-0000 For the office of the treasurer and receiver-general, including not more than one hundred and twelve permanent positions **$74,000**

General Fund 70.0%

Highway Fund 30.0%

0611-5000 For compensation to victims of violent crimes **338,000**

0611-6000 For the reimbursements to counties for certain fees and costs incurred by indigent persons in judicial proceedings as authorized in chapter six hundred and ninety-four of the acts of nineteen hundred and seventy-four **78,000**

State Board of Retirement.

0612-1000 For the payment of the commonwealth's share in financing the state employees' retirement system, prior appropriation continued; provided, that the amounts of all reimbursements received on account of retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addi-

Item

tion to this item and to be available for expenditure without further appropriations **$11,148,659**
Highway Fund 15.0%
General Fund 84.8%
Inland Fisheries and Game Fund 0.2%

Debt Service.

0699-1000 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Public Access Fund **$2,750**
Public Access Fund 100.0%

0699-1200 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Harbors and Inland Waters Fund **2,750**
Harbors and Inland Waters Fund 100.0%

0699-2800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund. **2,750**
Inland Fisheries and Game Fund 100.0%

0699-7800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund. **2,370,003**

0699-8800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Tourism and Industrial Promotion Fund **2,750**
Tourism and Industrial Promotion Fund 100.0%

Executive Office of Administration and Finance.

1100-8755 Item 1100-8755 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by striking out, in line 2, the words "two banks", and inserting in place thereof the words: — one bank.

1100-8757 Item 1100-8757 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — including the cost of furnishings and equipment.

Central Services Division.

1102-3310 Item 1102-3310 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — ; notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of five thousand one hundred and six dollars shall be allowed and paid from this item for certain contractual maintenance services performed during the month of July, nineteen hundred and seventy-four.

1102-3410 Item 1102-3410 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — ; notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of thirteen thousand three hundred and eighty-two dollars shall be allowed and paid from this item for certain contractual maintenance services performed during the month of July, nineteen hundred and seventy-four.

Item

1102-3501 Item 1102-3501 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — ; notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of three thousand nine hundred dollars shall be allowed and paid from this item for certain contractual maintenance services performed during the month of July, nineteen hundred and seventy-four.

1102-3710 Item 1102-3710 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — ; notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of seven thousand six hundred and twenty-five dollars shall be allowed and paid from this item for certain contractual maintenance services performed during the month of July, nineteen hundred and seventy-four.

1102-3810 Item 1102-3810 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — ; notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of one thousand five hundred and ten dollars shall be allowed and paid from this item for certain contractual maintenance services performed during the month of July, nineteen hundred and seventy-four.

Department of Corporations and Taxation.

1201-2630 For the payment of a certain judgement entered in the Suffolk superior court, docket number 88673 ..... **$25,266**

Bureau of Local Taxation.

1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities **$248,038**

Miscellaneous.

1599-0061 For the payment of a certain judgement entered in the Hampshire superior court, docket numbers 13590 and 13673 ..... **$89,000**

1599-0062 For the payment of a certain judgement entered in the Suffolk superior court, civil action number 2146 ..... **727,000**

1599-2012 For the payment of wages to patients and residents in mental health facilities in accordance with a schedule approved by the house and senate committee on ways and means; provided, that the commissioner of administration in conjunction with the secretary of human services, is hereby directed to conduct a study of wages proposed to be paid and charges to be made in the institutions of the commonwealth from funds made available by this item **600,000**

1599-2026 Item 1599-2026 of section two of chapter one hundred and twelve of the acts of nineteen hundred and seventy-five is hereby amended by inserting after the word "seventy-four", in line 3, the words: — and nineteen hundred seventy-five, — and by inserting after the word "study", in line 5, the words: — and to meet the cost of salaries resulting from insufficient appropriations; provided, that no overtime shall be paid from this item **18,146,773**

1599-2031 For the payment of deficiencies in certain appropriations for previous years based upon schedules approved by the house and senate committees on ways and means; provided, that the comptroller is hereby authorized to allocate the amounts of such payments to the several state or other funds to which said payments would have been chargeable if appropriations had been available therefor **1,255,588**

Item
1599-3100 For the payment of certain social security benefits **$760,000**

Executive Office of Environmental Affairs.

Metropolitan District Commission.

Metropolitan Water System.

2420-0100 For the maintenance and operation of the metropolitan water system, including payments to the state retirement system, including not more than six hundred and thirteen permanent positions **$260,000**
MDC Water District Fund 100.0%

Metropolitan Sewerage District.

2430-0100 For the maintenance and operation of a system of sewage disposal for the metropolitan sewerage district, including payments to the state retirement system, including not more than five hundred and fifty-three permanent positions **$215,000**
MDC Sewerage District Fund 100.0%

Metropolitan Parks District.

2440-0010 For the maintenance of boulevards and parkways, including Bunker hill and the adjacent property, and for the maintenance of parks, reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of the attorney general, including payments to the state retirement system; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the metropolitan district commission police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committee on ways and means, a copy of which is on file with the director of personnel and standardization; including not more than one thousand four hundred and eleven permanent positions **$559,000**
Highway Fund 60.0%
MDC Parks District Fund 39.0%
General Fund 1.0%

Department of Agriculture.

2511-0100 For the office of the commissioner, including the expenses of the board of agriculture, and including not more than twenty-nine permanent positions **$1,000**
Agricultural Purposes Fund 50.0%
General Fund 50.0%

Division of Dairying and Animal Husbandry.

2514-2000 Item 2514-2000 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the words "provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for said program".

Division of Animal Health.

2515-1000 For the administration of the division, including not more than twenty-nine permanent positions **$2,861**
Agricultural Purposes Fund 100.0%

Division of Markets.

2516-1000 For the administration of the division, including not more than fourteen permanent positions **$750**

2516-2000 Item 2516-2000 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the words "provided, that the sum appro-

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priated herein shall be expended with at least an equivalent amount of federal grants for said program".

2516-7000 Item 2516-7000 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the words "provided, that the sum appropriated herein shall be expended with at least an equivalent amount of federal grants for said program".

Department of Natural Resources.

2600-0100 For the office of the Commissioner, including the expenses of the natural resources board, and including not more than forty-four permanent positions; provided, that the position of deputy commissioner shall not be subject to the provisions of chapter thirty-one of the General Laws **$19,600**

General Fund 77.8%
Public Access Fund 2.3%
State Recreation Areas Fund 16.5%
Marine Fisheries Fund 3.0%
Inland Fisheries and Game Fund 0.4%

2600-1492) From the unencumbered balance remaining in item 2600-1492
) of section two of chapter four hundred and sixty-six of the acts
2600-1491) of nineteen hundred and seventy-three the sum of twenty-five thousand dollars is hereby transferred and made available for the purpose of item 2600-1491 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-five.

Division of Forests and Parks.

2613-0001 For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds not exceeding fifteen thousand dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount herein appropriated; including not more than sixty-one permanent positions **$10,000**

2614-1100 For the disposition of certain toxic materials including pesticides, appropriation expires June the thirtieth, nineteen hundred and seventy-six **125,000**

Division of Law Enforcement.

2620-0100 For the administration of the division, including not more than seventy-eight permanent positions **$25,500**

Inland Fisheries and Game Fund 25.0%
Marine Fisheries Fund 15.0%
State Recreation Areas Fund 10.0%
General Fund 35.0%
Public Access Fund 10.0%
Recreational Vehicles Fund 5.0%

Division of Marine Fisheries.

2640-0100 For expenses of the Cat cove marine research station, including not more than six permanent positions **$2,500**

Marine Fisheries Fund 100.0%

Division of Fisheries and Game.

Federal Funds received as reimbursements for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund:

2670-0001 For the administration of the division, including expenses of the fish and game board; including not more than twenty permanent positions **$1,000**

Inland Fisheries and Game Fund 100.0%

Item

2670-2420 For the commonwealth's contribution for certain water fowl marsh restoration and water fowl management as authorized by chapter four hundred and twenty of the acts of nineteen hundred and seventy-four **$20,000**
Inland Fisheries and Game Fund 100.0%

Executive Office of Communities and Development.

Division of Community Development.

3722-9005 For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for the elderly and the handicapped pursuant to section forty of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until the said deficiencies have been certified by the state comptroller **$353,000**

3722-9006 For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for veterans and relocated persons pursuant to section thirty-two of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until said deficiencies have been certified by the state comptroller **4,375,575**

Executive Office of Human Services.

Bureau of Medical Care.

4110-1020 For administration of a program of medical assistance, including not more than five permanent positions **$17,115**

Soldiers Home in Massachusetts.

4180-8751 Item 4180-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by inserting after the word "that", in line 4, the words: — ; other than expenditures for preliminary plans and specifications,.

4180-8753 Item 4180-8753 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by inserting after the word "that", in line 2, the words: — ; other than expenditures for preliminary plans and specifications,.

4180-8754 Item 4180-8754 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by inserting after the word "that", in line 3, the words: — ; other than expenditures for preliminary plans and specifications,.

Department of Youth Services.

4202-0021) From the unexpended balance remaining in item 4200-1110 of
) section two of chapter four hundred and thirty-one of the acts of
4200-1110) nineteen hundred and seventy-four, the sum of one million one hundred and seventy-five thousand dollars is hereby transferred and made available for expenditure in item 4202-0021 of said section two of said chapter four hundred and thirty-one.

Bureau of Institutional Services.

4237-1010 For supervision, counseling and other services by the department incidental to certain residential or nonresidential care programs; provided, that no expenditure shall be made hereunder for residential care which is not provided by departmental personnel; and provided further, that, notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account except for payroll and for necessary travel for department personnel; including not more than three hundred and fifty-six permanent positions **$35,744**

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8071-09 Item 8071-09 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by striking out, in line 1, the word "dormitory" and inserting in place thereof the word: — dormitories,.

Department of Correction.

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

1810-0905 Item 1810-0905 of section two of chapter seven hundred and nineteen of the acts of nineteen hundred and seventy-one is hereby amended by striking out the wording and inserting in place thereof the following: — For the renewal of the roof on the annex building, appropriation expires June thirtieth, nineteen hundred and seventy-six.

4313-0001 Correctional institution at Walpole, including not more than three hundred and fifty-two permanent positions **$196,700**

4314-0001 Correctional institution at Concord, including not more than two hundred and ninety-four permanent positions **20,000**

4315-0001 Correctional institution at Framingham, including not more than one hundred and thirty-four permanent positions **26,000**

4316-0001 Correctional institution at Norfolk, including not more than three hundred and nine permanent positions **62,500**

Department of Public Welfare.

4400-1000 For the office of the commissioner; provided, that the appropriations for the food commodity distribution program shall not be expended for certain rentals of space; provided further, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided further, that the consolidation of welfare service offices shall be subject to prior approval of the house and senate committees on ways and means; provided further, that applications for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means; and provided further, that there shall be allowed and paid from this item the sum of one hundred and twenty-eight dollars for a certain salary earned but not paid for the period October ninth, nineteen hundred and seventy-three, to December fourteenth, nineteen hundred and seventy-three; including not more than four thousand nine hundred and fourteen permanent positions **$989,509**

4400-1003 For the administration of a central automated vendor payment system; provided, that any federal funds received for this purpose shall be credited to the General Fund **850,000**

4400-1009 For the expenses of prior fiscal years for employees' travel in the office of the commissioner **60,000**

4400-1200 For the expenses of operating a food stamp program for eligible persons in the commonwealth; provided, that all federal funds received for the purposes of this item shall be credited to the General Fund; and provided further, that banking institutions within the commonwealth, the United States postal service, and other agencies shall process the food stamps; including not more than two hundred and thirty-nine permanent positions **1,129,610**

4401-1000 For care and maintenance of children under the jurisdiction of the division of children and family services; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the rate paid to any institution or school shall be granted

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or paid unless such increase shall have been approved by the commissioner of administration after certification by the budget director that funds are available for such increase; nor until said commissioner has notified in writing the house and senate committees on ways and means within thirty days of such approval **$840,000**

4401-1011 For expenses of prior fiscal years for a program for care and maintenance of children under the jurisdiction of the division of child and family services **394,905**

4401-2000 For tuition in the public schools, including transportation to and from school, of children boarded by the department during the prior fiscal year **743,204**

4401-2001 For expenses of prior fiscal years for tuition in the public schools, including transportation to and from school, of children boarded by the department **345,407**

4402-5000 For a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, for the purpose of complying with the provisions of Public Law 89 - 97, Title XIX, shall be incurred in excess of available funds which have been appropriated therefor .. **199,939,000**

4402-5013 Item 4402-5013 of section two of chapter one thousand one hundred and one of the acts of nineteen hundred and seventy-three, as amended by chapter four hundred and twenty-three of the acts of nineteen hundred and seventy-four is hereby further amended by striking out the wording and inserting in place thereof the following: —

For expenses of prior fiscal years for a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit shall be filed with the house and senate committees on ways and means. **37,989,575**

4403-2000 For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund **50,094,580**

4403-2003 For expenses of prior fiscal years for a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit be filed with the house and senate committees on ways and means; and provided, further, that the department shall on or before the tenth day of each month file a report of expenditures from this item for the preceding month with the house and senate committes on ways and means **1,300,000**

4403-2060 For a program of residential summer camperships for children eight to fifteen years of age; provided, that all residential camps approved shall have American Camping Association accreditation or meet such standards as are acceptable to the department of public welfare; provided, that, notwithstanding any provisions of section seventeen B of chapter ten or section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon receipt by the department of public welfare and deposit with the state treasurer of funds from any source, public or private, other than the commonwealth, in an amount

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equal to twenty-five per cent of such expenditure and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditures, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be in an amount not less than seventy-five per cent of such expenditures; and provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item **$1,000,000**

4403-2100 For a program of day care services; provided, that any expenditures from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure, as authorized under Title IV-A of the Social Security Act of nineteen hundred and sixty-seven, shall be not less than seventy-five per cent of such expenditures; and provided further, that a sum of eight hundred and seventy-five thousand dollars may be expended from this item to provide certain public social services for residents of state-aided housing authorities pursuant to contracts entered into between the department of community affairs and the department of public welfare **1,763,000**

4405-2000 For an old age assistance program, including state supplement to the federal program as authorized by Public Law 92-603; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund **13,900,000**

4406-2000 For a program of general relief, provided, that, notwithstanding the provisions of any law to the contrary, no increase in the budgetary standard allowance, so called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for such increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase; and provided further, that every person eligible for an assistance check under chapter one hundred and seventeen of the General Laws, determined by the department to be an employable person, shall receive such check from the nearest office of the division of employment security **46,620,000**

4406-2003 Item 4406-2003 of section two of chapter one thousand one hundred and one of the acts of nineteen hundred and seventy-three, as amended by chapter four hundred and twenty-three of the acts of nineteen hundred and seventy-four, is hereby further amended by striking out the wording and inserting in place thereof the following: —

For expenses of prior fiscal years for a program of general relief; provided that all payments from this item shall be post-audited by the comptroller and a detailed report of said audit filed with the house and senate committees **9,644,951**

4407-2000 For a totally and permanently disabled persons program, including state supplement to the federal program authorized by Public Law 92-603; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund. **11,948,500**

4408-1000 For a program to provide services to the elderly and disabled, including certain social services to be provided by the department of

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elder affairs pursuant to contracts to be entered into between the department of public welfare and the department of elder affairs; provided, that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of expenditures **$6,600,000**

Department of Public Health.

Bureau of Administration.

4510-0100 For the administration of the bureau, including not more than sixty-two permanent positions **$110,000**

Bureau of Environmental Sanitation.

4511-9006 Item 4511-9006 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording and inserting in place thereof the following: —

For the control of algae, weeds and other aquatic nuisances in lakes, ponds, streams and other waters within the commonwealth, to be in addition to any private or public funds available for the purpose.

Aquatic Nuisance Control Fund 100.0%

Bureau of Chronic Disease Control.

4512-0100 For the administration of the division of communicable and venereal diseases, including not more than twenty-four permanent positions **$390,504**

4512-0105 For expenses of prior fiscal years for a gonorrhea control program **20,230**

4512-0600 For a study of equine encephalitis **66,044**

Institute of Laboratories.

4516-0100 For the administration of the institute, including not more than one hundred and seventy-three permanent positions **$8,400**

Bureau of Consumer Products Protection.

4517-0100 For the administration of the bureau; provided, that expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred per cent of the amounts so expended; including not more than ninety-seven permanent positions **$7,668**

For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

4532-0001 Lemuel Shattuck hospital; provided, that the salary of the position of superintendent of Lemuel Shattuck hospital may be established without reference to the general salary schedule and salary range but shall not exceed thirty-five thousand dollars; and provided further, that no salary shall be established without the prior recommendation of the director of personnel and approval of the commissioner of administration; and provided further, that a certain shortage in the amount of one hundred and fifty-six dollars shall be allowed and paid from this item; including not more than eight hundred and thirty-four permanent positions **$19,700**

Department of Mental Health.

Region Two.

5211-0000 For administration, including not more than eleven permanent positions **$1,564**

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Region Six.

5662-0100 For certain expenses of the Dr. Solomon Carter Fuller mental health center; provided, that federal funds not exceeding nine hundred ninety-eight thousand five hundred and ninety dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount herein appropriated; including not more than nine permanent positions **$167,386**

Executive Office of Transportation and Construction.

Department of Public Works.

Highway Activities.

Personal Services.

6010-0001 Item 6010-0001 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding after the word "services", in line 1, the words: — ; provided, that a certain salary of sixty-three dollars and ninety-five cents earned but not paid for the period from January twenty-second, nineteen hundred and seventy, to February twenty-seventh, nineteen hundred and seventy, shall be allowed and paid from this item and.

6010-0002 For the payment of a certain claim authorized by chapter eighty-nine of the resolves of nineteen hundred and seventy-four **$16,432**

Administrative and Engineering Expenses.

6020-1509 For telephone service in the public works building **$15,000**
Highway Fund 94.9%
General Fund 5.1%

6020-1900 For the operation and maintenance of the public works building, including not more than eighty-five permanent positions . **10,000**
Highway Fund 96.8%
General Fund 3.2%

6020-2501 For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices **91,950**
General Fund 0.8%
Highway Fund 99.2%

6020-2801 For the compensation of certain retired employees, as provided by chapter four hundred and three of the acts of nineteen hundred and forty-eight **366**
Highway Fund 100.0%

6020-2909 For the payment of a certain claim, as authorized by chapter seventy-five of the resolves of nineteen hundred and seventy-four **285**
Highway Fund 100.0%

Maintenance and Operation of State Highways and Bridges.

Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals **$208,000**
Highway Fund 100.0%

Waterways Activities.

The salaries of all officers and employees of the department engaged in projects or activities authorized by bond issue or

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otherwise shall be charged in full to appropriations authorized hereunder.

Division of Waterways.

6032-3002 For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions **$4,000**

Executive Office of Educational Affairs.

Office of the Secretary.

7000-0100 Item 7000-0100 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding at the end thereof the words: — ; provided, that there shall be allowed and paid from this item the sum of six hundred and thirty-five dollars and forty cents for certain salary differentials, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws.

Compact for Education.

7000-0751 For the commonwealth's share of the cost of the compact for education **$6,750**

New England Board of Higher Education.

7000-0812 Item 7000-0812 of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: — , appropriation expires June thirtieth, nineteen hundred and seventy-six **$371,800**

Department of Education.

Division of Administration and Personnel.

7025-9003 For reimbursement of certain cities and towns for pensions to retired teachers **$1,318,513**

7025-9004 For the payment of the commonwealth's share in financing the teachers' retirement system **4,125,301**

Division of Special Education.

7028-0302 For the educational expenses of school age children with special needs attending schools under the provisions of section ten of chapter seventy-one of the General Laws **$3,000,000**

7028-1401 For the reimbursement of certain cities and towns for day classes of the deaf and of the blind, including the prior fiscal year **358,649**

Division of Curriculum and Instruction.

7035-0004 For the reimbursement of certain towns and regional school districts for the transportation of pupils **$9,633,615**

Division of School Facilities and Related Services.

7052-0002 For reimbursement of certain cities and towns for part of the cost of construction of school projects **$38,574,350**

Division of State and Federal Assistance.

7061-0003 For the reimbursement of towns in regional school districts for fifteen per cent of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws **$8,114,318**

Board of Trustees of State Colleges.

For the administration and maintenance of and for certain improvements at state colleges and the boarding halls attached thereto and the Massachusetts Maritime Academy, with the approval of the board of trustees:

7105-0001 For the operation of a data processing system **$139,705**

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7108-0100 State college at Boston, including maintenance of the evening undergraduate college and including not more than five hundred and seventy-seven permanent positions **$27,000**

7110-1011 State college at Fitchburg, boarding hall, including not more than twelve permanent positions **3,248**

7111-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **486**

7113-0100 State college at North Adams, including not more than two hundred and thirty permanent positions **18,000**

7113-1011 State college at North Adams, boarding hall, including not more than six permanent positions **5,000**

7115-0100 State college at Westfield, including not more than three hundred and forty-three permanent positions **4,000**

7115-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **12,710**

7116-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **6,106**

7117-0100 Massachusetts college of art, including not more than one hundred and twenty-nine permanent positions **9,500**

7118-0100 Massachusetts Maritime Academy and ship, including not more than one hundred and fifty-eight permanent positions **10,000**

7118-9001 For certain repairs to existing pier, appropriation expires June thirtieth, nineteen hundred and seventy-six **40,000**

Lowell Technological Institute of Massachusetts.

8071-55 Item 8071-55 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by striking out the wording and inserting in place thereof the following: —

For the construction of certain parking facilities, to be in addition to the amount appropriated in item 8068-23 of section two of chapter six hundred and eighty-two of the acts of nineteen hundred and sixty-seven.

Southeastern Massachusetts University.

7310-0000 For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the university may receive and expend income derived therefrom; including not more than six hundred and sixty-three permanent positions **$11,000**

8072-58 Item 8072-58 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by adding the words: — ; including necessary air pollution modifications and the prepurchasing of the boiler, total project cost not to exceed five hundred and fifty thousand dollars.

University of Massachusetts.

8074-51 Item 8074-51 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by inserting after the word "the", in line 6, the second time it appears, the words: — site development and.

Massachusetts Board of Regional Community Colleges.

For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:

7501-9001 For the demolition of the former Boston clerical school in Roxbury including the filling in of the foundation, appropriation expires June thirtieth, nineteen hundred and seventy-six **$75,000**

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7502-9001 For necessary repairs to the Koussevitsky arts center building to correct existing leakage problems, appropriation expires June thirtieth, nineteen hundred and seventy-six **$49,595**

7502-9002 For certain replacement and repairs to the street and parking lot lighting systems, appropriation expires June thirtieth, nineteen hundred and seventy-six **84,000**

8071-68 Item 8071-68 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by inserting after the word "equipment", in line 2, the words: — and the installation of a food service laboratory and necessary mechanical alterations thereof,.

7509-0100 Mount Wachusett community college, including not more than one hundred and forty-six permanent positions **10,000**

7514-0100 Springfield technical community college, including not more than three hundred and thirty-four permanent positions **14,000**

7515-0100 Roxbury community college, including the maintenance of summer sessions at no costs to eligible students enrolled after September first, nineteen hundred and seventy-three, and prior to February first, nineteen hundred and seventy-five, notwithstanding any law to the contrary, including not more than eighty-five permanent positions **63,300**

Executive Office of Public Safety.

Division of State Police.

8312-0100 For the administration of the division, including the compensation of state police officers formerly in the service of the commonwealth, now retired; including not more than one thousand one hundred and forty-seven permanent positions **$1,017,000**

General Fund 15.0%
Highway Fund 85.0%

Executive Office of Manpower Affairs.

Office of the Secretary.

9000-0132 For the payment of certain adjusted salaries for emergency employment act participants in accordance with a schedule approved by the house and senate committees on ways and means **$12,271**

Department of Labor and Industries.

Division of Apprentice Training.

9020-9001 For the administration of the division; provided, that all of the positions of this division shall not be subject to chapter thirty-one of the General Laws; including not more than thirty-six permanent positions **$675**

Division of Industrial Accidents.

9050-1001 For the administration of the division and for clerical and other assistance for the industrial accident rehabilitation board, including not more than one hundred and ninety-one permanent positions **$4,500**

Division of Employment Security.

9081-0682 For the administrative expenses of the welfare general relief assistance check payment program **$149,600**

Executive Office of Consumer Affairs.

Department of Banking and Insurance.

Division of Banks.

9221-1000 For the office of the commissioner, including the payment of certain retroactive compensation, in accordance with a schedule approved by the joint ways and means committee, provided, that the

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comptroller is hereby authorized to allocate the cost of such payments to the several or other state funds to which the appropriations are charged; including not more than two hundred and sixty-three permanent positions **$40,469**

Division of Insurance.

9222-0100 For the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; and, provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to section one of chapter five of the General Laws; and provided further, that the personnel on the fraudulent claims board, so called, shall be afforded such training at the state police academy and the state fire fighting academy as may be necessary for the investigation of insurance claims which may involve arson; including not more than three hundred and forty-one permanent positions **$14,115**

General Fund 70.0%
Highway Fund 30.0%

Division of Registration.

9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; including not more than eighty-four permanent positions **$46,750**

For the services of the following agencies in the division:

9230-0800 Board of registration in veterinary medicine, including not more than five permanent positions **$1,000**

9230-1200 Board of public accountancy, including not more than ten permanent positions **12,500**

Department of Public Utilities.

Commercial Motor Vehicle Division.

9272-0001 For the administration of the division, and for the payment of certain compensation as authorized by chapter eighty-seven of the resolves of nineteen hundred and seventy-four, including not more than thirty-two permanent positions **$2,468**

SECTION 2A. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-six certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-five, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-six:

0143-0000	1102-3909	2425-9001
0143-0001	1102-3911	2425-9002
0143-0002	1102-3914	2425-9003
0143-0003	1102-3915	2426-9008
0161-2000	2410-9051	2426-9010
0163-0000	2420-1200	2426-9013
0163-2000	2422-9022	2429-7090
0519-0000	2423-3005	2429-7140

2429-7141	2449-7335	6020-3004
2430-9003	2449-7336	6030-7402
2430-9004	2449-7338	6030-7501
2430-9005	2490-0000	6030-7603
2430-9006	2490-0001	6030-7604
2434-9010	2640-0011	6031-0131
2434-9012	3722-9005	6032-2012
2439-7250	3722-9006	6032-2017
2439-7251	3732-3036	6032-2018
2439-7253	4221-1933	6032-2021
2439-7255	4312-0905	6032-4023
2442-9011	4312-0908	6032-4030
2442-9032	4312-9019	6032-4037
2442-9033	4313-9002	6032-5003
2442-9034	4313-9011	6032-7000
2444-9001	4313-9030	6032-7100
2444-9008	4315-9005	6033-1001
2444-9013	4316-9001	6033-1007
2444-9018	4316-9002	6033-1010
2444-9020	4316-9011	6033-1011
2444-9026	4403-2060	6034-0001
2444-9028	4511-9006	6034-0002
2444-9032	4513-3500	6034-0003
2449-7020	5011-9001	6050-0010
2449-7050	5381-0001	6059-0000
2449-7120	6008-9011	7035-0001
2449-7240	6008-9012	7117-9101
2449-7270	6008-9013	8312-9001
2449-7280	6008-9014	8312-9007
2449-7330	6008-9015	8400-0029
2449-7331	6020-3002	1120-3000
2449-7333	6020-3003	

SECTION 2B. For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-six certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-five, the unexpended balances of the items shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-six; provided, that unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated:

1102-8632	2449-8757	2630-8717
1102-8633	2449-8758	2630-9060
1102-8642	2611-9007	2681-9011
1102-8652	2611-9008	2681-9012
1102-8702	2611-9022	2681-9013
1102-8704	2630-8701	2681-9025
2449-7340	2630-8711	2681-9028

2681-9029	6004-8694	7116-8711
2681-9030	6004-8701	7116-8712
4180-8663	6004-8702	7117-8661
4180-8711	6004-8711	7118-8703
4180-9044	6032-8573	7118-8705
4231-8711	6032-8611	7118-8711
4233-8691	6032-8641	7250-8671
4233-8711	6032-8671	7250-8681
4312-8611	6032-8691	7250-8712
4312-8651	7108-8692	7250-8713
4312-8671	7109-8661	7490-0034
4312-8691	7109-8662	7490-0048
4312-8713	7109-8691	7490-0106
4312-9018	7109-8701	7490-8671
4314-8681	7109-8711	7490-8672
4314-8711	7109-8712	7490-8681
4315-9011	7109-8713	7490-8684
4317-9011	7110-8661	7490-8691
4504-8651	7110-8671	7490-8698
4504-8671	7110-8681	7490-8702
4504-8681	7110-8711	7490-8705
4504-8701	7110-8714	7490-8706
4531-9011	7111-8711	7490-8707
4533-8661	7111-8713	7490-8714
4533-8691	7112-8671	7490-8716
4533-9011	7112-8701	7490-8717
4534-9011	7112-8711	7490-8718
4535-9011	7112-8712	7504-8701
4536-9003	7113-8711	7506-8711
4536-9011	7113-8712	7508-8691
5281-8711	7113-8713	7511-9001
5294-8661	7114-8712	7512-8711
5294-8691	7115-8681	7514-8701
5294-8711	7115-8703	7514-8711
5381-8712	7115-8711	7515-8711
5592-8671	7115-8712	7516-8701
5662-8691	7115-8714	7516-8711
5662-8701	7116-8681	7517-8711
		7518-8671

SECTION 2C. Section 3 of chapter 742 of the acts of 1970 is hereby amended by inserting after the word "act", in line 8, the words: — and for the provision of public access to such areas, facilities, and lands.

SECTION 2D. Item 0451-3911 of section two of chapter three hundred and seventy of the acts of nineteen hundred and seventy is hereby amended by inserting after the word "areas", in line 1, the words: — and other locations in the East Wing.

SECTION 3. To meet the cost of the expenditures authorized by section two of this act and to supplement the revenues of the

General Fund, there is hereby transferred from the General Obligations Fund to the General Fund the sum of four hundred and fifty million dollars and for the purposes of this act the General Obligations Fund, established by chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five, shall take effect on the effective date of this act.

SECTION 4. In anticipation of the receipt of the revenues transferred in section three of this act, the state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary to meet the transfer authorized to be made from the General Obligations Fund and may issue and renew from time to time notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, nineteen hundred and seventy-seven. All payments on account of principal and interest on such notes shall be paid from the General Obligations Fund; provided, that notwithstanding any provision of this act, such notes and the interest thereon shall be general obligations of the commonwealth.

SECTION 5. To meet the transfer necessary in carrying out the provisions of section three of this act, or to refinance notes issued as provided in section four of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of four hundred and fifty million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face General Obligations Fund Loan, Act of 1975, and shall be on the serial payment plan for such maximum term of years, not exceeding five years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final years, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-one. All payments on account of principal and interest on such bonds shall be paid from the General Obligations Fund; provided,

that notwithstanding any provision of this act, such bonds and the interest thereon shall be general obligations of the commonwealth.

SECTION 6. This act shall take effect upon its passage.

Approved June 13, 1975.

Chap. 328. AN ACT FURTHER DEFINING THE CLASSIFICATION OF CERTAIN EMPLOYEES OF THE STATE RACING COMMISSION.

Be it enacted, etc., as follows:

Section 48 of chapter 6 of the General Laws, as most recently amended by section 1 of chapter 507 of the acts of 1974, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph: —

The commission may appoint and remove a secretary and other assistants who shall not be exempt from the provisions of chapter thirty-one. The following positions shall be exempt from the provisions of chapter thirty-one: — one semi-senior accountant, the junior accountants, the senior bookkeepers, the principal clerks, the senior clerks, the junior clerks, the supervisors of licenses and registration, state racing commission, and one head administrative assistant.

Approved June 13, 1975.

Chap. 329. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW RELATIVE TO THE OPERATION AND EQUIPPING OF MOTOR VEHICLES USED BY CERTAIN HAWKERS AND PEDDLERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith make a corrective change in the law relative to the operation and equipping of motor vehicles used by certain hawkers and peddlers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 17 of chapter 90 of the General Laws, as most recently amended by section 1 of chapter 173 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.

SECTION 2. The provisions of section seventeen of chapter ninety of the General Laws, as amended by section one of this

act, shall take effect on July thirty-first, nineteen hundred and seventy-five. *Approved June 13, 1975.*

Chap. 330. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW FURTHER REGULATING THE PAYMENT OF PREMIUMS FOR INSURANCE COVERAGE OF EMPLOYEES OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make a corrective change in the law further regulating the payment of premiums for insurance coverage of employees of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 8 of chapter 32A of the General Laws, as most recently amended by section 1 of chapter 794 of the acts of 1974, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph: —

All amounts withheld from an employee's salary or wages as provided in this section and all amounts withheld from pensions or retirement allowances under the provisions of section nineteen of chapter thirty-two shall be forwarded by the department, institution, or other agency responsible for the payment of employee salaries and wages or pensions and retirement allowances to the commission. The Massachusetts Parking Authority, the metropolitan area planning council, the division of savings bank life insurance, the Massachusetts State College Building Authority, local housing authorities and redevelopment authorities shall reimburse the commonwealth for all contributions made on behalf of their employees including the applicable administrative expense as determined by the commission. The commission, from funds appropriated therefor, may empower the executive secretary to authorize payment of the contribution of the commonwealth as provided above, which, together with the employee and retiree payments, shall by paid at least once each month to the carrier or carriers entitled to the total monthly premium. *Approved June 13, 1975.*

Chap. 331. AN ACT FURTHER REGULATING APPLICATIONS FOR SPECIAL SERVICE AND SCHOOL SERVICE BUS PERMITS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 11A of chapter 159A of the General Laws is hereby amended by striking out the

sentence inserted by chapter 560 of the acts of 1971, and inserting in place thereof the following sentence: — The application for a special service permit shall designate the specific point or points of origin and destination proposed to be served.

SECTION 2. Said second paragraph of said section 11A of said chapter 159A is hereby further amended by striking out the fifth sentence, as most recently amended by chapter 561 of the acts of 1971, and inserting in place thereof the following sentence: — The department may grant or refuse to grant a permit for such special service, or school service, upon application, after not less than seven days' notice by mail directed to such holders of certificates issued under section seven and of permits issued under this section serving the cities or towns of origin named in such application as might, in the judgment of the department, be interested in such service. *Approved June 13, 1975.*

Chap. 332. AN ACT AUTHORIZING CITIES AND TOWNS TO REPAIR PRIVATE WAYS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 6L the following section: —

Section 6M. A city which accepts this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the same at an annual town meeting, may make repairs on private ways which have been opened to public use for six years or more, and in such cases section twenty-five of chapter eighty-four shall not apply. Such repairs shall include the installation and construction of drainage, if necessary, and the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including, but not limited to, bituminous concrete. Such repairs shall not be undertaken until the city council in cities or an annual town meeting in towns shall declare that the repairs are required by public necessity and convenience and a majority of the abutters' petitions for such repairs to be made.

A city by its city council and a town by its selectmen or town council is hereby authorized to assess betterments upon the owners of estates which derive particular benefit or advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of chapter eighty relating to public improvements and assessments therefor shall apply to repairs

to private ways ordered to be made under this section; provided, that no assessment amounting to less than twenty-five dollars shall be apportioned and no assessment may be apportioned into more than five portions.

A city or town which makes repairs under this section shall not be liable on account of any damage caused by such repairs. The provisions of sections six E, six F, six G, and six H shall not apply in or be accepted by any city or town which accepts this section. *Approved June 13, 1975.*

Chap. 333. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN HEADS OF FIRE DEPARTMENTS AND POLICE DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 57G of chapter 48 of the General Laws is hereby amended by inserting after the word "annual", in line 6, as appearing in chapter 1082 of the acts of 1971, the word: — base.

SECTION 2. The provisions of section one of this act shall not operate to reduce the salary received by a fire chief, chief engineer, chief of police, superintendent of police, city marshall, superintendent of the metropolitan district police or chief of the capitol police on the effective date of this act.

Approved June 13, 1975.

Chap. 334. AN ACT RELATIVE TO THE ENFORCEMENT OF VIOLATIONS OF THE WETLANDS LAW AGAINST SUBSEQUENT OWNERS OF CERTAIN REAL PROPERTY.

Be it enacted, etc., as follows:

The nineteenth paragraph of section 40 of chapter 131 of the General Laws, as appearing in section 1 of chapter 818 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this section or in violation of any order issued under this section shall forthwith comply with any such order or restore such real estate to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of the deed or the date of the death by which such real estate was acquired by such person.

Approved June 13, 1975.

Chap. 335. AN ACT RELATIVE TO THE EXAMINATION OF JURORS.

Be it enacted, etc., as follows:

Section 28 of chapter 234 of the General Laws is hereby amended by striking out the second paragraph, added by chapter 919 of the acts of 1973, and inserting in place thereof the following paragraph: —

For the purpose of determining whether a juror stands indifferent in the case, if it appears that, as a result of the impact of considerations which may cause a decision or decisions to be made in whole or in part upon issues extraneous to the case, including, but not limited to, community attitudes, possible exposure to potentially prejudicial material or possible preconceived opinions toward the credibility of certain classes of persons, the juror may not stand indifferent, the court shall, or the parties or their attorneys may, with the permission and under the direction of the court, examine the juror specifically with respect to such considerations, attituted, exposure, opinions or any other matters which may, as aforesaid, cause a decision or decisions to be made in whole or in part upon issues extraneous to the issues in the case. Such examination may include a brief statement of the facts of the case, to the extent the facts are appropriate and relevant to the issue of such examination, and shall be conducted individually and outside the presence of other persons about to be called as jurors or already called.

Approved June 13, 1975.

Chap. 336. AN ACT AUTHORIZING THE APPOINTMENT OF POLICE CHIEFS IN CERTAIN TOWNS FOR THREE-YEAR PERIODS.

Be it enacted, etc., as follows:

Section 97A of chapter 41 of the General Laws, as amended by chapter 595 of the acts of 1948, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — In any such town in which such appointments are not subject to chapter thirty-one, they shall be made annually or for a term of years not exceeding three years, as the selectmen shall determine, and the selectmen may remove such chief or other officers for cause at any time after a hearing.

Approved June 13, 1975.

Chap. 337. AN ACT PROVIDING FOR JUDICIAL REVIEW IN CASES OF DISMISSAL, DEMOTION OR REMOVAL

FROM POSITION OF TEACHERS SERVING AT DISCRETION, AND SUPERVISORS, PRINCIPALS AND SUPERINTENDENTS.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 43A, as most recently amended by section 1 of chapter 105 of the acts of 1974, and inserting in place thereof the following section: —

Section 43A. Any teacher or principal or superintendent of schools employed at discretion or any superintendent employed under a contract, for the duration of his contract, or any principal or supervisor, who had been dismissed, demoted, or removed from a position by vote of a school committee under the provisions of section forty-two, section forty-two A or section sixty-three may, within thirty days after such vote appeal therefrom to the superior court in the county in which the person was or is employed.

The court shall advance the appeal for a speedy hearing and after such notice to the parties as it deems reasonable, it shall hear witnesses, review such action, and determine whether or not upon all the evidence such action was justifiable. If the court finds such action was justifiable, the action of the school committee shall be affirmed; otherwise, it shall be reversed and the appellant shall be reinstated to the position without loss of compensation. The decision of the court shall be final, except as to matters of law.

(The foregoing was laid before the Governor on the third day of June, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 338. AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF DEAFNESS OR BLINDNESS IN PUBLIC ACCOMMODATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 92A of chapter 272 of the General Laws, as most recently amended by section 1 of chapter 418 of the acts of 1971, is hereby further amended by striking out, in line 9, the words "or nationality" and inserting in place thereof the words: —, nationality, or because of deafness or blindness.

SECTION 2. The first sentence of section 98 of said chapter 272, as most recently amended by section 2 of said chapter 418, is hereby further amended by inserting after the word "sex", in line 3, the words: —, deafness or blindness.

Approved June 13, 1975.

Chap. 339. AN ACT INCREASING THE AMOUNT OF MONEY WHICH MAY BE RESERVED FOR BURIAL EXPENSES OF A WARD.

Be it enacted, etc., as follows:

Section 48A of chapter 201 of the General Laws, as most recently amended by section 17 of chapter 845 of the acts of 1974, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Upon application therefor by a conservator or by a guardian of a mentally ill or mentally retarded person or a spendthrift, whose ward is a resident of the commonwealth, the probate court, after such notice as it deems necessary, and a hearing, may authorize such conservator or guardian to deposit for the purpose hereinafter stated, in a savings bank, or in the savings department of a trust company, within the commonwealth, or on paid-up shares and accounts of and in a co-operative bank, a sum not exceeding one thousand dollars, or may authorize said conservator or guardian to purchase a share account of a federal savings and loan association or a savings and loan association located within the commonwealth, in a sum not exceeding one thousand dollars, to be expended solely for, or towards the expense of, the burial of his ward. *Approved June 13, 1975.*

Chap. 340. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO GRANT CERTAIN EASEMENTS TO LOUISE M. ECKERT.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the granting of a right of way restoring access to adjacent private lands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The water resources commission, on behalf of the commonwealth, is hereby authorized to grant to Louise M. Eckert, her heirs and assigns, a perpetual easement and right of way, not to exceed thirty feet in width for the purpose of restoring access to the remainder of said Eckert's land over and across land located in the town of Sandisfield formerly owned by said Louise M. Eckert and land formerly owned by John Yanner and Mary L. Yanner and now owned by the commonwealth, and being more particularly bounded and described as follows:

Beginning at a point on the northerly side of Montville Beech Plain Road S 48° — 54' — 39"W 150.00 feet from a concrete bound:

Thence Running N 0° — 05' — 21"W 1300.00 feet to a point;

Thence Running N 47° — 54' — 39"W 1811.89 feet to a point;

Thence Running N 18° — 28' — 19"W 61.04 feet to a point;
Thence Running S 47° — 54' — 39"E 1878.35 feet to a point;
Thence Running S 0° — 05' — 21"E 1287.22 feet to a point;
Thence Running S 48° — 54' — 39"W 39.75 feet along said Montville Beech Plain Road to the point of beginning.

Said land was taken in fee by the water resources commission in an order of taking dated May 7, 1973 and recorded at the Berkshire county southern district registry of deeds on May 8, 1973 in Book 387, Pages 567 and 569 and is identified as Tract VI and Tract VII on a plan entitled "Clam Lake Site, The Commonwealth of Massachusetts Water Resources Commission, Plan of Land in the Town of Sandisfield, Massachusetts", which is recorded at said registry.

The grant of easement shall provide that the design, and use of said right of way shall be subject to the approval of the division of water resources of the water resources commission.

Approved June 16, 1975.

Chap. 341. AN ACT RELATIVE TO THE MASSACHUSETTS INSURERS INSOLVENCY FUND.

Be it enacted, etc., as follows:

SECTION 1. Subsection (2) of section 1 of chapter 175D of the General Laws, as appearing in section 1 of chapter 261 of the acts of 1970, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

"Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool or underwriting association; provided, that a claim for any such amount, asserted against a person insured under a policy issued by an insurer which has become an insolvent insurer, which, if it were not a claim by or for the benefit of a reinsurer, insurer, insurance pool or underwriting association, would be a "covered claim" may be filed directly with the receiver of the insolvent insurer, but in no event may any such claim be asserted against the insured of such insolvent insurer.

SECTION 2. Said chapter 175D is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section: —

Section 4. The board of directors of the Fund shall consist of not less than five nor more than nine persons serving such term as are established in the plan of operation. The members of the board shall be nominated by members of the Fund subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner. In approving nominations to the board

the commissioner shall consider whether all insurers are fairly represented. Members of the board may be reimbursed from the assets of the Fund for expenses incurred by them as members of the board of directors.

SECTION 3. Clause (*b*) of subsection (1) of section 5 of said chapter 175D, as so appearing, is hereby amended by inserting before the word "deemed", in line 1, the word: — be.

SECTION 4. Said subsection (1) of said section 5 of said chapter 175D, as so appearing, is hereby amended by striking out clause (*c*) and inserting in place thereof the following clause: —

(*c*) assess insurers the amounts necessary to pay the obligations of the Fund and the expenses of handling covered claims subsequent to an insolvency and to pay the cost of examinations under paragraph (1) of section eight and other permissible expenses incurred under this chapter. The assessments of each insurer shall be in the proportion that the net direct written premiums of the insurer for the calendar year preceding the assessment bears to the net direct written premiums of all insurers for the calendar year preceding the assessment. Each insurer shall be notified of the assessment not later than thirty days before it is due. No insurer may be assessed in any year an amount greater than two per cent of that insurer's net direct written premiums for the calendar year preceding the assessment. If the maximum assessment, together with the other assets of the Fund, does not provide in any one year an amount sufficient to make all necessary payments, the funds available may be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The Fund shall pay claims in any order which it may deem reasonable, including the payment of claims as such are received from the claimants or in groups or categories of claims. The Fund may exempt or defer, in whole or in part, the assessment of any insurer, if the assessment would cause the insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the insurer is authorized to transact insurance, provided, however, that during the period of deferment, no dividends shall be paid to shareholders or policyholders. Deferred assessments shall be paid when such payment will not reduce capital or surplus below required minimums. Such payments shall be refunded to those companies receiving larger assessments by virtue of such deferment, or at the election of any such company, credited against future assessments. Each insurer serving as a servicing facility may set off against any assessment authorized payments made on covered claims and expenses incurred in the payment of such claims by such insurer.

SECTION 5. Clause (*a*) of subsection (1) of section 6 of said chapter 175D, as so appearing, is hereby amended by inserting after the word "and", in line 3, the word: — thereafter.

SECTION 6. Subsection (2) of said section 6 of said chapter 175D, as so appearing, is hereby amended by striking out clause (*c*) and inserting in place thereof the following clause: —

(*c*) The method of reimbursing members of the board of directors for expenses incurred;.

SECTION 7. Clause (*a*) of subsection (1) of section 7 of said chapter 175D, as so appearing, is hereby amended by adding after the word "insolvency", in line 2, the words: — and furnish to the Fund a copy of any complaint seeking an order of liquidation with a finding of insolvency against a company at the same time that such complaint is filed with a court of competent jurisdiction.

SECTION 8. Said chapter 175D is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section: —

Section 15. All proceedings in which the insolvent insurer is a party in any court in this commonwealth shall be stayed for up to six months and such additional time thereafter as may be determined by the court from the date the insolvency is declared or an ancillary proceeding is instituted in the commonwealth whichever is later to permit proper defense by the Fund of all pending causes of action.

Approved June 16, 1975.

Chap. 342. AN ACT PROVIDING FOR NOTICE OF SALE TO A MORTGAGOR UPON FORECLOSURE UNDER POWER OF SALE.

Be it enacted, etc., as follows:

Section 14 of chapter 244 of the General Laws is hereby amended by striking out the first sentence, as appearing in the Tercentenary Edition, and inserting in place thereof the following sentence: — The mortgagee or person having his estate in the land mortgaged, or a person authorized by the power of sale, or the attorney duly authorized by a writing under seal, or the legal guardian or conservator of such mortgagee or person acting in the name of such mortgagee or person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but no sale under such power shall be effectual to foreclose a mortgage, unless, previous to such sale, notice thereof has been published once in each of three successive weeks, the first publication to be not less than twenty-one days before the day of sale, in a newspaper, if any, published in the town where the land lies and notice thereof also has been sent by registered mail to the mortgagor or his successor in interest as of the date of the notice at his last known address.

Approved June 16, 1975.

Chap. 343. AN ACT FURTHER REGULATING THE REQUIREMENTS FOR REGISTRATION OF CERTIFIED COPIES OF INSTRUMENTS RELATING TO LAND.

Be it enacted, etc., as follows:

Chapter 36 of the General Laws is hereby amended by striking out section 13, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 13. If a deed or other writing affecting land has been recorded in a registry of deeds or registered in a registry district of the land court, a copy thereof, duly certified by a proper official, may be recorded or registered in any county or registry district wherein the original might properly have been recorded or registered, and when so recorded or registered shall have the same effect as a record or registration of the original instrument. *Approved June 16, 1975.*

Chap. 344. AN ACT AUTHORIZING GOVERNMENTAL UNITS TO ENTER INTO AGREEMENTS PROVIDING FOR JOINT FIRE, RESCUE AND AMBULANCE SERVICE FOR PERIODS NOT EXCEEDING TWENTY YEARS.

Be it enacted, etc., as follows:

The first paragraph of section 4A of chapter 40 of the General Laws is hereby amended by striking out the third sentence, inserted by chapter 356 of the acts of 1969, and inserting in place thereof the following sentence: — A governmental unit may enter into an agreement with any other governmental unit providing for joint fire, rescue and ambulance service and for the joint disposal of refuse, garbage or offal for a period not exceeding twenty years. *Approved June 16, 1975.*

Chap. 345. AN ACT FURTHER REGULATING MARATHONS AND WALKATHONS.

Be it enacted, etc., as follows:

Section 103 of chapter 272 of the General Laws, inserted by chapter 417 of the acts of 1936, is hereby amended by striking out, in line 6, the word "four" and inserting in place thereof the word: — ten. *Approved June 16, 1975.*

Chap. 346. AN ACT PROVIDING FOR PAYROLL DEDUCTIONS ON ACCOUNT OF DUES PAID TO ASSOCIATIONS OF COUNTY SCHOOL TEACHERS.

Be it enacted, etc., as follows:

The first sentence of section 17C of chapter 180 of the General Laws, as amended by chapter 113 of the acts of 1973, is hereby further amended by inserting after the word "local", in line 3, the word: —, county. *Approved June 16, 1975.*

Chap. 347. AN ACT PROVIDING FOR PARTIAL SUSPENSION OF EXECUTION OF CERTAIN SENTENCES IN THE COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 279 of the General Laws, as amended by chapter 354 of the acts of 1938, is hereby further amended by striking out the first two sentences and inserting in place thereof the following two sentences: —

When a person convicted before a court is sentenced to imprisonment, the court may direct that the execution of the sentence, or any part thereof, be suspended and that he be placed on probation for such time and on such terms and conditions as it shall fix. When a person so convicted is sentenced to pay a fine and to stand committed until it is paid, the court may direct that the execution of the sentence, or any part thereof, be suspended for such time as it shall fix and in its discretion that he be placed on probation on condition that he pay the fine within such time. *Approved June 16, 1975.*

Chap. 348. AN ACT RELATIVE TO ACCEPTANCE OF SAVINGS DEPOSITS BY PAYROLL DEDUCTION PLAN.

Be it enacted, etc., as follows:

SECTION 1. Chapter 168 of the General Laws is hereby amended by striking out section 23, as amended by section 1 of chapter 244 of the acts of 1956, and inserting in place thereof the following section: —

Section 23. Such corporation may arrange with any employer for the collection and receipt of deposits by payroll deduction to be credited to the individual or joint deposit accounts of his employees making the deposits.

SECTION 2. Chapter 170 of the General Laws is hereby amended by striking out section 12A, inserted by section 2 of said chapter 244, and inserting in place thereof the following section: —

Section 12A. Such corporation may arrange with any employer for the collection and receipt of deposits by payroll deduction to be credited to the individual or joint deposits accounts of his employees making the deposits.

Approved June 16, 1975.

Chap. 349. AN ACT PROVIDING FOR LEAVES OF ABSENCE FOR SCHOOL NURSES FOR STUDY, RESEARCH OR SERVICE TO CERTAIN ORGANIZATIONS TO INCREASE THEIR PROFESSIONAL ABILITY.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 41A, as most recently amended by chapter 323 of the acts of 1971, and inserting in place thereof the following section: —

Section 41A. A school committee may grant a leave of absence for study or research to any teacher, registered nurse, principal, supervisor, director, school librarian, superintendent or assistant superintendent, serving at discretion which would increase his professional ability, such leave to be for a period not exceeding one year at full or partial pay; provided, that prior to the granting of such leave he shall enter into a written agreement with the school committee that upon termination of such leave he will return to service in the public schools of such city or town for a period equal to twice the length of such leave and that, in default of completing such service, he will refund to the city or town an amount equal to such proportion of salary received by him while on leave as the amount of service not actually rendered as agreed bears to the whole amount of service agreed to be rendered. A school committee may also grant a leave of absence to any teacher, registered nurse, principal, supervisor or superintendent serving at discretion for service to a professional educational organization of which such teacher, registered nurse, principal, supervisor or superintendent is a member and has been elected to hold the office of president therein, such leave to be for a period not exceeding one full year at full or partial pay; provided, that such professional educational organization shall reimburse the school committee for any salary paid to said teacher, registered nurse, principal, supervisor or superintendent during such period. A school committee may pay compensation to any employee granted a leave of absence under this section from any grants or gifts received for the purpose of this section pursuant to section thirty-seven A, as well as from funds appropriated therefor. *Approved June 16, 1975.*

Chap. 350. AN ACT AUTHORIZING THE COMMISSIONERS OF ESSEX COUNTY TO EXPEND CERTAIN SUMS OF MONEY FOR THE OPERATION OF THE ESSEX COUNTY JAIL AND HOUSE OF CORRECTION AT LAWRENCE.

Be it enacted, etc., as follows:

The county commissioners of the county of Essex are hereby authorized to expend a sum of money not to exceed forty-one thousand dollars for temporary employees, for contractual services and for supplies and materials for the Essex county jail and house of correction at Lawrence for the budgetary period ending June thirtieth, nineteen hundred and seventy-five. Said sum shall be expended from the funds received by said county under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512). *Approved June 16, 1975.*

Chap. 351. AN ACT REGULATING THE CONSTRUCTION OF ACCESS DRIVEWAYS ON CERTAIN COASTAL WETLANDS.

Be it enacted, etc., as follows:

The eighth paragraph of section 105 of chapter 130 of the General Laws is hereby amended by adding the following sentence: — No order adopted hereunder shall permit the construction in coastal wetlands of access driveways to unrestricted land except in a manner which allows the flow of the tide. *Approved June 16, 1975.*

Chap. 352. AN ACT DESIGNATING THE PERIOD DURING WHICH NOMINATION PAPERS AND INITIATIVE PETITIONS SHALL BE AVAILABLE AND MAY BE CIRCULATED.

Be it enacted, etc., as follows:

SECTION 1. Section 20 of chapter 53 of the General Laws is hereby amended by adding the following sentence: — Petition forms for such applications submitted under section nineteen shall be made available for use on or before the twelfth Tuesday preceding the final date for filing as provided in section twenty-one.

SECTION 2. Section 22A of said chapter 53 is hereby amended by inserting after the first sentence the following sentence: — Initiative or referendum petition forms shall be made available no later than the twenty-first day after the date such petitions are filed with the state secretary by the first ten signers; provided, however, that in the instance of petitions filed under the provisions of section three or section four of that part of Article XLVIII of the amendments of the constitution under the heading "THE REFERENDUM. III. Referendum Petitions.", the petition forms shall be made available no later than the twenty-first day after a summary has been prepared.

SECTION 3. Section 47 of said chapter 53 is hereby amended by adding the following sentence: — Nomination papers for use in the nomination of candidates for all offices shall be available for use on or before the twelfth Tuesday preceding the date for filing as provided in section forty-eight, except in the case of primaries before special elections.

Approved June 16, 1975.

Chap. 353. AN ACT REQUIRING A SUPPLY OF ABSENT VOTING BALLOTS AT POLLING PLACES WHERE VOTING MACHINES ARE USED.

Be it enacted, etc., as follows:

The second paragraph of section 31 of chapter 54 of the General Laws, added by section 3 of chapter 310 of the acts of 1943, is hereby amended by adding the following three sentences: — The city or town clerk shall also forward to the election officers before the polls are opened an amount of official absent voting ballots to be used in the event all of the voting machines require repair or adjustment during the course of an election. All such ballots cast shall be marked "cast due to machine failure" in large type on the back of each ballot. Election officials at such voting place shall indicate on their official voting list those voters using said marked ballots.

Approved June 16, 1975.

Chap. 354. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO GRANT CERTAIN EASEMENTS TO WILLIAM M. HIGGINS, JR. AND BARBARA M. KEIZER, TRUSTEES OF MILL DAM TRUST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the granting of a right of way restoring access to adjacent private lands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The water resources commission, on behalf of the commonwealth, is hereby authorized to grant to William M. Higgins, Jr. and Barbara M. Keizer, trustees of Mill Dam Trust, their heirs and assigns, a perpetual easement and right of way not to exceed thirty feet in width for the purpose of restoring access to the remainder of said trustees' land located in the town of Harvard, and being more particularly bounded and described as follows:

Beginning at a point on the southerly side of Finn Road at the northwesterly corner of the right of way herein described:

Thence Running S 18° — 38' — 10"W, 139.71 feet to a point;

Thence Running S 18° — 31' — 56"E, 49.66 feet to a point;

Thence Running N 18° — 38' — 10"W, 171.78 feet to a point;

Thence Running N 57° — 19' — 10"W, 30.92 feet along said Finn Road to the point of beginning.

Said land was taken in easement by the water resources commission from said trustees in an order of taking dated May 30, 1969 and recorded at the Worcester district registry of deeds in Worcester county on May 30, 1969, in Book 4948, page 198 and is identified as tract 135 on a plan entitled "Commonwealth of Massachusetts Water Resources Commission, Plan of Land in the Towns of Bolton and Harvard (Worcester County) Boxborough and Stow (Middlesex County)", which is recorded at said registry.

Said tract of land was taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty for the purpose of flood prevention and related purposes.

The grant of easement shall provide that the design and use of said right of way shall be subject to the approval of the division of water resources of the water resources commission.

Approved June 18, 1975.

Chap. 355. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO GRANT CERTAIN EASEMENTS TO A. CHRISTINE HIGGINS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate the granting of a right of way restoring access to adjacent private lands, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The water resources commission, on behalf of the commonwealth, is hereby authorized to grant to A. Christine Higgins, her heirs and assigns, a perpetual easement and right of way not to exceed thirty feet in width for the purpose of restoring access to the remainder of land of said A. Christine Higgins located in the town of Harvard and the town of Stow, and being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Taylor Road in the Town of Stow at the southwesterly corner of the right of way herein described:

Thence Running N 23° — 40' — 00 W, 30.00 feet by said Taylor Road to a point;

Thence Running N 68° — 05' — 54" E, 16.19 feet to a point;

Thence Running S 21° — 54 — 06E, 30.01 feet to a point;

Thence Running S 68° — 05' — 54" W, 16.18 feet to the point of beginning.

Said land was taken in easement by the water resources commission from said Higgins in an Order of Taking dated April 9, 1970 and recorded at the Worcester district registry of deeds in Worcester county on April 9, 1970 in Book 5022, page 507 and recorded at the southern district registry of deeds in Middlesex county on April 9, 1970, Book 11818, Page 620 and is identified as tract 178 on a plan entitled "Commonwealth of Massachusetts Water Resources Commission, Plan of Land in the Towns of Bolton and Harvard (Worcester County) Boxborough and Stow (Middlesex County)", which is recorded at said registries.

Said tract of land was taken by the water resources commission by virtue of the authority and in the exercise of the powers conferred by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty for the purpose of flood prevention and related purposes.

The grant of easement shall provide that the design and use of said right of way shall be subject to the approval of the division of water resources of the water resources commission.

Approved June 18, 1975.

Chap. 356. AN ACT REPEALING CERTAIN EXEMPTIONS TO CERTAIN ANCIENT RESTRICTIONS IN THE TITLE TO REAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. Section 27 of chapter 184 of the General Laws is hereby amended by striking out the paragraph added by section 2 of chapter 527 of the acts of 1974.

SECTION 2. Section 28 of said chapter 184 is hereby amended by striking out the paragraph added by section 3 of said chapter 527.

Approved June 18, 1975.

Chap. 357. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO INSTALL TRAFFIC SIGNAL LIGHTS AT THE INTERSECTION OF UNITED STATES HIGHWAY ROUTE 20 AND CHURCHILL ROAD IN THE TOWN OF WEST SPRINGFIELD.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to install and maintain traffic signal lights at the intersection of United States highway route 20 and Churchill road in the town of West Springfield. *Approved June 18, 1975.*

Chap. 358. AN ACT REGULATING REVIEWS OF AND APPEALS ON MARKINGS OF CIVIL SERVICE EXAMINATIONS AND OTHER MATTERS RELATED THERETO.

Be it enacted, etc., as follows:

SECTION 1. Section 4I of chapter 7 of the General Laws, inserted by section 8 of chapter 835 of the acts of 1974, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph: —

Meetings of the commission shall be held at such times as it may by rule determine, and upon the request of any member of the commission or upon the request of the personnel administrator; provided, however, that the commission shall hold monthly public hearings related to updating and amending the rules and regulations of the commission.

SECTION 2. Section 1 of chapter 31 of the General Laws is hereby amended by inserting after the definition of "Eligible list", as appearing in the Tercentenary Edition, the following definition: —

"Essay question", a question on a written examination that requires a response composed by the applicant, in the form of one or more sentences, and for which no single answer is correct and all others categorically wrong. Essay questions shall not include multiple choice, true or false, matching or short answer completion questions for which only one answer is correct.

SECTION 3. Paragraph (*b*) of section 2 of said chapter 31 is hereby amended by inserting after the word "thereby", in line 5, as appearing in section 1 of chapter 320 of the acts of 1973, the words: — ; provided, that the matters herein excepted shall not include findings of the administrator relative to the grading of answers to essay questions; and.

SECTION 4. Section 2A of said chapter 31 is hereby amended by striking out paragraph (*l*), as amended by section 64 of chapter 835 of the acts of 1974,, and inserting in place thereof the following paragraph: —

(*l*) Decide in the first instance all reviews requested by applicants of markings of training and experience, of findings that requirements for admission to examinations were not met, of markings of answers to essay questions, and all protests by applicants that an examination did not fairly test applicants' fitness to actually perform the primary or dominant duties of the position for which the examination was held; provided, however, that in the event of an error in the markings of examination

papers the administrator shall have full authority to make any corrections he may deem necessary.

SECTION 5. Section 8C of said chapter 31 is hereby amended by striking out the first paragraph, as amended by section 76 of said chapter 835, and inserting in place thereof the following paragraph: —

If the administrator determines that the public convenience so requires, he shall hold a competitive examination, except as provided in section twenty open to citizens of the United States, wherever they may reside, who, at the time of said examination, have completed or expect to complete within nine months, a four-year course leading to a bachelor's degree in an accredited college or university, or have any combination of education and experience in administrative, professional or investigative work acceptable to the administrator.

SECTION 6. Said chapter 31 is hereby further amended by striking out section 12A, as most recently amended by section 84 of said chapter 835, and inserting in place thereof the following section: —

Section 12A. Not later than seventeen days after the date of mailing of the notice of the administrator to the applicant of the results of his examination or notice that he did not meet the requirements for admission to the examination, the applicant may file with the administrator a request for a review of the markings of his answers to essay questions, a request for a review of the marking of his training and experience, or a request for a review of the finding by the administrator that he did not meet the requirements for admission to the examination established by the administrator.

Not later than seven days after the date of the examination, an applicant may file with the administrator a protest that the examination did not fairly test applicant's fitness to actually perform the primary or dominant duties of the position for which the examination was held. The administrator shall review the examination and notify the applicant of his decision.

A request for review or a protest under this section shall set forth, in the form prescribed by the administrator, the particulars upon which the request or protest is based and the authorities relied upon to support the request or protest. The administrator may require applicants to submit copies of authorities for his review. The word authorities, as used in this section, shall mean books or publications, and any reference thereto shall be made by titles, authors, editions, chapters, page numbers and direct and complete quotations which support the claim of the applicant.

The administrator may decline to accept a request for a review of marking or finding in any case where the applicant's marking in any subject of the written examination is less than fifty per cent or where the applicant has not set forth, in the form pre-

scribed by the administrator and within the required time, specifically in what particulars the markings of the examination are allegedly incorrect, and the authorities relied upon by the applicant to support his allegations.

Within six weeks after acceptance of a request for a review of a finding or markings on an examination paper under this section, the administrator shall cause such finding or such paper and the markings thereon to be reviewed, and shall transmit a copy of his decision to the applicant. If the administrator finds that an error was made in such finding, in failing to grant credit for an applicant's answer to an essay question, or in the marking of the training and experience of the applicant, he shall make the adjustment necessary to correct such error in the applicant's grade. Nothing herein shall be construed to limit the right of the administrator to make an adjustment in an applicant's mark which will reduce the applicant's mark if the requested review of the markings indicates that an error was made in the credit granted for any of the answers to essay questions in the examination.

No later than seventeen days after the date of mailing of the notice of the decision of the administrator, the applicant may appeal to the commission by filing a petition in a form approved by it and containing a brief statement of the facts as presented to the administrator for his review.

The commission shall decline to accept any appeal unless the request for review or protest to the administrator was set forth in the form prescribed by the administrator and stated specifically the particulars upon which the request or protest was based and the authorities relied upon to support the request or protest.

In the grading of the subject of training and experience in any competitive examination, no credit shall be allowed, either in the original marking of the examination, upon review of the original marking by the administrator, or by the commission, whether upon an appeal from the decision of the administrator or otherwise for any training and employment or experience not fully stated in the training and experience sheet filed at the time of examination.

No protest or request for review under this section shall be accepted by the commission, and no hearing shall be held or other action be taken relative thereto other than on an appeal from a decision of the administrator.

After acceptance of such an appeal, the commission shall hold a hearing, render a decision and transmit a copy of such decision to the appellant and to the administrator.

SECTION 7. Said chapter 31 is hereby further amended by striking out section 29, as most recently amended by section 112 of said chapter 835, and inserting in place thereof the following section: —

Section 29. Records of the proceedings of the commission

and of the administrator shall be kept on file and shall be open to public inspection under the rules of the commission. Applications and references may be inspected by the appointing authority in connection with a certification of names and shall be preserved for a period of at least two years, but may be destroyed thereafter. The question and answer sheets of examination papers, other than essay questions and answers, shall not be open for inspection and may be destroyed as the administrator determines.

Examination papers may be destroyed as the administrator determines, but shall be preserved during the period in which requests for review of markings or findings, or appeals from the decision of the administrator thereon, are acceptable or pending under section twelve A.

An applicant's examination papers may be inspected only by him, or by his representative upon presentation of written authorization from the applicant, and only during the period in which a request for a review of marking of such papers or finding of the administrator that the applicant did not meet the requirements for admission to the examination, or an appeal from the decision of the administrator thereon, is acceptable or pending under section twelve A; provided that no inspection may be made of any examination papers in connection with a protest made under section twelve A or of examination papers to which the provisions of section twelve A do not apply. No question shall be copied except one which the applicant answered in the examination and for which answer he received less than full credit in the marking, in which case the applicant's answer to such question may also be copied.

SECTION 8. This act shall take effect on January first, nineteen hundred and seventy-six.

(The foregoing was laid before the Governor on the fifth day of June, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 359. AN ACT EXEMPTING CERTAIN EMPLOYEES OF THE GREATER LAWRENCE SANITARY DISTRICT FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

Section 2 of chapter 750 of the acts of 1968 is hereby amended by striking out the seventh paragraph and inserting in place thereof the following paragraph: —

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

principal sanitary engineer, process control engineer, senior mechanical engineer and operator trainees shall not be subject to said chapter thirty-one. *Approved June 18, 1975.*

Chap. 360. AN ACT EXEMPTING CERTAIN ENGINEERING POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS OF THE TOWN OF ANDOVER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The positions of town engineer, assistant town engineer, senior engineering aide, junior engineering aide, draftsman and general construction inspector in the department of public works of the town of Andover shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person in the department of public works of the town of Andover.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Andover at the next annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act exempting certain engineering positions in the department of public works of the town of Andover from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved June 18, 1975.

Chap. 361. AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

Notwithstanding any provision of the law to the contrary, the notes which the state treasurer is authorized to issue under section four of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five, making appropriations for the fiscal year ending June thirtieth, nineteen hundred and seventy-five, to provide for supplementing certain existing appropriations and for certain new activities and projects, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than

June thirtieth, nineteen hundred and seventy-seven, and the bonds which the state treasurer is authorized to issue under section five of said chapter three hundred and twenty-seven shall be issued for a maximum term of five years, the initial maturities of which shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, nineteen hundred and eighty-one, as recommended by the governor in a message to the general court dated June eighteenth, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved June 19, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, June 19, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 361 of the Acts of 1975, entitled, AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS AND NOTES TO BE ISSUED BY THE COMMONWEALTH, and the enactment of which received my approval on June 19, 1975, should take effect forthwith.

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

In order to immediately permit the issuance of certain notes and bonds.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 19, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 362. AN ACT RELATIVE TO MEDICAL MALPRACTICE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to guarantee the continued availability of medical malpractice insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 13 of the General Laws is hereby amended by striking out section 10, as most recently amended by section 2 of chapter 1099 of the acts of 1971, and inserting in place thereof the following section: —

Section 10. There shall be a board of registration and discipline in medicine, in this and the following section called the board, consisting of seven persons appointed by the governor, who shall be residents of the commonwealth, five of whom shall be physicians registered under section two of chapter one hundred and twelve, or corresponding provisions of earlier laws, and two of whom shall be representatives of the public, subject to the provisions of section nine B. Each member of the board shall serve for a term of three years.

No member shall be appointed to more than two consecutive full terms; provided, however, a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years. Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon. The board shall elect from its members a chairman, vice-chairman and secretary who shall serve for one year and until their successors are appointed and qualified. The board shall meet at least once a month or more often upon the call of the chairman at such times and places as the chairman shall designate.

Members of the board shall, subject to appropriation, be paid thirty-five dollars for each day or part thereof spent in performing their duties, and shall receive their necessary traveling and other expenses while engaged in the business of the board, provided that the amount for expenses shall not be more than twenty dollars per day, except for traveling expense which shall not be more than eight cents per mile.

The board shall adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter; may appoint legal counsel and such assistants as may be required; may make contracts and arrangements for the performance of administrative and similar services required, or appropriate, in the performance of the duties of the board; and may adopt and publish rules of procedure and other regulations not inconsistent with other provisions of the General Laws.

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 138 of the acts of 1975, and inserting in place thereof the following section: —

Section 2. Applications for registration as qualified physicians, signed and sworn to by the applicants, shall be made upon blanks furnished by the board of registration and discipline in medicine, herein and in sections three to nine A, inclusive, called the board. Each applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he has completed two years of premedical studies in a college or university, that he has attended courses of instruction for four years of not less than thirty-two school weeks in each year, or courses which in the opinion of the board are equivalent thereto, in one or more legally chartered medical schools, and that he has received the degree of doctor of medicine, or its equivalent, from a legally chartered medical school in the United States or commonwealth of Puerto Rico or Canada having the power to confer degrees in medicine, shall upon payment of one hundred and twenty-five dollars, be examined, and, if found qualified by the board, be registered as a qualified physician and entitled to a certificate in testimony thereof, signed by the chairman and secretary. An applicant who has received from a medical school, legally chartered in a sovereign state other than the United States, the commonwealth of Puerto Rico or Canada, a degree of doctor of medicine or its equivalent shall be required to furnish to the board such documentary evidence as the board may require that his education is substantially the equivalent of that of graduates of medical schools in the United States and such other evidence as the board may require as to his qualifications to practice medicine, and shall, unless granted an exemption by the board, be required to present a Standard Certificate granted after examination by the Educational Council for Foreign Medical Graduates; provided, however, that an applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over and of good moral character, that he has completed two years of premedical studies in a college or university of the United States or Canada shall not be required to possess a certificate by the Educational Council for Foreign Medical Graduates and shall be admitted to the examination for licensure if he has studied medicine in a medical school outside the United States which is recognized by the World Health Organization, has completed all the formal requirements for the degree corresponding to doctor of medicine except internship and social service or internship or social service, has satisfactorily completed one academic year of supervised clinical training sponsored by an approved medical school in the United States or Canada, and has completed one year of graduate medical educa-

tion in a program approved by the Liaison Committee on Graduate Medical Education of the American Medical Association. If the board shall be satisfied as to his education and his qualifications, the board shall, upon payment of one hundred and twenty-five dollars by the applicant, admit him to the examination for licensure.

An applicant failing to pass an examination satisfactory to the board shall be entitled to two reexaminations within two years at a meeting of the board called for the examination of applicants upon payment of a further fee of seventy-five dollars for each reexamination; but two such reexaminations shall exhaust his privilege under his original application.

The board may without examination grant certificates of registration as qualified physicians to such graduates of medical schools: (1) who shall furnish with their applications satisfactory proof that they have the qualifications required in the commonwealth to entitle them to be examined and have been licensed or registered upon a written examination in another state whose standards, in the opinion of the board, are equivalent to those in the commonwealth, or (2) who are diplomates of specialty boards recognized by the American Medical Association or the American Osteopathic Association; provided that any person who has previously attempted unsuccessfully to secure registration in the commonwealth shall be registered under the provisions of this paragraph without examination only at the discretion of the board. The fee for such registration without examination shall be seventy-five dollars.

Notwithstanding any other provisions of this chapter the board may without examination grant a certificate of registration as a qualified physician to such person as shall furnish with his application satisfactory evidence that he is: (1) a graduate of a Canadian medical school and is licensed by the Medical Council of Canada and by a provincial licensing authority; or (2) is licensed in the commonwealth of Puerto Rico or in the province of Saskatchewan in Canada upon obtaining a grade of seventy-five per cent or better in the federation licensing examination of the federation of state medical boards of the United States. Any person granted a certificate of registration under the provisions of this paragraph shall pay a fee of seventy-five dollars.

The board shall require that all physicians registered in the commonwealth renew their certificates of registration with the board effective January the fifteenth, nineteen hundred and seventy-six and at two year intervals thereafter. The renewal application shall be accompanied by a fee of fifty dollars and shall include the physician's name, license number, home address, office address, his specialty or specialties, the principal setting of his practice, and whether he is an active or inactive practitioner.

The board shall mail a renewal application each registered

physician sixty days prior to the renewal date. The certification of registration of any physician who does not file a completed renewal application together with the fee shall be automatically revoked, but shall be revived upon completion of the renewal process. The expenses and compensation of the board of registration and discipline in medicine shall be paid by the commonwealth, but said expenses and compensation shall not be in excess of the amounts received by the commonwealth for certificates of renewal or any registration fees under this section.

SECTION 3. Said chapter 112 is hereby further amended by striking out section 5, as amended by section 12 of chapter 425 of the acts of 1937, and inserting in place thereof the following section: —

Section 5. The board shall investigate all complaints relating to the proper practice of medicine by any person holding a certificate of registration under sections two to twelve A, inclusive, or of section sixty-five so far as it relates to medicine and report the same to the proper prosecuting officers.

The board may, after a heraing pursuant to chapter thirty A, revoke, suspend, or cancel the certificate of registration, or reprimand, censure, or otherwise discipline a physician registered under said sections upon proof satisfactory to a majority of the board that said physician: —

(*a*) fraudulently procured said certificate of registration;

(*b*) is guilty of an offense against any provision of the laws of the commonwealth relating to the practice of medicine, or any rule or regulation adopted thereunder;

(*c*) is guilty of gross misconduct in the practice of medicine or of practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions;

(*d*) is guilty of practicing medicine while the ability to practice is impaired by alcohol, drugs, physical disability or mental instability;

(*e*) is guilty of being habitually drunk or being or having been addicted to, dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;

(*f*) is guilty of knowingly permitting, aiding or abetting an unlicensed person to perform activities requiring a license for purposes of fraud, deception or personal gain, excluding activities permissible under any provision of the laws of the commonwealth relative to the training of medical providers in authorized health care institutions and facilities;

(*g*) is guilty of violating any rule or regulation of the board, governing the practice of medicine.

The board shall, after proper notice and hearing, adopt rules and regulations governing the practice of medicine in order to promote the public health, welfare, and safety and nothing in

this section shall be construed to limit this general power of the board.

If the physician is found not guilty the board shall forthwith order a dismissal of the charges and the exoneration of the accused.

SECTION 4. Chapter 175A of the General Laws is hereby amended by inserting after section 5 the following section: —

Section 5A. The commissioner shall, annually on or before December first, after due hearing and investigation, fix and establish fair and reasonable classification of risks and adequate, just, reasonable and nondiscriminatory premium charges on claims made and occurrence basis to be used and charged by companies in connection with the issue or execution of medical malpractice insurance for the ensuing calendar year or any part thereof. In fixing and establishing premium charges in accordance with the provisions of this section, the commissioner shall prorate equally all charges to the insured according to actual calendar days of coverage. The effective dates of procurement or cancellation of insurance from insurance companies shall determine the cost to the insured for each coverage on an equal per diem basis established for the calendar year cost of insurance policies. The commissioner shall, on or before said date, sign memoranda of the classifications and premium charges fixed and established by him in such form as he may prescribe and file the same in his office and cause a duly certified copy of such classifications and schedule of premium charges forthwith to be transmitted to each company authorized to issue such policies. During said calendar year, the classification and premium charges fixed and established by the commissioner from such policies may be used as a maximum charge by a company issuing such policies, however such premiums below the premiums established by the commissioner shall be uniform for all such classifications throughout the commonwealth. Such deviation shall be filed with the commissioner and he shall allow such deviation only if the commissioner finds that the premium charges the insurer desires to use are adequate, just, reasonable and nondiscriminatory and will not be used by the insurer as a means of attracting only such risks as are regarded as presenting less hazard of loss than others in the same classification. Every application for permission to so deviate shall be filed with the commissioner subsequent to and within thirty days of his having filed in his office the memorandum aforesaid and shall specify the basis thereof and shall be accompanied by the data upon which the applicant relies. The commissioner shall then set the time and the place for a hearing on such applications at which the applicant may be heard and shall give the applicant not less than ten days written notice thereof. The time so established for the hearing shall not be later than thirty days after receipt by the commissioner of the applica-

tion. If the commissioner finds that the deviation is justified and the resulting premium charges satisfy the requirements of this section, he shall issue an order permitting the deviation to be used by the applicant for the ensuing calendar year beginning January first.

In fixing and establishing the charges, as provided in this section, the commissioner shall take into account investment income and potential income from unearned premiums, loss reserves and all cash flows.

No company shall be authorized to issue a policy of medical malpractice insurance unless it makes a mandatory offer to issue to the purchaser of such a policy, at his election, coverage on either a claims made or occurrence basis.

The commissioner may make, and at any time, alter or amend, reasonable rules and regulations to facilitate the operation of this section and enforce the application of the classifications and premium charges fixed and established by him, and to govern hearings and investigations under this section. The commissioner may at any time require any company to file with him such data, statistics, schedules or information as he may deem proper or necessary to enable him to fix and establish or secure and maintain fair and reasonable classifications of risks and adequate, just, reasonable and nondiscriminatory premium charges for such policies. Every company selling medical malpractice insurance coverage in the commonwealth shall file with the commissioner complete financial records showing the amount of profit or loss made on every classification of medical malpractice insurance during the previous year, and shall also file records showing profits from investment income including investment income on net realized capital gains and loss reserves and unearned premiums. The commissioner may issue such orders as he finds proper, expedient or necessary to enforce and administer the provisions of this section, to secure compliance with any rules or regulations made thereunder, and to enforce coherence to the classifications and premium charges fixed and established by him. The supreme judicial court for the county of Suffolk shall have jurisdiction upon the complaints of the commissioner and upon a summary hearing, to enforce all lawful orders of the commissioner. Memoranda of all actions, orders, findings and decisions of the commissioner shall be signed by him and filed in his office as public records open to public inspection.

Any person or company aggrieved by any action, order, finding or decision of the commissioner under this section may, within twenty days from the filing of such memorandum thereof in his office, file a complaint in the supreme judicial court for the county of Suffolk for a review of such action, order, finding or decision. An order of notice returnable not later than seven days from the filing of such complaint shall forthwith issue and be

served upon the commissioner. Within ten days after the return of said order of notice, the complaint shall be assigned for a speedy and summary hearing on the merits. The action, order, finding or decision of the commissioner shall remain in full force and effect pending the final decision of the court unless the court or a justice thereof after notice to the commissioner shall by a special order otherwise direct. The court shall have jurisdiction to modify, amend, annul, reverse or affirm such action, order, finding or decision, shall review all questions of fact and of law involved therein and may make any appropriate judgment. The decision of the court shall be final and conclusive on the parties. The court may make such order as to costs as it deems equitable. The court shall make such rules or orders as it deems proper, governing proceedings under this section to secure prompt and speedy hearings and to expedite final decisions thereon.

If, for any reason, classifications of risks and premium charges fixed and established as aforesaid on or before December first in any year for the ensuing calendar year are not effective for the said year, the classifications of risks and premium charges in effect for the then calendar year shall remain in full force and effect and shall be used and charged in connection with the issue of medical malpractice insurance policies for said ensuing calendar year until classifications of risks and premium charges for said ensuing calendar year are finally fixed and established. Classifications of risks and premium charges when finally fixed and established for said ensuing calendar year shall become effective as of January first of said year, and all premium charges affected by any change thereby made which have been paid or incurred prior to the time when such charges are finally fixed and established shall be adjusted in accordance with such change, as of said January first.

Every mutual company issuing medical malpractice insurance policies shall constitute such policies as a separate class of business for the purpose of paying dividends. Any dividends on such policies shall be declared on the profits of the company from said class of business.

Insurance companies shall, at the option of the insured, accept payment of medical malpractice insurance premiums in installments under plans, rates and charges approved by the commissioner, after such notice as shall be prescribed by the commissioner and after public hearing thereof, provided, however, that each insurance company shall offer at least one installment payment plan for each policy which either gives the insured the option to pay the annual premium in a minimum of six monthly installments or gives the insured the option to pay the annual premium in four quarterly installments.

Effective sixty days after the inception of a medical malpractice insurance contract no notice of intention to terminate the

contract or, if the contract is a renewal, no notice of intention not to renew the contract shall be effective unless the insurer at least ninety days prior to the effective date of such cancellation or the end of the contract period, as the case may be, mails or delivers to the insured at the address shown on the policy such notice of cancellation or intention not to renew except where the cancellation is for nonpayment of premium, or where the insured has lost his license to practice medicine, or if the insured is a hospital, no longer possesses a valid operating certificate.

For the purposes of this section, a medical malpractice insurance contract shall mean an insurance contract covering liability arising out of the practice of medicine by a duly licensed physician or the operation of a duly certified hospital with respect to the treatment of patients, including all acts of its agents and employees.

SECTION 5. Chapter 231 of the General Laws is hereby amended by inserting after section 60A the following four sections: —

Section 60B. Every action for malpractice, error or mistake against a provider of health care shall be heard by a tribunal consisting of a single justice of the superior court, a physician licensed to practice medicine in the commonwealth under the provisions of section two of chapter one hundred and twelve and an attorney authorized to practice law in the commonwealth, at which hearing the plaintiff shall present an offer of proof and said tribunal shall determine if the evidence presented if properly substantiated is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

Said physician shall be selected by the single justice from a list submitted by the Massachusetts Medical Society representing the field of medicine in which the alleged injury occurred and licensed to practice medicine and surgery in the commonwealth under the provisions of section two of chapter one hundred and twelve. The list submitted to the single justice shall consist only of physicians who practice medicine outside the county where the defendant practices or resides or if the defendant is a medical institution or facility outside the county where said institution or facility is located. The attorney shall be selected by the single justice from a list submitted by the Massachusetts Bar Association. The attorney and physician shall, subject to appropriation, each be compensated in the amount of fifty dollars.

Where the action of malpractice is brought against a provider of health care not a physician, the physician's position on the tribunal shall be replaced by a representative of that field of medicine in which the alleged tort or breach of contract occurred, as selected by the superior court justice in a manner he determines fair and equitable.

Where there are codefendants representing more than one field of health care the superior court justice shall determine in his discretion who shall represent the health care field on the tribunal.

Each such action for malpractice shall be heard by said tribunal within fifteen days after the defendant's answer has been filed. Substantial evidence shall mean such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book or pamphlet or statements by experts without the necessity of such experts appearing at said hearing. The tribunal may upon the application of either party or upon its own decision summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented before it and may appoint an impartial and qualified physician or surgeon or other related professional person or expert to conduct any necessary professional or expert examination of the claimant or relevant evidentiary matter and to report or to testify as a witness thereto. Such a witness shall be allowed traveling expenses and a reasonable fee to be fixed by the tribunal which shall be assessed as costs. The testimony of said witness and the decision of the tribunal shall be admissible as evidence at a trial.

If a finding is made for the defendant the plaintiff may pursue the claim through the usual judicial process only upon filing bond in the amount of two thousand dollars secured by cash or its equivalent with the clerk of the court in which the case is pending, payable to the defendant for costs assessed, including witness and experts fees and attorneys fees if the plaintiff does not prevail in the final judgment. Said single justice may, within his discretion, increase the amount of the bond required to be filed. If said bond is not posted within thirty days of the tribunal's finding the action shall be dismissed. Upon motion filed by the plaintiff, and a determination by the court that the plaintiff is indigent said justice may reduce the amount of the bond but may not eliminate the requirement thereof.

For the purposes of this section, a provider of health care shall mean a person, corporation, facility or institution licensed by the commonwealth to provide health care or professional services as a physician, hospital, clinic or nursing home, dentist, registered or licensed nurse, optometrist, podiatrist, chiropractor, physical therapist or psychologist, or an officer, employee or agent thereof acting in the course and scope of his employment.

The expenses and compensation of said tribunal shall be paid by the commonwealth, provided, however, that the pro rata per-

centage of such expenses and compensation engendered by actions brought against providers of health care registered under chapter one hundred and twelve shall not be in excess of the amounts received by the commonwealth for registration fees for such providers of health care under said chapter one hundred and twelve, less the amount expended for expenses and compensation of the respective boards of registration of said providers of health care under said chapter one hundred and twelve.

Section 60C. No writ or complaint for malpractice, error or mistake against a provider of health care shall contain an ad damnum or monetary amount claimed against such defendant.

Section 60D. Notwithstanding the provisions of section seven of chapter two hundred and sixty, any claim by a minor against a health care provider stemming from professional services or health care rendered, whether in contract or tort, based on an alleged act, omission or neglect shall be commenced within three years from the date an action first occurs, except that a minor under the full age of six years shall have until his ninth birthday in which the action may be commenced.

Section 60E. In any civil action for malpractice, error or mistake against a provider of health care where an impartial medical examination has not been ordered at a hearing under the provisions of section sixty B, the presiding justice at a trial may upon the application of either party or upon his own decision appoint an impartial and qualified physician or surgeon or other related professional person or expert to conduct any necessary professional or expert examination of the claimant or relevant evidentiary matter and to report to or testify as a witness thereto. Such a witness shall be allowed traveling expenses and a reasonable fee to be fixed by said justice.

SECTION 6. As used in this section the following words shall have the following meanings: —

"Association", the joint underwriting association established pursuant to the provisions of this section.

"Commissioner", the commissioner of insurance.

"Health care provider", any doctor of medicine, osteopathy, optometry, dental science, podiatry, chiropractic, or a registered nurse licensed under the provisions of chapter one hundred and twelve of the General Laws, an intern, fellow, or medical officer registered under section nine of said chapter one hundred and twelve, or a certified hospital, clinic, or nursing home, and its agents and employees.

"Medical malpractice insurance", insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any health care provider.

"Net direct premiums", gross direct premiums written on personal injury liability insurance written pursuant to the pro-

visions of chapter ninety and one hundred and seventy-five of the General Laws including the liability component of multiple paid package policies as computed by the commissioner less all premiums and dividends credited or returned to policyholders or the unused or unabsorbed portions of premium deposits.

A temporary, nonexclusive, joint underwriting association is hereby established, consisting of all insurers authorized to write and engaged in writing, within the commonwealth on a direct basis, personal injury liability insurance pursuant to the provisions of chapter ninety and one hundred and seventy-five of the General Laws including insurers covering such perils in multiple peril package policies. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to continue to transact such kind of insurance within the commonwealth. The purpose of the association shall be to provide medical malpractice insurance on a self-supporting basis.

The association shall, pursuant to the provisions of this section and the plan of operation with respect to medical malpractice insurance, have the power on behalf of its members to issue or to cause to be issued policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one year, or ten million dollars for all claimants under one policy in any one year, provided that the applicant is a hospital; to underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint service companies to perform these functions; to assume reinsurance from its members; and to assign reinsurance.

The commissioner shall, after consultation with the joint underwriting association, representatives of the public, the Massachusetts Medical Society, Massachusetts Hospital Association and other affected individuals and organizations promulgate a plan of operation consistent with the provisions of this section, to become effective and operative no later than July first, nineteen hundred and seventy-five. Said plan of operation shall provide for economic, fair and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice insurance, and shall contain other provisions including, but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers and procedures for determining amounts of insurance to be provided by the association. Said plan shall also provide that any profit achieved by the associa-

tion shall be added to the reserves of the association or returned to the policyholders as a dividend. Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the commissioner, or shall be made at the direction of the commissioner.

Any licensed physician or hospital upon proof that the physician or hospital has made a reasonable effort to obtain insurance and has been unable to obtain it shall be entitled to apply to the association for such coverage. Such application may be made on behalf of an applicant by a broker or agent authorized by the applicant. If the association determines that the applicant meets the underwriting standards of the association as prescribed in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance as shown by the insured having failed to make written objection to premium charges within thirty days after billing, the association, upon receipt of the premium, or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical malpractice insurance for a term of one year. If at any time the commissioner determines that medical malpractice insurance is not adequately available to any provider of health care in the commonwealth, other than a licensed physician or hospital, he shall, after proper notice and hearing, promulgate an order allowing the particular provider of health care to be eligible for application to the association.

The rates, rating plans, rating rules, rating classifications, territories and policy forms applicable to the insurance written by the association and statistics relating thereto shall be subject to section five A of chapter one hundred and seventy-five A of the General Laws. Within such time as the commissioner shall direct, the association shall submit for the approval of the commissioner, an initial filing, in proper form, of policy forms applicable to medical malpractice insurance to be written by the association. In the event the commissioner disapproves such initial filing, the association shall amend such filing, in whole or in part, in accordance with the direction of the commissioner. If the commissioner is unable to approve such filing or amended filing, within the time specified, he shall promulgate the policy forms, and rules to be used by the association in writing such insurance.

Any deficit sustained by the association in any one year shall be recouped, pursuant to the plan of operation and the rating plan then in effect by an assessment upon the policyholders, or a rate increase applicable prospectively, or both; provided, however, that in no event shall a deficit incurred by the association be charged, directly or indirectly, to any person other than the insured under a policy of medical malpractice insurance; and provided, further, that for purposes of this sentence, when deficits sustained on account of physician or hospital malpractice coverage are being recouped, the term "policyholders"

shall mean all those licensed physicians or hospitals insured under a policy of medical malpractice insurance, whether obtained through the joint underwriting association or not.

Effective after the initial year of operation rates, rating plans and any provision for recoupment through policyholder assessment or premium rate increase, shall be based upon the association's loss and expense experience, and investment income from unearned premium and loss reserves together with such other information based upon such experience as the commissioner may deem appropriate. The resultant premium rates shall be on an actuarially sound basis and shall be calculated to be self-supporting. In the event that sufficient funds are not available for the sound financial operation of the association, pending recoupment as provided hereinbefore, all members shall, on a temporary basis contribute to the financial requirements of the association in the manner hereinafter provided. Any such contribution shall be reimbursed to the members following recoupment as provided in this section. The association shall offer policies on both a claims made and occurrence basis so that applicants may select either policy at their option; provided, however, that the premium rate charged for both claims made and occurrence policies shall be at rates established on an actuarially sound basis and which are calculated to be self-supporting.

All insurers which are members of the association shall participate in its writings, expenses, and losses in the proportion that the net direct premiums of each such member, excluding that portion of premiums attributable to the operation of the association written during the preceding calendar year, bears to the aggregate net direct premiums written in the commonwealth by all members of the association. Each insurer's participation in the association shall be determined annually on the basis of such net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the insurer with the commissioner. No member shall be obligated in any one year to reimburse the association on account of its proportionate share in the deficit from operations of the association in that year in excess of one per cent of its surplus to policyholders and the aggregate amount not so reimbursed shall be reallocated among the remaining members in accordance with the method of determining participation prescribed in this section after excluding from the computation the total net direct premiums of all members not sharing in such excess deficit. In the event that the deficit from operations allocated to all members of the association in any calendar year shall exceed one per cent of their respective surplus to policyholders, the amount of such deficit shall be allocated to each member in accordance with the method of determining participation prescribed in this section.

The association shall be governed by a board of eleven directors, eight of whom shall be elected by cumulative voting by the members of the association, whose votes in such election shall be weighted in accordance with each member's net direct premiums written during the preceding calendar year. Three directors shall be appointed by the commissioner as representatives of the medical profession. The eight elected directors serving on the first board shall be elected at a meeting of the members, or their authorized representatives, which shall be held at a time and place designated by the commissioner. The other three directors serving on the first board shall be appointed on or before the date of such meeting.

Any applicant to the association, any person insured pursuant to this section, or their representatives, or any affected insurer, may appeal for review to the commissioner within thirty days after any ruling, action, or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters. On receipt of any such appeal, the commissioner shall, after due hearing and investigation, enter such finding or decision as he deems shall best meet the purpose of this section.

Any person aggrieved by any such finding, order or decision and any person aggrieved by any other rule or regulation of the commissioner made pursuant to this section may, within ten days of the filing of any such finding, order, decision, rule or regulation in the office of the commissioner, appeal therefrom to the superior court, for the county in which the complainant resides. The court shall, after such notice to the parties as it deems reasonable, hold a summary hearing on such appeal and shall have jurisdiction to review all questions of fact and law, and to affirm or reverse such finding or order and to make any appropriate judgment.

The association shall file in the office of the commissioner, annually on or before the first day of March, a statement which shall contain information with respect to its transactions, condition, operations and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the commissioner. The commissioner may, at any time, require the association to furnish additional information with respect to its transactions, condition or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation and experience of the association.

The commissioner shall make an examination into the affairs of the association at least annually. Such examination shall be conducted and the report thereon filed in the manner prescribed in section four of chapter one hundred and seventy-five of the General Laws.

There shall be no liability on the part of, and no cause of action

of any nature shall arise against the association, its agents or employees, an insurer, any licensed agent or broker, or the commissioner or his authorized representatives, for any statements made in good faith by them in any reports or communications concerning risks insured or to be insured by the association, or at any administrative hearing conducted in connection therewith.

SECTION 7. The commissioner of insurance, hereinafter called the commissioner, is hereby authorized and directed to hold a public hearing on or before November fifteenth, nineteen hundred and seventy-six, relative to the earnings realized or to be realized by insurance companies from medical malpractice insurance policies issued or executed in the commonwealth for the year nineteen hundred and seventy-six. If the commissioner determined from such hearings that said earnings either have or may result in an unfair profit to said insurance companies, he shall direct such insurance companies to set sufficient funds aside as a special reserve, in an amount determined by him to be adequate to assure the availability of funds to provide for a fair and reasonable sharing of such profits by the policyholders.

If the commissioner is able finally to determine, prior to December first, nineteen hundred and seventy-six the extent of any such unfair profit, he shall direct the aforesaid insurance companies, under a schedule determined by him, to return to its medical malpractice policyholders for the year nineteen hundred and seventy-six such share of such profits as he determines is fair and reasonable, said returns to be made by payment to such policyholders or as an identified credit on policies or bonds issued to such policyholders in the year nineteen hundred and seventy-seven.

If the commissioner is unable finally to determine the extent of any such unfair profit from the information available to him prior to December first, nineteen hundred and seventy-six, he shall fix and establish premium charges for the calendar year nineteen hundred and seventy-seven under the provisions of section five A of chapter one hundred and seventy-five A of the General Laws; provided, however, such rates shall be provisional. The commissioner shall thereafter hold another public hearing at a time in the year nineteen hundred and seventy-seven selected by him when adequate information relating to the earnings realized by insurance companies from medical malpractice insurance policies issued in the year nineteen hundred and seventy-six becomes available. The commissioner shall then finally determine the extent of any such unfair profit and shall finally determine whether the premium charges established by him provisionally for the calendar year nineteen hundred and seventy-seven meet the standards set forth in said section five A. After making said findings, the commissioner shall either direct the aforesaid insurance companies to return to their

medical malpractice policyholders for the year nineteen hundred and seventy-six such share of such profits as he determines is fair and reasonable, or he shall adjust, if necessary, and set finally the premium charges under said section five A. The commissioner shall give appropriate credit to any such insurance company that has paid a dividend to policyholders or otherwise voluntarily returned profits on medical malpractice insurance policies issued or executed by it within the commonwealth for the year nineteen hundred and seventy-six.

The commissioner may also, if necessary, establish separate rates of return for each company providing medical malpractice insurance in the commonwealth.

The commissioner may direct that the insurance companies use all or part of the special reserve fund either to make payment of said returns of offset income loss on policies issued in nineteen hundred and seventy-seven because of any rate reduction authorized under the provisions of this act. The commissioner may also make such orders with respect to the disposition of the special reserve fund as may be necessary to effect the purpose of this act. Failure of the insurance companies to return the amounts as so determined by the commissioner shall be sufficient cause for him to revoke the right of the company to do business in the commonwealth after December thirty-first, nineteen hundred and seventy-six.

Any person or company aggrieved by any action, order, finding or decision of the commissioner under this chapter may appeal to the supreme judicial court under the provisions of and for the relief set forth for appeals in section five A of chapter one hundred and seventy-five of the General Laws.

The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner. The court may in disposing of the issue before it, modify, affirm, or reverse the order or decision of the commissioner in whole or in part.

SECTION 8. The board of registration in medicine, established under the provisions of section ten of chapter thirteen of the General Laws, in effect prior to the effective date of this act, is hereby abolished as of January first, nineteen hundred and seventy-six.

SECTION 9. Of the members of the board of registration and discipline in medicine first appointed pursuant to section ten of chapter thirteen of the General Laws, amended by section one of this act, two shall be appointed for a term of one year, two for two years and three for three years and their successors shall be appointed for terms of three years.

SECTION 10. All books, papers, records, documents, equipment, facilities and other property, which immediately prior to January first, nineteen hundred and seventy-six, are in the custody of the board of registration in medicine, established under

the provisions of section ten of chapter thirteen of the General Laws, in effect prior to the effective date of this act, and all duly existing contracts, leases and obligations of the board of registration in medicine pursuant to said section ten, as amended by section one of this act.

SECTION 11. All petitions, hearings and other proceedings duly brought before, and all prosecutions and legal and other proceedings duly begun by, said board of registration in medicine which arise from or relate to the exercise of such powers or the performance of such duties, and which are pending immediately prior to January first, nineteen hundred and seventy-six, shall continue unabated and remain in force notwithstanding the passage of this act, and shall thereafter be completed before or by the board of registration and discipline in medicine pursuant to section ten of chapter thirteen of the General Laws, amended by section one of this act.

SECTION 12. A special commission, to consist of three members of the senate, four members of the house of representatives with minority party representation, the commissioner of insurance or his designee, and five persons to be appointed by the governor, one of whom shall be a representative of the Massachusetts Medical Society, one of whom shall be a representative of the Massachusetts Bar Association, one of whom shall be a representative of an insurance industry organization representing, at least in part, companies providing medical professional liability insurance coverage in the commonwealth, one of whom shall be a representative of the Massachusetts Hospital Association, and one of whom shall be a consumer of health care services who is not a physician, lawyer, or officer or employee of a hospital or insurance company, is hereby established for the purpose of making an investigation and study of medical professional liability insurance and the nature and consequences of medical malpractice. The secretary of consumer affairs or his designee, the secretary of human services or his designee and the chairman of the board of registration and discipline in medicine shall be ex-officio nonvoting members.

Said commission shall, in the course of its investigation and study, consider, among other questions it deems relevant, the scope and extent of the malpractice problem; reasons for the increase in malpractice claims; effects on the rise in malpractice claims on health care providers, including the increased use of defensive medicine and increased premium costs; effect of claims increase on patients, including increased costs; alternative approaches and proposed solutions to the malpractice problem; whether the presently threatened withdrawal of insurance from the medical professional liability insurance market was caused, at least in part, by the investment practices of said companies; whether the amounts that companies set aside as loss reserves are fair and reasonable; whether and how

present methods of regulating said companies should be modified; whether, and to what extent, the passage of an act establishing a joint underwriting association has had an impact on the availability and price of medical professional liability insurance in the commonwealth; whether an examination of malpractice cases in the commonwealth over at least the past ten years indicates that courts and juries have modified the classical definition of medical malpractice and that damage awards have been unjustifiably high; whether the imposition of limits on lawyers contingency fees in medical malpractice cases is warranted; whether the imposition of ceilings on medical malpractice damage awards is warranted; whether the collateral sources rule should be applied to medical malpractice cases; whether claims handling policies of insurance companies have an effect on whether aggrieved patients institute suit for medical malpractice; and whether the medical and legal professions have adequately discharged their obligations to the public to discipline their respective members who are guilty of medical malpractice or the unjustified institution of suit on the grounds of medical malpractice. Said commission may travel without the commonwealth, and may require by summons the attendance and testimony under oath of witnesses and the production of books and papers.

The commission may expend for expenses and for such legal, actuarial, research, clerical and other assistance such sums as may be appropriated therefor not to exceed eighty thousand dollars annually provided, however, that all costs of administration and operation of said commission shall be borne by all insurance companies licensed by the commonwealth to provide liability, multiple peril or accident and health insurance coverage and by nonprofit hospital and medical service corporations licensed under the provisions of chapters one hundred seventy-six A and one hundred seventy-six B of the General Laws. The commissioner of insurance shall apportion such costs among all such companies and shall assess them on a fair and reasonable basis.

Said commission shall meet at least quarterly and may report from time to time its findings and recommendations to the general court together with drafts of legislation necessary to carry its recommendations into effect, and shall file its annual report no later than the last Wednesday in December.

SECTION 13. Sections four, six and twelve of this act shall take effect upon their passage, and all other sections of this act shall take effect on January first, nineteen hundred and seventy-six. Section six of this act shall terminate on December thirty-first, nineteen hundred and seventy-seven.

SECTION 14. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not impair any of the remaining sections. *Approved June 19, 1975.*

Chap. 363. AN ACT FURTHER REGULATING THE PROTECTION OF WETLANDS.

Be it enacted, etc., as follows:

SECTION 1. Section 40 of chapter 131 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 818 of the acts of 1974, and inserting in place thereof the following paragraph: —

Within twenty-one days of the receipt by a conservation commission of a written request made by any person and sent by certified mail, said commission shall make a written determination as to whether this section is applicable to any land or work thereon. When such person is other than the owner, notice of any such determination shall also be sent to the owner.

SECTION 2. Said section 40 of said chapter 131 is hereby further amended by striking out the seventeenth paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The provisions of this section shall not apply to any mosquito control work done under the provisions of clause (36) of section five of chapter forty, of chapter two hundred and fifty-two or of any special act; to maintenance of drainage and flooding systems of cranberry bogs, to work performed for normal maintenance or improvement of lands in agricultural use; or to any project authorized by special act prior to January first, nineteen hundred and seventy-three.

SECTION 3. The eighteenth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences: — An emergency project shall mean any project certified to be an emergency by the conservation commission of the city or town in which the project would be undertaken, or if none, by the mayor of said city or the selectmen of said town. If the conservation commission, mayor or selectmen, as the case may be, fail to act favorably within twenty-four hours of receipt of a request for certification of an emergency project, said project may be so certified by the commissioner.

Approved June 19, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE
BOSTON, June 19, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 363 of

the Acts of 1975, entitled, AN ACT FURTHER REGULATING THE PROTECTION OF WETLANDS, and the enactment of which received my approval on June 19, 1975, should take effect forthwith.

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

In order to further strengthen the enforcement of certain provisions of the law.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 20, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 364. AN ACT EXEMPTING THE POSITION OF SEASONAL EMPLOYEE IN THE OFFICE OF THE RECREATION COMMISSION IN THE TOWN OF BILLERICA FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of seasonal employee in the office of the recreation commission in the town of Billerica shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question, which shall be placed on the official ballot to be used for the election of town officers at said meeting: "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act exempting the position of seasonal employee in the office of the recreation commission in the town of Billerica from the provisions of the civil service law', be accepted?" If a majority of the votes in answer to said question is in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved June 19, 1975.

Chap. 365. AN ACT PROVIDING REIMBURSEMENT TO CITIES AND TOWNS FOR EXPENSES INCURRED IN THE TAKING OF THE STATE CENSUS AND LIMITING THE SIZE OF PRECINCTS IN CERTAIN TOWNS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide reimbursements to cities and towns for expenses in taking the state census in March, nineteen hundred and seventy-five, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 9 of the General Laws is hereby amended by striking out section 7A, as amended by section 2 of chapter 10 of the acts of 1975, and inserting in place thereof the following section: —

Section 7A. Subject to appropriation therefor, the state treasurer shall reimburse each city and town towards the cost of the census taken by it under section seven a sum equal to the total number of inhabitants reported in such city or town by the secretary in his report to the general court of the census, as provided in section seven, multiplied by twenty-five cents; provided that where a person is properly listed by one city or town as an inhabitant of another city or town and is assigned by the secretary in his report as an inhabitant to such other city or town, only the city or town that originally counts the person shall receive reimbursement therefor under this section. No later than thirty days following the submission of the aforesaid report by the state secretary, the governor shall recommend to the general court the appropriation of sufficient funds to pay the amount owed to cities and towns under this section, and the method of financing such state expenditure. The state treasurer shall reimburse to each city and town the sum owed to it hereunder, not later than ninety days following the effective date of the act appropriating the required amount from the state treasury.

SECTION 2. Section 6 of chapter 54 of the General Laws, as most recently amended by section 8 of said chapter 10, is hereby further amended by inserting after the first paragraph the following paragraph: —

In any town of six thousand or more inhabitants, each precinct established hereunder shall contain, as nearly as may be, an equal number of inhabitants, but not more than four thousand inhabitants. *Approved June 21, 1975.*

Chap. 366. AN ACT RELATIVE TO THE COMPENSATION OF MEMBERS OF THE GENERAL COURT CHOSEN TO FILL A VACANCY OR WHO RESIGN.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately correct an inequity in the compensation of members of the general court elected to fill a vacancy, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 3 of the General Laws is hereby amended by striking out section 10, as most recently amended by section 6 of chapter 19 of the acts of 1969, and inserting in place thereof the following section: —

Section 10. Each member of the general court chosen to fill a vacancy, or who resigns his seat during a regular annual session, shall be entitled to a per diem compensation for the time of his membership at the rate provided in section nine, and the allowances for travel and other expenses for the time of his membership as provided in section nine B.

SECTION 2. This act shall take effect as of April first, nineteen hundred and seventy-five. *Approved June 21, 1975.*

Chap. 367. AN ACT CLARIFYING THE RIGHT OF WOMEN WHO HAVE CHOSEN TO RETAIN THEIR OWN NAME AT MARRIAGE TO REGISTER TO VOTE IN THAT NAME AND REGULATING VOTER REGISTRATION OF PERSONS WHOSE NAMES HAVE CHANGED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to allow married women to register to vote in their given name, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 51 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 666 of the acts of 1966, and inserting in place thereof the following section: —

Section 2. A registered voter who chooses to adopt a new name by decree of court or as a result of marriage shall continue to be registered in his former name until June first of the following year; provided, however, if such voter appears in person prior to the close of registration for any preliminary, primary, or election to notify the registrars of such adoption of a new name, the registrars shall correct the current annual register so that such voter shall be registered in his new name.

If a voter does not choose to adopt a new name as a result of marriage, the registrars shall make no change in the name of such voter entered in the current annual register.

SECTION 2. Section 36 of said chapter 51 is hereby amended by striking out the second paragraph, as appearing in section 5 of chapter 1137 of the acts of 1973, and inserting in place thereof the following paragraph: —

In completing an affidavit of registration, a person shall enter thereon his name written in full, or instead thereof the surname and first christian name or that name by which he is generally known, written in full, and the initial of every other name which he may have. A person who has chosen to retain his own surname at marriage shall enter that surname on the affidavit of registration.

SECTION 3. Section 4 of chapter 151B of the General Laws is hereby amended by striking out subsection 15, added by chapter 84 of the acts of 1975, and inserting in place thereof the following subsection: —

15. For any person responsible for recording the name of or establishing the personal identification of an individual for any purpose, including that of extending credit, to require such individual to use, because of such individual's sex or marital status, any surname other than the one by which such individual is generally known. *Approved June 21, 1975.*

Chap. 368. AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE METROPOLITAN AREA PLANNING COUNCIL.

Be it enacted, etc., as follows:

Section 28 of chapter 40B of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 3 of chapter 849 of the acts of 1970, and inserting in place thereof the following paragraph: —

There shall be an executive committee which shall be composed of a chairman, who shall be the president of the council, a vice-chairman, who shall be the vice-president of the council, a secretary, who shall be the secretary of the council, and a treasurer, who shall be the treasurer of the council. In addition, five members shall be elected from the representatives of cities, provided, that one such member elected shall be the representative of the city of Boston; five members shall be elected from representatives of the towns; five members shall be elected from the persons appointed by the governor; five members shall be elected from the ex officiis members. In addition, any past president who remains as a council member shall serve on the executive committee with full voting rights. Each member of the committee shall serve for a term of one year or until a successor has been duly qualified, except for any past president, who shall serve so long as he shall remain a council member. *Approved June 21, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, June 21, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 368 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE METROPOLITAN AREA PLANNING COUNCIL, and the enactment of which received my approval on June 21, 1975 should take effect forthwith.

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

In order to immediately revise the composition of the executive committee of the Metropolitan Area Planning Council.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, June 23, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 369. AN ACT AUTHORIZING THE SEALING AND EXPUNGING OF RECORDS FOR CERTAIN DRUG OFFENSES.

Be it enacted, etc., as follows:

The first sentence of the third paragraph of section 34 of chapter 94C of the General Laws, as appearing in section 1 of chapter 1071 of the acts of 1971, is hereby amended by inserting after the word "marihuana", in line 3, the words: — or a controlled substance in Class E.

Approved June 21, 1975.

Chap. 370. AN ACT RELATIVE TO SURETIES ON BOND OF INDEMNITY BY OWNER OF LOST OR DESTROYED BONDS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby amended by striking out section 60, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 60. The owner of such bond shall surrender so much thereof as may remain, if any, and shall give to the state treasurer a bond in double the amount of said lost or destroyed bond and of the interest which would accrue until the principal is due and payable, with a sufficient surety, a resident of the commonwealth, approved by the governor and council, conditioned to indemnify and save harmless the commonwealth from any claim on account of said lost or destroyed bond.

Approved June 21, 1975.

Chap. 371. AN ACT PROVIDING FOR SCHOOL COMMITTEE ADVISORY COMMITTEES ON SEX EDUCATION.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 38N the following section: —

Section 38 O. In any city, town or regional school district which accepts this section, the school committee shall meet at least once every other month with an advisory committee which shall advise said school committee concerning reading, visual aid and all other material pertaining to sex education. Said committee shall consist of eleven members, one of whom shall be a physician and seven of whom shall be parents of children attending a school of such city, town or regional school district. The school committee in June of each year shall appoint said committee. *Approved June 21, 1975.*

Chap. 372. AN ACT AUTHORIZING THE TOWN OF HOLDEN TO USE A CERTAIN PARCEL OF LAND FOR THE CONSTRUCTION OF WELLS AND AUTHORIZING THE CONNECTION THEREOF TO THE WATER SYSTEM OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing and maintaining a system of wells and the installation of pipe connecting said wells to the water system of the town of Holden, said town is hereby authorized to use a portion of land approximately ninety-three thousand six hundred square feet in area, located

off Mason Road held by the conservation commission of said town, bounded and described as follows: —

Beginning at a point on the division line of properties of the Town of Holden as shown as Parcel 5 on a plan recorded in Worcester District Registry of Deeds, Plan Book 342, Plan 55, and as shown on a plan recorded in said Deeds in Plan Book 341, Plan 92, said point being South 37° 00' 38" East along said line a distance of 807.62 feet more or less from the easterly line of Mason Road:

Thence North 77° 20' East a distance of 188.0 feet more or less to a point;

Thence South 12° 40' East a distance of 354.87 feet more or less to a point;

Thence South 77° 20' East a distance of 267.9 feet more or less to a point;

Thence North 12° 40' West a distance of 354.87 feet more or less to a point;

Thence North 77° 20' East a distance of 79.9 feet more or less to the point of beginning.

Containing approximately 93,600 square feet and being a portion of the premises described in a deed from Samuel F. Mason, et al, recorded in said Deeds in Book 2505, Page 233 and a portion of the premises acquired from Henry D. Hall, Jr., et ux, under a Taking Order recorded in said Deeds in Book 5077, Page 213.

SECTION 2. For the purpose of constructing and maintaining pipes to connect said wells to the water system of the town of Holden, said town is hereby authorized to use a forty foot strip of land under the jurisdiction of said conservation commission of said town, bounded and described as follows: —

Beginning at a point on the easterly line of Mason Road, said point being North 02° 53' 54" East, 52.00 feet from the northwesterly property corner of land owned by Henry D. Hall, Jr., et ux, as shown on a plan recorded in the Worcester District Registry of Deeds in Plan Book 342, Plan 55:

Thence North 86° 40' East a distance of 310.00 feet more or less to a point;

Thence South 61° 02' 42" East a distance of 420.00 feet more or less to a point;

Thence South 87° 47' 17" East a distance of 262.28 feet more or less to a point;

Thence North 12° 40' 00" West a distance of 41.39 feet more or less to a point;

Thence North 87° 47' 17" West a distance of 241.92 feet more or less to a point;

Thence North 61° 02' 42" West a distance of 423.44 feet more or less to a point;

Thence South 86° 40' 00" West a distance of 317.88 feet more or less to a point;

Thence South 02° 53' 54" West a distance of 40.24 feet more or less to the point of beginning.

Containing 39,400 square feet more or less and being a portion of the premises acquired from Henry D. Hall, Jr., et ux, under a Taking Order recorded in said Deeds in Book 5077, Page 213.

Approved June 21, 1975.

Chap. 373. AN ACT PROHIBITING POLITICAL COMMITTEES FROM MAKING POLITICAL CONTRIBUTIONS EXCEPT BY CHECK OR OTHER NEGOTIABLE INSTRUMENT.

Be it enacted, etc., as follows:

Section 9 of chapter 55 of the General Laws, as appearing in section 1 of chapter 151 of the acts of 1975, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

No individual, candidate, or political committee, or person acting on behalf of said individual, candidate, or political committee, shall accept a contribution of money from any one person or political committee if the aggregate amount contributed in a calendar year exceeds fifty dollars except by check or other negotiable instrument. No individual, candidate, political committee, or person acting on behalf of said individual, candidate, or political committee, shall make an expenditure for an amount exceeding fifty dollars except by check.

Approved June 21, 1975.

Chap. 374. AN ACT PROVIDING FOR ARRESTS WITHOUT WARRANT OF CERTAIN PERSONS DEFACING CONTENTS OF LIBRARIES.

Be it enacted, etc., as follows:

Section 99 of chapter 266 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following paragraph: —

Whoever violates any provision of this section in the presence of a police officer or an officer authorized to serve criminal process and the identity of such person is unknown to the officer, such person may be arrested by such officer and detained in a safe place without a warrant until his identity is ascertained. Reasonable diligence shall be exercised by the arresting officer in ascertaining the identity of the offender and when identified he shall be released from arrest unless a warrant has issued against him. *Approved June 21, 1975.*

Chap. 375. AN ACT FURTHER REGULATING THE APPLICATION OF THE DISTRIBUTION OF SPECIAL EDUCATION FUNDS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide clarification for the use of special education funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 13 of chapter 71B of the General Laws, as appearing in section 11 of chapter 766 of the acts of 1972, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph: —

Any reimbursements made to cities and towns under this section shall be made to the treasurers of such cities and towns to be applied by the school committees solely to the costs of programs provided for under this chapter without further appropriation.

SECTION 2. Said chapter 71B is hereby further amended by inserting after section 13 the following section: —

Section 13A. The school superintendent of every city and town shall, immediately upon adoption of the school department budget, certify to the board of assessors the amount included in said budget for programs under this chapter and any reimbursement under section thirteen actually applied against said amount. Expenditures for programs under this chapter shall in the first instance be chargeable to any reimbursement received under section thirteen. Expenditures in excess of such reimbursement shall be charged against amounts appropriated therefor.

SECTION 3. Section 23 of chapter 59 of the General Laws, as most recently amended by chapter 43 of the acts of 1975, is hereby further amended by inserting after the second paragraph the following paragraph: —

To the extent that appropriations for programs provided for under chapter seventy-one B have been made without taking into account any reimbursement to which the city or town is entitled during the fiscal year under section thirteen of said chapter seventy-one B, the amount of such reimbursement, but not in excess of such appropriations, shall be included with other estimated receipts by the board of assessors of every city or town when compiling the local tax rate under this section. Such board of assessors shall show as an offset when compiling such rate the amount which represents the excess of such reimbursement over such appropriations.

Approved June 25, 1975.

Chap. 376. AN ACT ALLOWING MINORS TO OPERATE MOTOR VEHICLES IN REPAIR SHOPS.

Be it enacted, etc., as follows:

Clause (10) of the first sentence of section 62 of chapter 149 of the General Laws, as appearing in chapter 337 of the acts of 1945, is hereby amended by inserting after the word "description", in line 2, the words: — , except in the course of employment in an automobile repair shop. *Approved June 25, 1975.*

Chap. 377. AN ACT FURTHER REGULATING THE PROCEDURE IN CIVIL ACTIONS IN THE DISTRICT COURTS AND THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3G of chapter 90 of the General Laws, as most recently amended by section 6 of chapter 1114 of the acts of 1973, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following sentence: — Said motion shall be served in accordance with the applicable rule of court.

SECTION 2. Section 42 of chapter 151A of the General Laws, as most recently amended by section 18 of said chapter 1114, is hereby further amended by striking out the thirteenth sentence and inserting in place thereof the following sentence: — Claim of appeal shall be filed in the office of the clerk of the district court within thirty days after entry of such decision of the clerk.

SECTION 3. Said section 42 of said chapter 151A, as so amended, is hereby further amended by striking out the fifteenth sentence and inserting in place thereof the following sentence:— The chief justice of the municipal court of the city of Boston and the chief justice of the district courts, acting jointly, shall by rule provide for the form of such reports and shall make provision for the establishment of reports where the claim of report has been disallowed by the single justice or he has failed to make a report.

SECTION 4. Section 19 of chapter 218 of the General Laws is hereby further amended by striking out the first sentence, as appearing in section 1 of chapter 369 of the acts of 1958, and inserting in place thereof the following two sentences: — Except as otherwise provided in this chapter, district courts shall have original jurisdiction concurrent with the superior court of all civil action in which money damages are sought. The district courts shall also have jurisdiction of actions in summary process under chapter two hundred and thirty-nine.

SECTION 5. Section 19A of said chapter 218, inserted by section 1 of chapter 549 of the acts of 1967, is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence: — In the event of a trial by jury in the central district court of Worcester, review may be had directly by the supreme judicial court pursuant to the Massachusetts Rules of Appellate Procedure.

SECTION 6. The second paragraph of section 19B of said chapter 218, as appearing in section 1 of chapter 419 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — In the event of a trial by jury in the central district court of northern Essex, review may be had directly by the supreme judicial court pursuant to the Massachusetts Rules of Appellate Procedure.

SECTION 7. Said chapter 218 is hereby further amended by striking out section 20, as most recently amended by section 72 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 20. District courts shall also have jurisdiction of civil actions against executors and administrators under section ten of chapter two hundred and thirty, and shall further have jurisdiction of civil actions against bail taken in a civil action in the district courts.

SECTION 8. The second sentence of section 21 of said chapter 218, as appearing in section 1 of chapter 106 of the acts of 1970, is hereby amended by striking out, in line 2, the words "causes begun by writ" and inserting in place thereof the words: — civil actions begun by summons and complaint.

SECTION 9. Section 22 of said chapter 218 is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 858 of the acts of 1971, and inserting in place thereof the following sentence: — The procedure shall include the beginning of actions with an entry fee of three dollars but without summons and complaint and without requirement, except by special order of court, of any pleading other than a statement to the clerk or an assistant clerk, who shall reduce the same to concise written form in a docket kept for the purpose.

SECTION 10. The fifth sentence of said section 22 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "or person as in causes begun by writ".

SECTION 11. The second paragraph of section 23 of said chapter 218, as appearing in section 2 of chapter 748 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The clerk shall forthwith transmit such original papers or attested copies thereof as the rules for the procedure may provide, and the superior court may try the cause as transmitted or may require pleadings pursuant to the Massachusetts Rules of Civil Pro-

cedure, but the cause may be marked for trial on the list of causes advanced for speedy trial by jury.

SECTION 12. Section 24 of said chapter 218, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the word "writ" and inserting in place thereof the words: — summons and complaint.

SECTION 13. Section 25 of said chapter 218, as so appearing, is hereby amended by striking out, in line 1, the words "cause begun by writ" and inserting in place thereof the words: — civil action begun by summons and complaint.

SECTION 14. Said chapter 218 is hereby further amended by striking out section 43, as most recently amended by section 6 of chapter 810 of the acts of 1963, and inserting in place thereof the following section: —

Section 43. The chief justice of the district courts shall from time to time make and promulgate uniform rules of practice and procedure including rules for the preparation and submission of reports, the allowance of reports which a justice shall disallow as not conformable to the facts, or shall fail to allow by reason of physical or mental disability, death, resignation, retirement or removal and the reporting of cases reserved for report when a justice shall fail to report the same by reason of physical or mental disability, death, resignation, retirement or removal, the granting of new trials, and the practice and manner of conducting business in cases which are not expressly provided for by law, including juvenile proceedings and those relating to wayward, delinquent and neglected children. Such rules shall not apply to the municipal court of the city of Boston.

SECTION 15. Sections forty-five and forty-six of said chapter two hundred and eighteen are hereby repealed.

SECTION 16. Said chapter 218 is hereby further amended by striking out section 54, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 54. In addition to the jurisdiction otherwise conferred and except as otherwise provided by this chapter, said court shall have jurisdiction of all civil actions in which money damages are sought and of actions brought under chapter two hundred and forty-seven if one or more of the defendants, or, in actions in which trustee process is used, if one or more of the persons named in the summons as trustees, live or have their usual place of business in Suffolk county, or, in actions brought under chapter two hundred and twenty-seven, if an attachment of property or personal service is made in said county.

SECTION 17. Section fifty-six of chapter two hundred and twenty-one of the General Laws is hereby repealed.

SECTION 18. The first sentence of section 58 of said chapter 221 is hereby amended by striking out the words "appointed by the district or probate courts", inserted by section 81 of chapter 1114 of the acts of 1973, and inserting in place thereof the words: — appointed by the probate court.

SECTION 19. Said chapter 221 is hereby further amended by striking out sections 61 and 62, as amended by section 82 of said chapter 1114, and inserting in place thereof the following two sections: —

Section 61. The court shall award reasonable compensation and allow actual expenses of travel in attending hearings, if said expenses be approved by the court as reasonable, to auditors appointed by the probate court, but no allowance for the expenses of travel shall be allowed by the court unless the auditor shall file a true and correct account of such expenses, signed and sworn to by him. Said compensation and expenses shall be paid by the county.

Section 62. Auditors appointed by the probate court shall file their final report in the office of the register of the court by which they are appointed within ninety days after the hearing before them has been closed or within such time as the court may allow, and, in default thereof, shall not be entitled to any fees, except as provided in section sixty-two A.

SECTION 20. Section 2 of chapter 223 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 752 of the acts of 1965, and inserting in place thereof the following paragraph: —

Except as provided in section twenty-one of chapter two hundred and eighteen, a transitory action in the district court shall be brought in the county where one of the defendants lives or has his usual place of business, or, if in connection with the commencement of an action the approval of trustee process is sought, in the county where all persons alleged to be trustees live or have their usual place of business, and in either case, in a court within whose judicial district one of the parties lives or has his usual place of business except that any action in which an alleged trustee resides or has his usual place of business in Suffolk county may be brought in the municipal court of the city of Boston as provided in section fifty-four of chapter two hundred and eighteen.

SECTION 21. Section 2A of said chapter 223 is hereby amended by striking out, in line 5, as appearing in chapter 460 of the acts of 1952, the words "one or more district courts" and inserting in place thereof the words: — more than one district court.

SECTION 22. Said chapter 223 is hereby further amended by striking out section 4, as amended by section 84 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 4. An action brought pursuant to chapter two hundred and forty-seven shall be brought in the county where the goods or beasts are detained.

SECTION 23. Section 12 of said chapter 223, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "declaration" and inserting in place thereof the word: — complaint.

SECTION 24. Sections sixteen, sixteen A, seventeen and eighteen of said chapter two hundred and twenty-three are hereby repealed.

SECTION 25. Said chapter 223 is hereby further amended by striking out section 19, as appearing in section 86 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 19. In a civil action if the name of the defendant is not known to the plaintiff, the defendant may be designated in the summons and complaint by a fictitious name. The use of a fictitious name shall not be grounds for dismissal of the complaint if sufficient service has been made, and amendments shall be allowed and terms may be imposed.

SECTION 26. Section twenty-three and sections twenty-five to thirty, inclusive, of said chapter two hundred and twenty-three are hereby repealed.

SECTION 27. Said chapter 223 is hereby further amended by striking out section 31, as most recently amended by chapter 748 of the acts of 1974, and inserting in place thereof the following section: —

Section 31. In an action brought in the district court, if service is made at the last and usual place of abode, the officer making service shall forthwith mail first class a copy of the summons to such last and usual place of abode. The date of mailing and the address to which the summons was sent shall be set forth as required by section thirty-five in the officer's return.

SECTION 28. Sections thirty-two and thirty-six of said chapter two hundred and twenty-three are hereby repealed.

SECTION 29. Said chapter 223 is hereby amended by striking out section 42, as amended by section 94 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 42. All real and personal property liable to be taken on execution, except such personal property as, from its nature or situation, has been considered as exempt according to the principles of the common law as adopted and practiced in the commonwealth, and except as provided in the four following sections, may be attached upon a writ of attachment in any action in which debt or damages are recoverable, and may be held as security to satisfy such judgment as the plaintiff may recover; but no attachment of land shall be made on a writ returnable before a district court unless the debt or damages demanded therein exceed twenty dollars.

SECTION 30. Section 43 of said chapter 223 is hereby amended by striking out the first sentence, as most recently amended by section 95 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence: — Railroad cars and engines and street railway cars, in use and making regular passages on railroads or railways, and steamboats so in use upon water routes, shall not be attached upon mesne process unless

the officer who makes the attachment has first demanded of the owners or managers thereof other property, upon which to make it, equal in value to the ad damnum of the complaint, and such owners or managers have refused or neglected to comply with said demand; except that a steamboat so in use may be attached, if the attachment is made more than forty-eight hours before its fixed time of departure. Such attachment shall be void unless the officer certifies in his return that he has made such demand and that the owners or managers have refused or neglected to comply therewith.

SECTION 31. Said chapter 223 is hereby further amended by striking out section 44, as most recently amended by section 96 of said chapter 1114, and inserting in place thereof the following section: —

Section 44. No ship or vessel shall be attached in a civil action unless the plaintiff or a person on his behalf makes affidavit and proves to the satisfaction of a justice of a court that he has a good claim and reasonable expectation of recovering an amount, exclusive of all costs, equal at least to one third the damages demanded in the complaint, which affidavit shall be annexed to the writ of attachment, and the certificate of the justice that he is satisfied that the same is true shall be annexed to the writ of attachment or endorsed thereon.

SECTION 32. Section 45 of said chapter 223 is hereby amended by striking out the first sentence, as amended by section 98 of said chapter 1114, and inserting in place thereof the following sentence: — The press, type, stands, cases, paper and other personal property used in printing and publishing newspapers shall not, within forty-eight hours previous to the issue of any edition of a newspaper, be attached upon mesne process unless the officer who makes the attachment has, at least twenty-four hours previously thereto, demanded of the owners or managers thereof other property, upon which to make it, equal in value to the amount of the ad damnum of the complaint and such owners and managers have refused or neglected to comply with such demand.

SECTION 33. Section forty-six of said chapter two hundred and twenty-three is hereby repealed.

SECTION 34. Said chapter 223 of the General Laws is hereby further amended by striking out section 59, as most recently amended by section 102 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 59. Upon judgment for the plaintiff in a civil action, property which has been attached in connection with such action shall remain subject to the attachment for thirty days after execution may first issue upon such judgment pursuant to chapter two hundred and thirty-five, unless sooner dissolved.

If property has been attached in Nantucket county and judgment for the plaintiff rendered in another county, of if judgment is rendered in Nantucket county and property has been attached

in another county, it shall be held in like manner, subject to the same conditions, for a period of sixty days.

The provisions of this section shall apply to property attached upon a counterclaim when judgment is rendered for the defendant upon such counterclaim.

SECTION 35. The last sentence of section 62 of said chapter 223, added by chapter 105 of the acts of 1947, is hereby amended by striking out, in line 1, the word "original".

SECTION 36. Said chapter 223 is hereby further amended by striking out section 84, as appearing in section 108 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 84. If in a civil action the defendant makes a motion to dismiss the action for insufficient service of process, the court may dismiss the action without prejudice or may quash the process and allow the issuance and service of new process in accordance with the applicable rules of court.

SECTION 37. Sections eighty-five and eighty-six of said chapter two hundred and twenty-three are hereby repealed.

SECTION 38. Section 114 of said chapter 223 is hereby amended by striking out the second and third sentences, as appearing in section 115 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence: — Notice of such motion shall be served upon each of the parties in accordance with the applicable rules of court.

SECTION 39. Said chapter 223 is hereby further amended by striking out section 115, as appearing in section 116 of said chapter 1114, and inserting in place thereof the following section: —

Section 115. If the judgment in a civil action is for the defendant, the attachment shall be dissolved upon the exhaustion of all possible appellate review of such judgment if it is upheld.

The provisions of this section shall apply to property attached upon a counterclaim when judgment is rendered for the plaintiff upon such counterclaim.

SECTION 40. Section one hundred and fifteen B of said chapter two hundred and twenty-three is hereby repealed.

SECTION 41. Section 119 of said chapter 223, as appearing in section 119 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in line 2, the words "set-off or".

SECTION 42. Said chapter 223 is hereby further amended by striking out section 120, as so appearing, and inserting in place thereof the following section: —

Section 120. A defendant whose property has been attached in a civil action may at any time dissolve the attachment by giving a bond with sufficient sureties, who shall be approved by the plaintiff or by his attorney in writing, by a master in chancery, or by a justice of a court if the attachment is made within the jurisdiction of such justice, conditioned to pay the plaintiff, within thirty days from the expiration of the time to appeal such final judgment, or within thirty days of the entry of an order of the

supreme judicial court or the appeals court affirming such final judgment, such amount, if any, as he may recover; and also to pay to the plaintiff, within thirty days from the expiration of the time to appeal a special judgment entered in accordance with the provisions of chapter two hundred and thirty-five, the amount, if any, for which such special judgment shall be entered. Sureties shall not be sufficient unless they are satisfactory to the plaintiff or unless the magistrate finds that each, if there are only two, is worth, in excess of his indebtedness, an amount equal to that for which the attachment is made; or, if there are more than two, that they are together worth twice such amount.

SECTION 43. Section 121 of said chapter 223, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Notice of the time and place of the hearing, containing a copy of the application to the magistrate shall be served upon the plaintiff in accordance with the applicable rules of court; but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time.

SECTION 44. Section 125 of said chapter 223, as amended by section 120 of said chapter 1114, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — A defendant may, at any time before execution, issue upon a judgment, release from attachment the property attached, or such part thereof as he may elect, by giving bond to the plaintiff with sufficient sureties, who shall be approved by the plaintiff or by his attorney in writing, by a master in chancery, or by a justice of a court of record if the attachment is made within the jurisdiction of his court, conditioned to pay the plaintiff within the time during which the property so released might have been taken on execution pursuant to section fifty-nine of this chapter, the amount fixed as the value of the property so released, or so much of said amount as may be necessary to satisfy the amount, if any, which the plaintiff may recover, and the property so released shall be described in such bond.

SECTION 45. Section 128 of said chapter 223, as appearing in section 121 of said chapter 1114, is hereby amended by striking out, in line 3, the words "writ or".

SECTION 46. Sections two, three, four and five of chapter two hundred and twenty-four of the General Laws are hereby repealed.

SECTION 47. Said chapter 224 is hereby further amended by striking out section 6, as most recently amended by section 5 of chapter 591 of the acts of 1973, and inserting in place thereof the following section: —

Section 6. All proceedings for the examination, commitment or discharge of a defendant arrested on execution, and all supplementary proceedings under this chapter as to a judgment debtor, shall be had in the district court within whose judicial

district the defendant or debtor was arrested or lives or has a usual place of business or employment; or, if the defendant or debtor does not live or have a usual place of business or employment within the commonwealth, such proceedings may also be had in the district court within whose judicial district the record of the original action is kept; provided, however, that every proceeding for the examination, commitment or discharge of a defendant so arrested, and every supplementary proceeding under this chapter as to a judgment debtor, which is incidental to a case or matter in the housing court of the city of Boston or in the housing court of the county of Hampden, shall be had in said housing courts. When arrested on execution the debtor shall be allowed reasonable time to procure sureties for his recognizance. If not released, he shall be taken before a proper court, as provided in this chapter; or if he wishes to recognize he may be taken at his request before a master in chancery. A master in chancery or the court may accept his recognizance to the plaintiff or creditor with surety or sureties in a sum not less than the amount of the judgment debt, unless the court shall expressly fix a smaller sum, conditioned that he will have a time and place appointed for his examination before some court having jurisdiction, which time shall be within thirty days after the time of his arrest, giving notice of the time and place thereof as provided in this chapter, and appear at the time and place appointed for his examination, and from time to time until the proceedings are concluded, and not depart without leave of the court, making no default at any time fixed for his examination, and abide the final order of the court thereon. If the arrest is made when the court is not sitting and the defendant or debtor does not recognize or give bail, the officer making the arrest may deliver him to the keeper of the jail or lockup, to be detained therein until the next sitting of the court, when he shall be delivered to said officer to be taken before the court. If the defendant, when taken before the court, does not recognize to its satisfaction, the court shall cause a certificate thereof to be entered in the record of the action in which the arrest was made, and the defendant shall be committed to jail until he gives bail or recognizes or until the time appointed for his examination, or, if no such time be appointed, then until the further order of the court, when he shall be delivered by the jailer to the officer who made the arrest, or, in his absence or disability, to any officer, to be by him taken before the court.

No person shall be arrested on execution in a civil action unless the creditor or, in case the creditor is a corporation, an officer thereof, after execution has issued makes application for a certificate authorizing said arrest and files affidavit with and proves to the satisfaction of a district court that he believes and has good reason to believe that the debtor intends to leave the commonwealth so that supplementary proceedings will not be effective against him. If a debtor, after being arrested on ex-

ecution, gives notice that he desires to take an oath that he does not intend to leave the commonwealth, he shall be examined relative thereto, and either party may introduce additional evidence. If the court is satisfied that the debtor did not when arrested, and does not at the time of examination, intend to leave the commonwealth, it shall make certificate thereof, and discharge the debtor from arrest; and immediately upon such discharge, if the creditor so desires, such debtor shall be required, without further notice, to submit to examination and other supplementary proceedings under this chapter. If the debtor when taken before the court does not recognize to its satisfaction he shall be committed to jail until he recognizes or until the time appointed for his examination, or, if no such time be appointed, then until the further order of the court, when he shall be delivered by the jailer to the officer who made the arrest, or in his absence or disability to any other officer, to be by him taken before the court.

If there is reasonable doubt as to the identity of the defendant or debtor or as to the lawfulness of his arrest, at the time of the arrest or thereafter, in the case of arrest on execution, the officer may require sufficient security from the plaintiff or creditor to indemnify him for arresting the defendant or debtor or for continuing to retain him in custody. If sufficient security is not furnished within a reasonable time after the officer has made a written demand upon the plaintiff or creditor or his attorney for such security, the officer shall not be obliged to arrest the defendant or debtor or, if he then has the defendant or debtor under arrest, he may release him from custody without liability to the plaintiff or creditor therefor. If a prisoner, arrested or committed on execution in a civil action, escapes with the consent or by the negligence of the officer, the creditor may recover in tort against the officer such damages as he has suffered by the escape, and may also have against the original debtor an action on the judgment. No arrest on execution shall be made after sunset unless expressly authorized in the certificate for cause.

Any recognizance authorized by this chapter may be accepted on Sunday.

SECTION 48. Sections nine, ten and eleven of said chapter two hundred and twenty-four are hereby repealed.

SECTION 49. Section 12 of said chapter 224, as amended by section 1 of chapter 101 of the acts of 1945, is hereby further amended by striking out, in line 2, the words "on mesne process or".

SECTION 50. Section thirteen of said chapter two hundred and twenty-four is hereby repealed.

SECTION 51. Section 14 of said chapter 224, as amended by section 1 of chapter 414 of the acts of 1974, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following sentence: — A judgment debtor who has been arrested on execution, or a person in his behalf, may

file such an application and cause service to be made upon the judgment creditor or his attorney of record in the action, in a similar manner, requiring the judgment creditor to appear at such examination; and upon failure of the judgment creditor to appear personally or by attorney the proceedings under this section may be dismissed.

SECTION 52. Section 29 of said chapter 224, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "on mesne process or".

SECTION 53. Chapter two hundred and twenty-six of the General Laws is hereby repealed.

SECTION 54. Section 1 of chapter 227 of the General Laws, as most recently amended by section 124 of chapter 1114 of the acts of 1973, is hereby further amended by striking out, in line 8, the words "the original writ" and inserting in place thereof the words: — a writ of attachment.

SECTION 55. Said chapter 227 is hereby further amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 2. If an action is brought by a person not an inhabitant of the commonwealth or who cannot be found herein to be served with process, he shall be held to answer to any counterclaim brought against him by the defendant or defendants, if there be more than one, in the former action.

SECTION 56. Sections three and four of said chapter two hundred and twenty-seven are hereby repealed.

SECTION 57. Section 5A of said chapter 227 is hereby amended by striking out the fourth sentence, inserted by section 126 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence: — The plaintiff's affidavit of compliance herewith, and the defendant's return receipt, if received by the plaintiff, or other proof of actual notice shall be filed in the case on or before the date on which the defendant's answer must be filed, or within such further time as the court may allow.

SECTION 58. The first sentence of section 7 of said chapter 227, as most recently amended by section 128 of said chapter 1114, is hereby further amended by striking out, in lines 1 to 3, inclusive, the words "an action in the supreme judicial or superior court or the housing court of the city of Boston or the housing court for the county of Hampden" and inserting in place thereof the words: — a civil action.

SECTION 59. Section 9 of said chapter 227 is hereby amended by striking out the words "writ of review or", inserted by section 130 of said chapter 1114.

SECTION 60. Section ten of said chapter two hundred and twenty-seven is hereby repealed.

SECTION 61. Said chapter 227 is hereby further amended by striking out section 11, as appearing in section 131 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 11. If the execution in an action under this chapter, except as otherwise provided, is levied on land, no alienation thereof by the original plaintiff shall prevent the defendant from retaking the same or as much thereof as may be necessary to satisfy the judgment or order he recovers upon a proceeding for relief from judgment commenced within one year after the original judgment.

SECTION 62. Section 1 of chapter 228 of the General Laws, as amended by section 1 of chapter 300 of the acts of 1934, is hereby further amended by striking out, in line 4, the words "of replevin" and inserting in place thereof the words: — under chapter two hundred and forty-seven.

SECTION 63. Said chapter 228 is hereby further amended by striking out section 4A, inserted by section 134 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 4A. In civil actions which are governed by the Massachusetts Rules of Civil Procedure or the District-Municipal Courts Rules of Civil Procedure, in such substitution of the executor or administrator shall be in accordance with said rules.

SECTION 64. Section 5 of said chapter 228, as most recently amended by section 135 of said chapter 1114, is hereby further amended by striking out, in line 1, the words "the district or probate court" and inserting in place thereof the words: — civil proceedings which are not governed by said Massachusetts Rules of Civil Procedure or the District-Municipal Courts Rules of Civil Procedure.

SECTION 65. Section 5A of said chapter 228, as appearing in section 136 of said chapter 1114, is hereby amended by striking out, in lines 1 and 2, the words "in the district court or in a proceeding in the probate court" and inserting in place thereof the words: — which is not governed by the Massachusetts Rules of Civil Procedure or the District-Municipal Courts Rules of Civil Procedure.

SECTION 66. Section 5C of said chapter 228, as so appearing, is hereby amended by inserting after the word "Procedure", in line 3, the words: — or the District-Municipal Courts Rules of Civil Procedure.

SECTION 67. Section twelve of said chapter two hundred and twenty-eight is hereby repealed.

SECTION 68. Section 11 of chapter 229 of the General Laws, as most recently amended by section 142 of chapter 1114 of the acts of 1973, is hereby further amended by striking out, in lines 6 and 7, the words "from the date of the writ in the district court or",— and by striking out, in line 8, the words "in the superior court".

SECTION 69. Section 10 of chapter 230 of the General Laws, as appearing in section 146 of said chapter 1114, is hereby amended by striking out the first paragraph.

SECTION 70. The second paragraph of said section 10 of said chapter 230, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "of the supreme judicial, superior or land court" and inserting in place thereof the words: — rendered in a civil action.

SECTION 71. Section 11 of said chapter 230, as so appearing, is hereby amended by inserting after the word "Procedure", in line 5, the words: — or the District-Municipal Courts Rules of Civil Procedure.

SECTION 72. Said chapter 230 is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section: —

Section 12. If an executor or administrator dies or is removed after judgment has been rendered for or against him by the probate court, such court may issue a writ of scire facias in favor of or against the administrator de bonis non; and if an executor or administrator dies or is removed after judgment has been rendered for or against him by the supreme judicial, superior, district or land court, such court may upon motion amend such judgment in favor of or against the administrator de bonis non; and a new execution may be issued upon the scire facias or amended judgment in like manner as may be done in favor of or against an original executor or administrator in case of death of his testator or intestate after a judgment rendered for or against him; except that a judgment against the first executor or administrator for costs for which he was personally liable shall be enforced only against his executor or administrator and not against the administrator de bonis non.

SECTION 73. Sections one, one A, two, three, four, four A, four B and five of chapter two hundred and thity-one of the General Laws are hereby repealed.

SECTION 74. Section 6 of said chapter 231, as amended by section 153 of chapter 1114 of the acts of 1973, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences: — Any such action which is not governed by the Massachusetts Rules of Civil Procedure or the District-Municipal Courts Rules of Civil Procedure shall be brought in the names of the purchaser or assignee, and the fact of the sale shall be set forth in the pleadings. The defendant may avail himself of any defense which would have been open to him upon an action or proceeding brought by an executor or administrator.

SECTION 75. Sections six A, seven, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of said chapter two hundred and thirty-one are hereby repealed.

SECTION 76. Said chapter 231 is hereby further amended by striking out sections 21 and 22, as appearing in section 161 of chapter 1114 of the acts of 1973, and inserting in place thereof the following two sections: —

Section 21. If an answer in abatement filed in the land court in an action which is not governed by the Massachusetts Rules of Civil Procedure is overruled on demurrer, or, if, in consequence of such answer in abatement, the plaintiff amends, the defendant within such time as the court orders shall plead to the merits.

Section 22. In real and mixed actions in the land court which are not governed by the Massachusetts Rules of Civil Procedure, the defendant may plead the general issue and may give in evidence thereunder all matters which he might formerly have pleaded in bar.

SECTION 77. Sections twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine and thirty of said chapter two hundred and thirty-one are hereby repealed.

SECTION 78. Sections thirty-two, thirty-three and thirty-four of said chapter two hundred and thirty-one are hereby repealed.

SECTION 79. Section 35 of said chapter 231, as appearing in section 164 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in lines 1 and 2, the words "the district courts, the probate courts and in proceedings in the land court" and inserting in place thereof the words: — civil proceedings.

SECTION 80. Sections thirty-six, thirty-seven and thirty-eight of said chapter two hundred and thirty-one are hereby repealed.

SECTION 81. Section 39 of said chapter 231, as appearing in section 164 of chapter 1114 of the acts of 1973, is hereby amended by striking out the first sentence.

SECTION 82. Sections forty and forty-one of said chapter two hundred and thirty-one are hereby repealed.

SECTION 83. Said chapter 231 is hereby further amended by striking out sections 42 and 43, as appearing in section 167 of chapter 1114 of the acts of 1973, and inserting in place thereof the following two sections: —

Section 42. Any initial pleading or process by which an action is commenced by a plaintiff who is not an inhabitant of the commonwealth, shall before the filing or entry thereof, be endorsed by a responsible person who is such an inhabitant; but if one of the plaintiffs is such an inhabitant, the pleading or process need not be so endorsed. Every endorser, in case of avoidance or inability of the plaintiff, shall be liable to pay all costs awarded against the plaintiff if an action therefor is commenced within one year after the original judgment.

Section 43. If a plaintiff, not an inhabitant of the commonwealth, fails, by accident, mistake or inadvertence, to have his pleading or process endorsed as required by the preceding section, the court may at any stage of the case, upon terms, allow him to procure an endorser with the same effect as if the pleading or process had been endorsed before the filing or entry thereof.

SECTION 84. Sections forty-nine and fifty of said chapter two hundred and thirty-one are hereby repealed.

SECTION 85. Said chapter 231 is hereby further amended by striking out section 51, as appearing in section 169 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 51. In all civil proceedings which are not governed by the Massachusetts Rules of Civil Procedure or by the District-Municipal Courts Rules of Civil Procedure, the court may, at any time before final judgment except as otherwise provided, allow amendments introducing a necessary party, discontinuing as to a party or changing the form of the action, and may allow any other amendment in matter of form or substance in any process, pleading or proceeding, which may enable the plaintiff to sustain the action for the cause for which it was intended to be brought, or enable the defendant to make a legal defense.

SECTION 86. Said chapter 231 is hereby further amended by striking out section 52, as so appearing, and inserting in place thereof the following section: —

Section 52. In all civil proceedings which are not governed by the Massachusetts Rules of Civil Procedure or by the District-Municipal Courts Rules of Civil Procedure, the court may allow a party to whose pleadings a demurrer has been filed to amend, upon terms, within such time as it orders.

SECTION 87. Sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-eight, fifty-nine, and fifty-nine B of said chapter two hundred and thirty-one are hereby repealed.

SECTION 88. Section 61 of said chapter 231 is hereby amended by striking out the first sentence, as most recently amended by section 179 of chapter 1114 of the acts of 1973, and inserting in place thereof the following two sentences: — The provisions of this section and of sections sixty-two through sixty-nine, inclusive, shall be applicable only to civil proceedings which are not governed by the Massachusetts Rules of Civil Procedure or the District-Municipal Courts Rules of Civil Procedure. Any party, after the commencement of an action, may interrogate an adverse party for the discovery of facts and documents admissible in evidence at the trial of the case.

SECTION 89. Section 68 of said chapter 231 is hereby amended by striking out the words "In the district and probate courts, every" inserted by section 180 of said chapter 1114, and inserting in place thereof the word: — Every.

SECTION 90. The first sentence of section 69 of said chapter 231, as most recently amended by section 181 of said chapter 1114, is hereby further amended by inserting after the word "courts", in line 1, the words: — in actions not governed by the District-Municipal Courts Rules of Civil Procedure.

SECTION 91. Section seventy of chapter two hundred and thirty-one of the General Laws is hereby repealed.

SECTION 92. Said chapter 231 is hereby further amended by striking out section 71, as appearing in section 182 of chapter

1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 71. In civil proceedings which are not governed by the Massachusetts Rules of Civil Procedure or by the District-Municipal Courts Rules of Civil Procedure, the court may make orders allowing amendments before trial, or a supplemental pleading, or any other interlocutory order necessary to prepare the case for trial but the court shall make such rules relative to notice, the times and places for motions at chambers, and other matters, as shall from time to time be necessary.

SECTION 93. Said chapter 231 is hereby further amended by striking out section 72, as most recently amended by section 183 of said chapter 1114, and inserting in place thereof the following section: —

Section 72. In civil proceedings which are not governed by the Massachusetts Rules of Civil Procedure or by the District-Municipal Courts Rules of Civil Procedure, the parties may make agreements relative to amendments and the time for filing papers, which shall be equivalent to an order of the court to the same effect. Any order mentioned in section seventy-one may be entered by consent signed by the parties or their attorneys; but no agreement of attorneys relative to such civil proceedings shall be valid unless in writing.

SECTION 94. Sections seventy-four, seventy-five, seventy-six and seventy-nine of said chapter two hundred and thirty-one are hereby repealed.

SECTION 95. Section 85C of said chapter 231, as appearing in section 1 of chapter 439 of the acts of 1937, is hereby amended by striking out, in line 1, the words "suit in equity" and inserting in place thereof the words: — civil action, — and by striking out, in line 3, the number "(10)" and inserting in place thereof the number: — (9).

SECTION 96. Section eighty-six of said chapter two hundred and thirty-one is hereby repealed.

SECTION 97. Section 88 of said chapter 231, as appearing in section 190 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in lines 2 and 3, the words "pursuant to section seventy-four of this chapter" and inserting in place thereof the following words: — the District-Municipal Courts Rules of Civil Procedure.

SECTION 98. Section ninety of said chapter two hundred and thirty-one is hereby repealed.

SECTION 99. Section 95 of said chapter 231, as appearing in section 193 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in line 8, the words "or, in the district court, upon a writ of review".

SECTION 100. Section 96 of said chapter 231, as so appearing, is hereby amended by inserting after the word "Procedure", in line 2, the words: — or the District-Municipal Courts Rules of Civil Procedure.

SECTION 101. Section 101 of said chapter 231, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 3, the words "original writ or process" and inserting in place thereof the word: — complaint.

SECTION 102. The third paragraph of section 102C of said chapter 231 is hereby amended by striking out the second sentence, as appearing in chapter 303 of the acts of 1960, and inserting in place thereof the following sentence: — The parties shall have the benefits of and be subject to the District-Municipal Courts Rules of Civil Procedure.

SECTION 102A. Said third paragraph of said section 102C of said chapter 231 is hereby further amended by striking out the last sentence, as amended by section 195 of chapter 1114 of the acts of 1973.

SECTION 103. Said chapter 231 is hereby further amended by striking out section 103, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 103. If a party elects to bring in any district court any action or other civil proceeding which he might have begun in the superior court, he shall be deemed to have waived a trial by jury and his right of appeal to the superior court, unless the said section or other civil proceeding is removed to the superior court as hereinafter provided, in which case the plaintiff shall have the same right to claim a jury trial as if the action or proceeding had been originally brought in the superior court; provided that if any claim, counterclaim or cross-claim is asserted against a plaintiff who has elected to bring such an action or other civil proceeding in any district court, said plaintiff may of right remove said action or proceeding and claim a jury trial in the same manner and upon the same terms as are set forth in section one hundred and four; and provided further, that if any compulsory counterclaim is asserted by a defendant, said defendant may of right remove the action and claim a jury trial in the same manner and upon the same terms as are set forth in said section one hundred and four.

SECTION 104. Said chapter 231 is hereby further amended by striking out section 104, as most recently amended by section 2 of chapter 437 of the acts of 1974, and inserting in place thereof the following section: —

Section 104. Any other party, a plaintiff against whom a claim, counterclaim, or cross-claim is brought, and a defendant who asserts a compulsory counterclaim, may, provided that the amount of the claim against such other party, the amount of the claim, counterclaim or cross-claim brought against such plaintiff, or the amount of the compulsory counterclaim asserted by such defendant, as the case may be, exceeds four thousand dollars, file in the district court in which the action is pending a claim of trial by the superior court together with the sum of five dollars for the entry of the claim of each plaintiff in the superior court, and, except as provided in section one hundred and seven, a bond in the penal sum of one hundred dollars, with such surety or sureties

as may be approved by the party or parties not asserting such claim of trial by the superior court or by the clerk or an assistant clerk of said district court, payable to the other party or parties, conditioned to satisfy any judgment for costs which may be entered against him in the superior court in said cause within thirty days after the entry thereof. Such claim of trial by the superior court must be filed no later than twenty-five days after service of the pleading which asserts the claim, counterclaim, or cross-claim on which the right to remove is based, provided, however, that in the case of a compulsory counterclaim, the party asserting such counterclaim must file such claim of trial by the superior court no later than five days after the expiration of the time allowed to assert such counterclaim. The clerk shall forthwith transmit the papers and entry fee to the clerk of the superior court and the same shall proceed as though then originally entered there.

Removal of a case under this section shall remove any default and vacate any judgment entered thereon for failure to plead or otherwise defend in the district court, excepting cases in which the ad damnum does not exceed four thousand dollars. Cases in which no claims, counterclaims and cross-claims exceed four thousand dollars and those in which rights of parties to remove for trial in the superior court as hereinabove provided are not properly exercised shall be tried in the district court. A party who would have been entitled to remove the case for trial in the superior court as hereinabove provided but for the fact that the amount of the claim, counterclaim, or cross-claim, as the case may be, does not exceed four thousand dollars shall, if he desires trial by the superior court, file said entry fee and bond within ten days after notice of the decision or finding. Such filing shall have the same effect as a request for retransfer under section one hundred and two C, and the decision shall be transmitted to and the case tried in the superior court subject to the provisions of said section one hundred and two C applicable to retransferred cases.

SECTION 105. Section 104A of said chapter 231, inserted by section 2 of chapter 352 of the acts of 1960, is hereby amended by striking out, in line 3, the words "section two or four" and inserting in place thereof the words: — the District-Municipal Courts Rules of Civil Procedure.

SECTION 106. The third paragraph of section 108 of said chapter 231 is hereby amended by striking out the first sentence, as amended by section 196 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence: — Any party to a cause brought in the municipal court of the city of Boston, or in any other district court, aggrieved by any ruling on a matter of law by a single justice, may, as of right, have the ruling reported for determination by the appellate division pursuant to the applicable rules of court.

SECTION 107. Said third paragraph of said section 108 of said chapter 231 is hereby amended by striking out the second sentence, as most recently amended by chapter 287 of the acts of 1962.

SECTION 107A. Said third paragraph of said section 108 of said chapter 231 is hereby further amended by striking out the third sentence, as appearing in the Tercentenary Edition.

SECTION 107B. The last sentence of said third paragraph of said section 108 of said chapter 231, as so appearing, is hereby amended by striking out, in line 8, the words "or resignation" and inserting in place thereof the words: — , resignation, removal or retirement.

SECTION 108. The third sentence of section 109 of chapter 231 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "five" and inserting in place thereof the word: — thirty.

SECTION 108A. Said section 109 of said chapter 231 is hereby amended by striking out the last sentence, as appearing in section 197 of chapter 1114 of the acts of 1973.

SECTION 109. Section one hundred and twenty-seven of said chapter two hundred and thirty-one is hereby repealed.

SECTION 110. Section one hundred and forty and sections one hundred and forty-one to one hundred and forty-seven, inclusive, of said chapter two hundred and thirty-one are hereby repealed.

SECTION 111. Chapter two hundred and thirty-two of the General Laws is hereby repealed.

SECTION 112. Chapter 232A of the General Laws is hereby amended by striking out sections 1 and 2, as appearing in section 213 of chapter 1114 of the acts of 1973, and inserting in place thereof the following two sections: —

Section 1. The payment or tender of payment of the whole amount due on a contract for the payment of money after it is due and payable and before action is commenced shall, if pleaded, have the same effect as if made at the time provided in the contract. Such payment or tender may also be made after action has been commenced if made at least four days prior to the date by which the answer must be filed, with costs to the time of payment or tender. The tender last mentioned may be made to the plaintiff or to his attorney in the action, and, if not accepted, the defendant may avail himself of the tender in defense in like manner as if made before the commencement of the action, bringing into court the amount so tendered.

Section 2. If such tender is accepted, the parties shall file a stipulation of dismissal in the court in which the action is pending.

SECTION 113. Chapter 233 of the General Laws is hereby amended by striking out section 24, as amended by section 214 of said chapter 1114, and inserting in place thereof the following section: —

Section 24. Depositions may be taken as provided in this chapter to be used only in those proceedings in the land court and probate court which are not governed by the Massachusetts Rules of Civil Procedure. The provisions of this section and of sections twenty-five through forty-five, inclusive, of this chapter, shall not apply to civil actions governed by said rules, or by the District-Municipal Courts Rules of Civil Procedure.

SECTION 114. Section two of chapter two hundred and thirty-five of the General Laws is hereby repealed.

SECTION 115. Section five of said chapter two hundred and thirty-five is hereby repealed.

SECTION 116. Said chapter 235 is hereby further amended by striking out section 11, as amended by section 220 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 11. If a further amount afterwards becomes due on such bond or other contract, the plaintiff, his executor or administrator may by a motion in the court in which the judgment was rendered stating the nature of such further breach, cause the original defendant, his executor, administrator, heirs, devisees, or assigns to be summoned before such court to show cause why execution should not be awarded upon the judgment for the damages caused by such further breach.

SECTION 117. Said chapter 235 is hereby further amended by striking out section 16, as amended by section 221 of said chapter 1114, and inserting in place thereof the following section: —

Section 16. No execution shall issue upon a judgment until the exhaustion of all possible appellate review thereof, and the receipt by the clerk of the trial court of the appropriate rescript or order.

SECTION 118. Said chapter 235 is hereby further amended by striking out section 19, as appearing in section 222 of said chapter 1114, and inserting in place thereof the following sentence: —

Section 19. If a judgment remains unsatisfied after the expiration of the time for taking out execution thereon, the creditor may obtain a new execution by motion to the court in which such unsatisfied judgment was rendered, or he may at any time after the judgment, subject to section twenty of chapter two hundred and sixty, bring a civil action thereon.

SECTION 119. Section 20 of said chapter 235, as so appearing, is hereby amended by striking out, in line 6, the words "upon a writ of scire facias or" and inserting in place thereof the word: — by.

SECTION 120. Said chapter 235 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section: —

Section 21. If an execution against a corporation is satisfied in whole or in part by service or levy on the person or property of a member thereof, and the property levied on or damages for the

service or levy are subsequently recovered by such member from the officer or judgment creditor, the creditor, upon a motion to the court which rendered the judgment, shall be entitled to a new execution for the amount then remaining due him.

SECTION 121. Section 24 of said chapter 235, as amended by section 223 of said chapter 1114, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — The creditor shall also in case of such refusal or delay be entitled to the remedies provided in section nineteen.

SECTION 122. Chapter 236 of the General Laws is hereby amended by striking out section 51, as amended by section 226 of said chapter 1114, and inserting in place thereof the following section: —

Section 51. If, after the return of an execution, it appears to the creditor that the land levied on, or any part thereof, cannot be held thereby, he may move the court which issued the execution to order the debtor to appear and show cause why another execution should not be issued on the same judgment, and the court may so order although there is a subsequent judgment for a part thereof not satisfied by the levy. If the debtor, after being duly summoned, does not show sufficient cause to the contrary, the levy of the former execution may be set aside and another execution issued for the amount then due on the original judgment and not included in a subsequent judgment, but without interest or further costs.

SECTION 123. Chapter 239 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 488 of the acts of 1973, and inserting in place thereof the following section: —

Section 2. Such person may bring an action in the superior court in the county, or in the district court in the judicial district, in which the land lies, by a writ in the form of an original summons to the defendant to answer to the claim of the plaintiff that the defendant is in possession of the land or tenements in question, describing them, which he holds unlawfully against the right of the plaintiff, and, if rent is claimed, that the defendant owed rent in the amount stated; provided, however, subject to the approval of the supreme judicial court, the judge of the housing court of the city of Boston shall determine the form of said writ in said actions brought in his court. No other declaration shall be required. Failure to claim rent in said action shall not bar a subsequent action therefor.

SECTION 124. Section 1 of chapter 246 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 259 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence: — Trustee process may be used in accordance with the applicable rules of court in connection with the commencement of all

personal actions except actions only for specific recovery of goods and chattels, for malicious prosecution, for slander and libel, or for assault and battery; and any person may be summoned as trustee of the defendant therein; but except in the case of a complaint which contains a statement that the action is upon a judgment, a contract for personal services, for goods sold and delivered, or for money due under a contract in writing, or to recover damages on account of the operation of a motor vehicle not registered in the commonwealth, no summons and complaint seeking damages in excess of one thousand dollars shall be served upon any alleged trustee unless there shall have been filed by the plaintiff, if other than a city or town of the commonwealth named therein, in the court wherein such action is commenced, a bond with a surety company authorized to do business in the commonwealth as surety, or with sureties approved by a justice, associate justice or special justice of such court, said bond to be in a penal sum not less than ten per cent of the ad damnum in the complaint and not less than two hundred and fifty dollars and to be conditioned upon payment to the defendant, if the plaintiff fails to recover or if such action is discontinued, of all costs which may be awarded to the defendant and all damages which he may sustain by reason of such attachment, but not exceeding the penal sum of the bond, nor unless there shall have been endorsed on the complaint by the justice, associate justice or special justice who approved said bond, or by the clerk of such court, the fact that the bond required by this section has been filed in such court.

SECTION 125. Section 4 of said chapter 246, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 6, the words "original writ" and inserting in place thereof the words: — trustee summons.

SECTION 126. Said chapter 246 is hereby further amended by striking out section 4A, as amended by section 261 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 4A. Whenever the venue of an action in a district court is based upon the residence or usual place of business of an alleged trustee, which action could not otherwise be properly brought in that district, the court may on motion of any party thereto transfer such action for trial and final disposition to any other district court in which the action might have been commenced had there been no trustee alleged.

SECTION 127. Said chapter 246 is hereby further amended by striking out section 5, as amended by section 262 of said chapter 1114, and inserting in place thereof the following section: —

Section 5. The trustee summons shall be served in accordance with the applicable rule of court.

SECTION 128. Said chapter 246 is hereby amended by striking out section 6, as amended by section 263 of said chapter 1114, and inserting in place thereof the following section: —

Section 6. When a foreign corporation having a usual place of business in the commonwealth is summoned as a trustee in an action against one of its employees, service of the summons may be made as provided in section thirty-eight or thirty-nine of chapter two hundred and twenty-three, or upon any paymaster or other officer or agent of the corporation whose duty it is to pay such employee, and such service shall be as binding upon the corporation as if it had been made upon the commissioner or corporations and taxation or the commissioner of insurance.

SECTION 129. Said chapter 246 is hereby further amended by striking out section 7, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 7. If co-partners are summoned as trustees and the partnership is properly described in the trustee summons, service of the trustee summons upon one partner shall be sufficient.

SECTION 130. Section 8 of said chapter 246, as appearing in section 264 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in lines 2, 4 and 6, in each instance, the words "writ or".

SECTION 131. Section 10 of said chapter 246, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "in the supreme judicial or superior court", — and by striking out the second sentence.

SECTION 132. Section 13 of said chapter 246, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "writ" and inserting in place thereof the words: — trustee summons.

SECTION 133. Section 28A of said chapter 246, inserted by chapter 801 of the acts of 1972, is hereby amended by striking out, in lines 7 and 9, the word "writ" and inserting in place thereof, in each instance, the word: — summons.

SECTION 134. Said chapter 246 is hereby further amended by striking out section 29, as amended by section 270 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 29. If, after wages for personal labor or services have been attached in connection with a civil action, the defendant is defaulted, or if the defendant makes an offer of judgment in accordance with an applicable rule of court and the plaintiff accepts such offer or fails to secure a judgment more favorable than the offer, the plaintiff shall recover no costs except the entry fee and the officer's fee for service of process.

SECTION 135. Paragraph First of section 32 of said chapter 246, as most recently amended by section 271 of said chapter 1114, is hereby further amended by striking out, in line 3, the words "writ or".

SECTION 136. Paragraph Fourth of said section 32 of said chapter 246, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "writ" and inserting in place thereof the word: — summons.

SECTION 137. The first sentence of paragraph Eighth of said section 32 of said chapter 246, as most recently amended by section 272 of chapter 1114 of the acts of 1973, is hereby further amended by striking out, in line 5, the words "writ or".

SECTION 138. Said chapter 246 is hereby amended by striking out section 38, as most recently amended by section 274 of said chapter 1114, and inserting in place thereof the following section: —

Section 38. If, while an action is pending, the plaintiff is summoned as trustee of the defendant on account of a counterclaim filed therein, such pending action shall be subject to the three preceding sections in the same manner and with the same effect as if it were an action brought upon such counterclaim by the defendant against the plaintiff.

SECTION 139. Said chapter 246 is hereby further amended by striking out section 45, as appearing in section 275 of said chapter 1114, and inserting in place thereof the following section: —

Section 45. If a person adjudged a trustee does not, upon demand, pay over to the officer goods, effects or credits sufficient to satisfy the execution and if the execution is not otherwise satisfied, the plaintiff may commence an action in the court in which the judgment was rendered to have the original judgment, or the amount remaining unsatisfied, satisfied from the goods and estate of the trustee or trustees. Such an action may be commenced at any time after thirty days from the date of judgment.

SECTION 140. Section 46 of said chapter 246, as so appearing, is hereby amended by striking out, in line 1, the words "the scire facias or".

SECTION 141. Section 47 of said chapter 246, as so appearing, is hereby amended by striking out, in line 1, the words "on the scire facias or".

SECTION 142. Section 49 of said chapter 246, as so appearing, is hereby amended by striking out, in line 1, the words "or scire facias as".

SECTION 143. Section 50 of said chapter 246, as so appearing, is hereby amended by striking out, in line 5, the words "writ or".

SECTION 144. Section 58 of said chapter 246 is hereby amended by striking out the second sentence, as amended by section 279 of chapter 1114 of the acts of 1973, and inserting in place thereof the following sentence:— Upon application of either party, the court may, pending the original action or civil action under section forty-five, determine the value, and make any other order relative to such property and to the delivery thereof necessary or proper to protect the rights of the trustee or of the defendant.

SECTION 145. Said chapter 246 is hereby further amended by striking out section 71, as appearing in section 282 of said chapter 1114, and inserting in place thereof the following section: —

Section 71. If a person so summoned is out of the commonwealth at the time of service of process upon him and appears

and answers within ten days of his return, he shall be allowed his costs and charges.

SECTION 146. Section 81 of said chapter 246, as amended by section 287 of said chapter 1114, is hereby further amended by striking out the first paragraph.

SECTION 147. Sections one, two and three of chapter two hundred and forty-nine of the General Laws are hereby repealed.

SECTION 148. Sections fourteen to twenty, inclusive, and sections twenty-one to thirty-six, inclusive, of chapter two hundred and fifty of the General Laws are hereby repealed.

SECTION 149. Paragraph (*d*) of section 131 of chapter 255 of the General Laws, as most recently amended by section 326 of chapter 1114 of the acts of 1973, is hereby further amended by striking out the third and fourth sentences and inserting in place thereof the following sentence: — Such affidavit shall be filed with the complaint.

SECTION 150. Section 26 of said chapter 255 is hereby amended by striking out clauses (a) and (b), inserted by section 330 of said chapter 1114, and inserting in place thereof the following words:— bring a civil action in the superior court or in a district court within the jurisdiction of which the plaintiff resides or has his usual place of business to have the property sold to satisfy the debt.

SECTION 151. Sections twenty-seven and twenty-eight of said chapter two hundred and fifty-five are hereby repealed.

SECTION 152. Section 29 of said chapter 255, as appearing in section 332 of chapter 1114 of the acts of 1973, is hereby amended by striking out, in line 1, the words "or hearing".

SECTION 153. Section 33 of said chapter 255 is hereby amended by striking out the first sentence, as most recently amended by section 333 of said chapter 1114, and inserting in place thereof the following sentence: — A person who owns or has an interest in any personal property upon which such a lien has been claimed may, at any time after a civil action is brought for its enforcement and before the property is lawfully sold to satisfy said lien, dissolve the lien upon his interest in the whole or any part of said property by giving bond to the person claiming the lien, with sufficient sureties, who shall be approved in writing by the claimant or by his attorney, or by a justice of a district court or master in chancery, conditioned to pay to such person within thirty days after the final judgment or order of sale of said property or the interest therein or part thereof for which said bond may be given, an amount fixed as the value of said interest or such part thereof as may be necessary to satisfy the amount for which said interest or part thereof may be subject to said lien.

SECTION 154. Section 6 of chapter 256 of the General Laws, as amended by section 335 of said chapter 1114, is hereby amended by striking out the second sentence and inserting in place thereof

the following sentence:— Such debt may be recovered by civil action in the superior court or in a district court.

SECTION 155. Said chapter 256 is hereby further amended by striking out section 8, as amended by section 336 of said chapter 1114, and inserting in place thereof the following section: —

Section 8. No original execution shall issue as of course upon such recognizance after the expiration of three years from the time therein named for payment of the debt or from the time of the last payment endorsed thereon, but the conusee or his executor or administrator after that time may bring a civil action in the superior court or the district court against the party liable, in like manner and with like effect as upon a judgment.

SECTION 156. Section 9 of said chapter 256, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 2 and 3, the words "writ of audita querela or other".

SECTION 157. Chapter 260 of the General Laws is hereby amended by striking out section 17, as so appearing, and inserting in place thereof the following section: —

Section 17. A civil action shall not be dismissed for failure to join a party defendant if it is established by affidavit or otherwise that the action against such party was barred by limitation.

SECTION 158. The first paragraph of section 31A of said chapter 260 is hereby amended by striking out, in lines 5 and 6, as appearing in section 2 of chapter 258 of the acts of 1956, the words "either at law or in equity".

SECTION 159. Section 33 of said chapter 260, as appearing in chapter 370 of the acts of 1957, is hereby amended by striking out, in line 4, the words "at law or in equity".

SECTION 160. Section 35 of said chapter 260, as so appearing, is hereby amended by striking out, in line 5, the words "at law or in equity".

SECTION 161. Section 9 of chapter 261, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "causes of action" and inserting in place thereof the word: — claims.

SECTION 162. Said chapter 261 of the General Laws is hereby further amended by striking out sections 26 and 27, as so appearing, and inserting in place thereof the following section: —

Section 26. There should be allowed in a civil action in a district court, in addition to the other disbursements allowed by law, the following costs:

To the plaintiff —

For the complaint, one dollar.

For an attorney's fee, if there is an appearance for the defendant, two dollars and fifty cents: if not, one dollar and twenty-five cents.

For a term fee, three dollars, if there is an appearance for the defendant; and if not, one dollar.

For travel, such sum as the court may allow.

For attendance, such sum as the court may allow.

To the defendant —
For travel, such sum as the court may allow.
For attendance, such sum as the court may allow.
For a term fee, three dollars.
For an attorney's fee, two dollars and fifty cents.
To the trustee —
For an attorney's fee, fifty cents.
For an answer in writing, twenty-five cents.
For travel and attendance, such sum as the court may allow.
For an answer to interrogatories, such sum as the court may allow.
To an adverse claimant —
Such sum as the court may allow.

SECTION 163. The fifth paragraph of section 4 of chapter 262 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "writ of review or other".

SECTION 164. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved June 30, 1975.*

Chap. 378. AN ACT RELATIVE TO THE CARRYING OF FIREARMS BY CERTAIN POLICE AND PEACE OFFICERS OF JURISDICTIONS OTHER THAN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide immediately that police officers and other peace officers may carry certain firearms within the commonwealth for the purpose of engaging in firearm competition, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The fourth paragraph of section 129C of chapter 140 of the General Laws is hereby amended by striking out clause (*o*), as appearing in section 8 of chapter 799 of the acts of 1969, and inserting in place thereof the following clause: —

(*o*) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;.

SECTION 2. Section 131G of said chapter 140, as amended by chapter 86 of the acts of 1965, is hereby further amended by adding the following sentence: — Police officers and other peace officers of any state, territory or jurisdiction within the United States duly authorized to possess firearms by the laws thereof shall, for the purposes of this section, be deemed to have a permit or license to carry firearms as described in this section.

Approved June 30, 1975.

Chap. 379. AN ACT INCREASING THE AMOUNT OF CERTAIN DEATH BENEFITS WHICH MAY BE PAID BY SOMERVILLE POLICE RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. Somerville Police Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the death of the wife of any member in good standing, to pay to such member fifteen hundred dollars, and, upon the death of any member in good standing, to pay such death benefits in the amount of five thousand dollars.

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

Approved June 30, 1975.

Chap. 380. AN ACT TRANSFERRING THE POWERS AND DUTIES OF THE MOUNT TOM STATE RESERVATION FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OF THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS TO THE MOUNT TOM STATE RESERVATION COMMISSION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the continued power and authority of the Mount Tom state reservation commission over the Mount Tom state reservation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, the county commissioners of the county of Hampden and the county of Hampshire as a joint commission, to be known as the Mount Tom state reservation commission, shall be vested with full power and authority to care for, protect and maintain the Mount Tom state reservation on behalf of the commonwealth.

SECTION 2. The necessary expense for the care, protection and maintenance of the said reservation, in excess of any income that may be derived therefrom, shall annually be estimated by said Mount Tom state reservation commission and shall be embodied by the county commissioners of said counties in the estimate annually submitted by them to the general court, and shall be assessed upon said counties according to their assessed valuations, and collected in the same manner in which county taxes are collected.

SECTION 3. The county treasurer of Hampshire county shall receive and hold, subject to the order of the Mount Tom state reservation commission, all sums raised by taxation in the manner provided in section two of this act, and all other sums that may be given to said commission for the purposes of the reservation as the Mount Tom state reservation fund.

SECTION 4. Section 25 of chapter 806 of the acts of 1974, is hereby amended by striking out, in line 2, the words "the Mount Tom State Reservation,".

SECTION 5. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved June 30, 1975.*

Chap. 381. AN ACT RELATIVE TO THE DATES FOR HOLDING PROBATE COURT FOR THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Section 62 of chapter 215 of the General Laws is hereby amended by striking out the sixth paragraph and inserting in place thereof the following paragraph: —

Dukes County, at Edgartown, the first and third Wednesdays of each month. *Approved June 30, 1975.*

Chap. 382. AN ACT REGULATING THE HOLDING OF THE SESSIONS OF THE PROBATE COURT OF PLYMOUTH COUNTY.

Be it enacted, etc., as follows:

Section 62 of chapter 215 of the General Laws is hereby amended by striking out the paragraph amended by chapter 103 of the acts of 1965 and inserting in place thereof the following paragraph: —

Plymouth, at Plymouth, the first, second and fifth Mondays of each month; at Brockton, the third and fourth Mondays of each month. *Approved June 30, 1975.*

Chap. 383. AN ACT RELATIVE TO THE EMPLOYMENT OF PARAPLEGICS BY POLICE AND FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

The first paragraph of section 10A of chapter 31 of the General Laws, as most recently amended by chapter 835 of the acts of 1974, is hereby further amended by adding the following sentence: — For the purpose of this section, the term "paraplegic" shall include paraplegia and other handicaps precluding use of lower limbs and the lack of said limbs.

Approved June 30, 1975.

Chap. 384. AN ACT INCREASING THE PENALTY FOR SWIMMING IN SOURCES OF DOMESTIC WATER SUPPLY.

Be it enacted, etc., as follows:

Chapter 111 of the General Laws is hereby amended by striking out sections 171 to 173, inclusive, and inserting in place thereof the following section: —

Section 171. Whoever wilfully deposits excrement or foul or decaying matter in water used for domestic water supply, or upon the shore thereof within five rods of the water, or whoever bathes in such water shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than one month. A police officer or constable of a town where such water is wholly or partially situated, acting within the limits of such town, and any executive officer or agent of a water board, board of water commissioners, public institution or water company furnishing water or ice for domestic purposes, acting upon the premises of such board, institution or company and not more than five rods from the water, may without a warrant arrest any person found in the act of violating this section and detain him in some convenient place until a complaint can be made against him therefor. The provisions of this section shall not interfere with the sewage of a town or public institution, or prevent the enrichment of land for agricultural purposes by the owner or occupant thereof. *Approved June 30, 1975.*

Chap. 385. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO TRANSFER CERTAIN PARK LAND IN THE TOWN OF STONEHAM FROM THE DIVISION OF PARKS ENGINEERING TO THE WATER DIVISION OF SAID COMMISSION FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to transfer control of a parcel of park land located within the Middlesex Fells reservation in the town of Stoneham from the park division of said commission to the water division of said commission for the construction and maintenance of a reservoir and its appurtenant pipe lines to enable said water division to supply water to the town of Stoneham, the city of Woburn and other cities and towns of the metropolitan water district, said parcel being bounded and described as follows:

Reference is hereby made to Plan of Land Parks Division to Water Division Metropolitan District Commission, Middlesex Fells Reservation, Stoneham.

Beginning at a stone bound set in the northeasterly side line of a Commonwealth of Massachusetts access road as land of Commonwealth of Massachusetts (Department of Public Works known as Route I-93) as shown on the aforesaid plan; by said land of Commonwealth of Massachusetts (Route I-93);

Thence the line runs south 27° 57' 00" east, fifty-nine and 15/100 (59.15) feet to a point; at other land of Commonwealth of Massachusetts (Metropolitan District Commission);

Thence turning and running south 32° 14' 45" west, three hundred ninety and 41/100 (390.41) feet to a point;

Thence south 45° 52' 16" west, three hundred thirty-nine and 55/100 (339.55) feet to a point;

Thence southwesterly, southerly and southeasterly by a line curving to the left with a radius of one hundred sixty-two and 26/100 (162.26) feet, two hundred thirty-four and 94/100 (234.94) feet to a point;

Thence south 37° 05' 19" east, one hundred twenty-nine and 73/100 (129.73) feet to a point;

Thence south 26° 51' 12" east, two hundred forty and 29/100 (240.29) feet to a point;

Thence south 47° 17' 28" east, one hundred sixty-seven and 36/100 (167.36) feet to a point;

Thence turning and running north 83° 01' 11" east, thirty-five and 11/100 (35.11) feet to a point;

Thence turning and running north 46° 11' 03" east, one hundred fifty-two and 61/100 (152.61) feet to a point;

Thence turning and running north 43° 48' 57" west one hundred fifty and 00/100 (250.00) feet to a point;

Thence turning and running north 46° 11' 03" east, two hundred fifty and 00/100 (250.00) feet to a point;

Thence turning and running south 43° 48' 57" east, two hundred fifty and 00?100 (250.00) feet to a point;

Thence turning and running south 46° 11' 03" east, two hundred fifty and 00/100 (250.00) feet to a point;

Thence turning and running north 43° 48' 57" west, one hundred and 00/100 (100.00) feet to a point;

Thence turning and running south 46° 11' 03" west, one hundred sixty-nine and 31/100 (169.31) feet to a point;

Thence turning and running south 83° 01' 11" west, seventy-four and 96/100 (74.96) feet to a point;

Thence turning and running north 47° 17' 28" west, one hundred ninety-nine and 52/100 (199.52) feet to a point;

Thence north 26° 51' 12" west, two hundred forty-four and 82/100 (244.82) feet to a point;

Thence north 37° 05' 19" west, one hundred twenty-five and 25/100 (125.25) feet to a point;

Thence northwesterly, northerly and northeasterly by a line curving to the right with a radius of two hundred twelve and 26/100 (212.26) feet, three hundred seven and 34/100 (307.34) feet to a point;

Thence north 45° 52' 16" east, three hundred thirty-three and 62/100 (333.62) feet to a point;

Thence north 32° 14' 45" east, three hundred fifty-five and 48/100 (355.48) feet to a stone bound set at the intersection of the boundary lines between land of Commonwealth of Massa-

chusetts, (Metropolitan District Commission), land now or formerly of Servomation of New England, Inc., and other land of Commonwealth of Massachusetts (Department of Public Works); the last twenty-one (21) courses and distances being by said land of Commonwealth of Massachusetts (Metropolitan District Commission/Parks Engineering);

Thence continuing north 32° 14' 45" east by said land of Commonwealth of Massachusetts (Department of Public Works), ten and 00/100 (10.00) feet to a stone bound;

Thence northeasterly by said land of Commonwealth of Massachusetts (Department of Public Works), by a line curving to the left with a radius of six hundred twenty-four and 79/100 (624.79) feet, forty-eight and 66/100 (48.66) feet to the bound first mentioned and point of beginning; comprising one hundred fifty thousand six hundred ninety-two (150,692) square feet more or less of land of Commonwealth of Massachusetts under the control of the Metropolitan District Commission Parks Engineering Division as shown on the aforesaid plan.

Approved June 30, 1975.

Chap. 386. AN ACT AUTHORIZING THE WATER RESOURCES COMMISSION TO TAKE BY EMINENT DOMAIN A CERTAIN TRACT OF LAND LOCATED IN THE TOWN OF BERLIN UNDER THE CONTROL OF THE METROPOLITAN DISTRICT COMMISSION.

Be it enacted, etc., as follows:

The water resources commission, acting for and in behalf of the commonwealth, is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws or acquire by purchase or otherwise the following described land or easements therein, or both, for the purpose of flood prevention and related purposes, including water resources utilization and other purposes and uses as authorized by chapter twenty-one of the General Laws and chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty, as amended, said land being located in the town of Berlin and under the control of the metropolitan district commission and being bounded and described as follows:

Said tract of land is situated in the Town of Berlin, County of Worcester, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at the southeasterly corner of herein described parcel at a point on the northeasterly line of the New York, New Haven and Hartford Railroad and at land of Albert W. Wheeler et ux;

THENCE RUNNING by a curve to the right, having a radius of 2,603.75 feet about 200 feet along said easterly line of the

New York, New Haven and Hartford Railroad to a point at other land of Albert W. Wheeler et ux;

THENCE RUNNING N. 41° 30' E., a distance about 235 feet by said Wheeler land to a point near North Brook and land of Walter Kiwior;

THENCE RUNNING S. 49° 56' E., a distance of 24.5 feet to a point;

THENCE RUNNING S. 16° 34' E., a distance of 42.0 feet to a point;

THENCE RUNNING S. 12° 20' E., a distance of 100.0 feet to a stone bound at North Brook at a common corner of land of Roger Bradley and land of Harold Warbin and land of Albert Wheeler;

The last three courses of land of Walter Kiwior.

THENCE RUNNING southerly about 110 feet by North Brook and land of Albert Wheeler to a point;

THENCE RUNNING S. 41° 45' W., a distance about 135 feet by land of Albert Wheeler to the point of beginning;

The above described parcel contain about 0.90 acres and is all of that land conveyed to the Commonwealth of Massachusetts (Metropolitan Water Works) by deed of Lizzie J. Spofford, dated August 19, 1896 and recorded in Worcester District Registry of Deeds, Book 1553, Page 59, and in an Order of Taking dated December 17, 1906, and recorded in Worcester District Registry of Deeds, Book 1846, Page 125.

Said tract of land was taken by the metropolitan district commission under chapter four hundred and eighty-eight of the acts of eighteen hundred and ninety-five, and chapter one hundred and sixty-eight of the acts of nineteen hundred and one for the purpose of the Wachusett Aqueduct, formerly called the Nashua Aqueduct. *Approved June 30, 1975.*

Chap. 387. AN ACT RELATIVE TO VEHICULAR BRIDGES MAINTAINED BY THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

The first paragraph of section 1 of chapter 634 of the acts of 1971 is hereby amended by adding the following sentence: — Such bridges shall be state highways.

Approved June 30, 1975.

Chap. 388. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO THE COUNTY OF WORCESTER FOR HIGHWAY PURPOSES CERTAIN EASEMENTS ON ATHOL ROAD IN THE TOWN OF PETERSHAM.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to convey to the county of Worcester for highway purposes certain easements located on Athol road in the town of Petersham, bounded and described as follows:

PARCEL No. 6. Beginning at a point in the easterly location line of the proposed 1974 County layout at land now or formerly of Elwyn C. and Anne J. Hayden,

THENCE south 13°30' 12" west, 40.35 feet,

THENCE by a curve to the left of 970.00 feet radius 322.13 feet,

THENCE south 5°31' 28" east, 130.92 feet,

THENCE by a curve to the left of 400.00 feet radius 270.20 feet to a point in northeasterly location line of the 1937 State highway location of Route 122,

THENCE northwesterly by a curve to the left of 2904.33 feet radius 143.83 feet by said northwesterly location line,

THENCE north 4°54' 00" west, 620.80 feet by the east line of Athol Road,

THENCE north 80°18' 15" east, 64.39 feet by land of Hayden to the point of beginning.

PARCEL No. 7. Beginning at a point in the westerly location line of the proposed 1974 County layout at its intersection with the old westerly line,

THENCE south 3°29' 33" west, 12.47 feet,

THENCE by a curve to the left of 1030.00 feet radius 162.10 feet,

THENCE south 5°31' 28" east, 148.70 feet to a point in the northeasterly location line of the 1937 State highway location of Route 122,

THENCE north 73° 13' 54" east, 11.41 feet by said northeasterly location line to a bound.

THENCE north 4°54' 00" west, 320.24 feet by the west line of Athol Road to the point of beginning;

Said easements are shown as Parcels No. 6 and No. 7 on a plan entitled "Plan of Athol Road in the Town of Petersham, altered and laid out by the County Commissioners" to be filed with the Worcester District Registry of Deeds.

Approved June 30, 1975.

Chap. 389. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO USE CERTAIN PARK LAND IN SAID CITY FOR THE CONSTRUCTION OF A SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to use for the purpose of constructing a school thereon, certain park land in said city, bounded and described as follows: —

Beginning at a point at the intersection of the westerly line of Route 495 with the northerly line of North Parish Road, said point of beginning being the southeasterly corner of the premises;

Thence running S 82° — 41' — 25" W, 169.05 feet by North Parish Road to a point;

Thence turning and running N 07° — 18' — 35" W, 350.00 feet by land now or formerly of United States of America to a point;

Thence turning and running S 82° — 41' — 25" W, 200.00 feet by land now or formerly of United States of America to a point;

Thence turning and running N 07° — 18' — 35" W, 150.00 feet by land now or formerly of United States of America to a point;

Thence turning and running S 82° — 41' — 25" W, 205.00 feet by land now or formerly of United States of America to a point;

Thence turning and running N 07° — 18' — 35" W, 455.60 feet by land now or formerly of City of Lawrence to a point;

Thence turning and running S 82° — 41' — 25" W, 285.00 feet by land now or formerly of City of Lawrence to a point at Crawford Street;

Thence turning and running N 07° — 18' — 05" W, 725.97 feet by Crawford Street to a point;

Thence turning and running northwesterly 104.88 feet by Crawford Street in a curved line to the left having a radius of 100.00 feet and a chord distance of 100.14 feet to a point;

Thence turning and running N 67° — 23' — 40" W, 40.14 feet by Crawford Street to a point;

Thence turning and running northwesterly 52.44 feet in a curved line to the right having a radius of 50.00 feet and a chord distance of 50.07 feet by Shawsheen Street to a point, thence continuing by Shawsheen Street N 07° — 18' — 10" W, 90.00 feet to a point;

Thence northwesterly 104.09 feet in a curved line to the left having a radius of 130.00 feet and a chord distance of 101.33 feet to a point;

Thence northwesterly 18.99 feet in a curved line to the right having a radius of 23.73 feet and a chord distance of 18.45 feet to a point;

Thence N 07° — 19' — 55" W, 56.98 feet to a point;

Thence N 23° — 13' — 30" W, 183.81 feet to a point;

Thence N 07° — 18' — 20" W, 30.52 feet to a point;

Thence N 03° — 28' — 50" E, 135.02 feet to a point;

Thence northeasterly 49.68 feet in a curved line to the right having a radius of 70.00 feet and a chord distance of 48.64 feet to a point;

Thence N 44° — 08' — 35" E, 93.41 feet to a point;

Thence northerly 44.92 feet in a curved line to the left having a radius of 50.00 feet and a chord distance of 43.42 feet to a point;

Thence N 07° — 19' — 50" W, 328.10 feet to a point;

Thence N 27° — 56' — 10" E, 111.21 feet to a point;

Thence northeasterly 76.38 feet in a curved line to the right having a radius of 80.00 feet and a chord distance of 73.52 feet to a point;

Thence N 82° — 38' — 30" E, 93.00 feet to a point;

Thence northeasterly 78.37 feet in a curved line to the left having a radius of 110.00 feet and chord distance of 76.72 feet by Shawsheen Street to a point;

Thence turning and running S 57° — 13' — 00" E, 51.36 feet by land now or formerly of Sellars to a point;

Thence turning and running N 32° — 47' — 00" E, 50.00 feet by land now or formerly of Sellars to a point;

Thence turning and running S 57° — 13' — 00" E, 75.00 feet by land now or formerly of Sellars to a point;

Thence turning and running N 32° — 47' — 00" E, 50.00 feet by land now or formerly of Sellars to a point at Loring Street;

Thence turning and running S 57° — 13' — 00" E, about 250 feet by Loring Street to the Shawsheen River;

Thence southwesterly, southeasterly, southwesterly, southeasterly, northeasterly and southerly about 3250 feet by the Shawsheen River to land now or formerly of Commonwealth of Massachusetts (Route 495);

Thence turning and running S 03° — 55' — 56" E, 831 feet more or less by land of Commonwealth of Massachusetts to a point:

Thence turning and running S 06° — 32' — 30" E, 684.78 feet by land now or formerly of Commonwealth of Massachusetts to a point:

Thence running southerly 217.86 feet in a curved line to the right having a radius of 5100.00 feet and a chord distance of 217.84 feet by land of the Commonwealth of Massachusetts to the point of beginning.

Said parcel containing 42 acres more or less.

Being the same premises conveyed to the city of Lawrence by two deeds of Essex Company, the first deed dated March 5, 1907 and recorded in Book, 244, Page 371, the second deed dated February 21, 1933, and recorded in Book 569, Page 432. Said deeds are recorded in North district registry of deeds in Essex county.

SECTION 2. If the land described in section one of this act is not used for the purpose specified therein or if contracts for said purpose are not executed within two years from the effective date of this act, then the aforesaid land shall thereafter be held by the city of Lawrence as park land. *Approved June 30, 1975.*

Chap. 390. AN ACT FURTHER PROHIBITING MISREPRESENTATION OF PRICES OF COMMODITIES OR SERVICES OFFERED OR ADVERTISED FOR SALE BY WEIGHT.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by striking out section 177, as amended by chapter 115 of the acts of 1974, and inserting in place thereof the following section: —

Section 177. Except as otherwise provided by section two hundred and forty-eight, whoever himself or by his servant or agent gives or attempts to give false or insufficient weight or measure, or inferentially misrepresents the weight or quantity of a commodity sold or delivered by weight or measure by stating a price without stating the weight or quantity of such commodity, such price being in fact greater than the price advertised for such commodity or mutually understood by both parties to be the price for a given weight or measure, or demands or accepts payment in excess of the regularly quoted selling price of a commodity sold or delivered by weight or measure, or misrepresents the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, or count or represents the price in any manner calculated or tending to mislead or in any way deceive a person, or takes or attempts to take more than the quantity he represents when, as the buyer, he furnishes the weights, measurer or weighing or measuring device by means of which the amount of commodity is determined, shall be punished for the first offense by a fine of one hundred dollars, for the second offense by a fine of two hundred and fifty dollars, and for a subsequent offense by a fine of five hundred dollars. *Approved June 30, 1975.*

Chap. 391. AN ACT ELIMINATING CERTAIN OBSOLETE DUTIES OF REGISTRARS OF VOTERS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 51 of the General Laws is hereby amended by striking out section 11, as amended by section 9 of chapter 440 of the acts of 1938, and inserting in place thereof the following section: —

Section 11. The registrars, except in any city or town as to which it is otherwise provided by special law, shall enter the name and residence of each person listed and certified under section eight in a book provided therefor.

SECTION 2. The first sentence of section 12 of said chapter 51, as amended by section 6 of chapter 437 of the acts of 1962, is hereby further amended by striking out, in line 4, the words "section eight and nine", and inserting in place thereof the words: — section eight.

SECTION 3. The fourth sentence of section 38 of said chapter 51, as appearing in section 26 of chapter 453 of the acts of 1943, is hereby amended by striking out, in lines 6 to 8, inclusive, the words "notice under section nine from the registrars of another city or town that the voter has been listed therein" and inserting

in place thereof the words: — a duplicate copy of an affidavit of registration from the registrars of another city or town.

Approved June 30, 1975.

Chap. 392. AN ACT RELATIVE TO THE LAW REQUIRING THE ISSUANCE OF CERTIFICATES OF TITLE OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90D of the General Laws, as amended by section 3 of chapter 732 of the acts of 1972, is hereby further amended by adding the following definition: —

"Supporting documents", any written document or form submitted to the registrar of motor vehicles as evidence of ownership, liens or any other information required under the provisions of this chapter.

SECTION 2. Paragraph (*a*) of section 2 of said chapter 90D, as appearing in section 1 of chapter 754 of the acts of 1971, is hereby amended by striking out clause (3) and inserting in place thereof the following clause: —

(3) A vehicle owned by a nonresident of the commonwealth for which a currently effective certificate of title has been issued in the state of residence;.

SECTION 3. Said section 2 of said chapter 90D is hereby further amended by striking out paragraph (*b*), as amended by section 4 of chapter 732 of the acts of 1972.

SECTION 4. Said chapter 90D is hereby further amended by striking out section 4, as amended by chapter 53 of the acts of 1972, and inserting in place thereof, the following section: —

Section 4. (*a*) Except for vehicles referred to in section two, whoever acquires a motor vehicle or trailer after the effective date of this chapter, shall be required to make application for a certificate of title within ten days from the date of transfer of ownership.

(*b*) Except for vehicles referred to in section two, no new application for registration pertaining to a motor vehicle or trailer shall be registered under the provisions of chapter ninety until the owner thereof makes application to the registrar for a certificate of title of the vehicle.

SECTION 5. Paragraph (*a*) of section 10 of said chapter 90D is hereby amended by striking out clause (3), as amended by section 2 of chapter 537 of the acts of 1972, and inserting in place thereof the following clause: — (3) The names and addresses of any lienholders, in the order of priority as shown on the application;.

SECTION 6. Paragraph (*a*) of section 14 of said chapter 90D, as appearing in section 1 of chapter 754 of the acts of 1971, is hereby amended by striking out, in line 4, the words "as shown

by the records of the registrar" and inserting in place thereof the words: — or any other transferee who has sufficient proof of ownership as determined by the registrar.

SECTION 7. Paragraph (*a*) of section 16 of said chapter 90D, as so appearing, is hereby amended by striking out, in line 3, the words "within ten days" —, and by inserting after the word "registrar", in line 11, the words: — or transferee.

SECTION 8. Section 17 of said chapter 90D, as so appearing, is hereby amended by adding the following paragraph: —

(*d*) If any insurer succeeds to the interest of the owner by virtue of a settlement with the owner as a result of a loss by collision, theft or other reasons, and holds the vehicle for resale, the insurer need not secure a new certificate of title but upon transfer to another person shall promptly mail or deliver to the transferee or the registrar the certificate and other documents as prescribed by the registrar.

SECTION 9. Section 20 of said chapter 90D, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Any person who scraps, dismantles or destroys a vehicle and any person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the certificate of title and vehicle identification number plate to be mailed or delivered to the registrar for cancellation.

SECTION 10. The first paragraph of section 24 of said chapter 90D, as so appearing, is hereby amended by striking out the second sentence.

SECTION 11. The second paragraph of said section 24 of said chapter 90D, as so appearing, is hereby further amended by striking out, in line 4, the words "after demand and, in any event, within thirty days".

SECTION 12. Said chapter 90D is hereby further amended by striking out the second paragraph of section 28, as so appearing.

SECTION 13. Paragraph (*a*) of section 32 of said chapter 90D, as so appearing, is hereby amended by inserting after the word "title", in line 3 and line 9, the words: — or supporting documents.

SECTION 14. Said section 32 of said chapter 90D is hereby further amended by striking out paragraph (*b*), as so appearing, and inserting in place thereof the following paragraph: —

(*b*) Whoever permits another not entitled thereto, to use or have possession of a certificate of title or fails to mail or deliver a certificate of title or application therefor to the registrar within ten days after the time required by this chapter, or whoever fails to deliver to his transferee a certificate of title within ten days after the time required by this chapter, or violates any other provision of this chapter, except as provided for in paragraph (*a*), shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars or by imprisonment for not more than six months or both.

SECTION 15. Section 35 of said chapter 90D, as amended by section 7 of chapter 81 of the acts of 1973, is hereby further amended by adding the words: — ; or, (*e*) until owner fails to renew registration of a nontitled motor vehicle within thirty days after expiration.

SECTION 16. Section 36 of said chapter 90D, as appearing in section 1 of chapter 754 of the acts of 1971, is hereby amended by striking out, in line 1, the words "is not satisfied that there are no" and inserting in place thereof the words: — questions the existence of.

Approved June 30, 1975.

Chap. 393. AN ACT FURTHER REGULATING THE STUDY BY THE COUNTY COMMISSIONERS OF NORFOLK COUNTY RELATIVE TO THE ESTABLISHMENT OF REGIONAL SOLID WASTE DISPOSAL AND COLLECTION DISTRICTS WITHIN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 915 of the acts of 1971 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The county commissioners of Norfolk county are hereby authorized to make a feasibility study regarding the establishment of regional solid waste disposal collection and disposal districts to serve any two or more municipalities within said county. During the course of such study, said commissioners shall evaluate various systems for collecting, processing and disposing of solid waste, and recovering resources of energy, and may conduct design investigations, contract for engineering, legal, real estate appraisal, property and typographic surveys and public relation services which shall include the preparation of printed matter and audio-visual aids suitable for presentation to large assemblies. Said commissioners shall not include the city of Quincy within any such study or regional district.

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

Approved July 2, 1975.

Chap. 394. AN ACT TRANSFERRING THE LAND AND BUILDINGS THEREON KNOWN AS THE BUNKER HILL MONUMENT FROM THE COMMONWEALTH TO THE UNITED STATES OF AMERICA.

Be it enacted, etc., as follows:

The commissioner of the metropolitan district commission, in the name of and on behalf of the commonwealth, is hereby authorized and directed to transfer and convey to the United

States Department of the Interior, by a deed, approved as to form by the attorney general, all of the right, title and interest of the commonwealth in and to a certain parcel of land situated in the city of Boston, in that part thereof known as Charlestown, on Breed's Hill, so called, upon which stands the monument known as the Bunker Hill Monument and bounded and described as follows, to wit: —

Northeasterly by a street fifty (50) feet wide, about four hundred (400) feet.

Southeasterly by a street fifty (50) feet wide, formerly known as Lexington street or the extension thereof, about four hundred seventeen (417) feet.

Southwesterly by a street fifty (50) feet wide, formerly known as High street, about four hundred (400) feet.

Northwesterly by a street fifty (50) feet wide, formerly known as Concord street or the extension thereof, about four hundred seventeen (417) feet.

Said parcel, including the said four surrounding streets fifty (50) feet wide, being known as Monument Square.

Together with all the fee and soil of said four streets fifty (50) feet wide, above mentioned, which said grantor owns abutting upon the parcel of land herein conveyed.

The above described premises are to be conveyed subject to the rights and privileges appurtenant to the premises conveyed by The Bunker Hill Monument Association to Thomas B. Wales and others, Trustees, by an indenture dated October 30, 1834, and recorded with Middlesex South District Deeds, Book 336, Page 581, in so far as now in force and applicable.

And the above described premises are to be conveyed with the benefit of the restrictions mentioned in said indenture to be imposed upon all buildings to be erected fronting Monument Square in so far as now in force and applicable; and with the benefit of restrictions mentioned in any and all deeds to various parties by said Thomas B. Wales and others, Trustees, under said indenture, in so far as now in force and applicable.

The conveyance shall be made subject to the terms and conditions contained or referred to in chapter seventy-nine of the General Acts of the year nineteen hundred and nineteen. Being all the right, title and interest conveyed to the commonwealth by the Bunker Hill Monument Association on the ninth day of July, nineteen hundred and nineteen, and recorded in the Suffolk registry of deeds, Book 4153 Page 36.

Approved July 2, 1975.

Chap. 395. AN ACT AUTHORIZING THE REINSTATEMENT OF JOSEPH P. MURPHY TO HIS FORMER POSITION OF PATROLMAN IN THE POLICE DEPARTMENT OF THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the director of civil service shall, upon request of the appointing authority of the city of Cambridge, reinstate Joseph P. Murphy to the position of patrolman in the police department of said city, a position formerly held by the said Joseph P. Murphy, provided the said appointing authority submits to said director in writing the reasons why such reinstatement would be in the public interest. *Approved July 2, 1975.*

Chap. 396. AN ACT REPEALING THE LAW PROVIDING THAT LICENSES TO SELL ALCOHOLIC BEVERAGES SHALL NOT SERVE SUCH BEVERAGES WITHOUT CHARGE.

Be it enacted, etc., as follows:

Section 12 of chapter 138 of the General Laws is hereby amended by striking out the eighth paragraph, as appearing in section 1 of chapter 468 of the acts of 1935.

Approved July 2, 1975.

Chap. 397. AN ACT REGULATING THE EQUIPMENT AND INSPECTION OF SEMI-PUBLIC OUTDOOR INGROUND SWIMMING POOLS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by adding after section 205A the following section: —

Section 206. Every semi-public outdoor inground swimming pool shall be enclosed by a fence or structure six feet in height and firmly secured at ground level. Such fence or structure, including gates therein, shall be not less than six feet above the ground, and any gate shall be self-latching with latches placed four feet above the ground or otherwise made inaccessible from the outside to children under eight years of age. Any such pool shall be equipped with at least one life ring and a rescue hook.

Every semi-public outdoor inground swimming pool shall be inspected annually by the inspector of buildings of the city or town in which said pool is located.

For the purposes of this section, "semi-public outdoor inground pool" shall mean a swimming or wading pool on the premises of, or used in connection with a hotel, motel, trailer court, apartment house, country club, youth club, school, camp, or similar establishment where the primary purpose of the establishment is not the operation of the swimming facilities. Semi-public outdoor inground swimming pool shall also mean a

pool constructed and maintained by groups for the purposes of providing bathing facilities for members and guests only.

Any owner or manager of a semi-public outdoor inground swimming pool who fails to comply with the provisions of this section shall be punished by a fine of not more than one thousand dollars.

SECTION 2. The provisions of section two hundred and six of chapter one hundred and forty of the General Laws, inserted by section one of this act, insofar as it relates to the height of fences shall not apply to any semi-public outdoor inground swimming pools constructed prior to the effective date of this act; provided that said pools were constructed in conformity with the local building code and the state sanitary code, and provided further, that said fences or structures shall be not less than four feet in height and anchored into ground or base.

Approved July 2, 1975.

Chap. 398. AN ACT RELATIVE TO THE TENURE OF OFFICE OF CERTAIN FEMALE EMPLOYEES DOING WORK PROTECTING CHILDREN TO AND FROM SCHOOLS.

Be it enacted, etc., as follows:

Section 2 of chapter 162 of the acts of 1963, as most recently amended by chapter 153 of the acts of 1964, is hereby further amended by striking out, in line 4, the words "only intermittent".

Approved July 2, 1975.

Chap. 399. AN ACT AUTHORIZING CERTAIN PHYSICIANS TO REMAIN IN STATE SERVICE IF THE COMMISSIONER OF MENTAL HEALTH DETERMINES THEIR SERVICES ARE NEEDED.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the continued services of certain physicians in facilities of the department of mental health, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section nine of chapter one hundred and twelve of the General Laws or any other law or administrative regulation to the contrary, if the commissioner of mental health certifies in writing to the board of registration in medicine that the provision of adequate medical care in a facility operated by the department of mental health requires the continued services of a physician who is a graduate of a foreign med-

ical college but who has not obtained a standard certificate from the Educational Council for Foreign Medical Graduates, then any such physician who is in service as of June thirtieth, nineteen hundred and seventy-five in a facility operated by said department shall be issued by the board of registration in medicine a renewal, for a period not to exceed one year, of a limited registration, provided that said registration shall be valid for the practice of medicine only in a facility operated by said department; and provided further, that more than one such renewal of registration may be issued but in no event shall any such renewal be valid after December thirty-first, nineteen hundred and seventy-seven. *Approved July 2, 1975.*

Chap. 400. AN ACT APPLYING THE MASSACHUSETTS RULES OF CIVIL PROCEDURE TO DOMESTIC RELATIONS PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 207 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 2. Section 9 of said chapter 207, as so appearing, is hereby amended by striking out, in line 2, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 3. Said chapter 207 is hereby amended by striking out section 14, as amended by chapter 469 of the acts of 1951, and inserting in place thereof the following section: —

Section 14. If the validity of a marriage is doubted, either party may institute an action for annulling such marriage, or if it is denied or doubted by either party, the other party may institute an action for affirming the marriage. Such action shall be commenced in the same manner as an action for divorce, and all the provisions of chapter two hundred and eight relative to actions for divorce shall, so far as appropriate, apply to actions under this section. Upon proof of the validity or nullity of the marriage, it shall be affirmed or declared void by a judgment of the court, and such judgment of nullity may be made although the marriage was solemnized out of the commonwealth, if at that time and also when the action was commenced the plaintiff had his domicile in the commonwealth, or if he had resided in this commonwealth for five years last preceding the commencement of said action, unless the court finds that he has removed into this commonwealth for the purpose of obtaining said judgment.

The clerk or register of probate shall, within two days after the expiration of the appeal period following the entry of a judgment annulling a marriage, or if an appeal was taken within two days after entry of final judgment pursuant to a rescript of

the appellate court, send an attested copy thereof to the state secretary, the clerk or registrar of the city or town in the commonwealth where the marriage was solemnized, and the clerk or the registrar of each city and town in the commonwealth where a party to the marriage dwelt at the time of the marriage. The state secretary and every clerk or registrar to whom such an attested copy is sent shall, forthwith upon receipt of such copy, enter upon the margin of his record of the marriage a note of reference to the judgment of annulment.

SECTION 4. Section 17 of said chapter 207, as amended by chapter 185 of the acts of 1945, is hereby further amended by striking out, in line 7, the word "decreed" and inserting in place thereof the word: — adjudged, — and by striking out, in line 9, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 5. Section 18 of said chapter 207, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2 and in line 4, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 6. Section 1 of chapter 208 of the General Laws, as most recently amended by section 1 of chapter 358 of the acts of 1974, is hereby further amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. A divorce from the bond of matrimony may be adjudged for adultery, impotency, utter desertion continued for one year next prior to the filing of the complaint, gross and confirmed habits of intoxication caused by the voluntary and excessive use of intoxicating liquor, opium or other drugs, cruel and abusive treatment or, on the complaint of the wife, if the husband, being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her; provided, however, that a divorce shall be adjudged although both parties have cause, and no defense founded upon recrimination shall be entertained by the court.

SECTION 7. Section 2 of said chapter 208, as amended by section 1 of chapter 76 of the acts of 1937, is hereby further amended by striking out, in line 2, the word "decreed" and inserting in place thereof the word: — adjudged.

SECTION 8. Section 3 of said chapter 208, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "decreed" and inserting in place thereof the word: — adjudged, — and by striking out, in line 2, the word "libellee" and inserting in place thereof the word: — defendant.

SECTION 9. Section 4 of said chapter 208, as so appearing, is hereby amended by striking out, in line 2, the word "decreed" and inserting in place thereof the word: — adjudged.

SECTION 10. Said chapter 208 is hereby further amended by striking out section 5, as most recently amended by chapter 162 of the acts of 1969, and inserting in place thereof the following section: —

Section 5. If the plaintiff has lived in this commonwealth for one year last preceding the commencement of the action if the cause occurred without the commonwealth, or if the plaintiff is domiciled within the commonwealth at the time of the commencement of the action and the cause occurred within the commonwealth, a divorce may be adjudged for any cause allowed by law, unless it appears that the plaintiff has removed into this commonwealth for the purpose of obtaining a divorce.

SECTION 11. Said chapter 208 is hereby further amended by striking out section 6, as amended by chapter 415 of the acts of 1973, and inserting in place thereof the following section: —

Section 6. Actions for divorce shall be filed, heard and determined in the superior court or probate court, held for the county where one of the parties lives, except that if either party still resides in the county where the parties last lived together, the action shall be heard and determined in a court for that county.

SECTION 12. Said chapter 208 is hereby further amended by striking out section 6B, as most recently amended by section 1 of chapter 674 of the acts of 1967, and inserting in place thereof the following section: —

Section 6B. No action for divorce shall be commenced in the superior court or probate court of any county unless, at the time of commencement of such action, the parties thereto have been living apart for a period of not less than thirty days and the plaintiff so certifies on the complaint; provided, however, that the court may, after a hearing ex parte, waive said requirements.

SECTION 13. Section seven of said chapter two hundred and eight is hereby repealed.

SECTION 14. Said chapter 208 is hereby further amended by striking out section 8, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 8. Actions for divorce in the probate courts shall be commenced in accordance with the Massachusetts Rules of Civil Procedure applicable to domestic relations procedure.

SECTION 15. Section eight A of said chapter two hundred and eight is hereby repealed.

SECTION 16. Section nine of said chapter two hundred and eight is hereby repealed.

SECTION 17. Section ten of said chapter two hundred and eight is hereby repealed.

SECTION 18. Section 12 of said chapter 208, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "libel" and inserting in place thereof the word: — action.

SECTION 19. Said chapter 208 is hereby further amended by striking out section 15, as so appearing, and inserting in place thereof the following section: —

Section 15. If during the pendency of an action for divorce the defendant is insane, the court shall appoint a suitable guardian

to appear and answer in like manner as a guardian for an infant defendant in any civil action may be appointed. The compensation of such guardian shall be determined by the court, and, together with his necessary expenses, shall be paid by the plaintiff if the court so orders.

SECTION 20. Said chapter 208 is hereby further amended by striking out section 16, as so appearing, and inserting in place thereof the following section: —

Section 16. Any justice of the superior court or judge of a probate court wherein any action for divorce is pending may appoint an attorney to investigate and report to the court in relation thereto and may direct such attorney, or any other attorney, to defend the action. The attorney may be appointed either before or after a judgment of divorce nisi has been granted, and may enter objections to such judgment nisi becoming absolute in the same manner as the defendant. His compensation shall be fixed by the court, and shall be paid by the county where the action is pending, together with any expenses approved by the court, upon certificate by a justice or the judge thereof to the county treasurer. The state police, local police and probation officers shall assist the attorneys so appointed, upon his request.

SECTION 21. Said chapter 208 is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section: —

Section 17. The court may require either party to pay into court for the use of the other party during the pendency of the action an amount to enable him to maintain or defend the action, and to pay to him alimony during the pendency of the action.

SECTION 22. The first sentence of section 18 of said chapter 208, as amended by chapter 313 of the acts of 1974, is hereby further amended by striking out, in line 2 and in line 5, the word "libel" and inserting in place thereof, in each instance, the words: — action for divorce.

SECTION 23. Section 19 of said chapter 208, as appearing in chapter 3 of the acts of 1932, is hereby amended by striking out, in line 5, the word "libel" and inserting in place thereof the words: — action for divorce.

SECTION 24. Said chapter 208 is hereby further amended by striking out section 20, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 20. The court may, without entering a judgment of divorce, order the action continued upon the docket from time to time, and during such continuance may make orders relative to a temporary separation of the parties, the separate maintenance of the wife and the custody and support of minor children. Such orders may be changed or annulled as the court may determine, and shall, while they are in force, supersede any order of the probate court under section thirty-two of chapter two hundred and nine and may suspend the right of said court to act under said section.

SECTION 25. Said chapter 208 is hereby amended by striking out section 20A, added by section 1 of chapter 213 of the acts of 1953, and inserting in place thereof the following section: —

Section 20A. If, after a hearing, the allegations of an action for divorce are not sustained the court may, if the facts warrant, enter a judgment denying the divorce and making a finding that the plaintiff is living apart from the defendant for justifiable cause, and may make such orders relative to the support of the wife and the care, custody and maintenance of the minor children of the parties as the circumstances require. The various provisions of chapter two hundred and nine which relative to proceedings commenced under section thirty-two thereof shall be applicable to this section.

SECTION 26. Said chapter 208 is hereby further amended by striking out section 21, as amended by section 1 of chapter 181 of the acts of 1934, and inserting in place thereof the following section: —

Section 21. Judgments of divorce shall in the first instance be judgments nisi, and shall become absolute after the expiration of six months from the entry thereof, unless the court within said period, for sufficient cause, upon application of any party to the action, otherwise orders. After the entry of a judgment nisi, the action shall not be dismissed or discontinued on motion of either party except upon such terms, if any, as the court may order after notice to the other party and a hearing, unless there has been filed with the court a memorandum signed by both parties, wherein they agree to such disposition of the action.

SECTION 27. Said chapter 208 is hereby further amended by striking out section 22, as most recently amended by section 2 of chapter 358 of the acts of 1974, and inserting in place thereof the following section: —

Section 22. In order to establish grounds for divorce for desertion, the plaintiff shall establish that the defendant left voluntarily and without justification and with intent not to return, that at the time such defendant left, the plaintiff did not consent thereto, and that the defendant failed to cohabit with the plaintiff for at least one year next prior to the date of the filing of the action. An action for divorce for desertion shall not be defeated by a temporary return or other act of the defendant if the court finds that such return or other act was not made or done in good faith, but with intent to defeat such action. The prior filing of an action for divorce or separate support shall not be deemed to raise a conclusive presumption to defeat an action for divorce for desertion.

SECTION 28. Section 24 of said chapter 208, as most recently amended by chapter 640 of the acts of 1965, is hereby further amended by striking out, in line 2, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 29. Said chapter 208 is hereby amended by striking

out section 28, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 28. Upon a judgment for divorce, or an action of either parent, or of a next friend in behalf of the children, after notice to both parents, after such judgment, the court may make such judgment as it considers expedient relative to the care, custody and maintenance of the minor children of the parties, and may determine with which of the parents the children or any of them shall remain, or may award their custody to some third person if it seems expedient or for the benefit of the children; and, afterward may from time to time, upon the action of either parent, or of a next friend, revise and alter such judgment or make a new judgment, as the circumstances of the parents and the benefit of the children may require.

SECTION 30. Said chapter 208 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section: —

Section 29. If, after a divorce has been adjudged in another jurisdiction, minor children of the marriage are inhabitants of, or residents in this commonwealth, the superior court or probate court for the county in which said minors or any of them are inhabitants or residents, upon an action of either parent or of a next friend in behalf of the children, after notice to both parents, shall have the same power to make judgments relative to their care, custody, education and maintenance, and to revise and alter such judgments or make new judgments, as if the divorce had been adjudged in this commonwealth.

SECTION 31. Section 32 of said chapter 208, as so appearing, is hereby amended by striking out, in line 1, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 32. Section 32 of said chapter 208 is hereby further amended by striking out section 32, as so appearing, and inserting in place thereof the following section: —

Section 32. Any court having jurisdiction of actions for divorce or nullity of marriage, separate support, or maintenance, or of any other proceeding in which the care and custody of any child is drawn in question, may issue a writ of habeas corpus to bring before it such child. The writ may be made returnable forthwith before the court by which it is issued, and, upon its return, said court may make any appropriate order or judgment relative to the child who may thus be brought before it.

SECTION 33. Said chapter 208 is hereby further amended by striking out section 34, as amended by chapter 565 of the acts of 1964, and inserting in place thereof the following section: —

Section 34. Upon a divorce or upon motion in an action brought at any time after a divorce, the court may make a judgment for either of the parties to pay alimony to the other. In addition to or in lieu of a judgment to pay alimony, the court may assign to either the husband or wife all or any part of the estate

of the other. In determining the amount of alimony, if any, to be paid, or in fixing the nature and value of the property, if any, to be so assigned, the court, after hearing the witnesses, if any, of each party, shall consider the length of the marriage, the conduct of the parties during the marriage, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. The court may also consider the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.

SECTION 34. Said chapter 208 is hereby further amended by striking out section 34A, added by chapter 415 of the acts of 1963, and inserting in place thereof the following section: —

Section 34A. Whenever a judgment for alimony shall be made in a proceeding for divorce directing that a deed, conveyance or release of any real estate or interest therein shall be made such judgment shall create an equitable right to its enforcement, subject to the provisions for recording of notice in section fifteen of chapter one hundred and eighty-four, in the party entitled thereto by the judgment, and if the judgment has not been complied with at the time the judgment of divorce becomes absolute, and is thereafter recorded in the manner provided by section forty-four of chapter one hundred and eighty-three, then the judgment itself shall operate to vest title to the real estate or interest therein in the party entitled thereto by the judgment as fully and completely as if such deed, conveyance or release had been duly executed by the party directed to make it.

SECTION 35. Chapter 208 of the General Laws is hereby amended by striking out section 34B, inserted by chapter 321 of the acts of 1975, and inserting in place thereof the following section: —

Section 34B. Any court having jurisdiction of actions for divorce, or for nullity of marriage or of separate support or maintenance, may, upon commencement of such action and during the pendency thereof, order the husband or wife to vacate forthwith the marital home for a period of time not exceeding ninety days, and upon further motion for such additional certain period of time, as the court deems necessary or appropriate if the court finds, after a hearing, that the health, safety or welfare of the moving party or any minor children residing with the parties would be endangered or substantially impaired by a failure to enter such an order. The opposing party shall be given at least three days' notice of such hearing and may appear and be heard either in person or by his attorney. If the moving party demonstrates a substantial likelihood of immediate danger to his or her health, safety or welfare or to that of such minor children from the opposing party, the court may enter a temporary order without notice, and shall immediately thereafter notify said opposing

party and give him or her an opportunity to be heard as soon as possible but not later than five days after such order is entered on the question of continuing such temporary order. The court may issue an order to vacate although the opposing party does not reside in the marital home at the time of its issuance, or if the moving party has left such home and has not returned there because of fear for his or her safety or for that of any minor children.

SECTION 36. Section 35 of said chapter 208, as amended by chapter 57 of the acts of 1950, is hereby amended by striking out, in lines 1 and 4, the word "decrees" and inserting in place thereof, in each instance, the word: — judgments.

SECTION 37. Said chapter 208 is hereby further amended by striking out section 36, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 36. When alimony or an annual allowance is adjudged for the wife or children, the court may require sufficient security for its payment according to the judgment.

SECTION 38. Said chapter 208 is hereby further amended by striking out section 37, as so appearing, and inserting in place thereof the following section: —

Section 37. After a judgment for alimony or an annual allowance for the wife or children, the court may, from time to time, upon the action for modification of either party, revise and alter its judgment relative to the amount of such alimony or annual allowance and the payment thereof, and may make any judgment relative thereto which it might have made in the original action.

SECTION 39. Section 39 of said chapter 208, as so appearing, is hereby amended by striking out, in line 1, the word "decreed" and inserting in place thereof the word: — adjudged.

SECTION 40. Section 41 of said chapter 208, as so appearing, is hereby amended by striking out, in line 4, the words "upon a libel" and inserting in place thereof the words: — in an action.

SECTION 41. Section 42 of said chapter 208, as so appearing, is hereby amended by striking out, in line 3, each time it appears and in line 6, the word "decree" and inserting in place thereof, in each instance, the word:— judgment.

SECTION 42. Said chapter 208 is hereby further amended by striking out section 46, as amended by chapter 86 of the acts of 1952, and inserting in place thereof the following sentence: —

Section 46. The clerks of the courts, the clerk of the superior court for civil business in Suffolk county and the registers of probate shall annually, in February, make returns for the last preceding calendar year to the state secretary, upon suitable blank forms provided by him, of the names and addresses of the persons divorced, the date and number of the judgment and of the number of complaints pending at the beginning of the year, the number of actions filed within the year, the number of judgments for divorce granted, the number of divorces refused, the

number of actions contested, the number of actions uncontested, the alleged cause for divorce in each case, the sex of the plaintiff and the length of time the parties have been married, and the number of cases in which notice has been given to the district attorney for prosecution under section forty-five and the crime for which divorce has been granted in such cases.

SECTION 43. Chapter 209 of the General Laws is hereby amended by striking out section 30, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 30. A probate court, upon a complaint of a married woman whose husband, abandoning and not sufficiently maintaining her, has absented himself from this commonwealth, or has been sentenced to confinement in the state prison, may authorize her to sell, convey, receive and receipt for her real and personal property, any personal property which may have come to her husband by reason of the marriage and remains in this commonwealth undisposed of by him or any personal property to which he is entitled in her right, and to use and dispose of the same or the proceeds thereof, during his absence or imprisonment, as if she were sole; and the authority so granted shall continue until the husband returns to this commonwealth and claims his marital rights, or is discharged from prison. Such complaint may be commenced, heard and determined in the probate court in any county, and notice shall be given as provided in the case of actions for divorce when the defendant is out of this commonwealth.

SECTION 44. Said chapter 209 is hereby further amended by striking out section 32, as most recently amended by chapter 230 of the acts of 1974, and inserting in place thereof the following section: —

Section 32. If a husband fails, without justifiable cause, to provide suitable support for his wife, or deserts her, or if the wife has justifiable cause for living apart from her husband, or if the husband is deserted by his wife or has justifiable cause for living apart from his wife, whether or not he or she is actually living apart, the probate court may, upon his or her complaint, or if he or she is incompetent due to mental illness or mental retardation, upon complaint of the guardian or next friend, prohibit the husband or wife from imposing any restraint on the personal liberty of the other during such time as the court by its order may direct or until further order of the court thereon and upon the complaint of any such party or guardian of a minor made in accordance with the Massachusetts Rules of Civil Procedure the court may make further orders relative to the support of the wife and the care, custody and maintenance of their minor children, may determine with which of their parents the children or any of them shall remain and may, from time to time, upon similar complaint revise and alter such

judgment or make a new order or judgment as the circumstances of the parents or the benefit of the children may require.

Upon request by the court, the state police, local police or probation officers shall make an investigation in relation to any proceedings and report to the court. Every such report shall be in writing and shall become part of the records of such proceedings.

SECTION 45. Sections thirty-two A, thirty-two B and thirty-two C of said chapter two hundred and nine are hereby repealed.

SECTION 46. Said chapter 209 is hereby further amended by striking out section 32D, inserted by chapter 450 of the acts of 1970, and inserting in place thereof the following section: —

Section 32D. Whenever in any proceeding under section thirty-two a judgment shall be entered directing that a deed, conveyance or release of certain real estate, or interest therein, be made, such judgment shall create an equitable right to its enforcement subject to the provision for recording of notice in section fifteen of chapter one hundred and eighty-four, in the party entitled thereto by the judgment, and if the judgment has not been complied with within three months after said judgment has been entered and a certified copy of said judgment is recorded or registered in the manner provided by section forty-four of chapter one hundred and eighty-three, then the judgment itself shall operate to vest title to the real estate or interest therein in the party entitled thereto by the judgment as fully and completely as if such deed, conveyance or release had been duly executed by the party directed to make it, and so recorded.

SECTION 47. Said chapter 209 is hereby further amended by striking out section 33, as most recently amended by chapter 360 of the acts of 1933, and inserting in place thereof the following section: —

Section 33. In an action for separate support or maintenance, an attachment of the defendant's property may be made as upon an action for divorce; and sections seventeen, thirty-three, thirty-five, and thirty-eight of chapter two hundred and eight shall apply to proceedings upon such complaint and to all subsidiary proceedings arising thereunder, so far as appropriate.

SECTION 48. Said chapter 209 is hereby further amended by striking out section 34, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 34. An action under section thirty-two or thirty-six may be brought in the county where either of the parties lives, except that if the plaintiff has left the county where the parties have lived together and the defendant still lives therein, the action shall be brought in that county.

SECTION 49. Section 35 of said chapter 209, as so appearing, is hereby amended by striking out, in line 1, the word "decree" and inserting in place thereof the word: — judgment.

SECTION 50. Said chapter 209 is hereby further amended by

striking out section 36, as so appearing, and inserting in place thereof the following section: —

Section 36. A probate court may upon complaint of a husband or, if he is insane, of his guardian or next friend, enter a judgment that said husband has been deserted by his wife or that he is living apart from her for justifiable cause, and he may thereafter convey his real estate in the same manner and with the same effect as if he were sole; and the surviving wife shall not be entitled under section fifteen of chapter one hundred and ninety-one to waive the provisions of a will made by him or to claim such portion of his estate as she would take if he had died intestate, nor shall she be entitled upon his death, if he leaves a will, to dower in his estate, as provided in section one of chapter one hundred and eighty-nine. Section seventeen of chapter two hundred and eight shall apply to proceedings upon such complaint, so far as applicable.

SECTION 51. Said chapter 209 is hereby further amended by striking out section 37, as so appearing, and inserting in place thereof the following section: —

Section 37. If the parents of minor children live apart from each other, not being divorced, the probate court for the county in which said minors or any of them are residents or inhabitants, upon complaint of either parent, or of a next friend in behalf of the children after notice to both parents, shall have the same power to make judgments relative to their care, custody, education and maintenance, and to revise and alter such judgments or make new judgments, as the superior court has relative to children whose parents are divorced.

SECTION 52. Section 2 of chapter 215 of the General Laws, as so appearing, is hereby amended by inserting before the word "decree", in line 3, the word: — judgment,.

SECTION 53. Said chapter 215 is hereby further amended by striking out section 3, as most recently amended by section 6 of chapter 722 of the acts of 1962, and inserting in place thereof the following section:—

Section 3. Probate courts shall have jurisdiction of probate of wills, of granting administration on the estates of persons who at the time of their decease were inhabitants of or residents in their respective counties and of persons who die out of the commonwealth leaving estate to be administered within their respective counties; of the appointment of guardians and conservators; of all matters relative to the estates of such deceased persons and wards; of petitions for the adoption of children, and for change of names; of actions for divorce or for affirming or annulling marriage brought in the probate court; of proceedings transferred to it under the provisions of section four A of chapter two hundred and eleven; and of such other matters as have been or may be placed within their jurisdiction. Whenever service of any notice, summons, citation, order or other process in any of

the foregoing proceedings is ordered to be made by publication the names of the estates or parties to such proceedings shall be printed in bold type.

SECTION 54. Said chapter 215 is hereby further amended by striking out section 4, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 4. Probate courts shall have exclusive original jurisdiction of actions by married women relative to their separate estate, and of actions relative to the care, custody, education and maintenance of minor children provided for by sections thirty and thirty-seven of chapter two hundred and nine.

SECTION 55. Said chapter 215 is hereby further amended by striking out section 6, as most recently amended by section 63 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 6. Probate courts shall have original and concurrent jurisdiction with the supreme judicial and superior courts of all cases and matters of equity cognizable under the general principles of equity jurisprudence and, with reference thereto, shall be courts of general equity jurisdiction, except that the superior court shall have exclusive original jurisdiction of all actions in which injunctive relief is sought in any matter growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine; provided, however, that in proceedings of which probate courts have jurisdiction by reason of the provisions of this paragraph a plaintiff, defendant, or intervener may, within seven days after proper service has been made upon all parties, remove the case to the superior court. The removing party shall first pay the register of probate an entry fee equal to that for an original entry in the superior court and shall file with the register a notice of removal and an affidavit setting forth the names and addresses of all other parties to the action and of their attorneys. The register shall forthwith transmit all papers in the case and said entry fee to the clerk of the superior court for the county in which the action was originally commenced, and shall notify in writing all parties and their attorneys of the transfer. Thereafter the case shall proceed as if originally commenced in the superior court except that any temporary orders or preliminary injunctions issued by the probate court shall remain in full force and effect until further order of the superior court.

Probate courts shall also have jurisdiction concurrent with the supreme judicial and superior courts, of all cases and matters in which equitable relief is sought relative to: (*i*) the administration of the estates of deceased persons; (*ii*) wills, including questions arising under section twenty of chapter one hundred and ninety-one; (*iii*) trusts created by will or other written instrument; (*iv*) cases involving in any way the estate of a deceased person or the property of an absentee whereof a receiver has been appointed

under chapter two hundred or the property of a person under guardianship or conservatorship; (*v*) trusts created by parol or constructive or resulting trusts; (*vi*) all matters relative to guardianship or conservatorship; and (*vii*) actions such as one described in clause (11) of section three of chapter two hundred and fourteen and of all other matters of which they now have or may hereafter be given jurisdiction. They shall also have jurisdiction to grant equitable relief to enforce foreign judgments for support of a wife or of a wife and minor children against a husband who is a resident or inhabitant of this commonwealth, upon an action by the wife commenced in the county of which the husband is a resident or inhabitant. They shall, after the divorce judgment has become absolute, also have concurrent jurisdiction to grant equitable relief in controversies over property between persons who have been divorced. They shall also have jurisdiction of an action by an administrator, executor, guardian, conservator, receiver appointed as aforesaid or trustee under a will to enjoin for a reasonable period of time the foreclosure, otherwise than by open and peaceable entry, of a mortgage on real estate, or the foreclosure of a mortgage on personal property, which real estate or personal property is included in the estate or trust being administered by such fiduciary, if in the opinion of the court the proper administration of the estate or trust would be hindered by such foreclosure. They shall also have jurisdiction, concurrent with the superior court, of proceedings in which equitable relief is sought under sections seven to twelve, inclusive, of chapter one hundred and seventeen and section twenty-six of chapter one hundred and twenty-three.

Notwithstanding any contrary or inconsistent provisions of the General Laws, procedure in cases in the probate court within the jurisdiction granted by this section shall be governed by the Massachusetts Rules of Civil Procedure.

SECTION 56. Section 8A of said chapter 215, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "final", in line 1, the words: — judgment or.

SECTION 57. Said chapter 215 is hereby further amended by striking out section 9, as most recently amended by section 65 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 9. A person aggrieved by an order, judgment, decree or denial of a probate court made after this chapter takes effect, may, within thirty days after the entry thereof, appeal therefrom to the appeals court or, subject to the provisions of section ten of chapter two hundred and eleven A, to the full court of the supreme judicial court. Said courts shall have like powers and authority with respect thereto as upon an appeal in any civil action.

SECTION 58. Said chapter 215 is hereby further amended by striking out section 11, as amended by section 3 of chapter 365 of the acts of 1947, and inserting in place thereof the following section: —

Section 11. In cases not governed by the Massachusetts Rules of Civil Procedure or comparable rules for domestic relations matters, the judge by whom an order, judgment, decree or denial was made shall report the material facts found by him, on request of any party entitled to appeal therefrom made within ten days after such party has notice of such order, judgment, decree or denial; otherwise such report shall be in the discretion of the judge.

SECTION 59. Section 13 of said chapter 215, as most recently amended by section 68 of chapter 1114 of the acts of 1973, is hereby further amended by inserting after the word "interlocutory", in line 6, the word: — judgment,.

SECTION 60. Said chapter 215 is hereby further amended by striking out section 14, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 14. Interlocutory judgments and decrees not appealed from shall be open to revision upon appeals from final judgments and decrees so far only as it appears to the appeals court or supreme judicial court that such final judgments and decrees are erroneously affected thereby.

SECTION 61. Section fifteen of said chapter two hundred and fifteen is hereby repealed.

SECTION 62. Said chapter 215 is hereby amended by striking out section 22, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 22. After an appeal has been claimed and filed in the registry of probate, all proceedings in pursuance of the act appealed from shall, except as otherwise expressly provided, be stayed until the determination thereof by the supreme judicial court or appeals court; but if, upon such appeal, such act is affirmed, it shall thereafter be of full force and validity. An appeal from an interlocutory order, judgment or decree, however, shall not suspend proceedings under the same pending the appeal, except as otherwise expressly provided by law, but an appeal from an order granting or refusing jury issues shall be heard and determined by the supreme judicial court or appeals court without awaiting further proceedings in the probate court.

SECTION 63. Said chapter 215 is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section:—

Section 24. The preceding section shall apply to orders or judgments of probate courts in proceedings under chapter two hundred and eight, and under sections thirty-two and thirty-seven of chapter two hundred and nine.

SECTION 64. Said chapter 215 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:—

Section 28. The supreme judicial court or appeals court may, upon appeal, reverse or affirm, in whole or in part, any judgment, decree or order of the probate court, and may enter such

judgment or decree thereon as the probate court should have entered, may remand the case for further proceedings, or make any order therein as law and justice may require.

SECTION 65. Section twenty-nine of said chapter two hundred and fifteen is hereby repealed.

SECTION 66. Said chapter 215 is hereby further amended by striking out section 32, as so appearing, and inserting in place thereof the following section: —

Section 32. Judges of the probate courts may transact business out of court at any time and place, if all parties entitled to notice assent thereto in writing or voluntarily appear; and in such cases their judgments and decrees shall be entered as of such sessions of the court as the convenience of the parties may require.

SECTION 67. Said chapter 215 is hereby further amended by striking out section 34, as most recently amended by section 71 of chapter 1114 of the acts of 1973, and inserting in place thereof the following section: —

Section 34. Probate courts shall have like power and authority for enforcing orders, sentences, judgments and decrees made or pronounced in the exercise of any jurisdiction vested in them, and for punishing contempts of such orders, sentences, judgments and decrees and other contempts of their authority, as are vested for such or similar purposes in the supreme judicial or superior court in relation to an action in which equitable relief is sought pending therein. A judge of the probate court sentencing a person to jail for failure to obey a judgment of the court relative to the support of his wife or minor children may order that the sentence be served during such hours as will permit such person to continue his employment.

SECTION 68. Said chapter 215 is hereby further amended by striking out section 34A, as amended by chapter 602 of the acts of 1970, and inserting in place thereof the following section: —

Section 34A. Actions for contempt against any party for failure to obey any judgment of the probate court relative to support of a wife or children or affecting the custody of children shall be commenced in accordance with the rules of probate courts applicable to domestic relations matters.

The cost of such service shall, upon approval of the court, be borne by the county. If the party summonsed for contempt fails to appear, the court may order a capias to issue which shall be returnable forthwith or at such time as the court may order. The capias shall be served by a deputy sheriff and the costs of service, upon approval of the court, shall be paid by the county.

Any judge of probate may with the approval of the chief of police, through the office of said chief, order a police officer to make service of the summons or of a capias if, in his opinion, service by a police officer is necessary in order to promote the efficient enforcement of this section. The schedule of fees in section eight of chapter two hundred and sixty-two shall not apply to cost of service made pursuant to this section.

SECTION 69. Said chapter 215 is hereby further amended by striking out section 36, as most recently amended by chapter 331 of the acts of 1960, and inserting in place thereof the following section: —

Section 36. Judgments, decrees and orders of probate courts shall be in writing, and in contested cases or in cases wherein the court has reserved judgment, notices thereof shall be given by the registers to the attorneys of record, and in the absence of an attorney of record, to any party who has appeared personally and given his address. The registers shall record in books kept therefor such judgments, decrees, orders and other proceedings in said courts and such instruments, as shall be determined by rules made from time to time under section thirty, by entering the same upon the pages thereof in fair and legible handwriting, printing, typewriting, or by photographic process, or by any combination of any two or more of such methods. They may also direct the recording of any judgments, decrees, orders, instruments and other proceedings in their offices, irrespective of the time when such judgments, decrees, orders, instruments or other proceedings were made, received or held, by means of microphotography or other similar photographic process, and, in such case need not maintain books for such records, but shall provide such filing equipment therefor as they deem proper, the cost of which shall be paid by the county. When such recording is by photographic process, registers shall keep an alphabetical index thereof, or other appropriate description of and reference to the film upon which such recording may be found.

SECTION 70. Said chapter 215 is hereby further amended by striking out section 39B, inserted by chapter 312 of the acts of 1951, and inserting in place thereof the following section: —

Section 39B. When a judgment or decree is entered in a contested proceeding seeking equitable relief or on an account or to determine the construction of a will or of any trust instrument or to determine any question as to the powers, rights or duties of any fiduciary under any written instrument or to determine any question with respect to services rendered by any such fiduciary or the compensation of such fiduciary for such services, the probate court may, in its discretion as justice and equity may require, provide that such sums as said court may deem reasonable be paid out of the estate in the hands of such fiduciary to any party to the proceeding on account of counsel fees and other expenses incurred by him in connection therewith. The sums awarded shall be specified in the judgment or decree which may in such case direct that any sum so awarded to any party be paid in whole or in part to this counsel. The probate court, subject to appeal, shall have like powers when entering a judgment or decree after the receipt of a rescript from the supreme judicial or appeals court unless the rescript shall specifically direct otherwise. The counsel of any party to whom an award might be made under this section on account of counsel fees or expenses may file

and prosecute in his own name a petition under section thirty-nine A for the payment directly to him of any sum or sums which the court would have power to award the party. A person interested, whose counsel would have standing hereunder or under section thirty-nine A, shall have standing to institute and prosecute a petition for the determination of any sum or sums which the court would have power to award against such person.

SECTION 71. Said chapter 215 is hereby further amended by striking out section 46, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 46. When personal service is required of any summons or citation issued by a probate court, the court may direct such service to be made by registered mail addressed to the party entitled thereto at his post office address. Further service may be ordered.

SECTION 72. Said chapter 215 is hereby further amended by striking out section 56A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 56A. Any judge of a probate court may appoint a guardian ad litem to investigate the facts of any proceeding pending in said court relating to or involving questions as to the care, custody or maintenance of minor children and as to any matter involving domestic relations except those for the investigation of which provision is made by section sixteen of chapter two hundred and eight. Said guardian ad litem shall, before final judgment or decree in such proceeding, report in writing to the court the results of the investigation, and such report shall be open to inspection to all the parties in such proceeding or their attorneys. The compensation shall be fixed by the court and shall be paid by the county where the proceeding is held, together with any expenses approved by the court, upon certificate by the judge to the county treasurer. The state police, local police and probation officers shall assist the guardian ad litem so appointed, upon his request.

SECTION 73. Said chapter 215 is hereby further amended by striking out section 56B, added by chapter 947 of the acts of 1971, and inserting in place thereof the following section: —

Section 56B. Any judge of a probate court may appoint a guardian ad litem to institute contempt proceedings under the provisions of section thirty-four A against any party for failure to obey judgments of the probate court involving care, custody or maintenance of minor children, and said guardian ad litem may personally serve throughout the commonwealth any summons or capias incidental to the enforcement of this section. The compensation shall be fixed by the court and shall be paid by the county where the proceeding is held, together with any expense approved by the court, upon certificate by the judge to the county treasurer. The state police, local police and probation officers shall assist the guardian ad litem so appointed, upon his request.

SECTION 74. Said chapter 215 is hereby further amended by striking out section 58, as amended by section 4 of chapter 449 of the acts of 1947, and inserting in place thereof the following section: —

Section 58. The probate court shall be open daily on days other than Saturdays, Sundays and legal holidays, for hearings, matters in equity, proceedings in contempt and for making orders, judgments and decrees in matters before them, except that, if the convenience of the public so requires, a court shall be open on any Saturday, not a legal holiday, for said purposes during such hours as the judge or judges thereof may determine. Notwithstanding the foregoing provisions, the times of hearings shall be discretionary with the judges of said courts.

SECTION 75. Said chapter 215 is hereby further amended by striking out section 60, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 60. If the regular time for holding a probate court occurs on a legal holiday or on the day of a state election, the court shall not be open, and all notices, summonses, citations, orders and other papers which would otherwise be made returnable at said regular time shall be made returnable on the next secular day thereafter.

SECTION 76. Chapter 217 of the General Laws is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section: —

Section 9. A judge of probate may, in any case in which a judgment, decree, order or allowance can be made without a hearing, and in any case after a hearing, make such judgment, decree, order or allowance, and approve bonds, at any place in the commonwealth, with the same effect as if so made and approved in his county; and if such judge, under section eight of this chapter, acts in a county other than his own, such judgment, decree, order or allowance may be signed, and bonds approved, outside the county where he may have been designated to act. This section shall not affect the validity of any judgment, decree, order or allowance signed or bond approved prior to March third, eighteen hundred and ninety-eight.

SECTION 77. Said chapter 217 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section: —

Section 21. He may at any time receive and place on file complaints, petitions and applications to the probate court or the court of insolvency, and may issue orders of notice, summonses and citations in like manner and with like effect as if issued by the judge; but if the judge considers such notice insufficient, he may order further notice.

SECTION 78. Said chapter 217 is hereby further amended by striking out section 22, as so appearing, and inserting in place thereof the following section: —

Section 22. The register may issue process of attachment and of execution, and all other processes and all warrants, letters and licenses necessary to carry into effect any order, judgment or decree of the courts, and they may run into any county and shall be executed and obeyed throughout the commonwealth. A facsimile of his signature imprinted by him on all such warrants, letters and licenses and all processes except executions shall have the same validity as his written signature. He may appoint appraisers to make any inventory required to be returned to said courts.

SECTION 79. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 2, 1975.*

Chap. 401. AN ACT LIMITING THE CHARGES FOR CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE FOR CERTAIN LOANS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 255 of the General Laws is hereby amended by inserting after section 12F the following section: —

Section 12G. Except as otherwise provided in section ten of chapter two hundred and fifty-five B, section fourteen A of chapter two hundred and fifty-five C and subsection C of section twenty-six of chapter two hundred and fifty-five D, in the event the charge or any portion thereof for insurance on the life of the borrower, issued under clause (*c*) of the first paragraph of section one hundred and thirty-three or accident and health insurance issued under clause (*j*) of subdivision (A) of section one hundred and ten, both of chapter one hundred and seventy-five, which shall be the only credit life insurance or credit accident and health insurance authorized in connection with a loan for personal, family or household purposes, except in the case of a loan secured by a first lien on real property, is paid by such borrower to the creditor, the premium shall not exceed fifty cents per one hundred dollars per year of the total of payments contracted to be paid and proportionately at such rates for greater or lesser periods and for greater or lesser amounts of each such life insurance or accident and health insurance coverage, regardless of the cost of such insurance to the creditor. In the event of prepayment of the note there shall be a refund of the charge for such insurance made under the so-called sums of the digits method. If the prepayment is made other than on an instalment due date it shall be deemed to have been made on the first instalment due date if the prepayment is before that date, and in any other case it shall be deemed to have been made on the next preceding or next succeeding instalment due date, whichever is nearer to the date of prepayment. The amount of death benefit payable shall be computed as of the date of death,

as follows: In the case of precomputation, the amount shall at no time be less than the unextinguished debt, including unearned charges. In the case of interest bearing loans other than precomputed loans, the amount shall be the unpaid principal balance plus the difference between the original total planned interest and the amount of interest actually earned. Any such unearned charges shall be refunded to the estate of the borrower. No group accident and health insurance policy shall have a waiting period in excess of thirty days.

SECTION 2. Section one hundred A of chapter one hundred and forty of the General Laws is hereby repealed.

SECTION 3. Section 114A of said chapter 140, as most recently amended by chapter 168 of the acts of 1969, is hereby further amended by striking out the fourth sentence.

Approved July 2, 1975.

Chap. 402. AN ACT EXTENDING THE TIME FOR REVISION OF PRECINCTS IN TOWNS AND OF PRECINCTS AND WARDS IN CITIES AND THE FILING OF SAID PLANS WITH THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of sections one and six of chapter fifty-four of the General Laws, as amended by chapter ten of the acts of nineteen hundred and seventy-five, a city or town authorized by said sections to divide its precincts or wards by June the fifteenth, nineteen hundred and seventy-five, and give written notice to the state secretary of said action by July the first, nineteen hundred and seventy-five, may make such division and give such written notice not later than August the fifteenth, nineteen hundred and seventy-five. Nothing in this act shall relieve any such city or town from compliance with the remainder of the provisions of said chapter ten of the acts of nineteen hundred and seventy-five. *Approved July 2, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 2, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 402 of the Acts of 1975, entitled, AN ACT EXTENDING THE TIME FOR REVISION OF PRECINCTS IN TOWNS AND OF PRECINCTS AND WARDS IN CITIES AND

THE FILING OF SAID PLANS WITH THE SECRETARY OF THE COMMONWEALTH., and the enactment of which received my approval on July 2, 1975, should take effect forthwith.

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

In order to immediately extend the time for revision of certain precincts and wards and the filing of certain plans.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 3, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and six minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and two of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 403. AN ACT DIRECTING THE DIVISION OF WATER POLLUTION CONTROL IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO AUTHORIZE THE OPENING OF THE MILL RIVER RECREATION AREA SWIMMING POOL IN THE TOWN OF AMHERST.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the opening for the summer months of the Mill River recreation area swimming pool in the town of Amherst, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the division of water pollution control in the department of environmental quality engineering is hereby authorized and directed to grant to the town of Amherst a discharge permit authorizing said town to open the Mill River recreation area swimming pool to public use and to operate said pool through September first, nineteen hundred and seventy-five.

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

Approved July 3, 1975.

Chap. 404. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the provisions of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four, except items: —

1100-1200
1101-9002
1130-1000
1599-0058
2410-9051
2422-9022
2423-3004
2423-3005
2425-9015
2426-9012
2426-9013
2430-9003
2430-9004
2430-9005
2441-0090
2444-9002
2444-9052
2611-0200
2681-0102
2670-2464
2670-2465
2681-0501
2681-0801
4180-9044
5381-0001
6020-2503
6030-7293
7000-0813
7010-0016
7028-0304
7210-9706
7511-9001
8312-9004
8312-9005
8312-9006

as amended by chapter six hundred and ninety-eight, except items 2611-9008 and 7010-0018, and chapter eight hundred and fifty-five of the acts of nineteen hundred and seventy-four, and as further amended by chapters fifty-four and one hundred and twelve, except items: —

0411-8014
4313-0001

4315-0001
4316-0001
6020-2907
8312-0100

and one hundred and seventy-six, two hundred and sixty-one, and three hundred and twenty-seven, except items: —

0511-0000
1201-2630
1599-0061
1599-0062
1599-2031
2614-1100
4313-0001
4316-0001
4400-1009
4401-1011
4401-2001
4402-5013
4403-2003
4406-2003
4512-0105
6010-0002
6020-2909
8312-0100
9221-1000

of the acts of nineteen hundred and seventy-five, making appropriations for the fiscal year nineteen hundred and seventy-five for the maintenance of departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements are hereby incorporated herein by reference, and the amounts specified therein shall be made available for the fiscal year nineteen hundred and seventy-six and shall be effective on the passage of this act; provided, that expenditures thereunder shall be limited to the amounts made available by allotment by the governor upon recommendation of the commissioner of administration; and, provided further, that said commissioner is hereby directed to limit the amounts so allotted to those appropriation accounts essential for the maintenance of services during the months of July and August.

The commissioner of administration is hereby further directed to limit the total amount allotted to any department, board, or commission subject to section nine B of chapter twenty-nine of the General Laws to an amount not to exceed ninety per cent of two-twelfths of the sums appropriated in the acts referred to above; provided, that the total allotment to any department, board or commission shall not exceed seventy-five per cent of two-twelfths of the amount provided therefor by said appropriation acts; provided, however, to meet critical needs resulting from said limitations, the allotment may, in the discretion of the

commissioner of administration, be increased to meet such need, provided that the existence of such critical need has been certified by the appropriate secretary and the commissioner of administration, and that the existence of the said need shall have been verified by the house and senate committees on ways and means; and, provided further, that the total amount made available in any subsidiary account shall be no greater than the amounts authorized by the chapters referred to in this section.

No secretary shall certify to critical needs which in total exceed the amounts listed below:

Executive Office for Administration and Finance	$4,987,350
Executive Office of Environmental Affairs	903,375
Executive Office of Communities and Development	824,625
Executive Office of Human Services	21,733,650
Executive Office of Transportation and Construction	1,675,125
Executive Office of Educational Affairs	4,648,200
Executive Office of Public Safety	528,825
Executive Office of Manpower Affairs	172,575
Executive Office of Elder Affairs	42,225
Executive Office of Consumer Affairs	155,925
	$35,671,875

For the purposes of this act, allocations made from the following accounts during the fiscal year nineteen hundred and seventy-five are hereby made available for expenditure by the University of Lowell:

7102-0001 — Educational Reference Material
7102-9604 — Disadvantaged Student Program
7105-0001 — Data Processing System

SECTION 2. Notwithstanding any provisions of the law to the contrary no increase in the budgetary standard allowance due to a cost-of-living adjustment so called shall be granted or paid during the months of July and August in any of the following items: —

4110-1010
4170-0400
4170-0500
4403-2000
4405-2000
4406-2000
4407-2000

SECTION 3. The following items of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four are exempt from the provisions of the allotment restrictions in section one: —

0640-0000
1120-2000
1599-3100
2520-0300

2520-0900
2520-1000
2520-1100
2520-1200
2520-1300
2520-1400
2520-1500
4403-2010
4403-2020
4403-2030
4403-2040
4403-2050
4403-2060
4403-2070
4403-2080
4403-2081
4403-2082
4403-2083
4403-2084
4403-2085

SECTION 4. Funds shall be allotted to provide for salary requirements of all permanent employees. All positions vacant, other than positions essential for the care of patients, on June thirtieth, nineteen hundred and seventy-five, shall remain vacant during the months of July and August, provided that vacancies for which there exists a critical need may be filled upon certification of the critical need by the commissioner of administration and a verification of said critical need by the house and senate committees on ways and means. No funds shall be allotted for overtime compensation unless it is essential to the safety and care of persons under the care and jurisdiction of the commonwealth.

SECTION 5. For the purposes of making available for expenditure in the fiscal year nineteen hundred and seventy-six certain balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and seventy-five, the unexpended balances of the following items of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four are hereby appropriated for the fiscal year nineteen hundred and seventy-six: —

0810-0014
1100-2401
1599-2012
2200-1000
2600-1491
2600-1492
6005-0010
6030-7605
7010-0012
8200-0100

SECTION 6. This act shall cease to be operative upon enactment into law of the general appropriation bill for the fiscal year nineteen hundred and seventy-six, or on August fifteenth, nineteen hundred and seventy-five, whichever is the earlier, and all action taken under this act shall apply against said appropriation act.

SECTION 7. Notwithstanding any provision of sections one, two, and six of this act to the contrary, funds for items of appropriation involving payrolls, direct payments, retirement allowances, pensions or annuities may be allotted in an amount not to exceed ninety per cent of two-twelfths of the amount provided by said appropriation acts.

SECTION 8. This act shall take effect upon its passage.

Approved July 3, 1975.

Chap. 405. AN ACT EXTENDING THE JURISDICTION OF THE LAND COURT TO CIVIL ACTIONS OF TRESPASS INVOLVING TITLE TO REAL ESTATE.

Be it enacted, etc., as follows:

Section 1 of chapter 185 of the General Laws is hereby amended by adding after paragraph (*n*), added by section 1 of chapter 722 of the acts of 1962, the following paragraph: —

(*o*) Civil actions of trespass to real estate involving title to real estate.

Approved July 5, 1975.

Chap. 406. AN ACT ESTABLISHING AN HISTORIC AND SCENIC DISTRICT PLANNING COMMISSION IN ESSEX COUNTY.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established an historic and scenic district planning commission in Essex county, hereinafter called the commission. One member of said commission shall be appointed by the mayor or city manager, as the case may be, of each of the cities of Beverly, Gloucester, Lynn, Peabody and Newburyport, and by the board of selectmen or town manager, as the case may be, of each of the towns of Boxford, Danvers, Essex, Georgetown, Ipswich, Hamilton, Manchester, Newbury, North Andover, Rockport, Rowley, Salisbury, Topsfield and Wenham. Any other city or town in Essex county may join said commission by appointing a member to the commission in like manner. No city or town listed in this section shall be required to be a member of the commission, and no city or town shall assume any obligations of any kind by membership in the commission. Members of the commission shall be unpaid.

The names of members appointed to the commission shall be filed with the state secretary. A quorum shall consist of eight

members. The commission may commence its work as soon as a quorum has been appointed. The first meeting of the commission shall be called by the first city or town to make an appointment of a member or on the second Wednesday of September, nineteen hundred and seventy-five.

In any city or town participating in the commission which does not have an historical commission, an advisory committee may be appointed by the mayor or city manager, board of selectmen or town manager, as the case may be, to assist the representative to the commission from such city or town.

SECTION 2. The commission may expend such sums as it may receive from any source and may travel throughout the county. Any municipal board or officer may cooperate with the commission and may furnish space or supplies. The commission may hold public hearings in and shall consult with the municipal officers and planning boards of the member communities and with other appropriate agencies.

SECTION 3. The commission shall make an investigation of the desirability of establishing a regional historic and scenic district and shall propose boundaries for such a district around the area served by state highway routes 1, 1A, 97, 127 and 133. The commission shall consider the organization, operation and control of the proposed district, estimate the operating costs of the district, prepare a major inventory identifying all the significant man-made and natural historic and scenic features and areas of the proposed district and prepare an analysis of said inventory to determine the location and concentration of significant historic and scenic features and areas. Such analysis shall identify important characteristics and allot values thereto and shall give consideration to the economic and housing needs of the area in order that the commission may determine what characteristics are important to preserve and where, how and what type of new development should occur. The commission shall prepare a master plan combining the inventory, analysis and a plan for growth, which plan may become the basis for policy to be established regarding historic, scenic and aesthetic preservation and proposed development. Said plan shall be a guide providing the member cities and towns with a basis for enacting zoning ordinances and by-laws and developing criteria for the issuance of certificates of appropriateness within the proposed district and to preserve the intrinsic values of their communities while providing for controlled growth. The commission shall develop criteria for use by historic district committees in issuing certificates of appropriateness as provided in sections six and seven of chapter forty C of the General Laws.

SECTION 4. The commission shall file any proposed legislation with the clerk of the senate. Any legislation proposed by the commission shall first be submitted either to the city council of a city or to a special or regular election or a town meeting of each

city or town affected. Failure to accept such legislation by one city or town shall not affect the acceptance of said legislation by other cities or towns unless the proposed legislation specifically requires such acceptance. The commission may file legislation which affects only those cities or towns which have accepted it.

SECTION 5. The provisions of this act shall cease to be operative on July first, nineteen hundred and seventy-eight.

Approved July 5, 1975.

Chap. 407. AN ACT FURTHER INCREASING THE AMOUNT OF EXEMPTION TO WHICH OWNERS OF ESTATES OF HOMESTEAD ARE ENTITLED.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 188 of the General Laws is hereby amended by striking out the word "twenty-four", inserted by section 1 of chapter 750 of the acts of 1974, and inserting in place thereof the word:— thirty.

SECTION 2. Section 9 of said chapter 188 is hereby amended by striking out the word "twenty-four", inserted by section 2 of said chapter 750, and inserting in place thereof the word: — thirty.

SECTION 3. Section 21 of chapter 209 of the General Laws is hereby amended by striking out the word "twenty-four", inserted by section 3 of said chapter 750, and inserting in place thereof the word:— thirty.

SECTION 4. Chapter 236 of the General Laws is hereby amended by striking out section 18, as most recently amended by section 4 of said chapter 750, and inserting in place thereof the following section:—

Section 18. If a judgment creditor requires an execution to be levied on property which is claimed by the debtor to be as a homestead exempt from such levy and if the officer holding such execution is of the opinion that the premises are of greater value than thirty thousand dollars, appraisers shall be appointed to appraise the property in the manner provided by section six. If, in the judgment of the appraisers, the premises are of greater value than thirty thousand dollars, they shall set off to the judgment debtor so much of the premises, including the dwelling house, in whole or in part, as shall appear to them to be of the value of thirty thousand dollars; and the residue of the property shall be levied upon and disposed of in like manner as land not exempt from levy on execution; and if the property levied on is subject to a mortgage, it may be set off or sold subject to the mortgage and to the estate of homestead, in like manner as land subject to a mortgage only.

SECTION 5. This act shall take effect on January first, nineteen hundred and seventy-six. *Approved July 5, 1975.*

Chap. 408. AN ACT DESIGNATING THE ATTORNEY GENERAL AS THE CHAIRMAN OF THE COMMITTEE ON CRIMINAL JUSTICE.

Be it enacted, etc., as follows:

The first paragraph of section 156 of chapter 6 of the General Laws, as appearing in section 2 of chapter 1021 of the acts of 1973, is hereby amended by inserting after the word "general", in line 2, the words: — who shall be chairman, — and by striking out the last sentence.

(The foregoing was laid before the Governor on the twenty-third day of June, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 409. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES BY CERTAIN RESTAURANTS IN THE TOWN OF SHARON.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven or section eleven A of chapter one hundred and thirty-eight of the General Laws, as to the time and manner of voting upon the questions therein set forth, the selectmen of the town of Sharon shall cause to be placed on the official ballot used in the town of Sharon by the registered voters of the town of Sharon at the annual town meeting to be held in the year nineteen hundred and seventy-six the following question, to wit:

E. Shall licenses be granted to this town for the sale therein of all alcoholic beverages by restaurants and function rooms having a seating capacity of not less than one hundred persons?

YES	
NO	

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized, until the end of calendar year nineteen hundred and seventy-six, the sale in said town of all alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than one hundred persons. Said licenses shall be subject, however, to all the other provisions of said chapter one hundred and thirty-eight.

SECTION 2. The state secretary shall cause to be placed on the official ballot to be used in the town of Sharon at the next biennial state election, and at each biennial state election thereafter until the voters of said town shall have voted in the affirmative three consecutive times or in the negative three consecutive times, the following subdivision to the question which he is required under the provisions of section eleven of chapter one hundred and thirty-eight of the General Laws to place on the official ballot in cities and towns at such elections, to wit:

E. Shall licenses be granted in this town for the sale therein of all alcoholic beverages by restaurants and function rooms having a seating capacity of not less than one hundred persons?

YES	
NO	

If a majority of the votes cast in said town in answer to subdivision E is in the affirmative, said town shall be taken to authorize, for the two calendar years next succeeding, the sale in said town of all alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than one hundred persons. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

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

Approved July 7, 1975.

Chap. 410. AN ACT EXEMPTING CERTAIN CERAMIC GLAZES FROM THE LEAD POISONING LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to allow the lead poisoning control director to exempt certain ceramic glazes from the provisions of the lead poisoning law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first paragraph of subsection (*b*) of section 196 of chapter 111 of the General Laws, as appearing in section 2 of chapter 1081 of the acts of 1971, is hereby amended by inserting after the word "covering", in line 3, the words: — including raw lead or the raw lead compounds utilized in the home manufacturing of glazes — , and by adding the following sentence: — The director may by regulation with the concurrence of a majority of the advisory committee exempt from the provisions of this subsection certain lead-based ceramic glazes or the raw lead and raw lead compounds utilized in the home manufacturing of glazes on such terms as he finds will not result in an additional danger to life or health. *Approved July 7, 1975.*

Chap. 411. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS' ORGANIZATIONS IN THE TOWN OF NATICK.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitations imposed by section eleven or eleven A of chapter one hundred and thirty-eight of the General Laws as to the time and manner of voting upon the

questions therein set forth, the town clerk of the town of Natick shall cause to be placed on the official ballot to be used in the town of Natick by the registered voters of said town at a special election to be held in the year nineteen hundred and seventy-five the following question, to wit:

Shall licenses be granted in the Town of Natick for the sale therein of all alcoholic beverages by clubs and war veterans' organizations?

YES	
NO	

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized, until the end of calendar year nineteen hundred and seventy-six, the sale in said town of all alcoholic beverages to be drunk on the premises of nationally chartered fraternal corporations and veterans' organizations as defined and limited in section twelve of said chapter one hundred and thirty-eight, notwithstanding any provisions of said section twelve to the contrary, and of clubs, which are not organized for commercial purposes as defined and limited in section one of chapter one hundred and thirty-eight, notwithstanding any provisions of said section one to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Natick at the next biennial state election, and at each biennial state election thereafter:

Shall licenses be granted in the Town of Natick for the sale therein of all alcoholic beverages by clubs and war veterans' organizations?

YES	
NO	

If a majority of the votes cast in said town in answer to said question is in the affirmative, said town shall be taken to have authorized, for the two calendar years next succeeding, the sale in said town of all alcoholic beverages to be drunk on the premises of nationally chartered fraternal corporations and veterans' organizations as defined and limited in section twelve of said chapter one hundred and thirty-eight, notwithstanding any provisions of said section twelve to the contrary, and of clubs which are not organized for commercial purposes as defined and limited in section one of chapter one hundred and thirty-eight, notwithstanding any provisions of said section one to the contrary. Said licenses shall be subject, however, to all other provisions of said chapter one hundred and thirty-eight.

The state secretary shall not cause the foregoing question to be placed on the ballot at any biennial state election in said town after the voters in response to said question have voted in the affirmative three consecutive times or in the negative three consecutive times, beginning with the biennial state election in the year nineteen hundred and seventy-six, unless there has been filed with said secretary, not later than the sixtieth day before the election at which such question would be submitted,

a petition, the forms for which may be obtained from said secretary, signed by a number of voters of said town at least equal to five per cent of the total number of voters registered at the last preceding town election. Such petitions shall be subject to the provisions of section seven of chapter fifty-three of the General Laws relative to the identification and certification of signatures and the time of submission to registrars.

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

Approved July 7, 1975.

Chap. 412. AN ACT DIRECTING THE COMMISSIONER OF MENTAL HEALTH TO SELL AND CONVEY A CERTAIN PARCEL OF LAND TO THE CITY OF WALTHAM.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to the city of Waltham for recreational purposes, at a nominal price to be determined by the secretary of administration by deed approved as to form by the attorney general, all the right, title and interest of the commonwealth in and to six acres of land north of Trapelo road and east of the entrance road on land of the Metropolitan state hospital.

The metes and bounds of said six acres of land are to be determined by mutual consent of the commissioner of mental health and the city of Waltham and are then to be described in the deed at the time of conveyance, said conveyance shall be subject to such conditions and restrictions as the commissioner of mental health may deem advisable, including a provision that title to such land shall revert to the commonwealth if such conditions and restrictions are not complied with within a period of five years thereafter.

SECTION 2. Chapter six hundred and ninety-three of the acts of nineteen hundred and sixty-nine is hereby repealed.

Approved July 7, 1975.

Chap. 413. AN ACT INCREASING THE SALARIES OF THE MEMBERS AND THE SECRETARY OF THE LICENSING BOARD FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 291 of the acts of 1906 is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 483 of the acts of 1970, and inserting in place thereof the following section: —

Section 2. The annual salary of the chairman of said board shall be twenty-two thousand dollars, that of each of the other

two members twenty-one thousand dollars and that of the secretary twenty-one thousand dollars. Such salaries shall be paid in monthly installments by the city of Boston.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-four. *Approved July 7, 1975.*

Chap. 414. AN ACT DESIGNATING THE BRIDGE ON STATE HIGHWAY ROUTE 140 OVER THE TAUNTON RIVER IN THE CITY OF TAUNTON AS THE EDWARD MCCARTHY MEMORIAL BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 140 over the Taunton river in the city of Taunton shall be designated and known as the Edward McCarthy Memorial bridge, in memory of Edward McCarthy, who was prominent in local, civic and veteran affairs. A suitable marker bearing such designation shall be attached thereto by the department of public works.

Approved July 7, 1975.

Chap. 415. AN ACT RELATIVE TO THE ACCELERATED HIGHWAY PROGRAM OF NINETEEN HUNDRED AND SEVENTY-TWO.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 765 of the acts of 1972 is hereby amended by striking out, in line 3, the words "nine million" and inserting in place thereof the words: — fifty-nine million.

SECTION 2. Section 6 of said chapter 765 is hereby amended by striking out, in line 6, the word "thirty-seven" and inserting in place thereof the word: — seventy-seven.

SECTION 3. Section 9 of said chapter 765 is hereby amended by striking out, in line 8, the word "seventy-two" and inserting in place thereof the word: — eighty-two.

SECTION 4. None of the monies authorized by sections one, two and three of this act shall be expended for feasibility studies preliminary to the depressing of the Central Artery, nor for land acquisition or design of a building to house the department of transportation and construction. *Approved July 7, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 7, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Consti-

tution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 415 of the Acts of 1975, entitled, AN ACT RELATIVE TO THE ACCELERATED HIGHWAY PROGRAM OF 1972, and the enactment of which received my approval on July 7, 1975 should take effect forthwith.

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

In order to immediately authorize the expenditure of certain highway funds.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 8, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 416. AN ACT EXPANDING THE AUTHORIZATION OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A NEW SUPERIOR COURT HOUSE IN THE COUNTY OF NORFOLK TO INCLUDE THE PROBATE COURT OF SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 1 of chapter 791 of the acts of 1974 is hereby amended by inserting after the word "superior" the words: — and probate.

SECTION 2. The first sentence of section 2 of said chapter 791 is hereby amended by inserting after the word "Superior" the words: — and Probate. *Approved July 8, 1975.*

Chap. 417. AN ACT AUTHORIZING THE LAND COURT TO TRANSFER CERTAIN LEGAL ACTIONS TO THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Section 15 of chapter 185 of the General Laws, as amended by section 25 of chapter 1114 of the acts of 1973, is hereby further amended by adding the following paragraph: —

The land court may, upon application of either party or upon its own motion, transfer to the superior court any action in which no right, title or interest to land is involved and which is not set forth in section one as being within the exclusive original jurisdiction of the land court. *Approved July 8, 1975.*

Chap. 418. AN ACT EXTENDING THE TIME WITHIN WHICH A PERSON ISSUED A CITATION FOR A VIOLATION OF THE MOTOR VEHICLE LAWS MAY REQUEST A HEARING.

Be it enacted, etc., as follows:

The third sentence of the definition of "Citation" in section 1 of chapter 90C of the General Laws, as appearing in section 2 of chapter 692 of the acts 1965, is hereby amended by striking out, in line 4, the words "twenty-four hours" and inserting in place thereof the words: — four days. *Approved July 8, 1975.*

Chap. 419. AN ACT AUTHORIZING THE TOWN OF HUDSON TO BORROW A CERTAIN SUM OF MONEY TO FUND SALARIES OF TEACHERS AND CERTAIN PROFESSIONAL EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson, by a two-thirds vote as defined in section one of chapter forty-four of the General Laws and with the approval of the board of selectmen and of the emergency finance board, hereinafter called the board, may borrow during the fiscal year commencing July first, nineteen hundred and seventy-five, inside its limit of indebtedness as prescribed by section ten of said chapter forty-four, a sum not exceeding six hundred thousand dollars for the purpose of funding that portion of the appropriation made for salaries of school teachers and any other professional employees of the school department earned prior to June thirtieth, nineteen hundred and seventy-five, but payable in July and August, nineteen hundred and seventy-five, and may issue bonds or notes therefor, which shall bear on their face the words Hudson School Teachers' Salary Loan, Act of 1975. Such loans shall be paid in not more than three years from their dates, as the board shall fix, and shall be subject to the provisions of said chapter forty-four.

SECTION 2. Any action taken pursuant to section one of this act is hereby validated and is effective as though this act was in effect at the time of the posting of the warrant of the annual town

meeting of the town of Hudson held in May, nineteen hundred and seventy-five for the fiscal year commencing July first, nineteen hundred and seventy-five. *Approved July 8, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 9, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 419 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE TOWN OF HUDSON TO BORROW A CERTAIN SUM OF MONEY TO FUND SALARIES OF TEACHERS AND CERTAIN PROFESSIONAL EMPLOYEES., and the enactment of which received my approval on July 8, 1975, should take effect forthwith.

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

In order to immediately authorize the town of Hudson to bortow a certain sum of money.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 10, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at nine o'clock and sixteen minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and nineteen of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 420. AN ACT INCREASING THE AMOUNT OF MONEY THE CITY OF PEABODY MAY BORROW FOR SEWERAGE, SEWERAGE TREATMENT AND SEWERAGE DISPOSAL PURPOSES.

Be it enacted, etc., as follows:

Section 1 of chapter 479 of the acts of 1966 is hereby amended by striking out, in line 5, the word "ten" and inserting in place thereof the word: — twenty. *Approved July 8, 1975.*

Chap. 421. AN ACT AUTHORIZING THE TREASURER OF THE CITY OF PITTSFIELD TO DEDUCT MONIES FROM PENSIONS AND RETIREMENT ALLOWANCES FOR DEPOSIT IN CREDIT UNIONS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law to the contrary, the treasurer of the city of Pittsfield shall deduct from the pension or retirement allowance of a retired employee of said city such sum as such retired employee may specify in writing and shall transmit the same to a credit union designated by such retired employee. *Approved July 8, 1975.*

Chap. 422. AN ACT REGULATING THE TERMINATION OF UTILITY SERVICES TO CERTAIN PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER.

Be it enacted, etc., as follows:

Chapter 164 of the General Laws is hereby amended by adding the following section: —

Section 124E. No gas or electric company shall shut off gas or electric service to any household in which all residents are sixty-five years of age or older, for failure to pay an outstanding indebtedness for said service without first complying with all rules and regulations of the department related thereto.

The department shall promulgate such rules and regulations as are necessary to ensure that termination of service shall be authorized only after said company has complied with such reasonable methods of collection as may be approved by the department. *Approved July 8, 1975.*

Chap. 423. AN ACT AUTHORIZING THE CITY OF BEVERLY TO REDRAW ITS WARD LINES.

Be it enacted, etc., as follows:

Notwithstanding any provision of the law to the contrary, the city of Beverly may by vote of its board of aldermen redraw the lines of its six wards so that the population within the said wards may be nearly as equal as possible; provided, that no precinct shall be established which includes all or part of more than one representative district; and provided further, that, notwith-

standing the provisions of section one of chapter fifty-four of the General Laws, the local election districts review commission shall review the redrawn ward lines only. Such redrawn ward lines shall be in effect for the municipal election to be held in the year nineteen hundred and seventy-five and all subsequent municipal elections. *Approved July 8, 1975.*

Chap. 424. AN ACT ESTABLISHING A TEMPORARY SYSTEM FOR THE REVIEW OF CHARGES FOR THE PURCHASE OF HOSPITAL CARE IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to stabilize hospital charges until the implementation of comprehensive legislation providing for a system to control the costs of purchasing hospital care in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. As used in this act, unless the context otherwise requires, the following words shall have the following meanings: —

"Base period", the twelve month period from April first, nineteen hundred and seventy-four, through March thirty-first, nineteen hundred and seventy-five.

"Commission", the rate setting commission established under section thirty-two of chapter six A of the General Laws.

"Charges", the amount to be billed or charged by a hospital to the general public for health supplies, care, services and accommodations in effect on October first, nineteen hundred and seventy-four, other than the differential between average weighted semi-private room and board charges and private room and board charges. "Charges" shall also include, in the case of health supplies, care, services or accommodations not offered by the hospital on October first, nineteen hundred and seventy-four but offered prior to April fifteenth, nineteen hundred and seventy-five, or offered for the first time after that date but for which notice was filed with the commission prior to that date, the amount billed or charged by a hospital to the general public for such health supplies, care, services or accommodations on the date such supplies, care, services or accommodations were first offered.

"Hospital", any institution whether operated for profit or charity, which is advertised, announced, established or maintained for the purpose of providing diagnosis, medical, surgical or restorative treatment for patients within the institution and which is licensed as a hospital by the department of public health under section fifty-one of chapter one hundred and eleven of the General Laws.

"New charges", any charges for hospital supplies, care, services or accommodations which were not offered by the hospital on April fifteenth, nineteen hundred and seventy-five whether or not a determination of need by the department of public health under section twenty-five C of chapter one hundred and eleven of the General Laws was required as a prerequisite to offering the service. "New charges", shall not include charges filed with the commission prior to April fifteenth, nineteen hundred and seventy-five, to become effective after said date.

"Total patient care charges", total gross earnings less contractual adjustments for publicly aided individuals.

"Total patient care costs", total patient care cost as defined for purposes of Title XVIII, including part A and part B patient care services, of the federal Social Security Act, increased by bad debts and free care.

SECTION 2. Any hospital which proposes to modify its charges shall submit an application therefor for approval by the commission at least sixty days prior to the implementation of such modification. Information supporting the proposed modification in charges, including a budget and projected and actual costs, volume and revenue data shall be furnished with the application. The commission may approve or disapprove such applications in whole or in part. Approval of any proposed modification in charge shall be deemed granted in the absence of written notification by the commission to the contrary, stating the reasons supporting the commission's action, within sixty days of such submission.

The commission shall from time to time issue regulations setting forth the procedure and substantive standards to be applied in reviewing applications for approval of modifications in charges. Said regulations shall provide that requested modifications in charges shall be supported by the reasonableness of the underlying costs and shall provide for the approval of proposed modifications in charges if: (*a*) the increase proposed is consistent with the rate of inflation in the economy generally, as measured by a composite price index to be specified in such regulations and based to the extent practicable, on any such index approved by the commission and contained in agreements subject to approval under the provisions of section five of chapter one hundred and seventy-six A of the General Laws; (*b*) any increase beyond that allowed by virtue of application of such index results from increases in volume not otherwise off-set by decreases in volume, such volume increases or decreases to be measured in a manner specified in such regulations; and (*c*) such increases, not otherwise justified by clauses (*a*) and (*b*), result from cost increases beyond the reasonable control of the individual hospital. The commission shall provide for modification in charges if the applicant hospital's ratio of total patient care costs to total patient care charges for the applicable fiscal

year exceed ninety-five per cent, such modification to permit said hospital to establish the ratio at ninety-five per cent. In the case of an applicant hospital for which such ratio equals or is less than ninety-five per cent, the commission shall not approve any requested modification, or part thereof, which would produce a ratio of total patient care costs to total patient care charges in the applicable fiscal year which is below the applicant hospital's base period of total patient care cost to total patient care charges. In reviewing applications under this section, the commission may consider changes in charges necessary to cover changes in intensity of services and changes in medical practice. In developing such regulations, the commission shall consult with representatives of nonprofit hospital service corporations, the Massachusetts Hospitals Association, and companies authorized to sell accident and health insurance under chapter one hundred and seventy-five of the General Laws.

SECTION 3. Any hospital which intends to implement a new charge shall submit an application for approval of such new charge to the commission at least sixty days prior to the implementation of such new charge. Information supporting the new charge, including a budget and projected cost, volume, utilization and revenue data resulting from the new charge shall be furnished with the application. The commission may approve or disapprove such applications in whole or in part. Approval of any proposed new charge shall be deemed granted in the absence of written notification by the commission to the contrary, stating the reasons supporting the commission's action, within sixty days of such submission.

The commission shall from time to time issue regulations setting forth the procedure and substantive standards to be applied in reviewing an application for new charges. In reviewing such application, the commission shall consider the relation of the proposed charge to the reasonable cost of such health supplies, care, services, or accommodations, provided that the commission may not establish a charge for such item which produces a ratio of its costs to such charge which is less than the hospital's base period ratio of total patient care costs to total patient care charges.

SECTION 4. Any hospital which has modified its charges or implemented new charges for health supplies, care, services or accommodations subsequent to April fifteenth, nineteen hundred and seventy-five, and prior to the effective date of regulations issued by the commission under section two or three of this act, as the case may be, shall file an application for approval of such modification in charges or such new charges within twenty days of the effective date of such regulations.

The provisions of this section shall not apply to modifications in charges which were effective on or after April fifteenth, nineteen hundred and seventy-five, notice of which was filed with the

commission prior to that date. The procedures and substantive standards established by the commission under section two of this act for modifications in charges or under section three of this act for new charges, whichever is applicable, shall be applied by the commission in reviewing such application. Disapproval in whole or in part by the commission of such modification in charges or proposed new charges by any hospital shall result in the hospital adjusting such charges to the extent required by the commission effective ten days after receipt of such notice of commission action, provided that no adjustment shall result in a charge less than that in effect on April fifteenth, nineteen hundred and seventy-five.

SECTION 5. Any hospital aggrieved by action of the commission denying an application in whole or in part for a modification in charges under section two or section four or denying an application in whole or in part for approval of new charges under section three or section four may file an appeal in accordance with section thirty-six of chapter six A of the General Laws.

SECTION 6. Each hospital shall file with the commission within fifteen days after the effective date of this act a full and complete listing of its charges in effect on the first day of its fiscal year, commencing in nineteen hundred and seventy-four.

Each hospital shall submit to the commission a copy of the hospital's budget, duly approved by its governing board, at least thirty days prior to the commencement of its fiscal year, or within ten days following board approval, whichever is later. For hospitals with fiscal years commencing prior to October first, said budgets for the fiscal year ending in nineteen hundred and seventy-six shall be submitted within thirty days after the effective date of this act.

SECTION 7. The commission shall issue such regulations as are necessary to implement the purposes of this act no later than thirty days following the effective date after this act, and may issue such additional regulations or modify existing regulations as may be necessary from time to time thereafter.

SECTION 8. Any hospital which makes a charge or accepts payment based upon a charge in excess of that permitted under this act or which fails to file with the commission data, statistics or schedules or other information required pursuant to this act or by any regulation promulgated by the commission or which falsifies the same shall be subject to a civil penalty of not more than one thousand dollars for each day on which such violation occurs or continues which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The attorney general of the commonwealth shall bring any appropriate actions including injunctive relief as may be necessary for the enforcement of this act.

SECTION 9. Sections one to eight, inclusive, of this act shall cease to be operative on January thirty-first, nineteen hundred and seventy-seven.

SECTION 10. The secretary of human services shall submit to the general court not later than October first, nineteen hundred and seventy-five, a proposal for a comprehensive system for controlling the costs of purchasing hospital care in the commonwealth. Said secretary, in preparing such a proposal, shall consult with representatives of interested parties, including the Massachusetts Hospitals Association, nonprofit hospital service corporations, companies authorized to sell accident and health insurance under chapter one hundred and seventy-five of the General Laws, consumers, health professionals, the federal Department of Health, Education and Welfare and state and regional planning agencies and shall submit to the general court a report on these consultations not later than October first, nineteen hundred and seventy-five. Such report shall include a summary of the opinions of the various interested parties consulted, a statement of the secretary's analysis of such opinions and the reasons for the secretary's decision to incorporate or not to incorporate such opinions in the proposal for a comprehensive system for controlling the costs of purchasing hospital care in the commonwealth. *Approved July 9, 1975.*

Chap. 425. AN ACT AUTHORIZING THE TOWN OF NORTH ATTLEBOROUGH TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The town of North Attleborough is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay the amount of three hundred dollars to Edward A. Peck, Jr., and the amount of three hundred dollars to Daniel Landry for site appraisals made by said Edward A. Peck, Jr. and Daniel Landry for the North Attleborough high school building committee during the year nineteen hundred and seventy-three, which bills were legally unenforceable against said town by reason of being beyond the authority of said committee.

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

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services which were not performed for said committee shall be punished by imprisonment for not more than

one year or by a fine of not more than three hundred dollars, or both.

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

Approved July 9, 1975.

Chap. 426. AN ACT FURTHER REGULATING AGREEMENTS OF COUNTY COMMISSIONERS AND TOWNS RELATIVE TO THE APPOINTMENT AND COMPENSATION OF BUILDING INSPECTORS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to clarify the authority of the county commissioners to immediately engage building inspectors, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted, etc., as follows:

The first paragraph of section 3 of chapter 143 of the General Laws, as most recently amended by section 11A of chapter 541 of the acts of 1974, is hereby further amended by adding the following two sentences: — The county commissioners shall apportion the budget approved for the building commissioner or inspector of buildings and local inspectors in accordance with said agreement. Said apportionment shall forthwith be certified by said commissioners to the board of selectmen of each member town and the amounts so certified shall be appropriated and paid to the county treasurer in accordance with provisions of said agreement.

Approved July 9, 1975.

Chap. 427. AN ACT PROVIDING FOR THE QUARTERLY PAYMENT OF THE AMOUNT ESTIMATED TO BE PAID AS TAXES BY CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 63B of the General Laws, as appearing in section 5 of chapter 714 of the acts of 1963, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The declaration of estimated tax required under section two shall be filed on or before the fifteenth day of the third month of the taxable year, except that if the requirements of section two are first met after the last day of the second month and before the first day of the twelfth month of the taxable year, the declaration shall be filed on or before the fifteenth day of the twelfth month of the taxable year.

SECTION 2. Section 4 of said chapter 63B, as so appearing, is hereby amended by striking out paragraphs (*a*) and (*b*) and inserting in place thereof the following two paragraphs: —

(*a*) If the declaration is filed on or before the fifteenth day of the third month of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration; the second installment shall be paid on the fifteenth day of the sixth month of the taxable year; the third installment shall be paid on the fifteenth day of the ninth month of the taxable year; and the fourth shall be paid on the fifteenth day of the twelfth month of the taxable year.

(*b*) If the declaration is filed after the fifteenth day of the third month of the taxable year, and is not required by section three to be filed on or before the fifteenth day of the third month of the taxable year, the estimated tax shall be paid in full on or before the fifteenth day of the twelfth month of the taxable year.

SECTION 3. The provisions of this act shall apply to taxable years commencing after Decemer thirty-first, nineteen hundred and seventy-five. *Approved July 9, 1975.*

Chap. 428. AN ACT PROVIDING THAT THE UNIT PRICING LAW SHALL APPLY TO CERTAIN RETAIL ESTABLISHMENTS OPERATED BY A PERSON AS HIS SOLE PLACE OF BUSINESS.

Be it enacted, etc., as follows:

The third paragraph of section 115A of chapter 6 of the General Laws, as appearing in section 1 of chapter 885 of the acts of 1970, is hereby amended by inserting after the word "business", in line 2, the words: — ; provided, that said establishment has a sales volume of less than one million dollars per year. *Approved July 9, 1975.*

Chap. 429. AN ACT RELATIVE TO THE AMOUNT OF MONEY WHICH THE STATE TREASURER IS AUTHORIZED TO BORROW UNDER THE CAPITAL OUTLAY LOAN, ACT OF 1973.

Be it enacted, etc., as follows:

The first sentence of section 5 of chapter 1180 of the acts of 1973 is hereby amended by striking out, in line 7, the words "seventy-seven million two hundred seventy-three" and inserting in place thereof the words: — forty-three million nine hundred thirty-five. *Approved July 9, 1975.*

Chap. 430. AN ACT PROVIDING THAT RAYMOND B. DeARVILLE SHALL, NOTWITHSTANDING CERTAIN MAXIMUM AGE REQUIREMENTS, BE ELIGIBLE FOR APPOINTMENT AS A CORRECTION OFFICER IN THE DEPARTMENT OF CORRECTION.

Be it enacted, etc., as follows:

Notwithstanding any law or rule to the contrary regulating the maximum age for applicants for appointment as a correction officer in the department of correction, Raymond B. DeArville shall be eligible to take the next open competitive examination for correction officer and, provided he meets all other requirements, shall be eligible for certification and appointment as a correction officer. *Approved July 9, 1975.*

Chap. 431. AN ACT PERMITTING CERTAIN ALIENS TO OBTAIN MARINE FISHERIES LICENSES.

Be it enacted, etc., as follows:

The second paragraph of section 38 of chapter 130 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 709 of the acts of 1973, and inserting in place thereof the following sentence: — A nonresident of the commonwealth who is a citizen of the United States or who is an alien who possesses an alien registration receipt card issued to him by the United States Department of Justice, Immigration and Naturalization Service, temporarily residing or intending temporarily to reside in any coastal city or town, and who owns more than five thousand dollars in real estate within the commonwealth as determined by tax records may, in any year, upon payment of the fee required by this section obtain a license to take lobsters or edible crabs during June, July, August and September of such year, for consumption only by the licensee and his family who are so residing. *Approved July 9, 1975.*

Chap. 432. AN ACT LIMITING ACTIONS UNDER THE CONSUMER PROTECTION LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 260 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence: — This section shall not apply to any action set forth in section five A.

SECTION 2. Said chapter 260 is hereby further amended by inserting after section 5 the following section: —

Section 5A. Actions arising on account of violations of any law intended for the protection of consumers, including but not limited to the following: chapter seventy-five C; chapter seventy-five D; section seven N of chapter ninety; sections twenty-one, twenty-one D, twenty-eight, forty-eight, forty-nine, sixty-nine, and seventy of chapter ninety-three; chapter

ninety-three A; chapter ninety-three C; sections forty-six A to forty-six R, inclusive, and sections ninety-six to one hundred and fourteen B, inclusive, of chapter one hundred and forty; chapter one hundred and forty C; chapter one hundred and seventy-six D; sections fourteen, fifteen B, fifteen C, and eighteen of chapter one hundred and eighty-six; sections twelve E, thirteen I, thirteen J, and thirteen K of chapter two hundred and fifty-five; chapter two hundred and fifty-five B; chapter two hundred and fifty-five C; and chapter two hundred and fifty-five D; whether for damages, penalties or other relief and brought by any person, including the attorney general shall be commenced only within four years next after the cause of action accrues.

Approved July 9, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 15, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 432 of the Acts of 1975, entitled, AN ACT LIMITING ACTIONS UNDER THE CONSUMER PROTECTION LAWS, and the enactment of which received my approval on July 9, 1975, should take effect forthwith.

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

In order to immediately implement an extended statute of limitation period for actions under certain consumer protection laws.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 15, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 433. AN ACT FURTHER REGULATING THE TRANSFER OF TITLE OF MOTOR VEHICLES BY INFORMAL ADMINISTRATION.

Be it enacted, etc., as follows:

The first sentence of the first paragraph of section 16 of chapter 195 of the General Laws is hereby amended by striking out, in lines 2 and 3, as appearing in section 12A of chapter 888 of the acts of 1970, the words "the total value of which does not exceed two thousand dollars" and inserting in place thereof the words: — which may include a motor vehicle of which the decedent was the owner, and other personal property not exceeding two thousand dollars in value. *Approved July 9, 1975.*

Chap. 434. AN ACT VALIDATING AND CONFIRMING THE LAYING OUT, ALTERATION, RELOCATION, DISCONTINUANCE OR ACCEPTANCE OF PUBLIC WAYS IN THE TOWN OF NANTUCKET.

Be it enacted, etc., as follows:

The laying out, alteration, relocation, discontinuance or acceptance of the following ways: Atlantic street, Bartlett road, Beach avenue, Beach walk, Boston avenue, Broad Street extension, Cabot lane, Cambridge street, Cato lane, Codfish Park road, Coffin way, Coleman lane, Cornish street, Delaney road, Derrymore road, East Lincoln avenue, Easton Street extension, Easy street, Eel Point road, Elbow land, "F" Street, Grand avenue, Grant avenue, "H" street, Harbor View way, Harbor View way & Walsh Street extension, Henry street, Hoicks Hollow road, Hulbert avenue, Hummock Pond road, "I" street, James street, Jefferson avenue, Johnson street, Lindberg road, Low Beach road, MacKay way, Macy lane, Madaket road, McKinley avenue, Monomoy road, Morey lane, Nobadeer Farm road, Oak street, Oak Street extension, Ocean avenue, Old South road, Polpis road, Quidnet road, Siasconset avenue, Shell terrace (King street), Sherburne turnpike, Somerset road, Somerset Road extension, South Prospect street, Sparks avenue, Sunset Hill road, Swain avenue, Vestal Street extension, Walsh street, Washington avenue, Washington Street extension, Wesco place, and Western avenue by the selectmen of the town of Nantucket, insofar as such laying out, alteration, relocation, discontinuance or acceptance may be invalid due to a failure to comply with the final recording requirements as provided in chapter eighty-two of the General Laws, is hereby validated and confirmed provided that within thirty days after the effective date of this act such final recording shall be made.

Approved July 9, 1975.

Chap. 435. AN ACT IMPOSING A PENALTY FOR THROWING OR DROPPING OBJECTS AT SPORTING EVENTS.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by inserting after section 35 the following section: —

Section 36. Any person who willfully drops, throws or otherwise releases any object, missile or other article at any sporting event with the intent to injure any person at such event shall be punished by a fine of not more than five hundred dollars or by imprisonment in the house of correction for not more than one year, or both. *Approved July 9, 1975.*

Chap. 436. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW PROVIDING FOR REGIONAL SCHOOL AID.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain corrective changes in the distribution of regional school aid by July first in the current year, therefore it is hereby declared an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 518 of the acts of 1958 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 2. Chapter 330 of the acts of 1960 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 3. Chapter 697 of the acts of 1962 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 4. Chapter 703 of the acts of 1962 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 5. Chapter 489 of the acts of 1963 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 6. Chapter 568 of the acts of 1964 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for the construction of regional schools.

SECTION 7. Chapter 751 of the acts of 1965 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 8. Chapter 428 of the acts of 1971 is hereby amended by striking out section 10, and inserting in place thereof the following section: —

Section 10. A regional school district shall be entitled to receive state aid for construction of regional schools. Each municipality comprising the regional school district shall continue to receive such state aid for educational purposes as it would be entitled to receive if such district had not been formed.

SECTION 9. Chapter 492 of the acts of 1974 is hereby amended by striking out section 13 and inserting in place thereof the following section: —

Section 13. Said chapter 71 is hereby further amended by striking out section 16D, as amended by chapter 779 of the acts of 1967, and inserting in place thereof the following section: —

Section 16D. (*a*) A regional school district shall be entitled to receive state aid for construction of regional schools. Each city or town in a regional school district whether established under special or general law shall continue to receive such state aid for educational purposes as it would be entitled to receive if such district had not been formed. In addition, the state treasurer

shall, subject to the provisions of subsection (*c*), upon certification by the commissioner of education annually pay on or before November twentieth to each regional school district an amount computed as follows:

(*i*) seventy per cent multiplied by the product of the regional school aid percentage multiplied by the regional reimbursable expenditures of the regional school district, for such districts which include grades kindergarten through twelve; or

(*ii*) fifty per cent multiplied by the product of the regional school aid percentage multiplied by the regional reimbursable expenditures of the regional school district, for all other regional school districts.

(*b*) The definitions in section two of chapter seventy shall apply to this section and the following words and phrases as used in this section shall have the following meanings: —

"Regional reimbursable expenditures", the total amount expended by a regional school district during a fiscal year for the support of public schools during said year exclusive of expenditures for transportation, for food for school food service programs and for capital outlays, after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds, and grants, gifts and receipts from any other source, to the extent that such receipts are applicable to such expenditures; provided, however, that in the first year that a regional school district is formed or the year in which a regional school district expands "regional reimbursable expenditures" shall mean the total amount expended by a regional school district in the fiscal year during which time the regional school district becomes operative or during which time the regional school district expands for the support of the public schools during said year exclusive of expenditures for transportation, for food for school food service programs, and for capital outlays, after deducting therefrom any receipts for tuition, receipts from the federal government, the proceeds of any invested funds and grants, gifts and receipts from any other source, to the extent that such receipts are applicable to such expenditures; provided however that amounts received by a regional school district under this section as school aid shall not be so deducted. The commissioner of education may, by regulation, further define the expenditures and receipts that may be included hereunder.

"Regional school aid percentage," the amount by which one hundred per cent exceeds the product, to the nearest tenth of one per cent, of sixty-five per cent multiplied by the regional valuation percentage; provided, however, that in no instance shall the regional school aid percentage be less than fifteen per cent.

"Regional valuation percentage," the proportion, to the nearest tenth of one per cent, which the total equalized valuation of all cities and towns in the regional school district divided by the

total school attending children in all cities and towns in the district bears to the average equalized valuation per school attending child in the cities and towns in regional school districts in the entire state.

(*c*) The receipt of the regional school aid as set forth in clauses (*i*) and (*ii*) of subsection (*a*) shall be subject to the following conditions:

(*i*) the formation of new regional school districts and the expansion of currently existing regional school districts shall be subject to the approval of the commissioner of education;

(*ii*) except as provided in clause (*iii*) of this subsection, no regional school aid shall be paid prior to the date of award of a contract for the construction of a regional school by the regional district school committee or prior to the date the regional district school committee enters into a lease of land and buildings or portions of buildings in lieu of such construction; and

(*iii*) in the case of regional school district formed for administrative purposes only, no regional school aid shall be paid prior to the date on which the regional school district has assumed jurisdiction over the pupils in the district and the commissioner of education has made a determination that member cities and towns have provided sufficient and adequate school facilities for each grade level included in the regional school district.

SECTION 9A. Any regional school district which has determined the amounts necessary to be raised to maintain and operate the district school or schools during the nineteen hundred and seventy-six fiscal year and amounts required for payment of debt and interest incurred by the district which will be due in such fiscal year without deducting the amount of aid such district is to receive for such fiscal year pursuant to section sixteen D of chapter seventy-one of the General Laws shall, immediately after notification of the amount of such aid, redetermine the amounts to be raised after deducting the amount of such aid and shall reapportion the amounts so determined among the several cities and towns in the regional district in accordance with the terms of the agreement.

To the extent that a regional district has determined amounts to be raised for the nineteen hundred and seventy-six fiscal year without deducting the amount of said aid to be received and has redetermined the amounts to be raised and reapportioned such amounts among the several cities and towns, the excess of the amount originally apportioned to any city or town over the amount apportioned after deducting said aid shall be included by the board of assessors of the city or town, when compiling the local tax rate under section twenty-three of chapter fifty-nine of the General Laws, with other estimated receipts. Such board of assessors shall show as an offset when compiling such rate the amount which represents the excess of the amount orig-

inally apportioned for the nineteen hundred and seventy-six fiscal year and the amount apportioned after deducting said aid.

SECTION 9B. For the purposes of computing the regional valuation percentage in section sixteen D of chapter sventy-one of the General Laws for the fiscal years ending June thirtieth, nineteen hundred and seventy-six and June thirtieth, nineteen hundred and seventy-seven, the equalized valuation of any city or town shall not be greater than twice the equalized valuation of such city or town as reported by the state tax commission on January first, nineteen hundred and seventy-three.

SECTION 10. Sections one to eight, inclusive, of this act shall take effect on July first, nineteen hundred and seventy-five.

Approved July 10, 1975.

Chap. 437. AN ACT AUTHORIZING THE CITY OF BOSTON TO CONVEY CERTAIN LANDS IN THE HYDE PARK DISTRICT OF SAID CITY TO THE METROPOLITAN DISTRICT COMMISSION FOR RECREATION AND FLOOD CONTROL PURPOSES.

Be it enacted, etc., as follows:

The city of Boston, acting by and through its parks and recreation commission, with the approval of the mayor of said city, is hereby authorized to convey the care, custody and control of a certain parcel of land located in the Hyde Park district of said city within the Fairview Cemetery, so called, to the metropolitan district commission for recreation, conservation and flood control purposes, said parcel being bounded and described as follows:

A certain parcel of land situated in Boston (Hyde Park) Suffolk County, Massachusetts, bounded and described as follows:

Beginning at a point at the northeasterly corner of the described parcel on the boundary line between land of the city of Boston (Fairview Cemetery) and the Commonwealth of Massachusetts (metropolitan district commission) which point is eighty and 0/10 (80.0) feet distant from the southerly side line of Fairview Avenue;

Thence continuing on said boundary line south 33° — 31' — 10" east sixteen and 0/10 (16.0) feet more or less to Mother Brook;

Thence by Mother Brook in a generally westerly direction along the flowage line established June 18, 1868, about two thousand and forty-five (2045) feet more or less;

Thence turning and running north 8° — 47' — 50" east two hundred and thirteen (213) feet more or less to a point;

Thence turning and running north 40° — 39' — 00" east twenty-six and 7/10 (26.7) feet to a point on the southerly side line of the metropolitan sewer easement, the last two (2) courses and distances are through land of the city of Boston.

Thence turning and running south 49° — 21' — 00" east two hundred six and 1/10 (206.1) feet to a point;

Thence by a line curving to the left with a radius of fifty and 0/10 (50.0) feet ten and 6/10 (10.6) feet;

Thence south 61° — 33' — 30" east three hundred twenty-eight and 5/10 (328.5) feet;

Thence by a line curving to the left with a radius of fifty and 0/10 (50.0) feet nineteen and 0/10 (19.0) feet;

Thence south 83° — 21' — 10" east three hundred seventy-three and 1/10 (373.1) feet;

Thence by a line curving to the left with a radius of fifty and 0/10 (50.0) feet twenty-five and 4/10 (25.4) feet;

Thence north 67° — 32' — 30" east four hundred thirty-nine and 5/10 (439.5) feet;

Thence by a line curving to the left with a radius of fifty and 0/10 (50.0) feet seven and 3/10 (7.3) feet;

Thence north 59° — 11' — 00" east four hundred seventy-four and 6/10 (474.6) feet to the point of beginning, the last nine (9) courses and distances are along the southerly side line of the aforementioned metropolitan sewer easement.

Containing three and 6/10 (3.6) acres more or less.

Approved July 10, 1975.

Chap. 438. AN ACT RELATIVE TO THE TIMELY MAILING OF CERTAIN TAX PAYMENTS.

Be it enacted, etc., as follows:

Chapter 58 of the General Laws is hereby amended by adding after section 50, added by section 1 of chapter 747 of the acts of 1974, the following section: —

Section 51. If any payment of tax to the commissioner is required to be made on or before a prescribed date and such payment is, after such date, delivered by the United States mail to the office where such payment is required to be made, the date of the United States postmark stamped on the envelope or other cover in which such payment is mailed shall be deemed to be the date of payment. This provision shall apply only if the postmark date falls on or before such prescribed date and the payment was deposited in the mail in the United States in an envelope or other appropriate wrapper, first class postage prepaid, properly addressed to the office where such payment is required to be made.

This section shall apply to any payment made under section five of chapter sixty-two B or under chapters sixty-four A, sixty-four B, sixty-four C, sixty-four E, sixty-four F, sixty-four G, sixty-four H, sixty-four I or one hundred and thirty-eight only if the date of mailing falls on or before the second day before such prescribed date and the payment was, on or before such second day, mailed in the United States in an envelope or other appropriate

wrapper, first class postage prepaid, properly addressed to the office where such payment is required to be made.

As used in this section, "United States postmark" means only a postmark made by the United States Post Office.

Approved July 10, 1975.

Chap. 439. AN ACT PROVIDING THAT CERTAIN MEMBERS OF THE WESTFIELD FIREMAN'S RELIEF ASSOCIATION MAY, UPON PENSION OR RETIREMENT FROM THE FIRE DEPARTMENT OF THE CITY OF WESTFIELD, BE PAID A CERTAIN SUM OF MONEY BY SAID ASSOCIATION IN LIEU OF DEATH BENEFITS.

Be it enacted, etc., as follows:

Any member of the Westfield Fireman's Relief Association, a corporation duly established by law, shall, if he so elects by a writing filed with the secretary of said association within sixty days after he is pensioned or retired from the fire department of the city of Westfield, and who has reached the age of fifty-five, receive from said association a sum equal to and in lieu of the death benefit provided by the by-laws of said association, and he shall thereupon cease to be a member of said association or entitled to receive any benefits therefrom. If any member of said association who is pensioned or retired from said fire department does not make such election within sixty days after the effective date of this act, he shall remain a member of said association and entitled to its death benefits, and, subject to the provisions of its by-laws, entitled to any other of its benefits.

Approved July 10, 1975.

Chap. 440. AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO BORROW MONEY FOR A BIOCONVERSION DISPOSAL SYSTEM.

Be it enacted, etc., as follows:

The town of Nantucket, for the purpose of establishing a bioconversion system for the disposal of solid waste, may borrow from time to time, such sums of money as may be necessary, not exceeding in the aggregate two million dollars, and may issue bonds or notes therefor which shall bear on their face the words, Nantucket Bioconversion Disposal System Loan, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be outside the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

Approved July 10, 1975.

Chap. 441. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE CARE, MAINTENANCE AND REPAIR OF THE NORFOLK COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Norfolk county are hereby authorized to expend for the fiscal year nineteen hundred and seventy-six the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

NORFOLK COUNTY.

Item		
1.	For personal services	$2,032,603 94
2.	For contractual services	256,900 00
3.	For supplies and materials	458,710 00
4.	For current charges and obligations	128,895 88
5.	For equipment	61,540 50
8.	For debt and interest	50,000 00
10.	For unpaid bills of previous years	430 00
11.	For reserve fund	75,000 00
12.	For group insurance	92,800 00
	For total expenditures	$3,156,880 32

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 10, 1975.*

Chap. 442. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE CARE, MAINTENANCE AND REPAIR OF THE PLYMOUTH COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to expend for the fiscal year nineteen hundred and seventy-six the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

PLYMOUTH COUNTY.

Item		
1.	For personal services	$1,346,552 79
2.	For contractual services	73,000 00
3.	For supplies and materials	290,000 00

Item		
4.	For current charges and obligations	140,000 00
5.	For equipment	6,742 90
8.	For debt and interest	10,000 00
11.	For reserve fund	20,000 00
12.	For group insurance	39,000 00
	For total expenditures	$1,925,295 69

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 10, 1975.*

Chap. 443. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE CARE, MAINTENANCE AND REPAIR OF THE WORCESTER COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Worcester county are hereby authorized to expend for the fiscal year nineteen hundred and seventy-six the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

WORCESTER COUNTY.

Item		
1.	For personal services	$2,073,272 26
2.	For contractual services	95,000 00
3.	For supplies and materials	393,000 00
4.	For current charges and obligations	240,000 00
5.	For equipment	6,830 00
8.	For debt and interest	107,995 00
11.	For reserve fund	50,000 00
12.	For group insurance	100,000 00
	For total expenditures	$3,066,097 26

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 10, 1975.*

Chap. 444. AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES TO AIRLINE CORPORATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant licenses for the immediate sale

of alcoholic beverages on airlines within the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 13 of chapter 138 of the General Laws, as most recently amended by section 10 of chapter 440 of the acts of 1935, is hereby further amended by inserting after the second sentence the following two sentences: — An airline corporation operating within the commonwealth may sell in any aircraft alcoholic beverages to be consumed thereon, if duly licensed by the commission. The annual license fee for each airline corporation shall be one hundred dollars and for each certified copy thereof one dollar. *Approved July 11, 1975.*

Chap. 445. AN ACT AUTHORIZING THE TOWN OF WAREHAM TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY THORNTON R. BROWN, JR. FOR SERVICES RENDERED TO SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Wareham is hereby authorized to appropriate and after such appropriation, the treasurer of said town is hereby authorized to pay Thornton R. Brown, Jr. the sum of three hundred and ninety dollars due him for services performed as a tree climber between October twenty-fifth, nineteen hundred and sixty-nine and July nineteenth, nineteen hundred and seventy-one.

SECTION 1A. No bill shall be approved by the town accountant of said town or paid by the treasurer thereof under authority of this act unless and until a certificate has been signed and filed with said town accountant stating under the penalties of perjury that the services for which such bill has been submitted were ordered by an official or an employee of said town and that such services were rendered to said town.

SECTION 1B. Any person who knowingly files a certificate required by section one A, which is false, and who thereby receives payment for services which were not rendered to said town shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved July 11, 1975.

Chap. 446. AN ACT AUTHORIZING THE TOWN OF DEERFIELD TO BORROW MONEY TO REPAY CERTAIN FEDERAL AND STATE AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law the town of Deerfield is hereby authorized to issue one hundred sixty thousand dollars federal and state aid anticipation notes of said town, payable in not more than one year from their dates in order to pay one existing note in the amount of one hundred sixty thousand dollars, borrowed in anticipation of federal and state aid for sewers, sewerage systems and sewerage treatment plants authorized under a certain Offer and Acceptance of Federal and State Grants for sewerage treatment work dated September eleventh, nineteen hundred and sixty-nine, identified as Project WPC — Mass — 197. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

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

Approved July 11, 1975.

Chap. 447. AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND THE OPERATION OF CERTAIN LABOR LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the alleviation of emergency or hardship conditions in an industry, branch of an industry, or individual establishment, by continuing without interruption the temporary authority of the commissioner of labor and industries to suspend the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of persons, or of minors over the age of sixteen, or both, therefore it is hereby declared to be an emergency law, necessary for the immediate protection of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of labor and industries is hereby authorized in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend until July first, nineteen hundred and seventy-seven the application or operation of any provision of chapter one hundred and forty-nine of the General Laws or of any rule or regulation made thereunder, regulating, limiting or prohibiting the employment of persons, or of minors over the age of sixteen, or both. The commissioner shall exercise this authority when he finds, after opportunity has been given to interested parties to be heard, that an emer-

gency exists or that conditions of hardship in an industry, branch of an industry, or individual establishment require or justify the suspension of any provision of such laws, rules or regulations. Suspensions issued by the commissioner shall prescribe, and may be either granted or limited to, one or more particular departments, operations or occupations within an establishment or a particular industry or branch of an industry. The commission shall appoint industry advisory committees, on which employers and employees shall be equally represented, to consult and advise with him in matters relating to the suspension authorized by this act.

SECTION 2. Section one of this act shall take effect as of July first, nineteen hundred and seventy-five.

Approved July 11, 1975.

Chap. 448. AN ACT VALIDATING ACTION TAKEN AT A SPECIAL TOWN MEETING OF THE TOWN OF PHILLIPSTON RELATIVE TO THE ZONING BY-LAWS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Phillipston at a special town meeting held on March fourteenth, nineteen hundred and seventy-five, including without limitation, the proceedings taken by said town under Article 3 of the warrant for said special town meeting, providing for an amendment to the zoning by-law of said town, are hereby ratified, validated and confirmed.

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

Approved July 11, 1975.

Chap. 449. AN ACT REGULATING THE VOLTAGE WHICH MAY BE CARRIED ON WIRES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter 371 of the acts of 1911 is hereby amended by striking out section 1, as amended by section 1 of chapter 217 of the acts of 1960, and inserting in place thereof the following section:—

Section 1. No wires for the transmission of electricity at more than fifteen thousand volts alternating, or ten thousand volts direct, shall after the effective date of this act be placed, maintained or operated in the city of Boston except under ground; provided, that this act shall not apply to wires for the transmission of electricity on Boston Edison Company's right of way in the city of Boston extending from Baker street to the Boston-Dedham line and to such transmission line wires crossing public ways, highways and parkways.

SECTION 2. Said chapter 371 of the acts of 1911 is hereby further amended by striking out section 2 and inserting in place thereof the following section:—

Section 2. The provisions of this act may be enforced as provided in section thirty-three of chapter one hundred and sixty-six of the General Laws, and it shall be the duty of the building commissioner of the city of Boston to see to such enforcement.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved July 11, 1975.

Chap. 450. AN ACT RELATIVE TO THE AMOUNT OF CERTAIN RETIREMENT AND DEATH BENEFITS WHICH MAY BE PAID BY THE HAVERHILL FIREMEN'S RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The Haverhill Firemen's Relief Association, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon the retirement of any member in good standing, to pay to such member such sum, not exceeding one thousand dollars, as may be determined by vote of the directors of said corporation.

SECTION 2. This act shall take effect upon its passage and shall apply to any member who retires on or after said date.

Approved July 11, 1975.

Chap. 451. AN ACT RELATIVE TO ADMISSION TO THE PRACTICE OF VETERINARY MEDICINE AND RELATIVE TO THE APPROVAL OF SCHOOLS OF VETERINARY MEDICINE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in the law relative to the practice of veterinary medicine, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 54 of chapter 112 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 4 of chapter 810 of the acts of 1974, and inserting in place thereof the following sentence: — Three members of the board shall constitute a quorum for the transaction of business, provided, however, that at any meeting concerning the revocation of a license a quorum shall be four.

SECTION 2. Section 54A of said chapter 112, inserted by section

5 of said chapter 810, is hereby amended by striking out the definition of "Approving authority".

SECTION 3. Said chapter 112 is hereby further amended by striking out section 55, as most recently amended by section 6 of said chapter 810, and inserting in place thereof the following section: —

Section 55. Applications for registration as veterinarians, signed and sworn to by the applicant, shall be made upon blanks furnished by the board. Each applicant who shall furnish the board with satisfactory proof that he is eighteen years of age or over, of good moral character, and a graduate of an approved veterinary school shall, upon payment of fifty dollars, be examined and, if found qualified by the board, shall be registered as a veterinarian and shall receive a certificate thereof, signed by the chairman and secretary. An applicant aggrieved by the refusal of the board to approve a school of veterinary medicine under this section shall be entitled to have the reasonableness of such refusal reviewed by a justice of the superior court, whose decision shall be final. An applicant failing to pass an examination satisfactory to the board may be deemed a "Conditional" applicant and may be reexamined only on that portion of the examination failed, upon payment of the established fee for each appearance, at such time and place as the board shall determine. The board may refuse to grant a license to any person who shall have been convicted of a felony, or who shall be addicted to any vice to such a degree as to render him unfit to practice veterinary medicine, and after the due notice and hearing may revoke any certificate issued by it and cancel the registration of any veterinarian convicted of a crime in the practice of his profession, and may at any time after the expiration of one year thereafter reissue any certificate so revoked, and register anew any veterinarian whose registration was so cancelled.

Every registered veterinarian shall annually, before March first, pay to the board a license fee of fifteen dollars, in default of which the board may revoke his license and his authority to practice veterinary medicine thereunder, after a hearing as provided by section eleven; but the payment of said fee at or before the time of hearing, with such additional sum not exceeding twenty-five dollars, as may be fixed by the board, shall remove the default. A veterinarian duly registered and licensed to practice in this commonwealth, whose license has not been revoked, but who shall have temporarily retired from practice or removed from the commonwealth for a period not exceeding five years, and shall have notified the board of such retirement or removal, may register upon paying the lapsed annual license fee and filing with the board his affidavit as to the facts aforesaid. Applications for renewals of licenses hereunder shall be upon forms prescribed by the board, and shall, no less than thirty days prior to March first in each year, be mailed to each veterinarian registered with the board.

The board shall, upon the request of any college, university, or school of veterinary medicine in the commonwealth, inspect said college, university, or school and notify its trustees or other governing body in writing if it is approved by the board for the purposes of this section, or, if not, what steps it must take in order to gain the approval of the board.

Any college, university, or school of veterinary medicine desiring to be approved for the purposes of this section may file with the board a written request for the approval of such college, university, or school of veterinary medicine, and thereupon a public hearing, after due notice, shall be seasonably granted by the board and a written decision made by it within twenty days after the termination of such hearing and the applicant for such approval shall be notified of such decision. A written decision of the board refusing to approve any college, university, or school of veterinary medicine shall not become effective until thirty days after written notice of such decision is given to the college, university, or school of veterinary medicine seeking such approval. Any college, university, or school of veterinary medicine aggrieved by such refusal shall have the right to file a petition in the superior court for Suffolk county to revise or reverse the decision of the board. Notice of the entry of such petition shall be given to the secretary of the board and all proceedings connected therewith shall be according to rules regulating the trial of civil cases without juries. The court shall hear the case and finally determine whether or not such approval shall be granted or revised.

Upon the filing of such a petition within the aforesaid period of thirty days, said decision of the board shall not become effective until a final decree affirming said decision is entered upon the aforesaid petition.

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

Section 56C. Any person who is a licensed or registered veterinarian in another state and who has been engaged in the practice of veterinary medicine for at least five consecutive years, and who presents to the board a copy of his certificate of registration or license, certified or attested under seal by the board of examiners or like board of any other state board whose standards in the opinion of the board are equivalent to the requirements of the commonwealth, may, upon application, accompanied by a fee of seventy-five dollars, be given a practical examination, without examination on the theory of veterinary medicine, by the board, and if he demonstrates to said board his fitness to practice veterinary medicine, be registered as a veterinarian, and shall receive a certificate thereof; provided, that the applicant intends to remove to and reside in the commonwealth; and provided further, that such other state accords similar privilege to veterinarians registered under the laws of the commonwealth and removing to such other state.

SECTION 5. The third paragraph of section 59 of said chapter 112, as appearing in section 9 of chapter 810 of the acts of 1974, is hereby amended by adding the following clause: —

10. Failure of a registered veterinarian to keep his office or hospital and equipment therein in a clean and sanitary condition.

Approved July 11, 1975.

Chap. 452. AN ACT RELATIVE TO THE METHOD OF COMPUTATION OF SALARY INCREASES UNDER THE CAREER INCENTIVE PAY PROGRAM FOR REGULAR FULL-TIME POLICE OFFICERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate effective as of January first, nineteen hundred and seventy-five, credit under the police higher education career incentive program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the second paragraph of section 108L of chapter 41 of the General Laws, as appearing in chapter 835 of the acts of 1970, is hereby amended by inserting after the word "law", in line 6, the words: — ; provided, that said credits or degrees were earned in courses leading towards a degree in law enforcement.

SECTION 2. The second sentence of said second paragraph of said section 108L of said chapter 41, as so appearing, is hereby amended by inserting after the word "Education", in line 4, the words: — , and shall be credited for the purpose of determining points under this section, notwithstanding the date of appointment of an individual to a position described in the first paragraph of this section.

SECTION 3. Said section 108L of said chapter 41, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:—

The board of higher education is hereby authorized and directed to establish and maintain a list of approved courses leading to a degree in law enforcement.

SECTION 4. Section one of this act shall take effect on July first, nineteen hundred and seventy-six; provided, however, that for the purpose of determining points under section one hundred and eight L of chapter forty-one of the General Laws, the provisions of said section one shall not apply to any credits and degrees earned or compensated for nor to any person enrolled in any course or degree program approved by the board of higher education prior to July first, nineteen hundred and seventy-six; the provisions of section two of this act shall take effect as of

November twenty-sixth, nineteen hundred and seventy; and the provisions of section three of this act shall take effect on July first, nineteen hundred and seventy-six.

Approved July 11, 1975.

Chap. 453. AN ACT RELATIVE TO THE APPOINTMENT OF THE SUPERINTENDENT OF PUBLIC WORKS IN THE TOWN OF FAIRHAVEN AND ESTABLISHING THE POSITION OF SUPERINTENDENT OF HIGHWAYS IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 722 of the acts of 1968 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board and shall not be subject to any provisions of chapter thirty-one of the General Laws.

SECTION 2. Said chapter 722 is hereby further amended by adding the following section: —

Section 4. The board shall appoint and fix the compensation of the superintendent of highways who shall exercise and perform, under the supervision and direction of the board, such powers, rights and duties, transferred to it under sections two and four as it may, from time to time, designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board and shall not be subject to any provisions of chapter thirty-one of the General Laws. He shall be specially fitted by education, training and experience to perform the duties of said office, and need not be a resident of the town. During his tenure he shall hold no elective or other appointive office, nor shall he be engaged in any other business or occupation.

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

Approved July 11, 1975.

Chap. 454. AN ACT EXEMPTING THE POSITION OF COMMISSIONER OF PUBLIC WORKS IN THE TOWN OF DEDHAM FROM CIVIL SERVICE.

Be it enacted, etc., as follows:

SECTION 1. On and after the effective date of this act, the position of commissioner of public works of the town of Dedham shall be exempt from the provisions of chapter thirty-one of the General Laws.

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

Approved July 11, 1975.

Chap. 455. AN ACT REQUIRING INSURANCE COMPANIES TO GIVE CERTAIN NOTICES OF DECISIONS TO DISCLAIM LIABILITY IN WORKMEN'S COMPENSATION CASES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 152 of the General Laws is hereby amended by inserting after section 41 the following section: —

Section 41A. The insurer shall give notice to the injured employee in writing within thirty days of receipt of claim for compensation as to whether it accepts or rejects liability.

SECTION 2. This act shall apply to all claims arising on and after its effective date. *Approved July 11, 1975.*

Chap. 456. AN ACT AUTHORIZING SCHOOL COMMITTEES TO PERMIT STUDENTS TO OPERATE CERTAIN BUSINESS DEMONSTRATION PROJECTS OF AN EDUCATIONAL NATURE.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by inserting after section 37J, inserted by section 8 of chapter 636 of the acts of 1974, the following section: —

Section 37K. Each school committee may authorize business demonstration projects of an educational nature, to be operated by students as an educational service. Each such project shall be subject to all applicable health, safety and nutritional regulations.

Any such project may be operated independently of any other department or program in the school in which such project is operated. The net proceeds, after all expenses have been deducted, of any sale of food by any such project shall be transferred each month to the school lunch or food service account for the school in which such project is operated. Any such project serving food to a daily average of more than ten per cent of the students in the school, in which such project is located, in any given month, shall, during the remainder of the school year, be governed by the regulations of the school lunch program.

Approved July 11, 1975.

Chap. 457. AN ACT FURTHER REGULATING THE USE OF COURT TRANSCRIPTS.

Be it enacted, etc., as follows:

SECTION 1. Section 91B of chapter 221 of the General Laws, inserted by chapter 585 of the acts of 1965, is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences: — The judge or other officer pre-

siding at such hearing or proceeding shall provide a suitable place in which such stenographer may hear and take notes of all testimony, arguments and rulings. The transcripts of notes taken by stenographers provided under authority of this section shall be admissible in accordance with the provisions of section eighty of chapter two hundred and thirty-three, except that the provisions of this section shall not be applicable to grand jury proceedings.

SECTION 2. Chapter 233 of the General Laws is hereby amended by striking out section 80, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 80. Transcripts from stenographic notes duly taken under authority of law in any court proceeding by a stenographer duly appointed for the purpose and sworn, when verified by the certificate of such stenographer, shall be admissible as evidence of testimony given whenever proof of such testimony is otherwise competent. *Approved July 11, 1975.*

Chap. 458. AN ACT FURTHER REGULATING THE APPROPRIATION BY CITIES AND TOWNS PROMOTING BUSINESS AND INDUSTRY.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (47), as amended by chapter 638 of the acts of 1967, and inserting in place thereof the following clause: —

(47) For the purpose of establishing and maintaining a business and industrial commission to promote business and industry, a sum not exceeding in any one year eighty thousand dollars. *Approved July 11, 1975.*

Chap. 459. AN ACT RELATIVE TO SUSPENDED SENTENCES FOR CONVICTIONS IN THE COURTS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 279 of the General Laws, as amended by section 2 of chapter 205 of the acts of 1934, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences: — When a person convicted before a court is sentenced to fine and imprisonment, the court may direct that the execution of the sentence, or any part thereof, be suspended, and that he be placed on probation for such time and on such terms and conditions as it shall fix. The court may direct, as one of such terms and conditions, that payment of the fine may be made to the probation officer in

one payment, or in part payments, during the period of probation or any extension thereof, and when such fine shall have been fully paid the order of commitment as to the fine shall be void, but the order of commitment as to imprisonment shall not be affected by such payment.

SECTION 2. Said section 1A of said chapter 279 is hereby further amended by adding the following paragraph: —

Whenever a person convicted before a district or municipal court is sentenced to fine, imprisonment, or fine and imprisonment and said court has directed that the execution of sentence be suspended and the defendant has taken an appeal to superior court, the court which imposed sentence shall not, at any time, increase the penalty or withdraw or revoke the suspension in said sentence. *Approved July 11, 1975.*

Chap. 460. AN ACT AUTHORIZING THE APPOINTMENT OF DAVID H. BAHARIAN TO THE POSITION OF DISPATCHER IN THE DEPARTMENT OF PUBLIC WORKS IN THE CITY OF QUINCY.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the appointing authority in the city of Quincy is hereby authorized to appoint David H. Baharian to the position of dispatcher in the department of public works in said city.

Approved July 11, 1975.

Chap. 461. AN ACT MAKING CORRECTIVE CHANGES IN THE LAW CREATING A GOVERNMENT LAND BANK.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 2 of chapter 212 of the acts of 1975 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Directors, except the commissioner of administration, shall serve for terms of three years; provided, however, that of those initially appointed, three shall be for terms of one year, three for two years and two for three years.

SECTION 2. Section 6 of said chapter 212 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

No such redevelopment plan shall be approved by the bank unless the bank finds that such plan provides for redevelopment of such lands, in whole or in part, substantially for industrial, commercial or residential uses which will prevent blight, economic dislocation or unemployment, or for the construction or rehabilitation upon such lands of decent, safe and sanitary

housing to be available to persons of low and moderate income, or for such other public purposes as the bank may determine are generally consistent with the provisions of this act; that such plan is consistent with the sound needs of the locality as a whole, with particular regard to the prevention of blight, economic dislocation and unemployment or to the alleviation of the shortage of such housing; that such plan is financially sound; and that such plan meets such other requirements as the bank may by regulation establish.

SECTION 3. Section 10 of said chapter 212 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The bank shall keep accurate accounts of all receipts and expenditures of the Government Land Bank Fund; and shall make a report annually containing an abstract of such accounts and detailed information on all receipts and expenditures, including prices paid for lands purchased, and such other detailed information as provided in section fourteen of this act.

Approved July 11, 1975.

Chap. 462. AN ACT INCREASING THE PENALTY FOR TENDERING A BAD CHECK IN PAYMENT OF A TAX LIABILITY.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 58 of the General Laws, inserted by section 1 of chapter 154 of the acts of 1968, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If any check in payment of any tax, interest, penalty, fee or other charge imposed under chapters sixty-two to sixty-five, inclusive, or chapter one hundred and thirty-eight is not duly paid, there shall, in addition to any other penalties provided by law, be paid as a penalty by the person who tendered such check, upon notice and demand by the commissioner, in the same manner as the tax or other amount to which the check relates, an amount equal to two per cent of the amount of such check, provided that if the amount of such check is less than five hundred dollars, the penalty under this section shall be ten dollars or the amount of such check, whichever is the lesser.

SECTION 2. This act shall apply to payments made on and after January first, nineteen hundred and seventy-six.

Approved July 11, 1975.

Chap. 463. AN ACT AUTHORIZING THE COMMISSIONER OF BANKS TO REMOVE CERTAIN BANK OFFICERS.

Be it enacted, etc., as follows:

Chapter 167 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 226 of the acts of 1961, and inserting in place thereof the following section:—

Section 5. If, in the opinion of the commissioner, any officer of any bank, including a director or trustee thereof, has violated any law relating to such bank or has conducted the business of such bank in an unsafe or unsound manner or has used his official position in a manner contrary to the interests of such bank or its depositors or has been negligent in the performance of his duties, the commissioner may, in his discretion, send a statement of facts about such conduct to the executive officer, and each director or trustee of the bank affected. Within such reasonable time as the commissioner may direct, a special meeting of the directors or trustees of the bank shall be held with respect to the statement of the commissioner. If, in the opinion of the commissioner, appropriate action is not taken to protect the interests of the bank or its depositors, or if such conduct is continued, the commissioner shall cause notice to be served on such officer, director or trustee to appear, and show cause why he should not be removed from office. A copy of such notice shall be sent by registered mail to each officer, director or trustee of the bank affected. A copy of such notice shall be sent to a board composed of the state treasurer, the attorney general, and the commissioner of corporations and taxation. The members of the board or a duly authorized representative shall be present at any appearance of such officer, director or trustee. If, after granting the officer, director or trustee so summoned a reasonable opportunity to be heard, the commissioner finds that he has been guilty of any such delinquency, the commissioner, in his discretion, may order that such officer, director, or trustee be removed from office and from participation in the management of such bank. A decision by the commissioner to remove such officer, director or trustee may be reversed by a decision of the majority of the members of the board made within five business days after the commissioner's decision to remove; otherwise, any such decision of the commissioner shall be given full force and effect. Copies of such order shall be served upon the delinquent officer and upon such bank, whereupon such officer shall cease to be an officer of such bank and shall no longer participate in any way in the management thereof provided, that such order and the findings of fact upon which it is based shall not be made public or disclosed to anyone except the delinquent officer and the other officers, directors and trustees of such bank, otherwise than in the course of any judicial proceeding under this section. The commissioner shall thereupon transmit to the attorney general a transcript of the evidence and finding, and the attorney general shall, on behalf of the commonwealth, institute such proceedings as he may deem necessary. Any person removed from office as herein provided who thereafter participates in any

manner in the management of any bank in the commonwealth shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than five thousand dollars, or both.

Within twenty days after the service of an order of removal under this section upon the person removed thereby, he may file a petition in the supreme judicial court for the county of Suffolk for a review of the removal but, pending such review, the order shall remain in full force and effect. The court shall have jurisdiction in equity to annul, reverse or affirm such order, shall review all questions in accordance with the standards for review provided in paragraph (8) of section fourteen of chapter thirty A and may make any appropriate order or decree. The decision of the court shall be final and conclusive.

Approved July 11, 1975.

Chap. 464. AN ACT AUTHORIZING CERTAIN JUSTICES OF THE PEACE TO SOLEMNIZE MARRIAGES IN CITIES AND TOWNS CONTIGUOUS TO THE CITY OR TOWN WHEREIN THEY RESIDE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 38 of chapter 207 of the General Laws, as appearing in chapter 668 of the acts of 1970, is hereby amended by inserting after the word "resides", in line 15, the words: — and in any city or town contiguous thereto if no justice of the peace authorized to solemnize marriages resides therein.

SECTION 2. Said chapter 207 is hereby further amended by striking out section 39, as most recently amended by section 3 of chapter 81 of the acts of 1968, and inserting in place thereof the following section: —

Section 39. The governor may in his discretion designate a justice of the peace in each town and such further number, not exceeding one for every five thousand inhabitants of a city or town, as he considers expedient, to solemnize marriages, and may for a cuase at any time revoke such designation. The state secretary, upon payment of twenty-five dollars to him by a justice of the peace so designated, who is also a clerk or an assistant clerk of a city or town or upon the payment of fifty dollars by any other such justice, shall issue to him a certificate of such designation. The state secretary may authorize the solemnization of any specified marriage anywhere within the commonwealth by a nonresident minister of the gospel, rabbi, authorized representative of a Spiritual Assembly of the Baha'is, or leader of an Ethical Culture Society, subject to such conditions as he may determine and shall issue to him a certificate of such authorization.

SECTION 3. Chapter 262 of the General Laws is hereby

amended by striking out section 35, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 35. The fee for lawfully solemnizing and certifying a marriage shall not exceed twenty-five dollars if performed in the justice of the peace's home community or thirty-five dollars if performed in a contiguous community; provided, however, that no additional charge shall be made for travel in connection with such solemnization notwithstanding any law to the contrary.

Approved July 11, 1975.

Chap. 465. AN ACT REGULATING SMOKING IN CERTAIN PUBLIC PLACES.

Be it enacted, etc., as follows:

Chapter 270 of the General Laws is hereby amended by inserting after section 20 the following section: —

Section 21. No person shall smoke or have in his possession any lighted cigar, cigarette or other tobacco product in a public elevator, supermarket or single vehicle mass transit conveyance operated by the Massachusetts Bay Transportation Authority, other than personal offices. Smoking of any tobacco product or having in one's possession any lighted cigar, cigarette or other tobacco product shall be restricted to specifically designated areas only, if any, in museums, libraries, hospitals, nursing homes, trains, airplanes and other mass transit conveyances. The owner, manager, or other person in charge of said facilities, buildings, or vehicles shall post conspicuously an appropriate number of signs indicating those areas in which smoking or the possession of lighted cigarettes, cigars or other tobacco products is prohibited.

Any agency or agent of the commonwealth or any of its political subdivisions, who, upon inspection of any such facilities, building, or vehicles for purposes of enforcing any other state or local rule, ordinance or regulation, finds that an appropriate number of signs are not so posted, shall enforce said posting requirement.

Approved July 11, 1975.

Chap. 466. AN ACT AUTHORIZING THE PAROLE BOARD TO SUMMONS WITNESSES IN CONNECTION WITH ITS HEARINGS.

Be it enacted, etc., as follows:

Section 8 of chapter 233 of the General Laws, as most recently amended by chapter 292 of the acts of 1949, is hereby further amended by inserting after the word "commission", in line 14, the words: — , the parole board.

Approved July 11, 1975.

Chap. 467. AN ACT FURTHER REGULATING RENT WITHHOLDING AND RENT RECEIVERSHIP PROCEDURES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 127F of chapter 111 of the General Laws, as appearing in section 3 of chapter 898 of the acts of 1965, is hereby amended by striking out the first sentence and inserting in place thereof the following three sentences: —

If the court finds after hearing that the facts are as alleged in said petition, it may by written order authorize the petitioner or any other affected tenant to pay to the clerk of the court the fair value of the use and occupation of the premises, or such installments thereof from time to time as the court may direct; provided the court finds that any such violation may endanger or materially impair the health, safety or well-being of such tenant and that such payments are necessary to remedy the condition constituting the violation; and that said tenant is not in arrears in his rent, taking into account any abatement of rent due to the existence of such violations, or if he is in arrears is willing to pay any arrearage into the court as ordered. A person occupying the premises shall not be considered to be in arrears in his rent when the amount of rent the landlord alleges in good faith to be due is equal to or less than the amount of any counterclaim that said person may bring in good faith against the landlord, including any damages owed because of a breach of warranty or a violation of any other law. In determining said fair value, the court may be guided by any findings issued by the department or any other agency concerned with the condition of residential premises and any other evidence relative to the effect of violations of such standards upon the use and occupation of residential premises.

SECTION 2. The third paragraph of section 127H of said chapter 111, as so appearing, is hereby amended by striking out clause (*b*) and inserting in place thereof the following clause: —

(*b*) authorize any or all tenants in the respondent's building wherein the violation exists to pay the fair value of the use and occupation of the premises or such installments thereof from time to time as the court may direct to the clerk of the court in the same manner and subject to the same provisions as contained in section one hundred and twenty-seven F.

SECTION 3. Section 8A of chapter 239 of the General Laws is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 420 of the acts of 1967, and inserting in place thereof the following two paragraphs: —

The court after hearing the case may require the person claiming a defense under this section to pay to the clerk of the court the fair value of the use and occupation of the premises less the amount awarded a tenant for any counterclaim or make a deposit of such amount or such installments thereof from time to time as the court may direct, for the occupation of the premises. In

determining said fair value, the court shall consider any evidence relative to the effect of the conditions constituting such violations upon the use and occupation of residential premises. Such funds may be expended for the repair of the premises by such person as the court after a hearing may direct, including if appropriate a receiver appointed as provided in section one hundred and twenty-seven H of chapter one hundred and eleven. When all the violations have been removed, the clerk shall direct that the balance of funds, if any, remaining with the clerk be paid to the landlord.

A person occupying the premises shall not be considered to be in arrears in his rent when the amount of rent the landlord alleges in good faith to be due is equal to or less than the amount of any counterclaim that said person may bring in good faith against the landlord, including any damages owed because of a breach of warranty or a violation of any other law.

Approved July 11, 1975.

Chap. 468. AN ACT PERMITTING SUMS RECEIVED FROM INVESTMENTS MADE BY THE TREASURER OF THE TOWN OF ABINGTON OF THE PROCEEDS OF BONDS AND NOTES ISSUED FOR PROJECTS OF THE ABINGTON WATER DEPARTMENT TO BE APPLIED TO THE WATER SURPLUS REVENUE ACCOUNT

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law to the contrary, monies received after the effective date of this act from investments made by the treasurer of the town of Abington of the proceeds of bonds and notes issued for projects of the Abington water department under the provisions of section fifty-five of chapter forty-four of the General Laws, shall be placed in the Water Surplus Revenue Account of the town of Abington. Monies received prior to the effective date of this act from such investments shall be transferred from the General Surplus Revenue Account of said town to said Water Surplus Revenue Account. *Approved July 11, 1975.*

Chap. 469. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF THE COUNTY OF DUKES COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the county of Dukes county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

DUKES COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$7,200 00
2.	For reduction of county debt		20,000 00
3.	For county commissioners, salaries and expenses		19,038 90
	1. Personal services	$16,553 90	
	2. Contractual services	500 00	
	3. Supplies and materials	1,200 00	
	4. Current charges and obligations	125 00	
	5. Equipment	660 00	
4.	For transportation and expenses of county and acting commissioners		500 00
5.	For clerk of courts, salaries and expenses		14,911 08
	1. Personal services	12,371 08	
	2. Contractual services	880 00	
	3. Supplies and materials	800 00	
	4. Current charges and obligations	10 00	
	5. Equipment	850 00	
6.	For county treasurer, salaries and expenses		11,466 60
	1. Personal services	10,089 00	
	2. Contractual services	700 00	
	3. Supplies and materials	425 00	
	4. Current charges and obligations	54 40	
	5. Equipment	350 00	
7.	For sheriff, salary and expenses		12,414 00
	1. Personal services	10,089 00	
	2. Contractual services	700 00	
	3. Supplies and materials	400 00	
	5. Equipment	1,225 00	
8.	For registry of deeds, salaries and expenses		41,204 84
	1. Personal services	28,714 84	
	2. Contractual services	7,150 00	
	3. Supplies and materials	3,300 00	
	4. Current charges and obligations	40 00	
	5. Equipment	2,000 00	
8a.	For registry of probate, salaries and expenses		4,585 00
	2. Contractual services	3,000 00	
	3. Supplies and materials	600 00	
	4. Current charges and obligations	200 00	
	5. Equipment	785 00	
9.	For law library, salaries and expenses		2,620 00
	1. Personal services	300 00	
	3. Supplies and materials	20 00	
	4. Current charges and obligations	2,300 00	

Item		Subtotal	Total
10.	For highways, including state highways, bridges and land damages		7,850 00
	6. All other	7,850 00	
12.	For superior court costs		24,100 00
	2. Contractual services	21,600 00	
	3. Supplies and materials	2,500 00	
13.	For civil expenses in probate court		7,300 00
	2. Contractual services	7,300 00	
14.	For district courts, salaries and expenses District Court of Edgartown		81,528 90
	1. Personal services	67,933 50	
	2. Contractual services	10,275 00	
	3. Supplies and materials	2,645 00	
	4. Current charges and obligations	395 40	
	5. Equipment	280 00	
15.	For medical examiners and commitments of insane		2,000 00
16.	For jail and house of correction, maintenance and operation		13,500 00
	2. Contractual services	12,100 00	
	3. Supplies and materials	1,175 00	
	5. Equipment	225 00	
18.	For court houses and registry buildings, maintenance and operation		24,918 80
	1. Personal services	9,302 80	
	2. Contractual services	9,500 00	
	3. Supplies and materials	1,000 00	
	4. Current charges and obligations	256 00	
	5. Equipment	360 00	
	6. All other	4,500 00	
19.	For construction of county buildings and purchase of land		15,000 00
20.	For agricultural school or county cooperative extension service		33,988 20
	1. Personal services	26,388 20	
	2. Contractual services	3,800 00	
	3. Supplies and materials	940 00	
	4. Current charges and obligations	2,860 00	
21.	For state reservation, maintenance and operation (Indian Burial Ground)		1,000 00
23a.	For mental health program or tuberculosis clinic		4,500 00
23c.	For public health program		4,500 00
24.	For noncontributory pensions		13,821 00
25.	For contributory retirement system and supervisory expenses		47,694 64
26.	For miscellaneous and contingent expenses		27,817 52
27.	For unpaid bills of previous years		2,000 00
28.	For reserve fund		10,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		43,440 08
33.	For police training school		500 00

Item		Subtotal	Total
38.	For county airport, maintenance and operation		127,011 79
	1. Personal services	96,361 79	
	2. Contractual services	11,600 00	
	3. Supplies and materials	12,100 00	
	4. Current charges and obligations	4,400 00	
	5. Equipment	2,550 00	
39.	For group insurance		23,725 00
42.	For rodent control		16,810 52
44.	For communication system		52,991 40
	Total amount of appropriations		$719,938 27
	Less estimated amount available for reduction of county tax		127,279 00
	And the county commissioners of the county of Dukes county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$592,659 27

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item		
16.	For jail and house of correction	
	1. Personal services	$20,658 95
38.	For county airport	
	5. Equipment	4,000 00
37.	For Senior citizens' transportation	
	2. Contractual services	8,000 00
42.	For alcohol prevention program	
	2. Contractual services	15,000 00
		$47,658 95

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 470. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF HAMPSHIRE COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Hampshire county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

HAMPSHIRE COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$144,600 00
2.	For reduction of county debt		160,000 00
3.	For county commissioners, salaries and expenses		48,524 14
	1. Personal services	$43,949 14	
	2. Contractual services	3,200 00	
	3. Supplies and materials	950 00	
	4. Current charges and obligations	425 00	
4.	For transportation and expenses of county and acting commissioners		700 00
5.	For clerk of courts, salaries and expenses		79,313 30
	1. Personal services	75,258 80	
	2. Contractual services	2,725 00	
	3. Supplies and materials	914 00	
	4. Current charges and obligations	415 50	
6.	For county treasurer, salaries and expenses		64,696 10
	1. Personal services	54,171 10	
	2. Contractual services	9,050 00	
	3. Supplies and materials	950 00	
	4. Current charges and obligations	525 00	
7.	For sheriff, salary and expenses		18,735 50
	1. Personal services	17,863 00	
	2. Contractual services	600 00	
	3. Supplies and materials	20 00	
	4. Current charges and obligations	252 50	
8.	For registry of deeds, salaries and expenses		116,507 26
	1. Personal services	96,204 26	
	2. Contractual services	15,000 00	
	3. Supplies and materials	3,448 00	
	4. Current charges and obligations	1,855 00	
8a.	For registry of probate, salaries and expenses		10,299 00
	2. Contractual services	5,018 00	
	3. Supplies and materials	2,411 00	
	4. Current charges and obligations	1,000 00	
	5. Equipment	1,870 00	
9.	For law library, salaries and expenses		35,365 40
	1. Personal services	9,510 40	
	2. Contractual services	1,750 00	
	3. Supplies and materials	405 00	
	4. Current charges and obligations	22,000 00	
	5. Equipment	1,700 00	

Item		Subtotal	Total
10.	For highways, including state highways, bridges and land damages		33,000 00
	2. Contractual services	$22,950 00	
	6. All other	10,050 00	
12.	For superior court costs		308,471 34
	1. Personal services	107,697 49	
	2. Contractual services	195,200 00	
	3. Supplies and materials	2,255 00	
	4. Current charges and obligations	2,655 00	
	5. Equipment	663 85	
13.	For civil expenses in probate court		29,786 20
	1. Personal services	13,300 20	
	2. Contractual services	15,791 00	
	3. Supplies and materials	500 00	
	4. Current charges and obligations	20 00	
	5. Equipment	175 00	
14.	For district courts, salaries and expenses		
	District Court of Hampshire		452,960 15
	1. Personal services	416,160 35	
	2. Contractual services	23,500 00	
	3. Supplies and materials	7,500 00	
	4. Current charges and obligations	5,124 80	
	5. Equipment	675 00	
	District Court of Eastern Hampshire		49,271 40
	1. Personal services	43,290 50	
	2. Contractual services	2,825 00	
	3. Supplies and materials	665 00	
	4. Current charges and obligations	2,336 00	
	5. Equipment	154 90	
15.	For medical examiners and commitments of insane		20,460 00
16.	For jail and house of correction, maintenance and operation		385,206 30
	1. Personal services	385,206 30	
18.	For court houses and registry buildings, maintenance and operation		196,611 35
	1. Personal services	42,754 35	
	2. Contractual services	147,707 00	
	3. Supplies and materials	5,090 00	
	5. Equipment	1,060 00	
20.	For agricultural school or county cooperative extension service		116,546, 23
	1. Personal services	101,778 78	
	2. Contractual services	10,000 00	
	3. Supplies and materials	3,595 00	
	4. Current charges and obligations	690 00	
	5. Equipment	482 45	
21.	For the Mount Tom state reservation, maintenance and operation		25,533 24
24.	For noncontributory pensions		21,717 75
25.	For contributory retirement system and supervisory expenses		141,855 25
26.	For miscellaneous and contingent expenses		8,034 44
27.	For unpaid bills of previous years		174 30

Item		Subtotal	Total
28.	For reserve fund		60,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		20,000 00
31.	For radio system for fire protection		250 00
32.	For forest development		4,000 00
35.	For county planning		30,730 60
39.	For group insurance		43,000 00
	Total amount of appropriations		$2,626,349 25
	Less estimated amount available for reduction of county tax		294,979 88
	And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$2,331,369 37

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
16.	For jail and house of correction		
	1. Personal services	$27,426 00	
	2. Contractual services	60,621 66	
	3. Supplies and materials	130,829 00	
	4. Current charges and obligations	4,464 00	
	5. Equipment	9,186 00	
18.	For court houses		
	4. Current charges and obligations	11,800 00	
	Total		$244,326 66

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 471. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF FRANKLIN COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Franklin county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

FRANKLIN COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$1,375 00
3.	For county commissioners, salaries and expenses		26,862 14
	1. Personal services	$25,357 14	
	2. Contractual services	750 00	
	3. Supplies and materials	475 00	
	4. Current charges and obligations	100 00	
	5. Equipment	180 00	
4.	For transportation and expenses of county and acting commissioners		1,200 00
5.	For clerk of courts, salaries and expenses		51,617 30
	1. Personal services	47,489 30	
	2. Contractual services	1,775 00	
	3. Supplies and materials	925 00	
	4. Current charges and obligations	328 00	
	5. Equipment	1,100 00	
6.	For county treasurer, salaries and expenses		24,768 16
	1. Personal services	23,083 16	
	2. Contractual services	965 00	
	3. Supplies and materials	400 00	
	4. Current charges and obligations	320 00	
7.	For sheriff, salary and expenses		16,110 00
	1. Personal services	15,399 00	
	2. Contractual services	425 00	
	3. Supplies and materials	100 00	
	4. Current charges and obligations	186 00	
8.	For registry of deeds, salaries and expenses		93,478 40
	1. Personal services	66,188 40	
	2. Contractual services	19,000 00	
	3. Supplies and materials	4,100 00	
	4. Current charges and obligations	620 00	
	5. Equipment	3,570 00	
8a.	For registry of probate, salaries and expenses		5,525 00
	2. Contractual services	3,375 00	
	3. Supplies and materials	1,050 00	
	4. Current charges and obligations	600 00	
	5. Equipment	500 00	
9.	For law library, salaries and expenses		18,949 58
	1. Personal services	5,899 58	
	2. Contractual services	700 00	
	3. Supplies and materials	150 00	
	4. Current charges and obligations	12,200 00	

Item		Subtotal	Total
10.	For highways, including state highways, bridges and land damages		30,800 00
	2. Contractual services	8,750 00	
	3. Supplies and materials	50 00	
	6. All other	22,000 00	
12.	For superior court costs		205,160 36
	1. Personal services	60,000 36	
	2. Contractual services	141,650 00	
	3. Supplies and materials	1,975 00	
	4. Current charges and obligations	820 00	
	5. Equipment	715 00	
13.	For civil expenses in probate court.		7,853 80
	1. Personal services	2,958 80	
	2. Contractual services	4,375 00	
	3. Supplies and materials	425 00	
	4. Current charges and obligations	95 00	
14.	For district courts, salaries and expenses		
	District Court of Greenfield		206,124 39
	1. Personal services	189,670 29	
	2. Contractual services	9,850 00	
	3. Supplies and materials	3,000 00	
	4. Current charges and obligations	2,405 00	
	5. Equipment	1,199 10	
	District Court of Orange		57,743 65
	1. Personal services	47,686 55	
	2. Contractual services	4,250 00	
	3. Supplies and materials	870 00	
	4. Current charges and obligations	3,862 50	
	5. Equipment	1,074 60	
15.	For medical examiners and commitments of insane		7,950 00
16.	For jail and house of correction, maintenance and operation		220,694 94
	1. Personal services	220,694 94	
20.	For agricultural school or county cooperative extension service		113,581 18
	1. Personal services	100,826 18	
	2. Contractual services	10,000 00	
	3. Supplies and materials	1,800 00	
	4. Current charges and obligations	400 00	
	5. Equipment	555 00	
21.	For Whately recreation area, maintenance and operation		4,900 00
	2. Contractual services	1,700 00	
	3. Supplies and materials	2,000 00	
	4. Current charges and obligations	1,200 00	
24.	For noncontributory pensions		23,121 51
25.	For contributory retirement system and supervisory expenses		106,733 00
26.	For miscellaneous and contingent expenses		8,639 00
28.	For reserve fund		35,000 00
29.	For advertising the recreational, industrial, and agricultural advantages of the county		22,000 00
31.	For radio system for fire protection		3,185 00

Item		Subtotal	Total
31a.	For police radio system		4,969 00
35.	For county planning		52,506 28
37.	For human services		138,669 82
39.	For group insurance		34,420 00
40.	For county housing authority		17,100 00
	Total amount of appropriations		$1,541.037 51
	Less estimated amount available for reduction of county tax		162,725 00
	And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$1,378,312 51

The following sums are hereby appropriated for said fiscal year from revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
16.	For jail and house of correction		
	1. Personal services	$19,864 20	
	2. Contractual services	12,600 00	
	3. Supplies and materials	49,050 00	
	4. Current charges and obligations	3,369 40	
	5. Equipment	8,748 00	
	6. All other	16,077 00	
18.	For court house and registry building		
	1. Personal services	33,919 30	
	2. Contractual services	24,270 00	
	3. Supplies and materials	14,070 00	
	4. Current charges and obligations	2,675 00	
	Total		$184,642 90

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 472. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE CARE, MAINTENANCE AND REPAIR OF THE MIDDLESEX COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex county are hereby authorized to expend for the fiscal year nineteen hundred and seventy-five the sums set forth in this act for the care, maintenance and repair of the county hospital and to

assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

MIDDLESEX COUNTY.

Item		
1.	For personal services	$4,091,043 89
2.	For contractual services	630,700 00
3.	For supplies and materials	546,000 00
4.	For current charges and obligations	379,186 00
5.	For equipment	151,339 00
8.	For debt and interest	25,000 00
11.	For reserve fund	75,000 00
12.	For group insurance	205,200 00
	For total expenditures	$6,103,468 89

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 473. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE CARE, MAINTENANCE AND REPAIR OF THE HAMPSHIRE COUNTY HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampshire county are hereby authorized to expend for the fiscal year nineteen hundred and seventy-six the sums set forth in this act for the care, maintenance and repair of the county hospital and to assess the same in the manner set forth in section eighty-five of chapter one hundred and eleven of the General Laws.

HAMPSHIRE COUNTY.

Item		
1.	For personal services	$970,981 23
2.	For contractual services	79,575 00
3.	For supplies and materials	215,285 00
4.	For current charges and obligations	95,289 16
6.	For structures and improvements	13,200 00
8.	For debt and interest	243,125 00
11.	For reserve fund	25,000 00
12.	For group insurance	25,000 00
	For total expenditures	$1,667,455 39

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 474. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF HAMPDEN COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Hampden county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

HAMPDEN COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$695,000 00
2.	For reduction of county debt		185,000 00
3.	For county commissioners, salaries and expenses		68,976 36
	1. Personal services	$60,070 21	
	2. Contractual services	1,400 00	
	3. Supplies and materials	1,500 00	
	4. Current charges and obligations	6,006 15	
4.	For transportation and expenses of county and acting commissioners		500 00
5.	For clerk of courts, salaries and expenses		315,848 88
	1. Personal services	292,988 88	
	2. Contractual services	12,000 00	
	3. Supplies and materials	5,900 00	
	4. Current charges and obligations	4,960 00	
6.	For county treasurer, salaries and expenses		121,749 19
	1. Personal services	74,726 69	
	2. Contractual services	4,200 00	
	3. Supplies and materials	1,800 00	
	4. Current charges and obligations	10,397 00	
	5. Equipment	625 50	
	6. All other	30,000 00	
7.	For sheriff, salary and expenses		20,615 00
	1. Personal services	19,890 00	
	2. Contractual services	500 00	
	4. Current charges and obligations	225 00	
8.	For registry of deeds, salaries and expenses		470,875 48
	1. Personal services	397,284 48	
	2. Contractual services	30,000 00	
	3. Supplies and materials	27,000 00	

Item		Subtotal	Total
	4. Current charges and obligations	16,426 00	
	5. Equipment	165 00	
8a.	For registry of probate, salaries and expenses		27,151 00
	2. Contractual services	14,300 00	
	3. Supplies and materials	8,000 00	
	4. Current charges and obligations	4,851 00	
9.	For law library, salaries and expenses		56,492 00
	1. Personal services	33,267 00	
	2. Contractual services	2,650 00	
	3. Supplies and materials	575 00	
	4. Current charges and obligations	20,000 00	
10.	For highways, including state highways, bridges and land damages		15,175 10
	1. Personal services	10,825 10	
	2. Contractual services	3,750 00	
	3. Supplies and materials	600 00	
12.	For superior court costs		1,306,398 53
	1. Personal services	603,400 53	
	2. Contractual services	659,578 00	
	3. Supplies and materials	15,160 00	
	4. Current charges and obligations	27,015 00	
	5. Equipment	1,245 00	
13.	For civil expenses in probate court		59,214 80
	1. Personal services	45,958 80	
	2. Contractual services	8,645 00	
	3. Supplies and materials	3,000 00	
	4. Current charges and obligations	1,611 00	
14.	For district courts, salaries and expenses		
	District Court of Chicopee		198,852 95
	1. Personal services	179,801 95	
	2. Contractual services	5,750 00	
	3. Supplies and materials	3,250 00	
	4. Current charges and obligations	10,051 00	
	District Court of Holyoke		310,017 00
	1. Personal services	282,560 00	
	2. Contractual services	12,700 00	
	3. Supplies and materials	6,025 00	
	4. Current charges and obligations	5,960 00	
	5. Equipment	2,772 00	
	District Court of Eastern Hampden		253,323 84
	1. Personal services	226,660 34	
	2. Contractual services	12,250 00	
	3. Supplies and materials	3,875 00	
	4. Current charges and obligations	8,203 00	
	5. Equipment	2,335 50	
	District Court of Springfield		1,398,625 31
	1. Personal services	1,277,189 31	
	2. Contractual services	72,565 00	
	3. Supplies and materials	34,925 00	
	4. Current charges and obligations	12,946 00	
	5. Equipment	1,000 00	
	District Court of Western Hampden		275,939 94
	1. Personal services	252,554 94	
	2. Contractual services	10,300 00	
	3. Supplies and materials	4,975 00	
	4. Current charges and obligations	6,348 00	
	5. Equipment	1,762 00	

Item		Subtotal	Total
	Springfield Juvenile Court		552,130 22
	1. Personal services	417,117 22	
	2. Contractual services	74,243 00	
	3. Supplies and materials	8,875 00	
	4. Current charges and obligations	49,635 00	
	5. Equipment	2,260 00	
15.	For medical examiners and commitments of insane		70,000 00
16.	For jail and house of correction, maintenance and operation		1,123,732 35
	1. Personal services	1,024,732 35	
	2. Contractual services	70,000 00	
	4. Current charges and obligations	27,800 00	
	6. All other	1,200 00	
17.	For training school		8,712 25
	1. Personal services	3,887 25	
	2. Contractual services	1,800 00	
	3. Supplies and materials	3,000 00	
	4. Current charges and obligations	25 00	
18.	For court houses and registry buildings, maintenance and operation		768,375 63
	1. Personal services	363,530 20	
	2. Contractual services	390,803 43	
	3. Supplies and materials	12,175 00	
	4. Current charges and obligations	1,867 00	
20.	For agricultural school or county cooperative extension service		292,221 32
	1. Personal services	275,178 32	
	2. Contractual services	13,000 00	
	3. Supplies and materials	3,000 00	
	4. Current charges and obligations	525 00	
	5. Equipment	518 00	
21.	For the Mount Tom state reservation, maintenance and operation		89,272 90
24.	For noncontributory pensions		108,129 84
25.	For contributory retirement system and supervisory expenses		540,792 50
26.	For miscellaneous and contingent expenses		75,389 57
27.	For unpaid bills of previous years		52,824 38
28.	For reserve fund		150,000 00
28d.	For reserve for counsel for indigent defendants		174,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		12,000 00
31.	For radio system for fire protection		1,600 00
39.	For group insurance		250,000 00
45.	For the purchasing department		28,081 90
	Total amount of appropriations		$10,077,018 24
	Less estimated amount available for reduction of county tax		906,000 00
	And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$9,171,018 24

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
2.	For reduction of county debt		$400,000 00
16.	For jail and house of correction		
	3. Supplies and materials	220,000 00	
	5. Equipment	7,410 00	
	7. Structures and improvements	147,000 00	
	Total	$774,410 00	

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 475. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF BERKSHIRE COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Berkshire county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

BERKSHIRE COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$16,330 00
2.	For reduction of county debt		65,000 00
3.	For county commissioners, salaries and expenses		38,439 02
	1. Personal services	$33,946 52	
	2. Contractual services	3,012 50	
	3. Supplies and materials	930 00	
	4. Current charges and obligations	550 00	
4.	For transportation and expenses of county and acting commissioners		1,200 00

Item		Subtotal	Total
5.	For clerk of courts, salaries and expenses		74,624 50
	1. Personal services	63,735 50	
	2. Contractual services	2,900 00	
	3. Supplies and materials	7,500 00	
	4. Current charges and obligations	489 00	
6.	For county treasurer, salaries and expenses		54,514 40
	1. Personal services	46,844 40	
	2. Contractual services	4,675 00	
	3. Supplies and materials	1,300 00	
	4. Current charges and obligations	760 00	
	5. Equipment	935 00	
7.	For sheriff, salary and expenses		17,838 00
	1. Personal services	16,638 00	
	2. Contractual services	1,100 00	
	4. Current charges and obligations	100 00	
8.	For registry of deeds, salaries and expenses		
	Northern District		76,517 20
	1. Personal services	61,167 20	
	2. Contractual services	5,575 00	
	3. Supplies and materials	2,550 00	
	4. Current charges and obligations	1,225 00	
	5. Equipment	6,000 00	
	Middle District		109,355 65
	1. Personal services	95,605 65	
	2. Contractual services	7,200 00	
	3. Supplies and materials	6,350 00	
	4. Current charges and obligations	200 00	
	Southern District		32,326 00
	1. Personal services	27,306 00	
	2. Contractual services	2,950 00	
	3. Supplies and materials	1,550 00	
	4. Current charges and obligations	70 00	
	5. Equipment	450 00	
8a.	For registry of probate, salaries and expenses		12,050 36
	2. Contractual services	6,770 00	
	3. Supplies and materials	3,050 00	
	4. Current charges and obligations	700 00	
	5. Equipment	1,530 36	
9.	For law library, salaries and expenses		24,561 10
	1. Personal services	10,661 10	
	2. Contractual services	1,140 00	
	3. Supplies and materials	500 00	
	4. Current charges and obligations	12,260 00	
10.	For highways, including state highways, bridges and land damages		137,887 60
	1. Personal services	124,282 60	
	2. Contractual services	5,050 00	
	3. Supplies and materials	4,500 00	
	4. Current charges and obligations	2,550 00	
	5. Equipment	1,505 00	
12.	For superior court costs		476,370 30
	1. Personal services	121,394 30	
	2. Contractual services	346,345 00	
	3. Supplies and materials	6,425 00	
	4. Current charges and obligations	1,400 00	
	5. Equipment	806 00	

Item		Subtotal	Total
13.	For civil expenses in probate court		15,300 00
	1. Personal services	6,000 00	
	2. Contractual services	9,300 00	
14.	For district courts, salaries and expenses		
	District Court of Northern Berkshire		80,040 45
	1. Personal services	68,740 15	
	2. Contractual services	3,150 00	
	3. Supplies and materials	6,400 00	
	4. Current charges and obligations	1,750 30	
	District Court of Central Berkshire		272,684 75
	1. Personal services	243,509 15	
	2. Contractual services	18,725 00	
	3. Supplies and materials	5,450 00	
	4. Current charges and obligations	1,530 00	
	5. Equipment	3,470 60	
	District Court of Southern Berkshire		54,561 45
	1. Personal services	49,168 95	
	2. Contractual services	3,059 50	
	3. Supplies and materials	1,235 00	
	4. Current charges and obligations	948 00	
	5. Equipment	150 00	
	Fourth District Court of Berkshire		62,707 00
	1. Personal services	56,917 00	
	2. Contractual services	2,600 00	
	3. Supplies and materials	1,875 00	
	4. Current charges and obligations	1,115 00	
	5. Equipment	200 00	
	District Court of Lee		75,012 53
	1. Personal services	62,555 60	
	2. Contractual services	4,653 60	
	3. Supplies and materials	4,800 00	
	4. Current charges and obligations	2,433 80	
	5. Equipment	569 53	
	District Court of Williamstown		51,082 35
	1. Personal services	44,437 35	
	2. Contractual services	1,160 00	
	3. Supplies and materials	2,100 00	
	4. Current charges and obligations	3,235 00	
	5. Equipment	150 00	
	District Court — Juvenile Division		72,689 10
	1. Personal services	65,087 10	
	2. Contractual services	6,542 00	
	3. Supplies and materials	900 00	
	4. Current charges and obligations	160 00	
15.	For medical examiners and commitments of insane		32,000 00
16.	For jail and house of correction, maintenance and operation		93,664 00
	3. Supplies and materials	90,129 00	
	4. Current charges and obligations	3,500 00	
	5. Equipment	35 00	
18.	For court houses and registry buildings, maintenance and operation		120,611 72
	1. Personal services	54,701 72	
	2. Contractual services	59,600 00	
	3. Supplies and materials	5,280 00	

Item		Subtotal	Total
	4. Current charges and obligations	750 00	
	5. Equipment	280 00	
20.	For agricultural school or county cooperative extension service		113,344 74
	1. Personal services	91,564 74	
	2. Contractual services	10,830 00	
	3. Supplies and materials	3,765 00	
	4. Current charges and obligations	6,755 00	
	5. Equipment	430 00	
23a.	For tuberculosis clinic		69,374 80
23c.	For mental health association		20,000 00
24.	For noncontributory pensions		27,100 00
25.	For contributory retirement system and supervisory expenses		228,936 31
26.	For miscellaneous and contingent expenses		31,360 00
27.	For unpaid bills of previous years		41,078 32
28.	For reserve fund		50,000 00
28d.	For reserve for counsel for indigent defendants		14,000 00
28e.	For reserve for children's services		7,500 00
29.	For advertising recreational, industrial and agricultural advantages of the county		60,000 00
31.	For radio system for fire protection		5,825 75
31a.	For radio system for police protection		24,734 13
32.	For forest development		4,500 00
35.	For industrial development commission		68,623 65
36.	For control of Dutch elm disease		5,000 00
37.	For human services		29,664 00
39.	For group insurance		75,000 00
45.	For community action council		20,000 00
46.	For Northern Berkshire Association for Retarded Citizens		10,000 00
	Total amount of appropriations		$2,973,409 18
	Less estimated amount available for reduction of county tax		361,289 10
	And the county commissioners of Berkshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$2,612,120 08

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
16.	For jail and house of correction		
	1. Personal services	$369,488 38	
	2. Contractual services	28,825 00	
	Total		$398,313 38

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 476. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF PLYMOUTH COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Plymouth county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

PLYMOUTH COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$290,626 25
2.	For reduction of county debt		671,250 00
3.	For county commissioners, salaries and expenses		74,293 22
	1. Personal services	$67,613 22	
	2. Contractual services	3,400 00	
	3. Supplies and materials	2,700 00	
	4. Current charges and obligations	580 00	
4.	For transportation and expenses of county and acting commissioners		700 00
5.	For clerk of courts, salaries and expenses		288,820 03
	1. Personal services	259,212 03	
	2. Contractual services	10,000 00	
	3. Supplies and materials	8,000 00	
	4. Current charges and obligations	7,000 00	
	5. Equipment	4,608 00	
6.	For county treasurer, salaries and expenses		84,810 10
	1. Personal services	74,870 10	
	2. Contractual services	6,000 00	
	3. Supplies and materials	2,500 00	
	4. Current charges and obligations	1,440 00	
7.	For sheriff, salary and expenses		20,523 00
	1. Personal services	18,878 00	
	2. Contractual services	350 00	

Item		Subtotal	Total
	3. Supplies and materials	$ 500 00	
	4. Current charges and obligations	795 00	
8.	For registry of deeds, salaries and expenses		$457,110 33
	1. Personal services	388,755 33	
	2. Contractual services	27,000 00	
	3. Supplies and materials	19,500 00	
	4. Current charges and obligations	19,270 00	
	5. Equipment	2,585 00	
8a.	For registry of probate, salaries and expenses		32,241 40
	1. Personal services	6,120 40	
	2. Contractual services	10,500 00	
	3. Supplies and materials	9,000 00	
	4. Current charges and obligations	5,000 00	
	5. Equipment	1,621 00	
9.	For law library, salaries and expenses		17,132 60
	1. Personal services	6,892 60	
	3. Supplies and materials	240 00	
	4. Current charges and obligations	10,000 00	
10.	For highways, including state highways, bridges and land damages		113,300 00
	2. Contractual services	61,000 00	
	3. Supplies and materials	2,000 00	
	4. Current charges and obligations	50,300 00	
12.	For superior court costs		684,027 47
	1. Personal services	301,543 47	
	2. Contractual services	364,500 00	
	3. Supplies and materials	8,500 00	
	4. Current charges and obligations	8,804 00	
	5. Equipment	680 00	
13.	For civil expenses in probate court		131,891 25
	1. Personal services	60,414 25	
	2. Contractual services	68,000 00	
	3. Supplies and materials	2,950 00	
	4. Current charges and obligations	20 00	
	5. Equipment	507 00	
14.	For district courts, salaries and expenses		
	District Court of Brockton		748,981 62
	1. Personal services	626,821 92	
	2. Contractual services	26,358 70	
	3. Supplies and materials	13,650 00	
	4. Current charges and obligations	79,602 00	
	5. Equipment	2,549 00	
	Second District Court of Plymouth		472,698 27
	1. Personal services	434,481 55	
	2. Contractual services	20,000 00	
	3. Supplies and materials	10,950 00	
	4. Current charges and obligations	4,972 40	
	5. Equipment	2,294 32	
	Third District Court of Plymouth		344,051 02
	1. Personal services	317,876 02	
	2. Contractual services	15,000 00	
	3. Supplies and materials	8,150 00	
	4. Current charges and obligations	2,225 00	
	5. Equipment	800 00	
	Fourth District Court of Plymouth		303,960 75
	1. Personal services	254,522 25	

Item		Subtotal	Total
	2. Contractual services	$ 21,000 00	
	3. Supplies and materials	6,600 00	
	4. Current charges and obligations	21,838 50	
	District Court — Juvenile Division		$196,397 65
	1. Personal services	186,425 65	
	2. Contractual services	6,900 00	
	3. Supplies and materials	1,700 00	
	4. Current charges and obligations	1,181 00	
	5. Equipment	191 00	
15.	For medical examiners and commitments of insane		78,700 00
16.	For jail and house of correction, maintenance and operation		781,771 62
	1. Personal services	781,771 62	
18.	For court houses and registry buildings, maintenance and operation		381,458 06
	1. Personal services	207,903 06	
	2. Contractual services	107,400 00	
	3. Supplies and materials	47,825 00	
	4. Current charges and obligations	17,180 00	
	5. Equipment	1,150 00	
20.	For agricultural school or county cooperative extension service		176,627 94
	1. Personal services	150,826 94	
	2. Contractual services	15,000 00	
	3. Supplies and materials	6,000 00	
	4. Current charges and obligations	2,850 00	
	5. Equipment	1,951 00	
24.	For noncontributory pensions		100,000 00
25.	For contributory retirement system and supervisory expenses		273,444 00
26.	For miscellaneous and contingent expenses		14,520 00
27.	For unpaid bills of previous years		35,000 00
28.	For reserve fund		75,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		100,000 00
32a.	For maintenance, forest fire apparatus		930 00
38.	For county airport, maintenance and operation		3,575 00
	2. Contractual services	2,150 00	
	3. Supplies and materials	750 00	
	4. Current charges and obligations	675 00	
39.	For group insurance		156,185 46
41.	For firefighters' training school		1,231 00
	Total amount of appropriations		$7,111,258 04
	Less estimated amount available for reduction of county tax		1,093,320 00
	And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$6,017,938 04

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
16.	For jail and house of correction		
	1. Personal services	$ 48,000 00	
	2. Contractual services	125,000 00	
	3. Supplies and materials	190,000 00	
	4. Current charges and obligations	22,417 50	
	5. Equipment	13,854 00	
	6. Structures and improvements	3,900 00	
28d.	For reserve for counsel for indigent defendants		$100,000 00
31.	For police radio system		
	2. Contractual services	350 00	
	5. Equipment	15,000 00	
33.	For bureau of criminal investigation and police training school		
	1. Personal services	58,151 60	
	2. Contractual services	8,575 00	
	3. Supplies and materials	6,490 00	
	4. Current charges and obligations	1,404 00	
	Total	$593,142 10	

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 477. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF WORCESTER COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Worcester county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

WORCESTER COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$ 493,126 70
2.	For reduction of county debt		1,488,726 19
3.	For county commissioners, salaries and expenses		86,746 99
	1. Personal services	$78,831 99	
	2. Contractual services	800 00	
	3. Supplies and materials	5,180 00	
	4. Current charges and obligations	1,800 00	
	5. Equipment	135 00	
4.	For transportation and expenses of county and acting commissioners		3,350 00
5.	For clerk of courts, salaries and expenses		491,980 20
	1. Personal services	475,335 20	
	2. Contractual services	7,000 00	
	3. Supplies and materials	7,000 00	
	4. Current charges and obligations	1,620 00	
	5. Equipment	1,025 00	
6.	For county treasurer, salaries and expenses		162,259 95
	1. Personal services	142,279 95	
	2. Contractual services	2,530 00	
	3. Supplies and materials	7,450 00	
	4. Current charges and obligations	10,000 00	
7.	For sheriff, salary and expenses		22,270 00
	1. Personal services	19,890 00	
	2. Contractual services	700 00	
	3. Supplies and materials	1,000 00	
	4. Current charges and obligations	680 00	
8.	For registry of deeds, salaries and expenses Worcester District		626,937 85
	1. Personal services	495,457 85	
	2. Contractual services	80,000 00	
	3. Supplies and materials	32,000 00	
	4. Current charges and obligations	13,490 00	
	5. Equipment	5,990 00	
	Northern District		106,155 70
	1. Personal services	92,620 70	
	2. Contractual services	6,970 00	
	3. Supplies and materials	3,800 00	
	4. Current charges and obligations	2,000 00	
	5. Equipment	765 00	
8a.	For registry of probate, salaries and expenses		34,600 00
	2. Contractual services	10,050 00	
	3. Supplies and materials	11,140 00	
	4. Current charges and obligations	6,900 00	
	5. Equipment	6,510 00	
9.	For law library, salaries and expenses Worcester		65,092 20
	1. Personal services	35,092 20	
	2. Contractual services	2,000 00	
	3. Supplies and materials	1,000 00	
	4. Current charges and obligations	27,000 00	
	Fitchburg		19,455 40
	1. Personal services	10,410 40	
	2. Contractual services	225 00	

Item		Subtotal	Total
	3. Supplies and materials	$ 80 00	
	4. Current charges and obligations	8,500 00	
	5. Equipment	240 00	
10.	For highways, including state highways, bridges and land damages		$ 489,214 51
	1. Personal services	472,764 51	
	2. Contractual services	3,800 00	
	3. Supplies and materials	9,800 00	
	4. Current charges and obligations	2,850 00	
12.	For superior court costs		1,138,314 16
	1. Personal services	561,874 16	
	2. Contractual services	562,660 00	
	3. Supplies and materials	8,550 00	
	4. Current charges and obligations	5,230 00	
13.	For civil expenses in probate court		50,960 80
	1. Personal services	38,830 80	
	2. Contractual services	7,690 00	
	3. Supplies and materials	1,500 00	
	4. Current charges and obligations	2,200 00	
	5. Equipment	740 00	
14.	For district courts, salaries and expenses		
	Central District Court of Worcester		988,229 76
	1. Personal services	$931,153 76	
	2. Contractual services	9,500 00	
	3. Supplies and materials	40,100 00	
	4. Current charges and obligations	4,205 00	
	5. Equipment	3,271 00	
	District Court of Fitchburg		304,795 65
	1. Personal services	284,040 65	
	2. Contractual services	7,150 00	
	3. Supplies and materials	8,850 00	
	4. Current charges and obligations	3,630 00	
	5. Equipment	1,125 00	
	District Court of Leominster		119,161 76
	1. Personal services	104,708 76	
	2. Contractual services	4,175 00	
	3. Supplies and materials	6,400 00	
	4. Current charges and obligations	3,878 00	
	District Court of Winchendon		55,789 95
	1. Personal services	48,503 95	
	2. Contractual services	975 00	
	3. Supplies and materials	1,325 00	
	4. Current charges and obligations	4,486 00	
	5. Equipment	500 00	
	First District Court of Northern Worcester		329,878 53
	1. Personal services	299,491 13	
	2. Contractual services	9,255 00	
	3. Supplies and materials	7,270 00	
	4. Current charges and obligations	13,862 40	
	First District Court of Eastern Worcester		365,869 47
	1. Personal services	344,874 47	
	2. Contractual services	9,825 00	
	3. Supplies and materials	8,750 00	
	4. Current charges and obligations	2,420 00	
	Second District Court of Eastern Worcester		171,212 85
	1. Personal services	159,192 85	
	2. Contractual services	4,770 00	
	3. Supplies and materials	6,050 00	

Item		Subtotal	Total
	4. Current charges and obligations	$ 1,200 00	
	First District Court of Southern Worcester		$277,864 14
	1. Personal services	258,801 64	
	2. Contractual services	7,200 00	
	3. Supplies and materials	8,500 00	
	4. Current charges and obligations	2,412 50	
	5. Equipment	950 00	
	Second District Court of Southern Worcester		165,484 52
	1. Personal services	156,873 32	
	2. Contractual services	3,850 00	
	3. Supplies and materials	3,500 00	
	4. Current charges and obligations	1,261 20	
	Third District Court of Southern Worcester		206,491 60
	1. Personal services	190,646 60	
	2. Contractual services	5,075 00	
	3. Supplies and materials	7,850 00	
	4. Current charges and obligations	2,425 00	
	5. Equipment	495 00	
	District Court of Western Worcester		88,207 63
	1. Personal services	77,612 63	
	2. Contractual services	2,175 00	
	3. Supplies and materials	3,450 00	
	4. Current charges and obligations	4,770 00	
	5. Equipment	200 00	
	Worcester Juvenile Court		422,132 80
	1. Personal services	354,332 80	
	2. Contractual services	23,650 00	
	3. Supplies and materials	5,600 00	
	4. Current charges and obligations	38,550 00	
	District Court — Northern Juvenile District		134,492 00
	1. Personal services	123,448 00	
	2. Contractual services	9,200 00	
	3. Supplies and materials	1,500 00	
	4. Current charges and obligations	265 00	
	5. Equipment	79 00	
	District Court — Southern Juvenile District		135,804 86
	1. Personal services	126,929 86	
	2. Contractual services	7,500 00	
	3. Supplies and materials	1,200 00	
	4. Current charges and obligations	175 00	
15.	For medical examiners and commitments of insane		60,450 00
16.	For jail and house of correction, maintenance and operation		361,000 00
	3. Supplies and materials	360,000 00	
	6. All other	1,000 00	
18.	For court houses and registry buildings, maintenance and operation		804,394 05
	1. Personal services	539,129 05	
	2. Contractual services	162,170 00	
	3. Supplies and materials	90,760 00	
	4. Current charges and obligations	5,715 00	
	5. Equipment	6,620 00	
18a.	For bindery department		27,913 85
20.	For agricultural school or county cooperative extension service		254,766 00
	1. Personal services	224,986 00	
	2. Contractual services	14,000 00	

Item		Subtotal	Total
	3. Supplies and materials	$8,000 00	
	4. Current charges and obligations	1,955 00	
	5. Equipment	5,825 00	
24.	For noncontributory pensions		$ 299,000 00
25.	For contributory retirement system and supervisory expenses		693,235 55
26.	For miscellaneous and contingent expenses		148,051 87
28.	For reserve fund		125,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		65,000 00
31.	For radio system for fire protection		1,500 00
36.	For Dutch elm disease		10,000 00
39.	For group insurance		335,700 00
	Total amount of appropriations		$12,230,617 49
	Less estimated amount available for reduction of county tax		1,366,914 00
	And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$10,863,703 49

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
16.	For jail and house of correction		
	1. Personal services	$1,279,826 60	
	2. Contractual services	151,000 00	
	4. Current charges and obligations	26,000 00	
	5. Equipment	4,830 00	
28d.	For reserve for counsel for indigent defendants		$ 100,000 00
	Total		$1,561,656 60

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 478. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF BARNSTABLE COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN RE-

QUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Barnstable county, its departments, boards, commissions and institutions, for sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

BARNSTABLE COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$147,071 25
2.	For reduction of county debt		425,200 00
3.	For county commissioners, salaries and expenses		57,861 29
	1. Personal services	$50,038 79	
	2. Contractual services	3,540 00	
	3. Supplies and materials	1,200 00	
	4. Current charges and obligations	2,180 00	
	5. Equipment	902 50	
4.	For transportation and expenses of county and acting commissioners		1,200 00
5.	For clerk of courts, salaries and expenses		74,062 00
	1. Personal services	69,386 00	
	2. Contractual services	1,100 00	
	3. Supplies and materials	2,800 00	
	4. Current charges and obligations	776 00	
6.	For county treasurer, salaries and expenses		65,515 36
	1. Personal services	43,130 36	
	2. Contractual services	4,750 00	
	3. Supplies and materials	5,050 00	
	4. Current charges and obligations	12,585 00	
7	For sheriff, salary and expenses		22,360 00
	1. Personal services	19,890 00	
	2. Contractual services	550 00	
	3. Supplies and materials	1,485 00	
	4. Current charges and obligations	435 00	
8.	For registry of deeds, salaries and expenses		600,416 15
	1. Personal services	441,181 15	
	2. Contractual services	85,200 00	
	3. Supplies and materials	30,640 00	
	4. Current charges and obligations	43,685 00	
	5. Equipment	710 00	
8a.	For registry of probate, salaries and expenses		12,428 45
	1. Personal services	2,958 80	
	2. Contractual services	3,477 00	
	3. Supplies and materials	4,300 00	
	4. Current charges and obligations	600 00	
	5. Equipment	1,092 65	

Item		Subtotal	Total
9.	For law library, salaries and expenses		$ 20,300 29
	1. Personal services	$ 7,740 29	
	3. Supplies and materials	60 00	
	4. Current charges and obligations	12,500 00	
10.	For highways, including state highways, bridges and land damages		59,600 00
	2. Contractual services	9,600 00	
	6. All other	50,000 00	
12.	For superior court costs		308,314 68
	1. Personal services	100,187 38	
	2. Contractual services	196,975 00	
	3. Supplies and materials	4,250 00	
	4. Current charges and obligations	5,720 00	
	5. Equipment	1,182 30	
13.	For civil expenses in probate court		25,469 30
	1. Personal services	15,709 80	
	2. Contractual services	9,150 00	
	3. Supplies and materials	330 00	
	4. Current charges and obligations	120 00	
	5. Equipment	159 50	
14.	For district courts, salaries and expenses		
	First District Court of Barnstable		537,766 10
	1. Personal services	498,419 53	
	2. Contractual services	22,842 50	
	3. Supplies and materials	11,985 00	
	4. Current charges and obligations	2,248 00	
	5. Equipment	2,271 07	
	Second District Court of Barnstable		326,088 07
	1. Personal services	284,658 07	
	2. Contractual services	23,285 00	
	3. Supplies and materials	14,600 00	
	4. Current charges and obligations	1,945 00	
	5. Equipment	1,600 00	
15.	For medical examiners and commitments of insane		16,680 00
16.	For jail and house of correction, maintenance and operation		600,508 36
	1. Personal services	537,868 36	
	2. Contractual services	50,000 00	
	6. All other	12,640 00	
18.	For court houses and registry buildings, maintenance and operation		385,286 32
	1. Personal services	148,057 07	
	2. Contractual services	142,455 60	
	3. Supplies and materials	74,154 25	
	4. Current charges and obligations	4,564 40	
	5. Equipment	1,555 00	
	6. All other	14,500 00	
18a.	For sewage system		13,187 82
20.	For agricultural school or county cooperative extension service		104,338 97
	1. Personal services	92,026 47	
	2. Contractual services	6,270 00	
	3. Supplies and materials	3,987 50	
	4. Current charges and obligations	300 00	
	5. Equipment	1,755 00	

Item		Subtotal	Total
22.	For hospital		$1,469,378 74
	1. Personal services	$1,001,818 58	
	2. Contractual services	133,903 00	
	3. Supplies and materials	175,059 00	
	4. Current charges and obligations	102,560 16	
	5. Equipment	30,038 00	
	6. All other	26,000 00	
23.	For health service		156,064 77
	1. Personal services	135,900 27	
	2. Contractual services	13,000 00	
	3. Supplies and materials	2,500 00	
	4. Current charges and obligations	900 00	
	5. Equipment	3,764 50	
23b.	For children's services		2,000 00
24.	For noncontributory pensions		46,483 33
25.	For contributory retirement system and supervisory expenses		271,886 40
26.	For miscellaneous and contingent expenses		113,229 94
27.	For unpaid bills of previous years		30,000 00
28.	For reserve fund		50,000 00
28d.	For reserve for counsel for indigent defendants		30,000 00
28e.	For reserve for jail gymnasium		145,360 00
29.	For advertising recreational advantages of the county		125,000 00
31.	For police radio system		215,919 51
32a.	For maintenance, forest fire apparatus		3,000 00
33.	For police training school and bureau of criminal investigation		9,653 00
35.	For Cape Cod county planning and economic development commission		90,203 03
36.	For police services building		11,470 00
37.	For drug abuse information bureau		47,773 60
38.	For county airplane		1,230 00
39.	For group insurance		221,500 00
40.	For advertising and promoting county fairs		500 00
41.	For fire fighters' training school		9,665 00
42.	For home care		23,428 00
43.	For water resources		30,500 00
	Total amount of appropriations		$6,907,899 73
	Less estimated amount available for reduction of county tax		1,837,098 00
	And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$5,070,801 73

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item			
2.	For reduction of county debt		$ 92,000 00
16.	For jail and house of correction		
	1. Personal services	$ 61,000 00	
	3. Supplies and materials	120,000 00	
	4. Current charges and obligations	8,330 69	
	5. Equipment	23,885 00	
22.	For hospital		
	7. Sewage beds	83,000 00	
33.	For police training school and bureau of criminal investigation		
	1. Personal services	103,189 78	
	3. Supplies and materials	11,000 00	
	Total		$502,405 47

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 479. AN ACT EXEMPTING THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE OF THE TOWN OF FAIRHAVEN FROM THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. The position of administrative assistant to the chief of police of the town of Fairhaven, authorized at the special town meeting of said town on April fourth, nineteen hundred and seventy-five, shall not be subject to the provisions of chapter thirty-one of the General Laws.

Any person appointed thereto who serves in such position for a period of three consecutive years may hold such position until he reaches age sixty-five unless sooner incapacitated by physical or mental disability from performing the duties of administrative assistant or unless removed by the selectmen in accordance with the provisions of said chapter thirty-one and the rules made thereunder, relative to removal from the classified civil service.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the police department of said town holding civil service status on the effective date of this act. *Approved July 11, 1975.*

Chap. 480. AN ACT CLARIFYING THE ELIGIBILITY OF PRIVATE

SCHOOL STUDENTS TO OBTAIN PUBLIC SCHOOLS HEALTH SERVICES.

Be it enacted, etc., as follows:

The first sentence of section 57 of chapter 71 of the General Laws, as amended by chapter 1197 of the acts of 1973, is hereby further amended by inserting after the word "one", in line 5, the words:— and which does not discriminate in its entrance requirements on the basis of race or color.

Approved July 11, 1975.

Chap. 481. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF ESSEX COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Essex county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

ESSEX COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$375,657 00
2.	For reduction of county debt		599,000 00
3.	For county commissioners, salaries and expenses		155,997 39
	1. Personal services	$150,067 39	
	2. Contractual services	4,245 00	
	3. Supplies and materials	1,200 00	
	4. Current charges and obligations	485 00	
4.	For transportation and expenses of county and acting commissioners		1,525 00
5.	For clerk of courts, salaries and expenses		338,679 12
	1. Personal services	318,107 12	
	2. Contractual services	11,300 00	
	3. Supplies and materials	5,700 00	
	4. Current charges and obligations	2,217 00	
	5. Equipment	1,355 00	

Item		Subtotal	Total
6.	For county treasurer, salaries and expenses		$ 94,107 47
	1. Personal services	$ 78,492 47	
	2. Contractual services	1,660 00	
	3. Supplies and materials	2,100 00	
	4. Current charges and obligations	11,150 00	
	5. Equipment	705 00	
7.	For sheriff, salary and expenses		38,198 10
	1. Personal services	27,650 49	
	2. Contractual services	1,200 00	
	4. Current charges and obligations	750 00	
	5. Equipment	4,992 50	
	6. All other	3,605 11	
8.	For registry of deeds, salaries and expenses Southern District		621,675 83
	1. Personal services	539,844 23	
	2. Contractual services	19,000 00	
	3. Supplies and materials	23,000 00	
	4. Current charges and obligations	38,821 60	
	5. Equipment	1,010 00	
	Northern District		263,681 46
	1. Personal services	239,856 46	
	2. Contractual services	13,900 00	
	3. Supplies and materials	3,000 00	
	4. Current charges and obligations	5,725 00	
	5. Equipment	1,200 00	
8a.	For registry of probate, salaries and expenses		20,582 15
	1. Personal services	8,327 15	
	2. Contractual services	1,050 00	
	3. Supplies and materials	7,500 00	
	4. Current charges and obligations	3,205 00	
	5. Equipment	500 00	
9.	For law library, salaries and expenses Salem		30,432 26
	1. Personal services	17,022 26	
	2. Contractual services	285 00	
	3. Supplies and materials	125 00	
	4. Current charges and obligations	13,000 00	
	Lawrence		28,410 00
	1. Personal services	14,525 00	
	2. Contractual services	1,100 00	
	3. Supplies and materials	185 00	
	4. Current charges and obligations	12,000 00	
	5. Equipment	600 00	
10.	For highways, including state highways, bridges and land damages		218,984 91
	1. Personal services	204,584 91	
	2. Contractual services	5,000 00	
	3. Supplies and materials	3,900 00	
	4. Current charges and obligations	2,500 00	
	6. All other	3,000 00	
12.	For superior court costs		969,401 31
	1. Personal services	353,198 04	
	2. Contractual services	598,150 00	
	3. Supplies and materials	6,400 00	
	4. Current charges and obligations	4,600 00	
	5. Equipment	865 00	
	6. All other	6,188 27	

Item		Subtotal	Total
13.	For civil expenses in probate court		$ 59,680 00
	1. Personal services	$ 37,810 00	
	2. Contractual services	19,700 00	
	3. Supplies and materials	950 00	
	4. Current charges and obligations	620 00	
	5. Equipment	600 00	
14.	For district courts, salaries and expenses		
	First District Court of Essex		513,887 19
	1. Personal services	470,861 39	
	2. Contractual services	18,610 00	
	3. Supplies and materials	8,520 00	
	4. Current charges and obligations	12,925 80	
	5. Equipment	2,970 00	
	Second District Court of Essex		131,211 85
	1. Personal services	123,086 85	
	2. Contractual services	2,085 00	
	3. Supplies and materials	1,520 00	
	4. Current charges and obligations	4,145 00	
	5. Equipment	375 00	
	Third District Court of Essex		69,279 75
	1. Personal services	63,169 30	
	2. Contractual services	1,379 50	
	3. Supplies and materials	995 00	
	4. Current charges and obligations	2,907 45	
	5. Equipment	828 50	
	Central District Court of Northern Essex		437,308 40
	1. Personal services	406,018 40	
	2. Contractual services	20,565 00	
	3. Supplies and materials	4,020 00	
	4. Current charges and obligations	5,530 00	
	5. Equipment	1,175 00	
	District Court of Eastern Essex		282,078 18
	1. Personal services	234,057 18	
	2. Contractual services	6,900 00	
	3. Supplies and materials	4,150 00	
	4. Current charges and obligations	36,696 00	
	5. Equipment	275 00	
	District Court of Lawrence		465,653 99
	1. Personal services	445,914 49	
	2. Contractual services	11,890 00	
	3. Supplies and materials	3,435 00	
	4. Current charges and obligations	2,014 50	
	5. Equipment	2,400 00	
	District Court of Southern Essex		535,588 72
	1. Personal services	497,503 72	
	2. Contractual services	21,625 00	
	3. Supplies and materials	6,890 00	
	4. Current charges and obligations	8,265 00	
	5. Equipment	1,305 00	
	District Court of Newburyport		138,898 61
	1. Personal services	125,498 61	
	2. Contractual services	3,875 00	
	3. Supplies and materials	1,880 00	
	4. Current charges and obligations	6,695 00	
	5. Equipment	950 00	
	District Court of Peabody		368,015 24
	1. Personal services	330,692 69	
	2. Contractual services	7,242 75	
	3. Supplies and materials	7,875 00	

Item		Subtotal	Total
	4. Current charges and obligations	$ 21,954 80	
	5. Equipment	250 00	
	District Court — Juvenile Division		$167,272 19
	1. Personal services	160,242 19	
	2. Contractual services	6,400 00	
	3. Supplies and materials	225 00	
	4. Current charges and obligations	405 00	
	Legal counsel for indigent defendants		96,000 00
	1. Personal services	96,000 00	
15.	For medical examiners and commitments of insane		65,000 00
16.	For jail and house of correction, maintenance and operation		
	Lawrence		117,330 00
	2. Contractual services	15,830 00	
	3. Supplies and materials	101,500 00	
	Salem		133,765 50
	2. Contractual services	23,000 00	
	3. Supplies and materials	110,765 50	
17.	For training school		51,379 45
	1. Personal services	25,904 45	
	2. Contractual services	12,000 00	
	3. Supplies and materials	12,275 00	
	4. Current charges and obligations	1,200 00	
18.	For court houses and registry buildings, maintenance and operation		696,281 00
	1. Personal services	528,600 50	
	2. Contractual services	96,220 00	
	3. Supplies and materials	45,900 00	
	4. Current charges and obligations	3,290 00	
	5. Equipment	2,270 50	
	6. All other	20,000 00	
20.	For agricultural school or county cooperative extension service		2,394,621 30
	1. Personal services	1,860,577 30	
	2. Contractual services	153,000 00	
	3. Supplies and materials	281,000 00	
	4. Current charges and obligations	80,000 00	
	5. Equipment	20,043 00	
	6. All other	1 00	
24.	For noncontributory pensions		306,057 08
25.	For contributory retirement system and supervisory expenses		823,077 28
26.	For miscellaneous and contingent expenses		123,060 90
27.	For unpaid bills of previous years		60,000 00
28.	For reserve fund		80,000 00
28b.	For reserve for training school		25,904 45
28e.	For reserve for child care		50,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		180,000 00
30.	For forest fire patrol		2,600 00
31.	For radio system for fire protection or police radio system		25,000 00

Item		Subtotal	Total
32.	For forest development	$	4,500 00
34.	For conservation district		15,000 00
35.	For county planning		42,198 60
39.	For group insurance		480,000 00
45.	For centralized purchasing department		186,290 45
	Total amount of appropriations		$12,883,272 13
	Less estimated amount available for reduction of county tax		2,582,121 25
	And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$10,301,150 88

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and approval thereof.

Item			
16.	For jail and house of correction		
	Lawrence		
	1. Personal services	$457,487 49	
	4. Current charges and obligations	2,081 60	
	5. Equipment	2,195 15	
	Salem		
	1. Personal services	564,785 93	
	4. Current charges and obligations	2,274 40	
	5. Equipment	1,780 45	
	Total		$1,030,605 02

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five. *Approved July 11, 1975.*

Chap. 482. AN ACT PLACING THE POLICE DEPARTMENT OF THE TOWN OF GEORGETOWN UNDER THE DIRECTION OF THE BOARD OF SELECTMEN OF SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the acceptance by the town of Georgetown of the provisions of section ninety-seven A of chapter forty-one of the General Laws is hereby rescinded. On and after the effective date of this act, the board of selectmen of said town is hereby authorized to establish a police department which shall be under the supervision of an officer to be known as the chief of police. Said board shall appoint a chief of police and such officers as they deem necessary, and fix their compensation, not exceeding, in the aggregate, the annual appropriation therefor. The appointments of the chief

and other officers shall be made for a term of years not to exceed three years. Said board may remove such chief and or officers during the term of the appointment for cause at any time after a hearing; provided, however, that said board, in deciding not to reappoint a chief and or other officers, may do so only after a public hearing. The chief of police shall from time to time make suitable regulations governing the police department, and other officers thereof, subject to the approval of said board; provided, that such regulations shall become effective without such approval upon the failure of said board to take action thereon within thirty days after they have been submitted to them by the chief of police. The chief of police shall be in immediate control of all town property used by the police department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders.

Approved July 11, 1975.

Chap. 483. AN ACT PROVIDING FOR THE ESTABLISHMENT OF A HOUSING REVIEW BOARD IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Declaration of Emergency. The general court finds and declares that a serious public emergency exists in the city of Lowell with respect to the housing of a substantial number of residents of said city, with emergency has been created by housing demolition, an expanding student population, a substantial elderly population, deterioration within the existing housing stock and the national and area economic conditions which have deterred new construction of housing accommodations and placed such new housing above the means of low and moderate income residents. The general court further finds that because of the substantial and increasing shortage of rental housing accommodations abnormally high rents have resulted, and, that unless residential rents become subject to review and control on a case-by-case basis, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the residents of Lowell; that such emergency should be met by the commonwealth immediately with due regard for the rights and responsibility of the city of Lowell.

SECTION 2. The city of Lowell is hereby authorized to establish a Housing Review Board to regulate individual cases affecting rental housing accommodations and to determine when rent charges appear in the judgment of said Board to be excessive and unreasonable.

SECTION 3. The Housing Review Board shall consist of seven members, who shall be residents of the city of Lowell, appointed by the city manager of said city and confirmed by the city council of said city, to serve without compensation for a term of one

year. Said Board shall consist of one owner of rental residential property, one tenant, and five persons who own single family residences.

Said Board shall have jurisdiction over all rental units in the city of Lowell except:

a. Rental Units in motels, inns, and tourist homes, and rental units in rooming or boarding houses which are rented primarily to transient guests for periods of less than fourteen consecutive days.

b. Rental units which a governmental unit, agency, or authority either owns or operates, or finances or subsidizes.

c. Rental units in co-operatives or condominiums.

d. Rental units in any hospital, convent, monastery, asylum, public institution, college or school dormitory operated exclusively for charitable or educational purposes.

e. Rental units in nursing homes for the aged.

f. Rental units in owner-occupied two, three or four family houses.

Said Board shall secure such information, make such investigations and conduct such studies, either directly or through other municipal agencies, and may summons such persons, papers or documents as it finds necessary for the performance of its duties.

SECTION 4. Said Board may regulate and modify:

a. Rent increases which it finds unreasonable after a hearing and which affect buildings wherein violations of the building code, sanitary code or any other applicable laws, ordinances, rules or regulations governing the condition of residential premises exist.

b. Any unreasonable rent increase intended to take effect after the effective date of this act.

SECTION 5. Said Board shall conduct hearings for the purpose of settling disputes between landlords and tenants in a fair and equitable manner and adjust rents of rental units not exempted pursuant to section three in a fair and reasonable manner, allowing the landlord in each case a fair net operating income, in accordance with such standards as it shall establish with the approval of said city manager and said city council.

SECTION 6. Any aggrieved party may file a civil action against said Board in the District Court of Lowell, or in any Housing court having jurisdiction thereof. Such court shall review and decide the action pursuant to the standards set forth in paragraph (7) of section fourteen of chapter thirty A of the General Laws. The District Court of Lowell, or such Housing court, shall have jurisdiction to enjoin any violation of this act.

SECTION 7. Any person who demands, accepts, receives or retains any payment of rent in excess of the amount authorized by said Board, shall be liable to the person from whom such payment is demanded, accepted, received or retained, or to the municipality for reasonable attorney's fees and costs as deter-

mined by the court, plus liquidated damages in the amount of four hundred dollars.

SECTION 8. The necessity for such Board shall be reviewed annually by said city manager and said city council and said Board shall expire on the first day of October of each year, beginning in the year nineteen hundred and seventy-six, unless previously renewed by vote of said city council.

SECTION 9. No owner of residential property within the city of Lowell not exempted pursuant to the provisions of section three may bring eviction proceedings against a tenant who has utilized this law for a period of one year after the filing, in writing or otherwise, of a complaint with the Board, unless:

1. The tenant has failed to pay the rent to which the landlord is entitled;

2. The tenant has violated an obligation or covenant of his tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord;

3. The tenant is committing or permitting to exist a nuisance in or is causing substantial interference with the comfort, safety, or enjoyment of the landlord or other occupants of the same or any adjacent accommodation;

4. The tenant is convicted of using or permitting the rental unit to be used for any illegal purpose;

5. The tenant, who has a written lease or rental agreement which terminated after this act has taken effect, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not inconsistent with or violative of any provisions of law;

6. The tenant has refused the landlord reasonable access to the unit for the purpose of making necessary repairs or improvements required by the laws of the United States, the commonwealth, or the city of Lowell, or for the purpose of inspection as permitted or required by the lease or by law, or for the purpose of showing the rental unit to any prospective purchaser or mortgagor;

7. The person holding at the end of a lease term is a subtenant not approved by the landlord;

8. The landlord seeks to recover possession in good faith for use and occupancy of himself, or his children, parents, brother, sister, father-in-law, mother-in-law, or daughter-in-law;

9. The landlord seeks to recover possession to demolish or otherwise remove the unit from housing use; and

10. That landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of this act.

SECTION 10. This act shall take effect upon its passage.

Approved July 14, 1975.

Chap. 484. AN ACT FURTHER REGULATING THE ISSUANCE OF COMMERCIAL FISHERMAN PERMITS FOR THE TAKING OF LOBSTERS IN COASTAL WATERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately safeguards for the preservation of an endangered food species, namely lobster, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 130 of the General Laws is hereby amended by inserting after section 38A the following section: —

Section 38B. Notwithstanding the provisions of section thirty-eight, the director shall not issue more than thirteen hundred commercial fisherman permits for the taking of lobsters in coastal waters annually, provided, however, subject to the approval of the marine advisory commission, he may issue up to one hundred and thirty additional permits if the applicant had been issued a commercial fisherman's permit for the taking of lobsters in coastal waters for any year since nineteen hundred and seventy or if he finds that the applicant would suffer a substantial hardship if the permit were not granted.

Any commercial fisherman permit for the taking of lobsters in coastal waters under this chapter held by an individual, partnership or corporation may be transferred to any individual, partnership or corporation qualified to receive such a permit in the first instance if, in the opinion of the director, such transfer is in the public interest. If the director determines that an individual, partnership or corporation is not entitled to a transfer as aforesaid of a permit granted by them, the applicant for such transfer may appeal to the marine advisory commission, and the decision of the commission upon such appeal shall be final.

In the case of the death of an individual holder of any permit under this chapter, such permit, unless earlier surrendered, revoked or cancelled, shall authorize the executor or administrator of the deceased permittee to exercise all authority conferred upon such permitttee until the termination thereof.

SECTION 2. The division of marine fisheries is hereby authorized and directed to investigate and study rules and regulations relative to the issuance of commercial fisherman permits for the taking of lobsters in coastal waters with special emphasis on developing a system for the issuance of such permits plus regulations for limiting the amount of gear that can be used in coastal lobster fishing. The division shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of its legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the current year.

Approved July 14, 1975.

Chap. 485. AN ACT REQUIRING BANKS AND CREDIT UNIONS TO NOTIFY DEPOSITORS WHOSE FUNDS HAVE BEEN APPLIED TO THE REDUCTION OR PAYMENT OF DEBTS OWED TO SAID BANKS OR CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to require banks and credit unions to notify depositors or shareholders of certain transfers of funds subsequent to a default of a debt, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 67 of chapter 167 of the General Laws, inserted by chapter 23 of the acts of 1975, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Whenever a bank or credit union, as a consequence of a default of a debt owed to said bank or credit union by a depositor or shareholder, makes a transfer of funds of such depositor or shareholder to reduce or extinguish said debt, such depositor or shareholder shall be notified forthwith of such transfer by written notice sent by certified mail, return receipt requested, directed to his last known address.

Approved July 14, 1975.

Chap. 486. AN ACT EXTENDING UNEMPLOYMENT COMPENSATION BENEFITS TO CERTAIN FEDERAL EMPLOYEES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent the termination of financial assistance to certain former federal employees in July of the current year, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 3 of chapter 558 of the acts of 1973 is hereby amended by striking out, in line 3, the words "sixth, nineteen hundred and seventy-five" and inserting in place thereof the words: — fourth, nineteen hundred and seventy-six.

Approved July 14, 1975.

Chap. 487. AN ACT ALLOWING THE STATE TREASURER TO SET UP COOPERATIVE NOMINEE PARTNERSHIPS FOR MASSACHUSETTS STATE EMPLOYEES RETIREMENT FUND AND MASSACHUSETTS TEACHERS RETIREMENT FUND.

Be it enacted, etc., as follows:

Paragraph (*b*) of subdivision (1) of section 23 of chapter 32 of the General Laws is hereby amended by inserting after the second sentence the following two sentences: — The state treasurer may cause any stock, bond, or security of each such system to be held for its account and not in a fiduciary capacity to be registered and held in the name of a partnership or a cooperative nominee named by him. The members of the partnership or the cooperative nominee shall be restricted to the state treasurer and the first, second and third deputy treasurer, as the state treasurer may so designate.

Approved July 14, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 22, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 487 of the Acts of 1975, entitled, AN ACT ALLOWING THE STATE TREASURER TO SET UP COOPERATIVE NOMINEE PARTNERSHIPS FOR MASSACHUSETTS STATE EMPLOYEES RETIREMENT FUND AND MASSACHUSETTS TEACHERS RETIREMENT FUND., and the enactment of which received my approval on July 14, 1975, should take effect forthwith.

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

In order to immediately allow the investment of certain funds.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 22, 1975.

I, Paul F. Pimentel, Deputy Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and nineteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter four hundred and eighty-seven of the acts of nineteen hundred and seventy-five.

PAUL F. PIMENTEL,
Deputy Secretary of the Commonwealth.

Chap. 488. AN ACT FACILITATING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE FEDERAL HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section fifty-six of chapter forty-one of the General Laws or any other general or special law to the contrary, cities and towns may pay over in lump sum payments to local housing authorities, redevelopment authorities, or municipal development agencies, funds received under the federal Housing and Community Development Act of 1974, in order to carry out the purposes for which such funds were received. Housing authorities, redevelopment authorities, and municipal development agencies receiving such funds, shall be subject to all applicable requirements of chapter one hundred and twenty-one B of the General Laws and rules and regulations thereunder. The department of community affairs shall promulgate such further rules and regulations as may be required to carry out the purposes of this act.

Approved July 14, 1975.

Chap. 489. AN ACT PROVIDING FOR THE MEMBERSHIP OF THE TOWN OF NORTHBRIDGE IN THE CENTRAL MASSACHUSETTS MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 583 of the acts of 1973 is hereby amended by inserting after the word "Northborough", in line 6, the word: — Northbridge.

SECTION 2. The town of Northbridge at any time prior to the effective date of this act may by a majority vote of the voters at a town meeting vote not to become a member of the Central Massachusetts Mosquito Control Project.

SECTION 3. This act shall take effect ninety days after its passage. *Approved July 14, 1975.*

Chap. 490. AN ACT AUTHORIZING CERTAIN PERSONS TO ATTEND AN INQUEST.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 38 of the General Laws, as most recently amended by section 1 of chapter 30 of the acts of 1939, is hereby amended by striking out the fourth sentence and inserting in place thereof the following two sentences: — Any person or his attorney having an interest in the inquest may be present during the holding of such inquest and shall at the completion of the magistrate's report of said inquest have

the right to examine said report. All other persons not required by law to attend may be excluded from the inquest; provided, however, that the parents, guardian or next of kin of the person whose death is the subject of the inquest shall be deemed to be an interested person.

SECTION 2. The provisions of section one of this act relative to the examination of the report of a magistrate shall apply to any inquest held after January first, nineteen hundred and seventy-four. *Approved July 14, 1975.*

Chap. 491. AN ACT FURTHER REGULATING THE REPORTING OF CERTAIN EXPENDITURES MADE BY CORPORATIONS TO INFLUENCE VOTERS ON REFERENDUM QUESTIONS.

Be it enacted, etc., as follows:

Chapter 55 of the General Laws is hereby amended by striking out section 22, as appearing in section 1 of chapter 151 of the acts of 1975, and inserting in place thereof the following section: —

Section 22. The treasurer of any corporation mentioned in section eight which has given, paid, expended or contributed, or promised to give, pay, expend or contribute, any money or any valuable thing in order to influence or affect the vote on any question submitted to the voters which materially affects any of the property, business or assets of the corporation, shall file reports with the director setting forth the amount or value of every gift, payment, expenditure or contribution or promise to give, pay, expend or contribute, together with the date, purpose, and full name and address of the person to whom it was made.

Such reports shall be filed as follows: —

(1) the sixtieth day prior to the election; on or before (2) the fifth and twentieth day of each month complete as of the preceding first and fifteenth day of the month, until the election, and, thereafter; (3) the fifth day of each month until all declared liabilities have been discharged.

Any corporation violating any provision of this section shall be punished by a fine of not more than fifty thousand dollars and any officer, director or agent of the corporation violating any provision thereof or authorizing such violation, or any person who violates or in any way knowingly aids or abets the violation of any provision thereof, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both. *Approved July 14, 1975.*

Chap. 492. AN ACT AUTHORIZING THE APPROPRIATION OF CERTAIN FUNDS OF THE CITY OF ATTLEBORO PREVIOUSLY RAISED BY BOND ISSUE.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section twenty of chapter forty-four of the General Laws, the city of Attleboro may, by a two-thirds vote of all members of the city council, appropriate sums, not exceeding four hundred and two thousand eight hundred and sixty-five dollars and sixty-five cents, in the aggregate, from the proceeds of loans issued June fifteenth, nineteen hundred and sixty-eight and November fifteenth, nineteen hundred and sixty-three, under the authority of clause (3A) of section seven of said chapter forty-four and chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, which proceeds are not presently necessary for the purpose specified in the authorization of said loan, for the specific purpose of funding the nineteen hundred and seventy-four — nineteen hundred and seventy-five school teachers deferred salaries account.

Approved July 14, 1975.

Chap. 493. AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO PAY A CERTAIN SUM OF MONEY TO JOHN GURICH.

Be it enacted, etc., as follows:

SECTION 1. The town of Chelmsford is hereby authorized to appropriate money for the payment of, and to pay to John Gurich, a sum not to exceed one thousand eight hundred and seventy-five dollars for services rendered to said town in the year nineteen hundred and seventy-four, payment for which is legally unenforceable against said town.

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

SECTION 3. Any person who knowingly files a certificate required by section two which is false and who thereby receives payment for services rendered to said town, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

SECTION 4. The action taken by the town of Chelmsford on Article 7 of the warrant for the annual town meeting of said town held on May twenty-second, nineteen hundred and seventy-five, is hereby validated and confirmed to the same extent as though section one of this act had been in full force and effect at the time of the posting of the warrant for said meeting.

Approved July 14, 1975.

Chap. 494. AN ACT RELATIVE TO PERMITS FOR THE MOVEMENT OF CERTAIN VEHICLES OVER THE WAYS OF THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to resolve the issues raised by the Temporary Restraining Order issued by the U.S. District Court, to assure the free flow of intrastate commerce, and to prevent undue interference with interstate commerce and the regulation thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 30 of chapter 85 of the General Laws is hereby amended by striking out the second, third, fourth and fifth paragraphs, inserted by section 3 of chapter 851 of the acts of 1974.

SECTION 2. Said chapter 85 is hereby further amended by inserting after section 30, the following section: —

Section 30A. The owner or lessee of any motor vehicle, trailer, semi-trailer or semi-trailer unit, as defined in section one of chapter ninety, which may lawfully be operated on the ways of this commonwealth may apply to the commissioner of public works for a permit authorizing the operation of such motor vehicle, trailer, semi-trailer or semi-trailer unit upon any state highway or way determined by the Department of Public Works to be a through route when the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit together with its load would exceed the weight limitations prescribed by section thirty or by the provisions of chapter ninety. No such application shall be approved by the commissioner of public works if the weight sought in such application exceeds either the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit, together with its load, for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered, or the gross vehicle weight rating established by a manufacturer of such vehicle or otherwise established in accordance with the provisions of section nineteen D of chapter ninety. All such applications shall be made on forms provided by the commissioner of public works which shall include, but not be limited to, the following:

(1) The make, model and year of the motor vehicle, trailer, semi-trailer or semi-trailer unit to which the permit is to apply, including the said gross vehicle weight rating and the weight for which it is registered.

(2) The name, business address and residential address, if any, of the owner or lessee of the motor vehicle, trailer, semi-trailer or semi-trailer unit.

(3) The name and address of the insurer of the motor vehicle, trailer, semi-trailer or semi-trailer unit.

(4) The maximum weight sought for such motor vehicle, trailer, semi-trailer or semi-trailer unit.

(5) The period of time for which such permit is sought, which shall not exceed one year from the date on which it is issued by the commissioner of public works.

Within seven days after his receipt of such application, the commissioner of public works shall notify the applicant of the approval or disapproval of his application. If the application is disapproved, the commissioner of public works shall notify the applicant, in writing, setting forth his reasons for such disapproval. If the application is approved, the commissioner of public works shall issue to the applicant written evidence of such approval, and the form of such approval shall set forth a description of the motor vehicle, trailer, semi-trailer or semi-trailer unit and its owner or lessee as provided in (1) through (4) above, the maximum weight allowed under such permit, and the expiration date of such permit. Such permit may be issued to allow the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit having three axles which with its load weighs not more than seventy-three thousand pounds, or any motor vehicle, trailer, semi-trailer or semi-trailer unit having four axles which with its load weighs not more than eighty-seven thousand pounds, or any motor vehicle, trailer, semi-trailer or semi-trailer unit having five or more axles which with its load weighs not more than ninety-nine thousand pounds, but such permit shall not allow the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit which with its load exceeds either the weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered or the said gross vehicle weight rating. The commissioner of public works may, however, issue under such conditions and limitations as he shall prescribe, special permits for the carrying of so-called irreducible loads with weights greater than those provided in the preceding sentence, except that the weight authorized by such irreducible load permit shall not exceed the weight for which the motor vehicle, trailer, semi-trailer or semi-trailer unit is registered.

No motor vehicle, trailer, semi-trailer or semi-trailer unit which is the subject of any such permit issued by the commissioner of public works, other than a permit for the carrying of said so-called irreducible loads, shall be operated on any public way until the registrar of motor vehicles shall have issued to the owner or lessee thereof the permit sticker as provided in section nineteen D of chapter ninety.

A conviction of a violation of this section or of sections seventeen, nineteen, or nineteen A of chapter ninety arising out of the operation of any motor vehicle, trailer, semi-trailer or semi-trailer unit for which such permit, other than a permit for the carrying of said so-called irreducible loads, has been issued shall be reported forthwith by the court to the registrar of motor

vehicles, who shall, if such conviction is a second or subsequent conviction of such a violation within twelve months, immediately revoke the permit sticker and certificate issued to the owner or lessee under section nineteen D of chapter ninety; and the registrar of motor vehicles shall forthwith report such violation and such revocation to the commissioner of public works, who shall immediately revoke the permit issued for such vehicle to such owner or lessee, and no new permit for such vehicle shall be issued for a period of not less than ninety days from the date of the revocation of the permit. The commissioner of public works may, after a prior hearing, suspend or revoke for cause any permit issued by him under this section, and in the event of such revocation, shall forthwith notify the registrar of motor vehicles, who shall immediately revoke the permit sticker and certificate issued under section nineteen D of chapter ninety. Upon the revocation of any such permit or sticker, the owner or lessee of such motor vehicle, trailer, semi-trailer or semi-trailer unit shall immediately return his copy of such permit certificate to the registrar of motor vehicles under section nineteen D of chapter ninety, and shall immediately remove such permit sticker from any such motor vehicle, trailer, semi-trailer or semi-trailer unit.

SECTION 3. Said chapter 85 is hereby further amended by striking out section 32, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 32. Any person violating any provision of section thirty, thirty A, or thirty-one, or the regulations made or permits granted under authority thereof shall be punished by a fine of not more than one hundred dollars, to be paid to the commonwealth when state highways are injured and to the county, city or town when any public way is injured which is under the care of said county, city or town, for use on the public ways of said county, city or town.

SECTION 4. Said chapter 85 is hereby further amended by striking out section 33, as so appearing, and inserting in place thereof the following section: —

Section 33. Nothing in sections thirty to thirty-two, inclusive, shall affect the liability of the commonwealth or of any county, city, or town to pay for any damage or injury to any person or property.

SECTION 5. Section 35 of said chapter 85, as most recently amended by section 5 of chapter 851 of the acts of 1974, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence: — Any person operating a vehicle the weight of which, with its load, exceeds the maximum weight as posted under this section or section thirty-four shall be punished by a fine of not more than two hundred dollars, unless said vehicle is being operated in accordance with the terms of a special permit issued under the provisions of sections thirty and thirty A.

SECTION 6. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "Gross Vehicle Weight Rating", inserted by section 6 of said chapter 851, and inserting in place thereof the following definition: —

"Gross vehicle weight rating", the gross vehicle weight rating established by a manufacturer when applied to a motor vehicle, trailer, semi-trailer or semi-trailer unit, including the gross combination weight rating, if any, when applied to a semi-trailer unit or to a tractor-trailer combination.

SECTION 7. Section 17 of said chapter 90 is hereby amended by striking out the fifth sentence.

SECTION 8. Section 19A of said chapter 90 is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 523 of the acts of 1961, and inserting in place thereof the following paragraph: —

Any provision of sections thirty and thirty A of chapter eighty-five to the contrary notwithstanding, a motor vehicle having two axles, which vehicle with its load weighs not more than forty-six thousand pounds, and a motor vehicle, trailer, semi-trailer or semi-trailer unit having three or more axles, which unit or vehicle with its load weighs not more than eighty thousand pounds, may travel on a public way without a permit as required by sections thirty and thirty A of chapter eighty-five; provided, that no such motor vehicle, trailer, semi-trailer or semi-trailer unit, the weight on any axle of which, measured at the ground, exceeds twenty-two thousand four hundred pounds, or, in the case of axles spaced less than six feet apart, eighteen thousand pounds, shall so travel without such a permit; provided further that in any event such a motor vehicle, trailer, semi-trailer or semi-trailer unit may travel on a public way without such a permit if the overall gross weight on a group of two or more consecutive axles thereof does not exceed the gross weight produced by application of the following formula:

$$W = 500\left(\frac{LN}{N-1} + 12N + 36\right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more: *Provided,* that such overall gross weight may not exceed eighty thousand pounds.

SECTION 9. Said section 19A of said chapter 90 is hereby further amended by striking out the third paragraph, as appearing in section 8 of chapter 851 of the acts of 1974, and inserting in place thereof the following paragraph: —

No motor vehicle, trailer, semi-trailer or semi-trailer unit

shall be operated, nor shall the owner or bailee thereof require or permit such operation, when the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit exceeds either the weight provided by this chapter or that specified in any permit issued by the commissioner of public works under sections thirty and thirty A of chapter eighty-five, whichever is the greater, but in no event in excess of the gross weight for which such vehicle is registered; nor shall any person load or cause to be loaded such vehicle in excess of such weights. If the gross weight of any such motor vehicle, trailer, semi-trailer or semi-trailer unit does not exceed one hundred and five per cent of the maximum gross weight provided by said permit, such motor vehicle, trailer, semi-trailer or semi-trailer unit shall not be deemed to be operating in violation of the provisions of sections thirty and thirty A of chapter eighty-five; but if the gross vehicle weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit does exceed the said one hundred and five per cent of the maximum gross weight provided by said permit, any penalty provided in this chapter shall be determined on the difference between the actual gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit and the weight permitted by this section or the weight permitted by the said permit for such motor vehicle, trailer, semi-trailer or semi-trailer unit, whichever is the greater, at the time of such violation.

SECTION 10. The fourth paragraph of said section 19A of said chapter 90, as so appearing, is hereby amended by adding the following sentence: — No officer authorized to enforce the provisions of this chapter shall detain for weighing on portable scales more than two motor vehicles, with or without trailers or semi-trailers attached thereto, at any one place at any one time.

SECTION 11. Said chapter 90 is hereby further amended by striking out section 19D, inserted by section 9 of chapter 851 of the acts of 1974, and inserting in place thereof the following section: —

Section 19D. Except for special permits for the carrying of so-called irreducible loads, for which permit stickers shall not be required, the registrar shall issue to the owner or lessee of a motor vehicle, trailer, semi-trailer or semi-trailer unit for which a permit, other than a special permit for the carrying of so-called irreducible loads, has been issued under the provisions of sections thirty and thirty A of chapter eighty-five, a permit sticker to be affixed to the upper center portion of the windshield, or in case of a trailer or a semi-trailer to the lower right front, upon the payment by such owner or lessee of the fee provided in section thirty-three of chapter ninety; provided that such owner or lessee shall have filed with the registrar the written approval of the commissioner of public works of his application for such permit, together with a certificate of the gross vehicle weight rating of such motor vehicle, trailer, semi-trailer or semi-trailer unit. If standards promulgated by the United States Department

of Transportation, or such agency as may succeed to its powers and responsibilities, are applicable to such vehicle, its gross vehicle weight rating shall be reported to the registrar in accordance with such standards. Such certificates shall be in such form as the registrar shall prescribe, but it shall be divided in two sections, one to be executed by the owner or lessee, and the other to be executed by a manufacturer of the vehicle or the authorized representative of such manufacturer. The owner or lessee's section shall include, but not be limited to: (*a*) the make, model and year of the motor vehicle, trailer, semi-trailer or semi-trailer unit; (*b*) the vehicle identification number; (*c*) the name and address of the owner or lessee; (*d*) the gross weight for which such vehicle is registered; (*e*) the maximum weight authorized by the commissioner of public works for such vehicle; (*f*) a statement by the owner or lessee that to its knowledge, no alterations have been made to the motor vehicle, trailer, semi-trailer or semi-trailer unit which would tend to reduce the said gross vehicle weight rating, and that the chassis, axles, tires, rims, brakes, steering components and suspension system are maintained in good order; (*g*) the date of permit approval by the commissioner of public works, and any number assigned thereto by him; and (*h*) the expiration date of such permit, which shall also be the expiration date of said permit sticker. The said manufacturer's section shall include, but not be limited to: (*a*) the manufacturer's name and address and its representative's name and address, if any, providing the gross vehicle weight rating, and (*b*) the said gross vehicle weight rating in pounds.

If an owner or lessee shall be unable to obtain a manufacturer's gross vehicle weight rating for any such vehicle manufactured before January first, nineteen hundred and seventy-two and shall submit to the registrar a statement in writing from such manufacturer giving the reasons why it cannot provide such a rating, the registrar may nevertheless issue such a permit sticker limited to such weight, not exceeding registered weight, as the registrar shall prescribe.

A copy of such certificate, or certificates in case of a semi-trailer unit or a tractor operating with a trailer, shall be issued by the registrar to the owner or lessee, and it shall be kept by the operator of such vehicle in an accessible place, and it shall be produced for inspection at the request of any police officer. No such permit sticker or certificate shall be issued by the registrar if the maximum gross weight authorized by the commissioner of public works exceeds the gross weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit is registered.

Upon the transfer of ownership or possession of any motor vehicle, trailer, semi-trailer or semi-trailer unit, any such permit or sticker which has not expired or been revoked shall remain in effect until its expiration date, provided that the person in possession of such motor vehicle, trailer, semi-trailer or semi-

trailer unit after such transfer shall have notified the registrar and the commissioner of public works in writing of his name, address and the date of such transfer upon such form as the registrar shall prescribe.

Whoever knowingly and willfully makes any false statement in any application for a permit, under section thirty or thirty A of chapter eighty-five or in any certificate under this section, or whoever knowingly and willfully alters any such motor vehicle, trailer, semi-trailer or semi-trailer unit for the purpose of reducing its said gross vehicle weight rating below the weight limit set forth in the permit after such permit and sticker have been issued and while such permit and sticker are in use and effect, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment for not less than two weeks nor more than two years, or both. A conviction of a violation of this paragraph shall be reported forthwith by the court or magistrate to the registrar who shall immediately revoke the said permit sticker and no appeal, motion for new trial or exceptions shall operate to stay such revocation, and the registrar shall forthwith report such violation and revocation to the commissioner of public works who shall immediately revoke the permit issued for such vehicle. Upon the revocation of any such permit or sticker, the owner or lessee of such motor vehicle, trailer, semi-trailer or semi-trailer unit shall immediately return his copy of such certificate to the registrar, and shall immediately remove such permit sticker from any such motor vehicle, trailer, semi-trailer or semi-trailer unit.

SECTION 11A. Said chapter 90 is hereby further amended by inserting after section 19D the following section: —

Section 19E. Any provision of this chapter or of chapter eighty-five to the contrary notwithstanding, no motor vehicle, trailer, semi-trailer, or semi-trailer unit may be operated or permitted to operate on the System of Interstate and Defense Highways within this commonwealth with a gross vehicle weight or weight per axle such as would preclude the commonwealth from receiving federal highway aid funds under Title 23 of the United States Code.

SECTION 12. Said chapter 90 is hereby further amended by striking out section 20, as most recently amended by section 10 of said chapter 851, and inserting in place thereof the following section: —

Section 20. A person convicted of a violation of any provision of this chapter the punishment for which is not otherwise provided, or of a violation of any rule or regulation of the registrar made under authority of section thirty-one, or of a violation of a special speed regulation lawfully made under authority of section eighteen, shall be punished by a fine of not more than twenty-five dollars for the first offense, not less than twenty-five nor more than fifty dollars for a second offense, and not less than fifty nor more than one hundred dollars for subsequent offenses

committed during any twelve-month period; provided, that any person convicted of operating or permitting the operation of a school bus carrying passengers in excess of the number authorized under section seven B shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and that any person convicted of violating any of the provisions of section sixteen shall be punished by a fine of not less than twenty nor more than one hundred dollars, and that any person convicted of operating a motor vehicle, trailer, semi-trailer or semi-trailer unit in violation of section nineteen shall be punished by a fine of not more than one hundred dollars and that any person convicted of knowingly operating a motor vehicle, trailer, semi-trailer or semi-trailer unit or any owner or bailee convicted of requiring or permitting the operation thereof in violation of section nineteen A or of the terms of any permit issued under sections thirty and thirty A of chapter eighty-five shall be punished by a fine of thirty dollars for each one thousand pounds of weight or fraction thereof by which the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit as operated exceeds either that permitted by said section nineteen A or by the permit issued for such motor vehicle, trailer, semi-trailer or semi-trailer unit under sections thirty and thirty A of chapter eighty-five, whichever is greater; provided, however, that if the total of such excess weight is greater than ten thousand pounds, the fine shall be sixty dollars for each one thousand pounds or fraction thereof over said ten thousand pounds; provided, further, that in a case of so-called irreducible loads, if the owner or bailee of the motor vehicle, trailer, semi-trailer or semi-trailer unit, or his agent, servant or employee did not have reasonable means or opportunity to ascertain the weight of the load prior to applying for the permit, then the fine shall be ten dollars for each one thousand pounds of weight by which the gross weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit as operated exceeds either that permitted by said section nineteen A or section thirty A or the gross weight specified in such permit but in no event more than five hundred dollars. A complaint against a person for a violation of section eleven or section sixteen or section seventeen or of a regulation made under section eighteen may be placed on file at the discretion of the court if the violation appears to have been unintentional or if no person or property could have been endangered thereby. Upon a third or subsequent conviction in the same year of a violation of section sixteen or section seventeen or of a regulation made under section eighteen the registrar shall forthwith revoke the license of the person so convicted, and no new license shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of the registrar.

Any person convicted of a violation of the provisions of sec-

tion seventeen while operating any motor vehicle, trailer, semi-trailer or semi-trailer unit under a permit issued under section thirty and thirty A of chapter eighty-five and while the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit exceeds the limits provided in section nineteen A, exclusive of the additional limits provided in such permit, shall be punished by a fine of not more than fifty dollars for the first offense, not less than fifty dollars nor more than seventy-five dollars for a second offense committed in any twelve-month period, and not less than seventy-five nor more than one hundred and fifty dollars for subsequent offenses committed in any twelve-month period, and complaints of such violations, notwithstanding the preceding provisions of this section shall not be placed on file by the court.

SECTION 13. Subdivision (7) of section 33 of said chapter 90 is hereby amended by striking out the last paragraph, added by section 11 of said chapter 851, and inserting in place thereof the following paragraph: —

For the issuance of each permit sticker as provided in section nineteen D, ten dollars for every one thousand pounds or fraction thereof of the weight of such motor vehicle, trailer, semi-trailer or semi-trailer unit, including the maximum load to be carried thereon, in excess of the maximum weight for which such motor vehicle, trailer, semi-trailer or semi-trailer unit may otherwise be operated under the provisions of section nineteen A.

SECTION 14. Chapter 851 of the acts of 1974 is hereby amended by striking out section 12 and inserting in place thereof the following section: —

Section 12. The provisions of sections four and five of this act shall take effect on July first, nineteen hundred and seventy-six.

SECTION 15. The operation of chapter eight hundred and fifty-one of the acts of nineteen hundred and seventy-four is hereby suspended until September first, nineteen hundred and seventy-five. The provisions of this section shall take effect as of November twelfth, nineteen hundred and seventy-four.

Approved July 15, 1975.

Chap. 495. AN ACT ELIMINATING THE REQUIREMENT OF CONTINUOUS AUDITS OF ALL ACCOUNTS AND RECORDS OF THE TOWN OF BROOKLINE BY THE COMPTROLLER OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 67 of the acts of 1953 is hereby amended by striking out clause (*c*).

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

Approved July 15, 1975.

Chap. 496. AN ACT RELATIVE TO THE BASIS FOR THE ANNUAL ASSESSMENT FOR THE NORFOLK COUNTY MOSQUITO CONTROL PROJECT.

Be it enacted etc., as follows:

SECTION 1. Section 1 of chapter 341 of the acts of 1956 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Beginning with the fiscal year commencing July the first, nineteen hundred and seventy-five, there shall be annually expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to eight cents on each one thousand dollars of the equalized valuations of all such towns, as most recently reported by the state tax commissioner to the general court under the provisions of section ten C of chapter fifty-eight of the General Laws; and the state treasurer shall issue his warrant requiring the assessors of the towns within said project to assess a tax to the amount of the sums so expended one-quarter in proportion to their said valuations, and three-quarters in proportion to their respective areas, or to assess a tax to the amount of the sums so expended three-quarters in proportion to their said valuation and one-quarter in proportion to their respective areas, whichever is the lesser amount, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws; provided that any such town may in any year anticipate such assessment and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. Chapter five hundred and fifty-nine of the acts of nineteen hundred and seventy is hereby repealed.

Approved July 15, 1975.

Chap. 497. AN ACT INCREASING THE FEES FOR CERTAIN RECORDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section 34 of chapter 262 of the General Laws is hereby amended by striking out clauses (11), (12), (13), (13A), (14), (29), (30), (30A), (44), (44A), (45), (66), and (67) and inserting in place thereof the following clauses: —

(11) For entering amendment of a record of the birth of an illegitimate child, subsequently legitimatized, two dollars.

(12) For correcting errors in a record of birth, two dollars.

(13) For furnishing certificate of a birth, two dollars.

(13A) For furnishing an abstract copy of a record of birth, one dollar.

(14) For entering delayed record of birth, two dollars.

(29) For correcting errors in a record of death, two dollars.

(30) For furnishing a certificate of death, two dollars.

(30A) For furnishing an abstract copy of a record of death, one dollar.

(44) For issuing certificate of marriage, two dollars.

(44A) For furnishing an abstract copy of a record of marriage, one dollar.

(45) For correcting errors in a record of marriage, two dollars.

(66) For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than two dollars.

(67) For copying any manuscript or record pertaining to a birth, marriage or death, two dollars per page.

SECTION 2. Section 36 of said chapter 262, as most recently amended by section 131 of chapter 684 of the acts of 1972, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence: — The fee for the state secretary's certificate on copies or otherwise shall be one dollar each, except that the fee for a certified copy of a birth, marriage or death record shall be two dollars.

Approved July 15, 1975.

Chap. 498. AN ACT RELATIVE TO THE APPRAISAL OF DAMAGES CAUSED BY DEER AND MOOSE.

Be it enacted, etc., as follows:

Section 39 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Whoever owns or leases land that is deemed to be actively devoted to agricultural or horticultural uses as defined by sections one, two and three of chapter sixty-one A, suffers loss by the eating, browsing or trampling of his fruit, ornamental trees, vegetables, produce or crops by deer or moose may notify the director of said damage, declaring the amount of damage as nearly as he can determine the same. The director, within fifteen days after receiving such notice, shall determine whether the damage was inflicted by such deer or moose, and, if so, he shall at once proceed to have an appraisal made under oath by three persons, one of whom shall be designated by the owner of the damaged property, one by the director, and the third by the trustees for county aid to agriculture or of the county agricultural school of the county in which the damage occurred; provided,

however, that if the amount of the damage so declared does not exceed two hundred dollars, the director may designate an agent to make an appraisal. *Approved July 15, 1975.*

Chap. 499. AN ACT AUTHORIZING THE DIVISION OF FISHERIES AND GAME TO GRANT CERTAIN EASEMENTS TO THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

The director of the division of fisheries and game in the department of natural resources, in the name and on behalf of the commonwealth, may grant to the town of Falmouth easements for the construction of water mains, two gravel packed wells and two pumping stations on, over and across certain portions of lands of the commonwealth in said town which lands are under the control and custody of said division of fisheries and game. One easement is bounded and described as follows:

A twenty (20) foot wide right-of-way easement beginning on the southerly side of Ashument Road and running in a southerly direction 1,569.14 feet to the Ashument Well Site Easement along the centerline of the existing ten foot wide way, more particularly described as follows:

BEGINNING At a point on the southerly sideline of Ashument Road at the center line of a ten foot wide way, said point being 100.00 feet northeasterly of a leaded stone bound;

THENCE South 33° 51' 55" West 101.65 feet;
THENCE South 19° 44' 17" West 100.24 feet;
THENCE South 5° 27' 01" West 90.38 feet;
THENCE South 21° 19' 46" West 124.17 feet;
THENCE South 11° 22' 46" West 161.64 feet;
THENCE South 30° 58' 19" West 66.39 feet;
THENCE South 27° 12' 16" West 96.02 feet;
THENCE South 9° 59' 41" West 139.90 feet;
THENCE South 22° 21' 11" West 125.99 feet;
THENCE South 41° 29' 11" West 200.49 feet;
THENCE South 2° 33' 44" West 94.17 feet;
THENCE South 16° 22' 11" West 47.85 feet;
THENCE South 6° 23' 56" West 46.85 feet;
THENCE South 20° 51' 06" West 112.81 feet;
THENCE South 54° 39' 45" West 55.59 feet;

The easement for the construction of the water main is bounded and described as follows:

A fifteen (15) foot wide easement for the installation, maintenance and repair of a water main on the easterly side of Sandwich Road beginning at the northerly sideline of the existing Cape and Vineyard Electric Company easement and running southeasterly to the Ashument Well Site, more particularly described as follows:

BEGINNING At the intersection of the easterly sideline of Sandwich Road with the northerly sideline of the Cape and Vineyard Electric Company easement, said point being three feet northeasterly of a cement bound there located;

THENCE Running in a fifteen (15) foot wide strip within the Cape and Vineyard Electric Company easement, south 72° 12' 20" East a distance of 679.10 feet to a cement bound there located and the intersection of a 400 foot radius well site easement.

The easements for the well sites are bounded and described as follows:

Said well site easements are included within an area of two circles, each circle having a radius of 400 feet the centers of which are located as follows:

BEGINNING At the intersection of the easterly sideline of Sandwich Road and the Northerly sideline of the Cape and Vineyard Electric Company easement, said point being three feet northeasterly of a cement bound there located;

THENCE Running South 72° 12' 20" East 679.10 feet to a cement bound;

THENCE North 77° 28' 12" East 400 feet to the center of the first 400 foot radius well site easement;

THENCE South 10° 42' 41" East 747.35 feet to the center of the second 400 foot radius well site easement.

The town of Falmouth is hereby authorized to use said well site easements, so called, for the purpose of constructing two gravel packed wells, and to draw water therefrom as a public drinking water supply.

Said easements shall be in such form as the said director may approve and deem proper. *Approved July 15, 1975.*

Chap. 500. AN ACT PROVIDING FOR THE TAXATION OF CERTAIN RESOURCE RECOVERY FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 18 of chapter 16 of the General Laws is hereby amended by adding the following definition: — "Resource recovery facility", a solid waste disposal facility utilizing processes for reclaiming the materials or energy values from solid wastes.

SECTION 2. Section 24 of said chapter 16 is hereby amended by striking out the second sentence, as amended by section 3 of chapter 1217 of the acts of 1973.

SECTION 3. Said chapter 16 is hereby further amended by adding after section 24 the following section: —

Section 24A. The operator of a privately owned or operated resource recovery facility shall pay to the city or town in which the facility is located a tax of one dollar per ton of solid waste processed at the facility. Such tax shall be in lieu of all taxes,

fees, charges or assessments imposed by the city or town in which the facility is located, except for real estate taxes imposed solely upon the land on which the said facility is located. For purposes of this section, a solid waste disposal facility or resource recovery facility shall not include a transfer station.

SECTION 4. The third paragraph of section 150A of chapter 111 of the General Laws, inserted by section 6 of chapter 1217 of the acts of 1973, is hereby amended by inserting after the first sentence the following sentence: — Residue from a resource recovery facility located in the municipality wherein such landfill is located shall not be deemed to be solid waste for purposes of said payment.

SECTION 5. The provisions of sections eighteen, twenty-four, and twenty-four A of chapter sixteen of the General Laws, as amended by sections one, two, and three of this act, shall not apply to an owner or operator of a resource recovery facility who has, prior to the effective date of this act, negotiated agreements containing arrangements relating to real estate taxes or assessments with a city or town in which the facility is located. The provisions of sections one, two, and three of this act shall apply upon termination of said arrangements.

Approved July 15, 1975.

Chap. 501. AN ACT FURTHER REGULATING EXEMPTIONS FROM ATTACHMENT, EXECUTION AND SUPPLEMENTARY PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 223 of the General Laws is hereby amended by striking out section 42, as most recently amended by section 29 of chapter 377 of the acts of 1975, and inserting in place thereof the following section: —

Section 42. All real and personal property liable to be taken on execution, except such personal property as, from its nature or situation, has been considered as exempt according to the principles of the common law as adopted and practiced in the commonwealth, or which is specifically exempt from execution under section thirty-four of chapter two hundred and thirty-five, and except as provided in the four following sections, may be attached upon a writ of attachment in any action in which the debt or damages are recoverable, and may be held as security to satisfy such judgment as the plaintiff may recover; but no attachment of land shall be made on a writ returnable before a district court unless the debt or damages demanded therein exceed twenty dollars.

SECTION 2. Section 44A of said chapter 223, as most recently amended by section 97 of chapter 1114 of the acts of 1973, is hereby further amended by inserting after the word "common-

wealth", in line 2, the words: — and not exempt from execution under clause Sixteenth of section thirty-four of chapter two hundred and thirty-five.

SECTION 3. Section 16 of chapter 224 of the General Laws, as amended by section 3 of chapter 414 of the acts of 1974, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:— If after a full hearing at which the creditor shall have the burden of proof the court finds that the debtor has property not exempt under section thirty-four of chapter two hundred and thirty-five from being taken on execution, the court may order him or it to produce it, or so much thereof as may be sufficient to satisfy the judgment and costs of the proceedings so that it may be taken on the execution; or may order the debtor to execute, acknowledge if necessary, and deliver to the judgment creditor, or to a person in his behalf, a transfer, assignment, or conveyance thereof; or if after such hearing the court finds that the debtor is able to pay the judgment in full or by partial payments, the court may order the debtor to pay the judgment and costs of the proceedings in full or by partial payments from time to time; or the court may make an order combining any of the orders above mentioned. The debtor, if an individual, may be ordered to make any payment only to the extent that his income exceeds the amount exempted pursuant to either section twenty-eight of chapter two hundred and forty-six, or sections sixteen hundred and seventy-one to sixteen hundred and seventy-seven, inclusive, of title fifteen of the United States Code, whichever amount is greater; but no debtor may be ordered to make any payment from any income derived from assistance or payments granted pursuant to chapters one hundred and fifteen, one hundred and seventeen, one hundred and eighteen, one hundred and fifty-one A or one hundred and fifty-two, or titles thirty-eight or forty-two of the United States Code.

SECTION 4. Section 34 of chapter 235 of the General Laws, as appearing in chapter 616 of the acts of 1970, is hereby amended by striking out clause "First" and inserting in place thereof the following clause: —

First, The necessary wearing apparel, beds and bedding for himself and his family; one heating unit used for warming the dwelling house, and the amount each month, not exceeding seventy-five dollars, reasonably necessary to pay for fuel, heat, water, hot water and light for himself and his family.

SECTION 5. Said section 34 of said chapter 235 is hereby further amended by striking out clause "Seventh", as so appearing, and inserting in place thereof the following clause: —

Seventh, Provisions necessary and procured and intended for the use of the family, or the money necessary therefor, not exceeding three hundred dollars in value.

SECTION 6. Clause Fourteenth of said section 34 of said chapter 235, as so appearing, is hereby amended by inserting

after the word "eighty-eight", in line 2, the words: — or, in lieu thereof, the amount of money each rental period, not exceeding two hundred dollars per month, necessary to pay the rent for the dwelling unit occupied by him and his family.

SECTION 7. Said section 34 of said chapter 235 is hereby further amended by striking out clause "Fifteenth", added by chapter 349 of the acts of 1971, and inserting in place thereof the following clause: —

Fifteenth, Cash, savings or other deposits in a banking institution, or money owed to him each pay period as wages for personal labor or services, or any combination of such cash, deposits or money owing, not exceeding one hundred and twenty-five dollars, or any sum of money which was received by or is owing to him as public assistance.

SECTION 8. Said section 34 of said chapter 235 is hereby further amended by adding after clause "Fifteenth" the following clause: —

Sixteenth, An automobile necessary for personal transportation or to secure or maintain employment, not exceeding seven hundred dollars in value.

SECTION 9. Paragraph Eighth of section 32 of chapter 246 of the General Laws, is hereby amended by striking out the first sentence, as most recently amended by section 137 of chapter 377 of the acts of 1975, and inserting in place thereof the following sentence: —

By reason of money or credits due for the wages of personal labor or services of the defendant, unless such attachment is made in an action brought upon a judgment, is upon money or credits not exempt from execution pursuant to section thirty-four of chapter two hundred and thirty-five and is authorized in advance by written permission endorsed upon the complaint and signed by a justice, associate justice or special justice of the court in which the action is commenced.

Approved July 15, 1975.

Chap. 502. AN ACT RELATIVE TO THE TRANSFER OF CERTAIN PROPERTY OF THE FOGG LIBRARY TO THE TOWN OF WEYMOUTH.

Be it enacted, etc., as follows:

SECTION 1. The Fogg Library, a nonprofit corporation, established under chapter two hundred and seventy-four of the acts of nineteen hundred and ten, and chapter one hundred and twenty-five of the Revised Laws, and acts in amendment thereof, may, by a vote of its board of directors and incorporators, convey and transfer to the town of Weymouth all property and estate, real, personal or mixed, which it now holds, including all property conveyed to it by William H. Bolster, Henry B. Reed and John H. Stetson, trustees under the will of John S. Fogg, of

Weymouth, for the purpose of establishing and maintaining a free library or reading room or both in South Weymouth to be forever known as the Fogg Library, and all other property, real, personal or mixed, which has since been conveyed, given, bequeathed or devised to it for the use of said library.

SECTION 2. Upon such transfer and conveyance, said property, or the proceeds thereof, shall be held and administered by the trustees of Tufts Library as a part of the town of Weymouth library system for the particular use as a library in the South Weymouth area under the name of Fogg Library.

SECTION 3. Nothing in this act shall be deemed to alter or impair any trust created for the benefit of said Fogg Library and existing on the effective date of this act or any devise, bequest, conveyance or gift heretofore made to said Fogg Library. Any such conveyance of the principal or interest of any trust funds now held by the corporation shall remain subject to the terms of each such trust and shall be administered for the purposes set forth by the donors of said funds for Fogg Library, to be forever situated in the South Weymouth area of the town of Weymouth, in the same manner as other trust funds are administered by the town of Weymouth for library purposes.

SECTION 4. Upon the transfer and conveyance of such property of the Fogg Library, all employees of said library are hereby transferred and made employees of the town of Weymouth.

Approved July 15, 1975.

Chap. 503. AN ACT PROVIDING FOR THE ESTABLISHMENT OF AN UNPAID EMPLOYEE ADVISORY COMMITTEE TO THE GROUP INSURANCE COMMISSION.

Be it enacted, etc., as follows:

Chapter 32A of the General Laws is hereby amended by inserting after section 3 the following section: —

Section 3A. There shall be within the group insurance commission, but not under its direction or control, an unpaid advisory committee to be known as the employees' advisory committee consisting of a representative duly elected or appointed to membership on said committee by organizations of employees and retirees whose membership consists of employees or retirees insured under this chapter. Said committee shall elect a chairman and other officers from its membership and shall establish procedures for the conduct of its deliberations including a method to provide a reasonable opportunity for all interested employees and retirees to meet with it so that the conclusions and recommendations of the committee will be a fair representation of the interests of all persons insured under this chapter. The commission, upon request by the committee, shall provide space, if possible, within the offices occupied by

the commission for the conduct of the meetings of said committee.

The employee advisory committee, at least once each calendar year, or upon request by the commission, shall furnish the commission with a list of its officers and members indicating their organizational representation and affiliation.

The committee from time to time may submit to the commission for consideration and necessary action any recommendations relative to the insurance programs administered by the commission.

Upon request by the governor, the committee may submit the names of nominees from its membership or from the organizations represented therein to serve as members of the commission as provided under section three.

The provisions of chapter thirty A shall not be applicable to the employees' advisory committee. *Approved July 16, 1975.*

Chap. 504. AN ACT AUTHORIZING THE COMMISSIONERS OF ESSEX COUNTY TO EXPEND CERTAIN SUMS OF MONEY FOR THE PAYMENT OF BILLS INCURRED FOR THE OPERATION OF THE ESSEX COUNTY JAIL AND HOUSE OF CORRECTION.

Be it enacted, etc., as follows:

The county commissioners of the county of Essex are hereby authorized to expend a sum of money not to exceed twenty-two thousand dollars for the payment of bills incurred for maintenance and supplies and contractual services for the Essex county jail and house of correction for the fiscal year ending June thirtieth, nineteen hundred and seventy-five. Said sum shall be expended from the funds received by said county under the State and Local Fiscal Assistance Act of 1972.

Approved July 16, 1975.

Chap. 505. AN ACT FURTHER REGULATING THE DISPOSITION OF CASES OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUORS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 24D, inserted by chapter 647 of the acts of 1974, and inserting in place thereof the following section: —

Section 24D. Any person convicted of or charged with operating a motor vehicle while under the influence of intoxicating liquor may, if he consents, be placed on probation for one year and shall, as a condition of probation, be assigned

to a driver alcohol education program as provided herein and, if deemed necessary by the court, to an alcohol treatment or rehabilitation program or to both as provided herein. Such order of probation shall be in addition to any penalties imposed as provided in paragraph (a) of subdivision (1) of section twenty-four and shall be in addition to any requirement imposed as a condition for any suspension of sentence.

In order to qualify for disposition under this section, said person shall cooperate in an investigation conducted by the probation staff of the court for the supervision of cases of operating under the influence of intoxicating liquor in such manner as the commissioner or probation shall determine. After a conviction or any other finding, the case shall be continued for fourteen days for disposition, at which time a report shall be made to the judge.

Said report shall be uniform in content and format throughout the commonwealth and shall include but shall not be limited to a copy of said person's driving record and other records obtained from the registrar, or other person designated by him, pertaining to said person's operation of a motor vehicle as well as any recommendation by the registrar as to whether said person should later be eligible for early reinstatement of his license. The court shall report the disposition or finding of any such case to the registrar. Following disposition, the probation officer supervising a person pursuant to the provisions of this section shall maintain a written and current report which shall include but shall not be limited to consideration of said person's participation in any program in which he has been placed as a condition of probation as well as to a consideration of his drinking and driving behavior.

Driver alcohol education programs utilized under the provisions of this section shall be established and administered by the director of the division of alcoholism in consultation with the registrar and the secretary of public safety, and shall include but shall not be limited to instruction on driver improvement skills as part of the course content.

Alcohol treatment, rehabilitation program or alcohol treatment and rehabilitation programs utilized under the provisions of this section shall include any public or private out-patient clinic, hospital, employer or union-sponsored program, self-help group, or any other organization, facility, service or program which the division of alcoholism has accepted as appropriate for the purposes of this section. The division shall prepare and publish annually a list of all such accepted alcohol treatment, rehabilitation programs and alcohol treatment and rehabilitation programs, shall make this list available upon request to members of the public, and shall from time to time furnish each court in the commonwealth, the registrar, and the secretary of public safety with a current copy of said list.

A fee of two hundred dollars shall be paid to the chief pro-

bation officer of each court by each person placed in a program of driver alcohol education and, if deemed necessary by the court, a program of alcohol treatment, rehabilitation, or alcohol treatment and rehabilitation pursuant to this section, and beginning December first, nineteen hundred and seventy-five all such fees shall be deposited with the state treasurer to be kept in a separate fund in the treasury for expenditure by the division of alcoholism subject to appropriation for the support of said program. Until such date, the program fees which shall be paid to the chief probation officer of each court under this section shall be used in the determination of a court under contract or agreement with a public or private agency or facility or person to purchase the services of such agency, facility, or person for a program of driver alcohol education and alcohol treatment, rehabilitation pursuant to this section. No person may be excluded from said program for inability to pay the stated fee, provided that such person files an affidavit of indigency or inability to pay with the court within ten days of the date of disposition, that investigation by the probation officer confirms such indigency or establishes that the payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. Any facility or organization with a treatment or rehabilitation program or a treatment and rehabilitation program used hereunder shall be subrogated to any public or private third party payments which may be due for the cost of alcohol treatment, rehabilitation, or both.

The state treasurer may accept for the state for the purpose of driver alcohol education, treatment, or rehabilitation any gift or bequest of money or property and any grant, loan, service, payment of property from a governmental authority. Any such money received shall be deposited in the separate fund in the treasury for expenditure by the division of alcoholism subject to appropriation for the support of said driver alcohol education or alcohol treatment or rehabilitation programs in accordance with the conditions of the gift, grant, or loan without specific appropriation. Any federal legislation generating funds for driver alcohol education or treatment or rehabilitation shall be used by the division of alcoholism to the extent possible to support the purposes of this act.

The commissioner of probation shall report in writing at least once annually to the director of the division of alcoholism on the total number of persons who have received disposition hereunder and on the number of such persons who have been determined by the court to require alcohol treatment or rehabilitation, or both. Said commissioner and the chief justices of the district courts and the Boston municipal court shall make further written report at least once annually to said director on the resources available for alcohol treatment or re-

habilitation, or alcohol treatment and rehabilitation, of alcohol-impaired drivers, which report shall evaluate the existing resources and shall make recommendation as to additional necessary resources. Said director shall take such reports into consideration in the development, implementation, and review of the state's alcoholism plan and in the preparation of the division annual budget in a manner consistent with the Alcoholism Treatment and Rehabilitation Law.

SECTION 2. Said chapter 90 is hereby amended by striking out section 24E, as so inserted, and inserting in place thereof the following section:

Section 24E. The provisions of section 24D and this section shall apply to persons convicted or charged with operating a motor vehicle while under the influence of intoxicating liquor. The provisions of this section shall not apply where notice from the registrar of intention to suspend or revoke a person's license or right to operate is pending prior to the date of complaint on the offense before the court nor to cases, where under paragraph (c) of subdivision (1) of section twenty-four, the violation is determined to have caused a death.

In order to qualify for a disposition under this section such person shall, in the judgment of the court, have cooperated fully with the investigation as described in section twenty-four D and shall be and have been in full compliance with such order as the court may have made for a one year term of probation as provided therein, including participation in such driver alcohol education programs, alcohol treatment or alcohol treatment and rehabilitation programs as the court may have ordered.

Nothing in this section shall be construed to prevent the exercise by a court of its authority under law to make any other disposition of a case of operating under the influence of intoxicating liquor.

Where a person has been charged with operating a motor vehicle under the influence of intoxicating liquor, and where the case has been continued without a finding and such person has been placed on probation with his consent and where such person is qualified for disposition under this section, a hearing shall be held by the court at any time after sixty days but not later than ninety days from the date where the case has been continued without a finding to review such person's compliance with the program ordered as a condition of probation and to determine whether dismissal of the charge is warranted.

At said hearing the probation officer shall submit to the court a written report which shall include but shall not be limited to a written statement by the supervisor of any program of alcohol education and of any program of alcohol treatment, rehabilitation, or alcohol treatment and rehabilitation to which the court has assigned such person. Said statement shall consider such person's participation and attendance in each such court ordered program. The registrar shall submit a written

report to the judge at said hearing regarding any entries made on said person's driving record in the period following placement in the program. If the judge finds sufficient basis to conclude that said person has satisfactorily completed or is satisfactorily complying with said program the judge may enter a dismissal of the charge. Appropriate orders relative to said person's participation in a program or relative to a later hearing may be made by the court at its hearing, subject to the duration of the one year term of probation.

The probation officer supervising a person pursuant to the provisions of this section shall make a written report to the court if such person has failed to satisfactorily comply with a court ordered program or if such person's operation of a motor vehicle constitutes a threat to the public safety. Upon receipt of such report the court shall forthwith hold a hearing on the matter. If at such hearing the court shall determine that said person has failed to satisfactorily comply with said program or that said operation of a motor vehicle constitutes such a threat, the court shall forthwith notify the registrar of said finding and the registrar shall forthwith and without further hearing revoke said person's license or right to operate. Such revocation shall be for the remainder of the one year period from the date of revocation provided in paragraph (*c*) of subdivision (1) of section twenty-four. Said person shall thereafter be subject to the same conditions for issuance of a new license or right to operate as any person applying for a new license or right to operate following revocation as provided in paragraph (*c*) of subdivision (1) of section twenty-four.

Where an order of probation has been revoked by the court, the court shall forthwith so notify the registrar in writing and the registrar shall forthwith revoke said person's operators license or right to operate which was restored under this section and without further hearing. *Approved July 16, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, July 16, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 505 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING THE DISPOSITION OF CASES OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUORS., and the enactment of which received my approval on July 16, 1975, should take effect forthwith.

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

In order to continue certain alcoholic rehabilitation and treatment programs.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, July 16, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 506. AN ACT PROVIDING THAT AN ASSISTANT CLERK IN THE BOSTON JUVENILE COURT SHALL ADMINISTER THE APPELLATE DIVISION.

Be it enacted, etc., as follows:

The first paragraph of section 58 of chapter 218 of the General Laws, as most recently amended by section 2 of chapter 148 of the acts of 1974, is hereby amended by adding the following sentence: — In the Boston juvenile court one of the assistant clerks shall be designated by the clerk as assistant clerk in charge of the appellate division and shall receive the same salary as the assistant clerk.

(The foregoing was laid before the Governor on the twenty-first day of July, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 507. AN ACT EXTENDING THE TIME DURING WHICH BUSINESS AND INDUSTRY IN THE CENTRAL MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT MAY BURN WOOD WASTE MATERIAL AS FUEL.

Be it enacted, etc., as follows:

Chapter 624 of the acts of 1974 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. This act shall cease to be operative on June first, nineteen hundred and seventy-seven.

Approved August 5, 1975.

Chap. 508. AN ACT FURTHER REGULATING THE STANDARD OF CONDUCT FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Section 23 of chapter 268A of the General Laws is hereby amended by striking out subsection (*d*), as appearing in section 1 of chapter 779 of the acts of 1962, and inserting in place thereof the following subsection:—

(*d*) use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, August 4, 1975, and, in concurrence, by the Senate, August 11, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 509. AN ACT ALLOWING LOCAL LICENSING AUTHORITIES TO ISSUE SPECIAL LICENSES TO SELL ALL ALCOHOLIC BEVERAGES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith local licensing authorities to issue special licenses to sell all alcoholic beverages, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The first sentence of the first paragraph of section 14 of chapter 138 of the General Laws, as appearing in section 3 of chapter 370 of the acts of 1934, is hereby amended by inserting after the word "enterprise", in line 7, the words: — ; provided, however, in any city or town wherein the granting of licenses to sell all alcoholic beverages is authorized under this chapter, special licenses for the sale of all alcoholic beverages or wine and malt beverages only, or any of them, may be issued by the local licensing authorities to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise.

Approved August 12, 1975.

Chap. 510. AN ACT AUTHORIZING THE CITY OF CHICOPEE TO EXPEND FUNDS FOR IMPROVEMENTS TO THREE SCHOOLS LOCATED ON WESTOVER AIR FORCE BASE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the city of Chicopee is hereby authorized to appropriate a sum not exceeding thirty-five thousand dollars for the payment of, and after such appropriation, the treasurer of said city is authorized to pay, for improvements to three schools owned by the government of the United States and located at the Westover Air Force Base.

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

Approved August 12, 1975.

Chap. 511. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF DUDLEY BE EXEMPT FROM THE CIVIL SERVICE LAW AND RULES AND FURTHER PROVIDING FOR THE APPOINTMENT OF SAID MEMBERS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Dudley shall not be subject to the civil service law and rules.

SECTION 2. Appointments to the police department of said town shall be subject to rules and regulations established by a committee of five members consisting of the town counsel and four persons appointed by the town moderator, two of whom shall be members of the board of selectmen and two of whom shall be members of the finance committee of said town.

SECTION 3. The provisions of section one of this act shall not impair the civil service status of any member of the police department of the town of Dudley who holds such status on the effective date of this act.

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

Approved August 13, 1975.

Chap. 512. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO BORROW MONEY TO REPAY CERTAIN FEDERAL GRANT ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of section three of chapter seventy-four of the acts of nineteen hundred and forty-five to the contrary, the treasurer of the city of Fall River, with the approval of the mayor of the said city, is hereby authorized to issue one hundred and fifty thousand dollars federal grant anticipation notes of the city, payable in not more than two years from their dates, in order to pay the one hundred and fifty thou-

sand dollars federal grant anticipation notes of the city, dated September tenth, nineteen hundred and seventy-three, which were most recently renewed on December twentieth, nineteen hundred and seventy-four and which are payable September eighth, nineteen hundred and seventy-five. Notes issued under this act for a period of less than two years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed two years. Notes may be issued by said city pursuant to this act only to the extent that the federal grant in anticipation of which they are issued remains unpaid.

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

Approved August 13, 1975.

Chap. 513. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATIVE TO THE LOCAL TAXATION OF CERTAIN REAL ESTATE OF GOVERNMENT-OWNED PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter eight hundred and seventeen of the acts of nineteen hundred and seventy-four is hereby repealed.

SECTION 2. Section 3A of chapter 59 of the General Laws, as most recently amended by section 1 of chapter 383 of the acts of 1974, is hereby further amended by striking out, in line 1, the word "Real" and inserting in place thereof the words: — Except as otherwise provided in section three E, real.

SECTION 3. Said chapter 59 is hereby further amended by inserting after section 3D the following section: —

Section 3E. Whenever the Congress of the United States has so provided, a leasehold interest in real estate owned and leased by the United States and in buildings and other things erected thereon or affixed thereto shall be assessed and taxed to the lessee or his assigns to the extent so provided by the Congress. Payment of the aforesaid taxes shall not be enforced by any lien upon or sale of the said real estate but in the case of any leasehold subject to taxation as aforesaid the interest of the lessee or lessees or their assigns therein may be sold by the collector of taxes of the city or town in which the real estate is situated for the non-payment of the tax assessed as aforesaid in the manner provided by law for the sale of real estate for nonpayment of local taxes. Said collectors shall have for the collection of taxes assessed under this section all other remedies provided by chapter sixty for the collection of taxes by collectors of cities and towns.

SECTION 4. This act shall take effect as of December thirty-first, nineteen hundred and seventy-three.

Approved August 13, 1975.

Chap. 514. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN TAX LAWS.

Be it enacted, etc., as follows:

SECTION 1. Section 58 of chapter 62 of the General Laws, as most recently amended by section 2 of chapter 922 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth or any city or town therein, of any information contained in or set forth by any return or document filed with the commissioner under this chapter, other than the name and address of the person filing it, except in proceedings to collect the tax or for the purpose of criminal prosecution under this chapter, or except as provided in section thirty T of chapter seven or in sections forty-eight and forty-nine of chapter fifty-eight, is prohibited.

SECTION 2. Section 71A of chapter 63 of the General Laws as most recently amended by section 3 of said chapter 922, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor, or other employee of the commonwealth, or any city or town therein, of any information contained in or set forth by any return or document filed under this chapter, other than the name and address of the person filing it, except in proceedings to collect the tax or for the purpose of criminal prosecution under this chapter, or except as provided in sections forty-eight and forty-nine of chapter fifty-eight, is prohibited.

SECTION 3. Subsection (*b*) of section 13 of chapter 64H of the General Laws is hereby amended by striking out clause (3), as amended by section 4 of said chapter 922, and inserting in place thereof the following clause: —

(3) the disclosure of information to duly authorized tax officials of the United States and of territories, states and political subdivisions thereof or to any duly authorized agent or agency of such territory, state or political subdivision thereof pursuant to the provisions of sections forty-eight and forty-nine of chapter fifty-eight.

SECTION 4. Section 15 of chapter 64I of the General Laws is hereby amended by striking out clause (3), as amended by section 5 of said chapter 922, and inserting in place thereof the following clause: —

(3) the disclosure of information to duly authorized tax officials of the United States and of territories, states and political subdivisions thereof or to any duly authorized agent or agency of such territory, state or political subdivision thereof

pursuant to the provisions of sections forty-eight and forty-nine of chapter fifty-eight.

SECTION 5. Section 35 of chapter 65 of the General Laws, as most recently amended by section 6 of said chapter 922, is hereby further amended by striking out, in line 13, the words "fifty and fifty-one" and inserting in place thereof the words: —forty-eight and forty-nine. *Approved August 13, 1975.*

Chap. 515. AN ACT RELATIVE TO THE CONVEYANCE OF CERTAIN PARK LAND FROM THE CITY OF QUINCY TO THOMAS G. WALDIE OF SAID CITY.

Be it enacted, etc., as follows:

Chapter 1199 of the acts of 1973 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections: —

Section 1. The city of Quincy is hereby authorized to convey to Thomas G. Waldie of said city for such consideration as the city council and mayor of said city may determine, a certain parcel of land in said city being a section of park land shown on the assessor's plans of the city of Quincy for the year nineteen hundred and fifty-five as part of plot 37, plan 1058 and also shown as lot C on a plan drawn by Ernest W. Branch, Inc., civil engineers, dated December 13, 1955, recorded with the registry of deeds in Norfolk county as no. 315 of 1956 in book 3457, page 227, and containing 1562 square feet according to said plan.

Section 2. The conveyance of the park land described in section one of this act to said Thomas G. Waldie and recorded on March twenty-second, nineteen hundred and fifty-six, in the registry of deeds in Norfolk county in book 3457 at page 227 is hereby validated in all respects as if said section one were in effect at the time of said conveyance. *Approved August 13, 1975.*

Chap. 516. AN ACT RELATIVE TO THE ELECTIVE SESSION OF THE ANNUAL TOWN MEETING OF THE TOWN OF NORTH ATTLEBOROUGH.

Be it enacted, etc., as follows:

Section 3 of chapter 1045 of the acts of 1973 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

The members of the town meeting shall exercise all legislative powers of the town. They shall consider and act upon all proposed by-laws. They shall consider and act upon all proposed operating and capital improvements, budgets, bond issues, and all other financial proposals of the town. The elective session of

the annual town meeting shall be held on the first Monday in April and stand adjourned for the deliberative session to the last Monday in April, but special town meetings may be called as needed on the call of the moderator, by an affirmative vote of two thirds of the selectmen, or by twenty or more town meeting members who shall submit their request in writing to the town clerk. *Approved August 13, 1975.*

Chap. 517. AN ACT PROVIDING FOR LABOR REPRESENTATION ON THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Be it enacted, etc., as follows:

The second paragraph of section 3 of chapter 708 of the acts of 1966 is hereby amended by striking out the first sentence, as amended by section 21 of chapter 761 of the acts of 1968, and inserting in place thereof the following sentence: — The MHFA shall consist of the secretary of communities and development or his designated representative and the commissioner of corporations and taxation or his designated representative, ex officiis, and five persons to be appointed by the governor, of whom one shall be experienced in mortgage banking, one shall be trained in architecture or city or regional planning, one shall be experienced in real estate transactions, and one shall be a representative of organized labor appointed from a list of at least five names submitted by the Massachusetts State Labor Council, AFL-CIO. *Approved August 13, 1975.*

Chap. 518. AN ACT PROVIDING AN EXEMPTION TO THE FIREARMS IDENTIFICATION LAW FOR A CERTAIN VETERANS' ORGANIZATION FOR CEREMONIAL OCCASIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that a certain chartered veterans' organization may be exempt from certain provisions of the firearms identification law, so called, relative to parade duty and ceremonial occasions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 40 of the General Laws is hereby amended by striking out clause (12) and inserting in place thereof the following clause: —

(12) For erecting headstones or other monuments at the graves of persons who served in the war of the revolution, the

war of eighteen hundred and twelve, the Seminole war, the Mexican war, the war of the rebellion or the Indian wars or who served in the military or naval service of the United States in the Spanish American war or in World War I or in World War II or during the Korean emergency or more than one hundred and eighty days on active duty in the armed forces of the United States between February first, nineteen hundred and fifty-five and the termination of the Vietnam campaign as declared by proper federal authority, or who served in the military service of the commonwealth in time of war; for acquiring land by purchase or by eminent domain under chapter seventy-nine, purchasing, erecting, equipping or dedicating buildings, or constructing or dedicating other suitable memorials, for the purpose of properly commemorating the services and sacrifices of persons who served as aforesaid; for the decoration of the graves, monuments or other memorials of persons who served as aforesaid and the proper observance of Memorial Day, Veterans Day and other patriotic holidays under the auspices of the following: — local posts of the Grand Army of the Republic, United Spanish War Veterans, The American Legion, Veterans of Foreign Wars of the United States and Jewish War Veterans of the United States, and of the American Veterans of World War II, AMVETS — Department of Massachusetts, and of the Seabee Veterans of America, Inc. — Department of Massachusetts, and of the Franco-American War Veterans, Inc., and of the Italian American War Veterans of the United States, Incorporated, and of the American Portuguese War Veterans Association, local chapters of the Disabled American Veterans of the World War and of the American Veterans' Committee, Inc., local units of the Massachusetts State Guard Veterans, Kearsarge Association of Naval Veterans, Inc., local garrisons of the Army and Navy Union of the United States of America, local chapters of the Massachusetts Society of the Sons of the American Revolution, local chapters of the Massachusetts Daughters of the American Revolution, local detachments of the Marine Corps League, local clubs of the Yankee Division Veterans Association, local barracks of the Veterans of World War I of the U.S.A., local comps or other duly organized units of the Sons of Union Veterans of the Civil War or local tents of the Daughters of Union Veterans of the Civil War or local chapters of American Gold Star Mother, Inc., or local chapters of the Military Order of the Purple Heart, the Fleet Reserve Association, United States Navy, and The Society of the War of 1812 in the Commonwealth of Massachusetts (Incorporated), the Polish-American Veterans of Massachusetts, Inc., and its affiliated posts, the Polish Legion of American Veterans, the United American Veterans, and its affiliated posts and affiliated units of the Massachusetts Council of Minutemen; or for keeping in repair graves, monuments, statuary, honor rolls or other memorials erected to the memory of such persons or of the firemen and policemen of the town who

died from injuries received in the performance of their duties in the fire or police service or for decorating the graves of such firemen and policemen or for other memorial observances in their honor. Money appropriated in honor of such firemen may be paid over to, and expended for such purposes by, any veteran firemen's association or similar organization.

Approved August 15, 1975.

Chap. 519. AN ACT RELATIVE TO THE ESTABLISHMENT OF A WATER COST APPORTIONMENT IN THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. In lieu of water betterment assessments under sections forty-two G to forty-two I, inclusive, of chapter forty and chapter eighty of the General Laws, the town of Northborough shall charge a permanent water privilege fee as established by this act. The fees established herein may be changed from time to time by vote of the water commissioners.

SECTION 2. Whenever a connection is made, either directly or indirectly, to the town water system, or whenever the use of a water line previously connected is subsequently changed as hereinafter provided, a permanent water privilege fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or in the case of a change in use of a water line previously connected, then the fee shall be that which is in effect at the time an application for a building permit is filed; or if no such permit is required, then the fee shall be that which is in effect at the time an occupancy permit is issued; otherwise the fee shall be that which is in effect at the time the new use begins.

SECTION 3. The permanent water privilege fee shall be at the rate of fifteen hundred dollars per unit. The number of units to be assessed on each such connection shall be as follows:

A. RESIDENTIAL USE.

1. Each single family building connected directly to the town water main shall be assessed as one unit.

2. Each dwelling unit in a multiple family dwelling, whether connected to the town water main directly or indirectly, and whether in one or more buildings, shall be one unit for the first dwelling unit and one third for each additional dwelling unit. For the purpose of this section, multiple family dwellings shall be deemed to include, but not be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, motels, hotels, or otherwise.

3. In the case of approved subdivisions, when branch or secondary mains are installed and paid for by developers, or by persons other than the town of Northborough each single

family dwelling connected to the town water system shall be assessed one third unit for a period of five years from the date of the original subdivision plan approval by the planning board. Clause 1 shall apply to all connections made after the original five year period.

B. OTHER USES.

1. For uses other than residential, there shall be an assessment of a minimum of one unit, and an additional one third unit for every ten thousand square feet of floor space, or major portion thereof, exceeding an initial ten thousand square feet, up to a total of fifty thousand square feet of floor space; and an additional one third unit for every twenty-five thousand square feet of floor space, or major portion thereof exceeding the initial fifty thousand square feet.

2. In the case of approved commercial or industrial subdivisions, when branch or secondary mains are installed and paid for by developers, or by persons other than the town of Northborough the charges assessed shall be one half of the charges described in clause 1 for a period of five years from the date of the original subdivision plan approval. Said clause 1 shall apply to all connections made after the original five year period.

C. CHANGES IN USE.

1. When a water line has previously been connected, in residential uses when additional dwelling units are added, a fee of one third unit per additional dwelling shall be assessed.

2. When a water line has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed of one third unit for each ten thousand square fee of floor space, or major portion thereof, up to a total of fifty thousand square feet of total floor space of the building; and an additional one third unit for every twenty-five thousand square feet of floor space, or major portion thereof, exceeding the initial fifty thousand square feet.

SECTION 4. The fee under this act shall be assessed by the water commissioners of said town upon the estate benefited thereby. Such assessment shall be made by filing with the board of assessors of said town a certificate, designating the way on which the premises connected lies, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall within thirty days after the filing of the same with the board of assessors, be recorded in the Worcester county registry of deeds, or, in the case of registered land, filed in the office of the assistant recorder for the Worcester county registry district. The board of assessors of said town shall, upon receipt of such certificate, forthwith commit such assessment with a warrant to the collector of taxes of said town, who shall forthwith make a demand in writing for the payment of such assessment, and

every owner shall, within three months after such demand is served upon him or on the occupant of such estate, or sent by mail to the last address of the owner known to said collector of taxes, pay to said collector of taxes the sum so assessed or charged.

SECTION 5. Except as herein provided, the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement, and collection of water assessments, to liens thereof, and to interest thereon shall apply to assessments made under this act. In applying said provisions to assessments made under this act, the notice referred to herein shall be deemed to be the demand of the tax collector. The lien for any assessment made under this act shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment.

SECTION 6. In addition to the fees prescribed by this act, the owner shall pay the rates established from time to time for water usage and shall also pay for all service work, materials, and inspection from the main to the building or buildings serviced.

SECTION 7. This act shall take effect upon its passage.

Approved August 15, 1975.

Chap. 520. AN ACT ESTABLISHING THE SPRINGFIELD WASTEWATER FACILITIES FUND AND THE GREATER SPRINGFIELD REGIONAL WASTEWATER FACILITIES FUND.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other contrary provisions of law, the city of Springfield may establish in the city treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received from the operation of the Springfield Wastewater Facilities. All such funds received by the city treasurer shall be kept in a fund known as the Springfield Wastewater Facilities Fund and shall be separate from all other monies, funds or property of said city. The principal and interest of the monies in said Fund shall only be expended, subject to appropriation with the approval of the mayor and the city council of said city, for the operation and maintenance of and improvements to a waste water treatment facility system and for any bonded indebtedness and interest of said Springfield Wastewater Facilities or for transfer to the Greater Springfield Regional Wastewater Facilities Fund for purposes stated in section two.

SECTION 2. Notwithstanding the provisions of section fifty-three of chapter forty-four of the General Laws or any other contrary provisions of law, the city of Springfield may establish in the city treasury a fund in which shall be deposited the fees, charges, receipts and any and all payments collected or received

from the operation of the Greater Springfield Regional Wastewater Facilities. All such funds received by the city treasurer shall be kept in a fund known as the Greater Springfield Regional Wastewater Facilities Fund and shall be separate from all other monies, funds or property of said city. The principal and interest of monies in said Fund shall only be expended, subject to appropriation with the approval of the mayor and city council of said city, for the operation and maintenance of and improvements to a waste water treatment facility system and for any bonded indebtedness and interest for said Greater Springfield Regional Wastewater Facilities.

SECTION 3. The auditor of the city of Springfield shall file an annual report of all receipts and expenditures pertaining to said Greater Springfield Regional Wastewater Facilities with each of the member municipalities.

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

Approved August 15, 1975.

Chap. 521. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO BORROW MONEY FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE FOR THE DISTRICT COURT OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to construct and originally equip a court house to provide suitable and adequate facilities for the district court of Holyoke. Said commissioners may expend for the purposes of this act, including landscaping, such sums as may be necessary, not exceeding, in the aggregate, two million three hundred five thousand five hundred and twenty-two dollars. Any sums received from the federal government for the purposes of this act shall be included in, and considered a part of, the total amount authorized to be expended hereunder.

SECTION 2. For the purposes authorized by section one, the treasurer of said county, with the approval of the county commissioners, may borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, two million three hundred five thousand five hundred and twenty-two dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Hampden County Court House Construction Loan, District Court of Holyoke, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. The county may sell said securities at public or private sale, upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebt-

edness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

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

Approved August 15, 1975.

Chap. 522. AN ACT PROVIDING THAT FISCAL YEAR TAX PRORATION SHALL INCLUDE TAKINGS BY EMINENT DOMAIN AND PROPERTY MANAGEMENT BY THE DEPARTMENT OF PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 79 of the General Laws is hereby amended by striking out the third sentence, added by section 1 of chapter 634 of the acts of 1953, and inserting in place thereof the following sentence: — Whenever the title or interest taken is such that the property will be exempt from taxation so long as it is held and used for the purpose for which it is taken, the damages for the taking shall include an amount separately determined and stated which shall be estimated to be equal to that portion of the tax assessed upon the property in the fiscal year it is taken which, if the tax where apportioned pro rata according to the number of days in such fiscal year, would be allocable to the days ensuing after the taking.

SECTION 2. Chapter 427 of the acts of 1966 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. On the last day of each fiscal year during any portion of which real estate is used or occupied under lease or rental pursuant to this act, the commonwealth shall pay to the city or town wherein such real estate lies a sum equal to such portion of the last tax assessed thereon as would be allocable to the days in such fiscal year on which such real estate was so used or occupied if such tax were apportioned pro rata according to the number of days in such fiscal year; provided, however, that no payment shall be made for any day for which an amount is included under section twelve of chapter seventy-nine of the General Laws in damages for the taking of such real estate.

SECTION 3. The provisions of this act shall apply to all takings by eminent domain made on or after January first, nineteen hundred and seventy-four. *Approved August 15, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, September 5, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the

Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 522 of the Acts of 1975, entitled AN ACT PROVIDING THAT FISCAL YEAR TAX PRORATION SHALL INCLUDE TAKINGS BY EMINENT DOMAIN AND PROPERTY MANAGEMENT BY THE DEPARTMENT OF PUBLIC WORKS., and the enactment of which received my approval on August 15, 1975, should take effect forthwith.

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

In order to authorize the immediate adjustment of certain tax payments with regard to property taken by eminent domain by the Department of Public Works.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 8, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and five minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and twenty-two of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 523. AN ACT RELATIVE TO THE FEE FOR THE RENEWAL OF THE CERTIFICATE OF COMPETENCY TO INSPECT STEAM BOILERS.

Be it enacted, etc., as follows:

The third paragraph of section 62 of chapter 146 of the General Laws, as appearing in chapter 363 of the acts of 1971, is hereby amended by striking out, in line 7, the word "four" and inserting in place thereof the word: — ten.

Approved August 15, 1975.

Chap. 524. AN ACT INCREASING THE FEE FOR APPEALS FROM A REFUSAL TO ISSUE A CERTIFICATE OF COMPETENCY AS AN INSPECTOR OF BOILERS.

Be it enacted, etc., as follows:

Section 63 of chapter 146 of the General Laws, as amended by chapter 154 of the acts of 1952, is hereby further amended by striking out, in line 8, the word "twenty" and inserting in place thereof the word: — twenty-five.

Approved August 15, 1975.

Chap. 525. AN ACT AUTHORIZING REGIONAL COMMUNITY COLLEGES TO ESTABLISH COMMUNITY SERVICE PROGRAMS.

Be it enacted, etc., as follows:

The first paragraph of section 28 of chapter 15 of the General Laws is hereby amended by striking out the last sentence, added by chapter 689 of the acts of 1970, and inserting in place thereof the following sentence: — Regional community colleges may also establish programs of adult education and community services.

Approved August 15, 1975.

Chap. 526. AN ACT RELATIVE TO THE DISPOSITION OF ESTATES OF LESS THAN SEVEN HUNDRED DOLLARS BY PUBLIC ADMINISTRATORS.

Be it enacted, etc., as follows:

Section 17 of chapter 194 of the General Laws, as amended by chapter 495 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If the total value of an estate which has come into the control of a public administrator is less than seven hundred dollars, unless the same is the balance of an estate received from a prior public administrator, he shall forthwith reduce all such property into money, not taking administration thereon, and deposit it, after payment of any outstanding funeral expenses and after deducting his reasonable expenses and charges, with the state treasurer, who shall hold it for the benefit of any other persons who may have legal claims thereon.

Approved August 15, 1975.

Chap. 527. AN ACT PROVIDING THAT A REPRESENTATIVE OF THE PLYMOUTH COUNTY DEVELOPMENT COUNCIL, INC. SHALL BE A MEMBER OF THE ADVISORY COMMITTEE ON VACATION TRAVEL ESTABLISHED TO ASSIST THE DEPARTMENT OF COMMERCE AND DEVELOPMENT.

Be it enacted, etc., as follows:

The first paragraph of section 6 of chapter 23A of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 188 of the acts of 1975, and inserting in place thereof the following sentence: — There shall be advisory committees on manpower development training; regional planning; commercial and industrial development; vacation travel, which shall consist of seventeen members including the chief executive officers of the fourteen regional associations known as the Berkshire Hills Conference, Inc., Central Massachusetts Tourist Council, Inc., Essex County Tourist Council of Massachusetts, Inc., Cape Cod Chamber of Commerce, Greater Boston Chamber of Commerce, Martha's Vineyard Chamber of Commerce, Mohawk Trail Association, Nantucket Island Chamber of Commerce, Inc., Pioneer Valley Association, Inc., Plymouth Chamber of Commerce, Inc., Plymouth County Development Council, Inc., Old Sturbridge, Inc., The Middlesex County Tourist and Development Council and The Tourist Council of Bristol County, Inc.; science and technology; international trade; and a women's advisory committee. *Approved August 15, 1975.*

Chap. 528. AN ACT RELATIVE TO THE REMOVAL OF CERTAIN RECORDS AND REPORTS CONCERNING NEGLECTED AND ABUSED CHILDREN FOR THE PURPOSE OF PROTECTING THE PRIVACY THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Section 51E of chapter 119 of the General Laws, as appearing in section 5 of chapter 1076 of the acts of 1973, is hereby amended by inserting after the first paragraph the following paragraph: —

The name and all other identifying information relating to any child, or to his parents or guardian, shall be removed from said reports ninety days after the department determines that the allegation of serious physical or emotional injury resulting from abuse or neglect cannot be substantiated, or, if said allegations are substantiated, when the child reaches the age of eighteen, or one year after the date of termination of services to the child or his family, whichever date occurs last.

SECTION 2. The first paragraph of section 51F of said chapter 119, as so appearing, is hereby amended by adding the following sentence: — The name and all other identifying characteristics relating to any child which is contained in the central registry, or to his parents or guardian, shall be removed ninety days after the department determines, after investigation, that the allegation of serious physical or emotional injury resulting from abuse or neglect cannot be substantiated or, if said allegations are substantiated, when the child reaches the age of eighteen, or one

year after the date of termination of services to the child or his family, whichever date occurs last. *Approved August 15, 1975.*

Chap. 529. AN ACT PROVIDING THAT THE PLACEMENT OF NAMES OF CANDIDATES FOR PUBLIC OFFICE ON THE OFFICIAL BALLOTS USED IN MUNICIPAL ELECTIONS IN THE TOWN OF CHELMSFORD SHALL BE BY DRAWN LOTS.

Be it enacted, etc., as follows:

Notwithstanding any general or special law or by-law to the contrary, in all municipal elections held in the town of Chelmsford, the names of all candidates shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters. Each candidate or his duly authorized representative shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an elected incumbent thereof shall be added the words "Candidate for reelection".

Approved August 15, 1975.

Chap. 530. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the provisions of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four, except items: —

1100-1200
1101-9002
1130-1000
1599-0058
2410-9051
2422-9022
2423-3004
2423-3005
2425-9015
2426-9012
2426-9013
2430-9003
2430-9004
2430-9005
2441-0090
2444-9002

2444-9052
2611-0200
2681-0102
2670-2464
2670-2465
2681-0501
2681-0801
4180-9044
5381-0001
6020-2503
6030-7293
7000-0813
7010-0016
7028-0304
7210-9706
7511-9001
8312-9004
8312-9005
8312-9006

as amended by chapter six hundred ninety-eight, except items 2611-9008 and 7010-0018, and chapter eight hundred and fifty-five of the acts of nineteen hundred and seventy-four, and as further amended by chapters fifty-four and one hundred and twelve, except items: —

0411-8014
4313-0001
4315-0001
4316-0001
6020-2907
8312-0100

and one hundred and seventy-six, two hundred and sixty-one, and three hundred and twenty-seven, except items: —

0511-0000
1201-2630
1599-0061
1599-0062
1599-2031
2614-1100
4313-0001
4316-0001
4400-1009
4401-1011
4401-2001
4402-5013
4403-2003
4406-2003
4512-0105
6010-0002

6020-2909
8312-0100
9221-1000

of the acts of nineteen hundred and seventy-five, making appropriations for the fiscal year nineteen hundred and seventy-five for the maintenance of departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements are hereby incorporated herein by reference, and the amounts specified therein shall be made available for the fiscal year nineteen hundred and seventy-six and shall be effective on the passage of this act; provided, that expenditures thereunder shall be limited to the amounts made available by allotment by the governor upon recommendation of the commissioner of administration; and, provided further, that said commissioner is hereby directed to limit the amounts so allotted to those appropriation accounts essential for the maintenance of services during the months of July, August, September and October.

The commissioner of administration is hereby further directed to limit the total amount allotted to executive and administrative offices, departments and undertakings, boards or commissions subject to section nine B of chapter twenty-nine of the General Laws to an amount not to exceed ninety per cent of seventeen-fifty-seconds of the sums appropriated, including the amounts made available by transfer from the salary and fuel reserves, in the acts referred to above; provided, however, to meet critical needs resulting from said limitations, the allotment may, in the discretion of the commissioner of administration, be increased not to exceed the remaining ten per cent to meet such need, provided that the existence of such critical need has been certified by the appropriate secretary and the commissioner of administration, and that the existence of the said need shall have been verified by the house and senate committees on ways and means; and, provided further, that the total amount made available in any subsidiary account shall be no greater than the amounts authorized by the chapters referred to in this section except that in any subsidiary account not receiving an appropriation in the acts referred to above an amount may be made available by transfer, provided said amount is certified and verified by the commissioner of administration and the house and senate committees on ways and means.

Any officer or employee of the commonwealth or the members of any departments, board, commission, institution, or agency making an expenditure which exceeds an appropriation or an allotment made pursuant to this act, or who makes available by allotment amounts in excess of those authorized for any department, board, commission, institution or agency shall be deemed guilty of neglect and subject to a fine of not more than one thousand dollars or removal from office.

For the purposes of this act, allocations made from the following accounts during the fiscal year nineteen hundred and seventy-five are hereby made available for expenditure by the University of Lowell:

7102-0001 — Educational Reference Material
7102-9604 — Disadvantaged Student Program
7105-0001 — Data Processing System

SECTION 2. Notwithstanding any provisions of the law to the contrary no increase in the budgetary standard allowance due to a cost-of-living adjustment so called shall be granted or paid during the months of July, August, September and October in any of the following items: —

4110-1010
4170-0400
4170-0500
4403-2000
4405-2000
4406-2000
4407-2000

SECTION 3. The following items of section two of chapter four hundred and thirty-one of the acts of nineteen hundred and seventy-four are exempt from the provisions of the allotment restrictions in section one: —

0640-0000
1120-2000
1599-3100
2520-0300
2520-0900
2520-1000
2520-1100
2520-1200
2520-1300
2520-1400
2520-1500
4403-2010
4403-2020
4403-2030
4403-2040
4403-2050
4403-2060
4403-2070
4403-2080
4403-2081
4403-2082
4403-2083
4403-2084
4403-2085

SECTION 4. Funds shall be allotted to provide for salary requirements of all permanent employees. All positions vacant or

which become vacant, other than positions essential for the care of patients, on or after June thirtieth, nineteen hundred and seventy-five, shall remain vacant during the months of July, August, September and October, provided that vacancies for which there exists a critical need may be filled upon certification of the critical need by the commissioner of administration and a verification of said critical need by the house and senate committees on ways and means. No funds shall be allotted for overtime compensation unless it is essential to the safety and care of persons under the care and jurisdiction of the commonwealth.

The commissioner of administration is hereby directed to present to the general court, on or before October first, nineteen hundred and seventy-five, a list indicating the number of state employees, their salaries, and their status as permanent or temporary, and full-time or part-time.

SECTION 5. For the purposes of making available for expenditure in the fiscal year nineteen hundred and seventy-six certain balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and seventy-five, the unexpended balances of the following items are hereby appropriated for the fiscal year nineteen hundred and seventy-six: —

0810-0014
1100-2401
1599-2012
2200-1000
2600-1491
2600-1492
6005-0010
6030-7605
7010-0012
8200-0100

SECTION 6. Where any item of appropriation in the chapters referred to in section one of this act includes the words "prior appropriation continued", the amount of the said prior appropriation continued to fiscal year nineteen hundred and seventy-five is incorporated herein by reference, in accordance with the provisions of said section one; provided, however, that said prior appropriation or any unencumbered balance thereof shall not be available for expenditure until allotted.

SECTION 7. From the unexpended balance remaining in item 4403-2000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five, the sum of five million dollars is hereby transferred and made available for expenditure in item 4401-1000 of said section two of said chapter three hundred and twenty-seven; and provided further, that all rate changes for services provided in a prior year but finally determined during the current fiscal year may be paid from this account, subject to the approval of the house and senate committees on ways and means.

SECTION 8. From the unexpended balance remaining in item 4403-2000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five, the sum of one hundred and sixty-three thousand dollars is hereby transferred and made available for expenditure in item 4202-0021 of said section two of said chapter three hundred and twenty-seven; and, provided further, that all rate changes for services provided in a prior year but finally determined during the current fiscal year may be paid from this account, subject to the approval of the house and senate committees on ways and means.

SECTION 9. Item 4402-5000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five is hereby amended by adding at the end thereof the wording: — and, provided further, that all rate changes for services provided in a prior year but finally determined during the current fiscal year may be paid from this account, subject to the approval of the house and senate committees on ways and means.

SECTION 10. Section 6 of chapter 29 of the General Laws, as most recently amended by section 4 of chapter 844 of the acts of 1974, is hereby further amended by adding the following paragraph: —

All information required under this section to be filed with or as part of the budget by the governor, and which is not contained within the budget as filed or within accompanying documents filed at the same time, shall be filed by the governor within the following sixty days and shall be accompanied by a detailed statement explaining the failure to provide the material at the time the budget was submitted.

SECTION 11. This act, except section ten, shall cease to be operative upon enactment into law of the general appropriation bill for the fiscal year nineteen hundred and seventy-six, or on October thirty-first, nineteen hundred and seventy-five, whichever is the earlier, and all action taken under this act shall apply against said appropriation act.

SECTION 12. This act shall take effect upon its passage.

Approved August 20, 1975.

Chap. 531. AN ACT FURTHER REGULATING CERTAIN FINANCIAL AND MEDICAL ASSISTANCE TO RESIDENTS OF THE COMMONWEALTH ELIGIBLE THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 117 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 569 of the acts of 1972, and inserting in place thereof the following paragraph: —

The commonwealth, acting by and through the department of public welfare, shall provide assistance to residents of the

commonwealth found by the department to be eligible for such assistance in accordance with this chapter. Such assistance shall be granted from the date of application therefor and shall not, in any form or manner, include the purchase of furniture and shall include medical assistance and dental care and services only as provided in section twenty.

SECTION 2. Said chapter 117 is hereby further amended by striking out section 4, as appearing in chapter 908 of the acts of 1971, and inserting in place thereof the following section: —

Section 4. No student shall be eligible for assistance under this chapter either as an applicant or as the dependent of an applicant. A person who has applied to the department for assistance under chapter one hundred and eighteen as an unemployed parent and who would be eligible for such assistance under said chapter but for the waiting period of thirty days required by federal law shall not be eligible for assistance under this chapter. A person who is eligible to receive assistance under chapter one hundred and fifteen or one hundred and eighteen or unemployment compensation under chapter one hundred and fifty-one A shall not be eligible for assistance under this chapter. A person who has applied for unemployment compensation under chapter one hundred and fifty-one A shall not be eligible for assistance under this chapter during the period in which he is awaiting receipt of his unemployment compensation payment or during the period in which he is subject to a waiting period pursuant to clause (e) of section twenty-five of said chapter one hundred and fifty-one A. A person who has applied for assistance under chapter one hundred and eighteen A shall be eligible for assistance under this chapter only until the end of the month in which such person receives his first assistance payment under said chapter one hundred and eighteen A. A person who has no dependent children and who is determined by the department in accordance with its regulations to be employable shall not be eligible for assistance under this chapter.

SECTION 3. Said chapter 117 is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section: —

Section 20. A person eligible for assistance rendered pursuant to this chapter shall receive such medical and dental care and services as are necessary for the treatment of acute illness or injury. Any such person who suffers from any short-term disability shall also be eligible to receive such rehabilitative medical care and services as are necessary for the treatment and elimination of such short-term disability.

The department shall adopt regulations to govern the assistance provided for by this section. Said regulations shall include definitions of "acute illness or injury", "short-term disability" and "rehabilitative medical services".

The department may expand by regulation the scope of benefits available pursuant to this section subject to appropriation.

SECTION 4. Section twenty-one of said chapter one hundred and seventeen is hereby repealed.

SECTION 5. Section 6 of chapter 118E of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 800 of the acts of 1969, and inserting in place thereof the following paragraph: —

The department shall provide financial assistance for such medical care or services as said Title XIX and regulations adopted thereunder by the Secretary of Health, Education and Welfare require. The department may provide financial assistance for such additional medical care or services as said Title XIX and said regulations permit.

SECTION 5A. Nothing in this act shall be deemed to prohibit podiatric services being made available to elderly persons eligible for medical assistance under the medicaid program of the commonwealth.

SECTION 6. The department of public welfare shall, on or before the fifteenth day of each month, file a report with the joint committee on ways and means which shall indicate the number of persons who have been found to be ineligible for financial assistance or medical and dental care and assistance because of the amendments to section four or section twenty of chapter one hundred and seventeen of the General Laws, inserted by sections two and three, respectively, of this act. Said report shall contain an estimate of the amount of money saved by the commonwealth as a result of said amendments and shall also contain an evaluation of the social implications of restricting eligibility for financial assistance, or for certain medical and dental care, as provided in said sections two and three of this act.

Approved August 20, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, August 21, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 531 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING CERTAIN FINANCIAL AND MEDICAL ASSISTANCE TO RESIDENTS OF THE COMMONWEALTH ELIGIBLE THEREFOR, and the enactment of which received my approval on August 20, 1975, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and that each of the following facts constitute the emergency:

1. The deferred operation of the act would tend to defeat its purpose to further regulate certain financial and medical assistance to residents of the Commonwealth;
2. The deferred operation of the act would aggrevate the current fiscal crisis of the Commonwealth;
3. The deferred operation of the act would tend to impair the fiscal integrity of the Commonwealth's welfare programs.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, August 22, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 532. AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF LOWELL TO DELEGATE THEIR AUTHORITY.

Be it enacted, etc., as follows:

Chapter 75A of the General Laws is hereby amended by inserting after section 1, as appearing in section 7 of chapter 1175 of the acts of 1973, the following section: —

Section 1A. The trustees may delegate their authority or any portion thereof to the president or any officers of the university whenever in their judgment such delegation may be necessary or desirable. *Approved August 21, 1975.*

Chap. 533. AN ACT DIRECTING THE ARMORY COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF WORCESTER TO SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The armory commission, on behalf and in the name of the commonwealth, is hereby authorized and directed to convey to the city of Worcester, within one year from the effective date hereof, for a consideration of one dollar, a certain parcel of land in said city within the premises of the Worcester State

Armory on Salisbury street in said city, for the purpose of enabling said city to widen said street and improve its movement of traffic, said parcel being particularly described and bounded as follows:

Beginning at a point, being a point of curvature in the northerly line of land supposed to belong to the City of Worcester; thence: westerly and northwesterly, by a regular curve to the right, the radius of which is twenty-five and no hundredths (25.00) feet, by the northerly line of land supposed to belong to the City of Worcester, twenty-two and thirty-eight hundredths (22.38) feet to a point; thence: northwesterly, by a regular curve to the left, the radius of which is six hundred thirty-nine and ten hundredths (639.10) feet, by the northerly line of Salisbury Street, one hundred twenty-two and twenty-three hundredths (122.23) feet to a point; thence: North 32° —56' —18" East, by land supposed to belong to the City of Worcester, eight and eighty-hundredths (8.80) feet to a point; thence: southeasterly, by a curve to the right, the radius of which is three hundred seventy-eight and fourteen hundredths (378.14) feet, by land supposed to belong to the Commonwealth of Massachusetts one hundred and sixteen hundredths (100.16) feet to a point; thence: South 41° —50' —11" East, by land supposed to belong to the Commonwealth of Massachusetts, twenty-four and sixty-eight hundredths (24.68) feet to a point; thence: southeasterly and easterly, by a regular curve to the left, the radius of which is twenty-one and sixty-one hundredths, (21.61) feet, by land supposed to belong to the Commonwealth of Massachusetts, twenty and eighty-eight hundredths (20.88) feet to the point of beginning.

Containing about seven hundred seventy (770) square feet.

Being Parcel Number 3 as shown on a plan to be recorded herewith and entitled "Department of Public Works, City of Worcester, Massachusetts, East Central Urban Renewal Area, Plan of Land Acquired for a Widening of Salisbury Street, Scale: 1" = 20', May, 1974, Sheet No. 1 of 1," prepared by Fay, Spofford & Thorndike, Inc., Engineers, Boston, Mass.

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

Approved August 21, 1975.

Chap. 534. AN ACT INCREASING THE FEE FOR SEARCHES OF CERTAIN CORRECTIONS RECORDS FROM ONE DOLLAR TO THREE DOLLARS FOR CERTAIN DEPARTMENTS AND INSTITUTIONS.

Be it enacted, etc., as follows:

Section 100 of chapter 276 of the General Laws is hereby amended by striking out the fourth sentence, as appearing in chapter 623 of the acts of 1966, and inserting in place thereof

the following sentence: — Upon payment of a fee of three dollars for each search, such records shall be accessible to such departments of the federal government and to such educational and charitable corporations and institutions as the commissioner may determine. *Approved August 21, 1975.*

Chap. 535. AN ACT EXEMPTING PUBLIC SCHOOL ICE SKATING RINK MANAGERS FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 31 of the General Laws, as appearing in section 1 of chapter 115 of the acts of 1975, is hereby amended by inserting after the twenty-fourth clause the following clause: — Public school ice skating rink managers;.

SECTION 2. Nothing in this act shall be deemed to impair the civil service status of any person serving as a public school ice skating rink manager on the effective date of this act.

Approved August 21, 1975.

Chap. 536. AN ACT DIRECTING THE DIVISION OF CIVIL SERVICE TO PERMIT ANTHONY F. ARCARO AND ANTHONY M. SOLITTO TO TAKE A CERTAIN CIVIL SERVICE EXAMINATION FOR CORRECTIONAL OFFICER HEAD COOK NOTWITHSTANDING THEIR FAILURE TO MEET THE MAXIMUM AGE REQUIREMENT FOR CERTIFICATION AND APPOINTMENT TO SAID POSITION.

Be it enacted, etc., as follows:

Notwithstanding any provision of any law or any civil service rule to the contrary, the division of civil service is hereby authorized and directed to permit Anthony F. Arcaro and Anthony M. Solitto, both of whom are employees of the Massachusetts Correctional Institution, Norfolk, to take the next civil service examination for correctional officer head cook. If either passes said examination, he shall be eligible for certification by said division and appointment by said institution as correctional officer head cook, provided that he meets all requirements of law other than the regulation as to maximum age determined by said division. *Approved August 21, 1975.*

Chap. 537. AN ACT EXEMPTING THE UNIVERSITY OF MASSACHUSETTS FROM THE FAIR TRADE LAW.

Be it enacted, etc., as follows:

Section 14C of chapter 93 of the General Laws, as amended by chapter 40 of the acts of 1943, is hereby further amended by inserting after the word "commonwealth", in line 12, the words: — , or to any commodities or prices offered in connection with contracts or agreements made by the University of Massachusetts. *Approved August 21, 1975.*

Chap. 538. AN ACT PROVIDING A PENALTY FOR THE CARRYING AWAY OR CONVERSION OF CERTAIN MILK CONTAINERS WITHOUT PERMISSION OF THEIR OWNERS.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by adding the following section:—

Section 144. Whoever, without permission of the owner, carries away or converts to his own use a plastic or wire milk case or a plastic or wire container for milk products which has been indelibly stamped with the name of a milk dealer or association of milk dealers shall be punished by a fine of not less than ten and not more than one hundred dollars.

Approved August 21, 1975.

Chap. 539. AN ACT AUTHORIZING LEAVES OF ABSENCE FOR CERTAIN CALL FIRE FIGHTERS.

Be it enacted, etc., as follows:

Section 14 of chapter 75 of the General Laws, as most recently amended by section 144 of chapter 835 of the acts of 1974, is hereby further amended by adding the following paragraph: —

Any person employed by the University of Massachusetts at Amherst who serves in a call or part-call fire force in the town of Amherst during a tour of duty may be granted a leave of absence with pay for such service; provided, however, that no injury sustained or disability incurred while performing duties as a call or part-call fire fighter shall be considered for any purpose as having been sustained or incurred as a result of, or while in the performance of said person's duties at the University of Massachusetts at Amherst. *Approved August 21, 1975.*

Chap. 540. AN ACT RELATIVE TO THE OFFENSE OF CONCEALING LEASED OR RENTED PERSONAL PROPERTY.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out section 87, as amended by chapter 210 of the acts of 1971, and inserting in place thereof the following section: —

Section 87. Any person leasing or renting personal property under a written instrument who, with intent to place such property beyond the control of the lessor, conceals or aids or abets the concealment of such property or any part thereof, or fails or refuses to return such property to the lessor within twenty days after expiration of the lease or rental term and within ten days after written demand for such return has been personally served upon him, or sent by registered or certified mail to the last-known address of the lessee, whichever shall occur later, and any lessee of such property who sells, conveys or pledges such property or any part thereof without the written consent of the lessor and without informing the person to whom he sells, conveys or pledges that the same is subject to said lease, except any such person who asserts the breach of an express or implied condition of the written instrument as a defense to an action under this section shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than one year. *Approved August 21, 1975.*

Chap. 541. AN ACT TRANSFERRING THE CUSTODY AND CARE OF CERTAIN LAND IN THE TOWN OF STOW FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO THE MASSACHUSETTS FIREFIGHTING ACADEMY FOR A CERTAIN PERIOD OF TIME.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer forthwith certain land and buildings in the town of Stow from the custody and care of the department of environmental management to the custody and care of the Massachusetts Firefighting Academy for a certain period of time, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Subject to the approval of the commissioner of administration, the custody and care of a portion of land with the buildings thereon known as the "Stow Service Building" located in the town of Stow and under the control of the commissioner of environmental management is hereby transferred to the custody and care of the Massachusetts Firefighting Academy for a period of five years, and the use of any and all equipment and all buildings to be utilized by said Academy shall be subject to the approval of the commissioner of environmental management. *Approved August 22, 1975.*

Chap. 542. AN ACT FURTHER CLARIFYING THE PROHIBITION AGAINST INCLUDING PROVISIONS IN INSURANCE CON-

TRACTS COVERING RESIDENTS OF THE COMMONWEALTH WHICH PRECLUDE PAYMENTS OF BENEFITS FOR SERVICES RENDERED BY SOLDIERS' HOMES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to provide that the benefits of insurance policies be payable for health care furnished by the Soldiers' Home in Massachusetts, and the Soldiers' Home in Holyoke, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The second paragraph of section 22 of chapter 175 of the General Laws, added by chapter 339 of the acts of 1960, is hereby amended by adding the following two sentences: — Expenses as used in this paragraph shall mean the charges of such soldiers' homes for the services rendered and such charges shall be deemed to have been legally incurred by persons insured under such policies notwithstanding that such person is entitled to benefits under chapter one hundred fifteen A or that no bill is, or would otherwise be, rendered by such soldiers' homes with respect to such persons. The foregoing provisions shall apply to any group or nongroup policy of insurance delivered, issued or renewed, by any domestic insurer under the authority of this chapter, or by any alien or foreign insurer to the extent such policies cover persons having a residence within the commonwealth. *Approved August 22, 1975.*

Chap. 543. AN ACT PROVIDING FOR CERTAIN CHANGES IN THE APPOINTMENT OF BOARDS OF REGISTRARS AND ELECTION COMMISSIONERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for changes in the appointment of boards of registrars and election commissioners, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 15 of chapter 51 of the General Laws, as most recently amended by section 2 of chapter 127 of the acts of 1959, is hereby further amended by adding the following paragraph: —

As the terms of the several registrars expire, and in case a vacancy occurs in the board of registrars of voters in a town, the selectmen or the appointing authority shall so appoint their successors that the members of the board shall represent the two leading political parties, as defined in section one of chapter

fifty, and in no case shall an appointment be made as to cause a board to have more than two members, including the town clerk, of the same political party. Every such appointment shall be made in a town by the selectmen or the appointing authority from a list to be submitted to them by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of a board of registrars of voters shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

SECTION 2. Section 16A of said chapter 51 is hereby amended by inserting after the sixth sentence, as appearing in chapter 218 of the acts of 1955, the following sentence: — In a town which accepts this section, every such appointment shall be made from a list to be submitted by the town committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the town, selected by a majority vote at a duly called meeting, at which a quorum is present, of such committee; and every member of said board shall serve until the expiration of his term and until his successor has qualified; provided, however, if the chairman of the town committee has not submitted such list to the selectmen or the appointing authority within forty-five days after a notification to said chairman by certified mail, the selectmen or the appointing authority shall make said appointment without reference to such a list.

Approved August 22, 1975.

Chap. 544. AN ACT RELATIVE TO THE COMPENSATION OF CERTAIN JUDGES, RECORDERS AND DEPUTY RECORDERS, REGISTERS AND ASSISTANT REGISTERS, AND CLERKS AND ASSISTANT CLERKS OF THE DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, any judge or associate judge of the land court who was appointed between the first day of January, nineteen hundred and seventy-four, and the effective date of this act shall receive such salary as is provided by section fourteen of chapter one hundred and eighty-five of the General Laws, said salary to be effective as of the date of his appointment.

SECTION 2. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, the justices of the superior court who were appointed between the first day of January, nineteen hundred and seventy-four, and the effective date of this act shall receive such salary as is provided by section twenty-seven of chapter two hundred and twelve of the General Laws, said salary to be effective as of the date of their appointment.

SECTION 3. Notwithstanding the provisions of section eighteen of chapter four hundred and twenty-eight and section sixteen of chapter eight hundred and fifty-six of the acts of nineteen hundred and seventy-three and section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, the judges of the probate court who were appointed between the first day of January, nineteen hundred and seventy-three, and the effective date of this act shall receive such salary as is provided by section thirty-four of chapter two hundred and seventeen of the General Laws, said salary to be effective as of the date of their appointment.

SECTION 4. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, any special justice of a district court or of the Boston municipal court who was appointed between the first day of January, nineteen hundred and seventy-four, and the effective date of this act shall receive such salary as is provided by section six of chapter two hundred and eighteen of the General Laws.

SECTION 5. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, the justices of the municipal court of the city of Boston who were appointed between the first day of January, nineteen hundred and seventy-four, and the effective date of this act shall receive such salary as is provided by section seventy-five of chapter two hundred and eighteen of the General Laws, said salary to be effective as of the date of their appointment.

SECTION 6. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, any justice of a district court who was appointed between the first day of January, nineteen hundred and seventy-four, and the effective date of this act shall receive such salary as is provided for the court to which he was appointed by section seventy-seven A or section seventy-eight of chapter two hundred and eighteen of the General Laws, said salary to be effective as of the date of his appointment.

SECTION 7. Notwithstanding the provisions of section sixteen of chapter five hundred and fifty-eight of the acts of nineteen hundred and seventy-four, the recorders and deputy recorders to whom the provisions of section fourteen of chapter one hundred and eighty-five of the General Laws apply, the registers

and assistant registers to whom the provisions of section thirty-five A and thirty-five B of chapter two hundred and seventeen of the General Laws apply, and the clerks and assistant clerks to whom the provisions of sections seventy-nine and eighty of chapter two hundred and eighteen of the General Laws apply, who were appointed between January first, nineteen hundred and seventy-four, and the effective date of this act, shall receive such salary as is provided in the respective said applicable sections, said salary to be effective as of the date of their respective appointments.

SECTION 8. Section four of this act shall take effect upon its passage.

SECTION 9. Sections one, two, three, five, six and seven of this act shall take effect as of July first, nineteen hundred and seventy-five. *Approved August 22, 1975.*

Chap. 545. AN ACT PROVIDING FOR THE APPOINTMENT OF A REGISTERED LAND SURVEYOR ON THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS.

Be it enacted, etc., as follows:

SECTION 1. Section 45 of chapter 13 of the General Laws, as most recently amended by section 14 of chapter 1099 of the acts of 1971, is hereby further amended by striking out the first four sentences and inserting in place thereof the following four sentences: — There shall be a board of registration of professional engineers and of land surveyors, in this section and in sections forty-six and forty-seven called the board, consisting of six registered professional engineers, one registered land surveyor and one representative of the public, subject to the provisions of section nine B, who are citizens of the United States and residents of the commonwealth, appointed by the governor. Of the professional engineer members of said board, one shall be a civil engineer, one shall be a mechanical engineer, one shall be an electrical or electronics engineer, one shall be a chemical engineer, one shall be both a civil engineer and a registered land surveyor, and the sixth member shall represent any technical branch or specialty of engineering other than those listed above. Each member of the board except the member who is both a civil engineer and a registered land surveyor, the member who is a registered land surveyor, and the member who is a representative of the public shall have been actively engaged in the practice of engineering for at least twelve years, and shall have been in responsible charge of important engineering work or in engineering teaching, or both, for at least five years. The member of the board who is both a civil engineer and a registered land surveyor and the member

of the board who is a registered land surveyor shall have been actively and principally engaged in the practice of land surveying for at least twelve years, and shall have been in responsible charge of land surveying work for at least five years.

SECTION 2. The requirements for membership on the board of registration of professional engineers and of land surveyors prescribed by section one of this act shall only be complied with as vacancies occur or as terms of the members of said board expire, except that the additional position of registered land surveyor created by this act may be filled upon the effective date of this act. *Approved August 22, 1975.*

Chap. 546. AN ACT FURTHER DEFINING THE TERM "PRIVATE CARRIER" IN THE LAW RELATIVE TO CARRIERS OF PROPERTY BY MOTOR VEHICLE FOR COMPENSATION.

Be it enacted, etc., as follows:

The definition of "Private carrier" in section 2 of chapter 159B of the General Laws, as most recently amended by chapter 569 of the acts of 1955, is hereby amended by adding the words:— , nor include a person who assesses a charge for towing a motor vehicle without actually performing said towing service.

Approved August 22, 1975.

Chap. 547. AN ACT FURTHER REGULATING INVESTMENTS BY SAVINGS BANKS IN OBLIGATIONS ISSUED OR GUARANTEED BY THE DOMINION OF CANADA.

Be it enacted, etc., as follows:

Section 42 of chapter 168 of the General Laws is hereby amended by striking out paragraph 4, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following paragraph: —

4. *Canada.* — Bonds, notes or other obligations issued or guaranteed as to both principal and interest by the Dominion of Canada or any of its provinces; provided, (*a*) that such bonds, notes or obligations shall be payable in United States funds either unconditionally or at the option of the holder thereof; and (*b*) that at the date of investment the said Dominion of Canada or the applicable province of Canada shall not have been in default in the payment of interest or principal of any of its obligations for a period in excess of thirty-one days at any time within the twenty years preceding such date of investment. Not more than five per cent of the deposits of any such corporation may be invested in obligations authorized under this paragraph.

Approved August 22, 1975.

Chap. 548. AN ACT RELATIVE TO CHARITABLE CONTRIBUTIONS AND CERTAIN OTHER DONATIONS BY SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 2 of section 68 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Payments made to any association, organization or donee under this or the following paragraph 3, aggregating in excess of three hundred dollars in any one fiscal year determined as provided in paragraph 4 of this section, shall be subject to the authorization or approval of the board of trustees of such corporation.

SECTION 2. Paragraph 3 of said section 68 of said chapter 168, as so appearing, is hereby amended by striking out clause (*a*) and inserting in place thereof the following clause: —

(*a*) to any private nonprofit organization organized for the purpose of improving the social and economic conditions in the community where such corporation is established, including any educational institution, and to any educational institution located outside that community for the purpose of providing scholarships for the benefit of residents of that community.

Approved August 22, 1975.

Chap. 549. AN ACT PERMITTING CERTAIN NONRESIDENTS OF THE COMMONWEALTH TO BE TRUSTEES OF SAVINGS BANKS.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 8 of chapter 168 of the General Laws, as appearing in section 1 of chapter 432 of the acts of 1955, is hereby amended by striking out the first sentence.

SECTION 2. The first paragraph of section 10 of said chapter 168 is hereby amended by striking out provision 2, as most recently amended by chapter 225 of the acts of 1966, and inserting in place thereof the following provision:—

2. Qualifications — Each trustee shall be a resident of the commonwealth or be a resident of a state contiguous thereto and within twenty-five miles of the main office of such corporation; provided, that not more than one trustee shall be a nonresident of the commonwealth at any one time. A trustee shall at the time of his election or within thirty days thereafter, be a depositor of such corporation and shall not have reached the age of seventy-two years at the time of election.

Approved August 22, 1975.

Chap. 550. AN ACT INCREASING THE AMOUNT CO-OPERATIVE BANKS MAY LOAN ON LOANS OF EIGHTY PER CENT OF VALUE AND ON PARTICIPATION LOANS.

Be it enacted, etc., as follows:

SECTION 1. Subsection 4 of section 23 of chapter 170 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by section 2 of chapter 96 of the acts of 1973, and inserting in place thereof the following sentence: — The amount which, notwithstanding the provisions of section twenty-four, any such corporation may invest in a participation loan shall not exceed one per cent of its deposits or seventy thousand dollars, whichever is greater, and the aggregate balance of principal of all such participation loans not insured by the federal housing administrator outstanding at any one time shall not exceed twenty per cent of the total deposits of such corporation; provided, however, that with respect to any participation with the Federal Home Loan Mortgage Corporation, as to which said Corporation has at the time of closing the loan entered into a binding written commitment to participate, the amount deemed invested for the purpose of the foregoing shall be the amount of the investment which will remain as an investment of the corporation after the Federal Home Loan Mortgage Corporation fulfils its commitment.

SECTION 2. Section 24 of said chapter 170 is hereby amended by striking out subsection 3, as most recently amended by section 1 of chapter 77 of the acts of 1973, and inserting in place thereof the following subsection:—

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

Approved August 22, 1975.

Chap. 551. AN ACT AUTHORIZING CITIES AND TOWNS TO MAKE CERTAIN TEMPORARY REPAIRS ON PRIVATE WAYS.

Be it enacted, etc., as follows:

Chapter 40 of the General Laws is hereby amended by inserting after section 6M, inserted by chapter 332 of the acts of 1975, the following section: —

Section 6N. A city which accepts this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the same at an annual town meeting, may make

temporary repairs on private ways which have been opened to public use for six years or more, and in such cases section twenty-five of chapter eighty-four shall not apply. Said repairs shall not include construction, reconstruction or resurfacing of such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own fifty per cent of the linear footage of such way. No such repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs as determined by the city or town department or contractor duly authorized by said city or town to do the work, is paid over to said city or town. Said temporary repairs shall only include the filling in of holes and depressions with sand, gravel, cinders or other suitable materials and shall not include the resurfacing or permanent construction of said ways. The city or town shall be held harmless on account of any damages whatever caused by such repairs by agreements executed by the abutters who petitioned therefor. *Approved August 22, 1975.*

Chap. 552. AN ACT PROVIDING FOR THE DESTRUCTION OF APPLICATIONS FOR CERTAIN CRIMINAL COMPLAINTS.

Be it enacted, etc., as follows:

Section 35 of chapter 218 of the General Laws, as amended by chapter 201 of the acts of 1964, is hereby further amended by adding the following paragraph: —

If such an application for the issuance of a complaint is denied, the clerk of the district court wherein such application was made shall destroy such application one year after the date such application was filed, unless a justice of such court or the chief justice of the district courts shall for good cause order that such application be retained on file for a further period of time. The clerk shall enter on the face of any application so denied a conspicuous notation to that effect, and such applications shall be maintained separately from other records of such court. The provisions of this paragraph relating to the destruction of such applications shall not apply to applications filed pursuant to section twenty C of chapter ninety. *Approved August 22, 1975.*

Chap. 553. AN ACT VALIDATING THE ACTS AND PROCEEDINGS AT THE ANNUAL TOWN MEETING AND ELECTION OF THE TOWN OF NORTH ATTLEBOROUGH HELD IN THE YEAR NINETEEN HUNDRED AND SEVENTY-FIVE.

Be it enacted, etc., as follows:

All acts and proceedings of the town of North Attleborough taken at its annual town meeting held on April twenty-eighth, nineteen hundred and seventy-five, and at adjourned sessions thereof, and at its annual town election held on April seventh, nineteen hundred and seventy-five, and all acts done in pursuance thereof, are hereby ratified, validated and confirmed to the same extent as if said meeting and election were held in accordance with the by-laws of said town and in accordance with the provisions of section three of chapter one thousand and forty-five of the acts of nineteen hundred and seventy-three.

Approved August 22, 1975.

Chap. 554. AN ACT EXEMPTING PUBLIC HOUSING AUTHORITIES FROM THE LAW RELATIVE TO TENEMENT HOUSES IN TOWNS.

Be it enacted, etc., as follows:

Chapter 145 of the General Laws is hereby amended by striking out section 1, as amended by section 9 of chapter 707 of the acts of 1966, and inserting in place thereof the following section:—

Section 1. The provisions of sections sixty A, sixty B and sixty C shall apply to all towns. The other provisions of this chapter shall apply to all towns which accept it or have accepted corresponding provisions of earlier laws by a vote of the town at a town meeting; provided, however, that said provisions shall not apply to tenement houses erected by a public housing authority.

Approved August 26, 1975.

Chap. 555. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPSHIRE COUNTY TO EXPEND CERTAIN SUMS OF MONEY FOR SITE BORINGS AND PRELIMINARY PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A JAIL AND HOUSE OF CORRECTION.

Be it enacted, etc., as follows:

The county commissioners of Hampshire county are hereby authorized to have site borings taken and to have preliminary plans and specifications drawn for the construction of a jail and house of correction on land now held by the department of mental health and known as the Northampton state hospital or at some other suitable site. Said commissioners may expend for the purposes of this act from any available funds such sums as may be necessary, not exceeding, in the aggregate, forty thousand dollars. Any sums received from the federal government for the purposes of this act shall be included in, and con-

sidered a part of, the total amount authorized to be expended hereunder. *Approved August 26, 1975.*

Chap. 556. AN ACT DIRECTING THE COMMONWEALTH TO REIMBURSE THE TOWN OF ACTON FOR CERTAIN MONIES EXPENDED FOR VETERANS' BENEFITS.

Be it enacted, etc., as follows:

There shall be allowed and paid out of the state treasury to the town of Acton, subject to the approval of the commissioner of veterans' services, such sum, not exceeding ten thousand dollars, as said town would have been entitled to receive in reimbursement for veterans' benefits paid by it in the year nineteen hundred and seventy-three, under the provisions of section six of chapter one hundred and fifteen of the General Laws, had said town made a proper and seasonable report thereof to said commissioner as required by said section six.

Approved August 28, 1975.

Chap. 557. AN ACT INCREASING THE TIME WITHIN WHICH A PERSON MAY REQUEST A HEARING UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (*b*) of section 43 of chapter 31 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 72 of the acts of 1970, and inserting in place thereof the following sentence: — If within ten days after receiving written notice of the decision of the appointing authority the person so discharged, removed, suspended, laid off, transferred, lowered in rank or compensation, or whose office or position was abolished, shall so request in writing, he shall be given a hearing before a member of the commission or some disinterested person designated by the chairman of the commission.

SECTION 2. The second paragraph of section 46A of said chapter 31, as appearing in section 5 of chapter 569 of the acts of 1959, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — If any person alleges that his employment or compensation has been affected by action of the appointing authority in failing to follow the requirements of section forty-three, he may file a complaint with the civil service commission within ten days, exclusive of Saturdays, Sundays and holidays after the said action has been taken. *Approved August 28, 1975.*

Chap. 558. AN ACT ELIMINATING DISTINCTIONS BETWEEN CONVEYANCES BETWEEN SPOUSES AND CONVEYANCES BETWEEN PERSONS NOT MARRIED TO EACH OTHER.

Be it enacted, etc., as follows:

SECTION 1. Section 8 of chapter 184 of the General Laws, as amended by section 2 of chapter 395 of the acts of 1954, is hereby further amended by striking out, in lines 6 to 8, inclusive, the words ", when recorded in accordance with the provisions of section three of chapter two hundred and nine".

SECTION 2. Chapter 209 of the General Laws is hereby amended by striking out section 3, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 3. Transfers between husband and wife. Transfer of real and personal property between husband and wife shall be valid to the same extent as if they were sole.

Approved August 28, 1975.

Chap. 559. AN ACT TO ASCERTAIN THE WILL OF THE PEOPLE WITH REFERENCE TO THE QUESTION OF THE ENACTMENT OF LEGISLATION BY THE GENERAL COURT AUTHORIZING THE CONSTRUCTION OF AN OIL REFINERY AND A DEEP WATER PORT.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of ascertaining the will of the voters relative to the enactment of legislation by the general court providing for the construction of an oil refinery and a deep water port, the state secretary shall cause to be placed on the official ballot to be used at the biennial state election to be held in the year nineteen hundred and seventy-six the following question: — "Shall the General Court enact legislation authorizing the construction of an oil refinery and a deep water port, subject to the approval of those communities directly affected and any reservations that the General Court may prescribe?"

SECTION 2. The votes upon said question shall be received, sorted, counted and declared, and copies of records thereof transmitted to the state secretary, laid before the governor and council, and by them opened and examined, in accordance with the laws relating to votes for state officers and copies of records thereof, so far as such laws are applicable. The governor shall make known the result by declaring the number of votes in the affirmative and the number in the negative, and shall transmit a statement of such result, in writing, to the clerk of the house of representatives. If a majority of said votes is in the affirma-

tive, it shall be deemed and taken to be the will of the people that the general court shall enact legislation authorizing the construction of an oil refinery and a deep water port, and if a majority of said votes is in the negative, it shall be deemed and taken to be the will of the people that the general court shall not enact said legislation. *Approved August 28, 1975.*

Chap. 560. AN ACT RELATIVE TO THE FEE FOR A LICENSE TO OPERATE A MOTOR VEHICLE.

Be it enacted, etc., as follows:

The tenth paragraph of subdivision (7) of section 33 of chapter 90 of the General Laws, as appearing in section 3 of chapter 601 of the acts of 1967, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — For every license to operate motor vehicles or for the renewal thereof, ten dollars. *Approved August 28, 1975.*

Chap. 561. AN ACT REQUIRING THAT AT LEAST TWO TRUSTEES OF A SAVINGS BANK SHALL BE RESIDENTS OF THE CITY OR TOWN WHEREIN ITS PRINCIPAL OFFICE IS LOCATED.

Be it enacted, etc., as follows:

SECTION 1. Provision 2 of the first paragraph of section 10 of chapter 168 of the General Laws, as most recently amended by chapter 225 of the acts of 1966, is hereby further amended by adding the following sentence: — At least two trustees of each such board shall at the time of their election be residents of the city or town wherein the main office of such corporation is located.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-six. *Approved August 28, 1975.*

Chap. 562. AN ACT AUTHORIZING THE TOWN OF EASTHAMPTON TO RESCIND ITS ACCEPTANCE OF CERTAIN LAWS RELATIVE TO FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Easthampton is hereby authorized to rescind the vote of the town meeting taken in nineteen hundred and forty-three, whereby, the town voted to accept sections forty-two, forty-three and forty-four of chapter forty-eight of the General Laws.

SECTION 2. Nothing contained in this act shall be construed so as to affect the civil service status, seniority, rank, retirement and any other rights of any members of or of the incumbents of office of chief of the fire department or any other office within the fire department of the town of Easthampton.

Approved August 28, 1975.

Chap. 563. AN ACT REQUIRING NOTICE PRIOR TO CERTAIN EMINENT DOMAIN AND EASEMENT TAKINGS.

Be it enacted, etc., as follows:

Chapter 79 of the General Laws is hereby amended by inserting after section 5B the following section: —

Section 5C. No property shall be taken without the consent of the owner thereof, nor shall an easement be taken on such property without such consent, unless notice of intent to take such property is given to the owner of such property at least thirty days prior to the date of the actual taking. The provisions of this section shall not apply to takings on behalf of the commonwealth, county, city or town. Said provisions shall also not apply to takings authorized by the department of public utilities, except that in such takings notice of hearings required by section seventy-two of chapter one hundred and sixty-four shall be sent to the owners of any property to be taken.

Approved August 28, 1975.

Chap. 564. AN ACT AUTHORIZING THE CONSENT BY CERTAIN MINORS TO CERTAIN MEDICAL AND DENTAL CARE.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 12F, as amended by section 1 of chapter 335 of the acts of 1971, and inserting in place thereof the following section: —

Section 12F. No physician, dentist or hospital shall be held liable for damages for failure to obtain consent of a parent, legal guardian, or other person having custody or control of a minor child, or of the spouse of a patient, to emergency examination and treatment, including blood transfusions, when delay in treatment will endanger the life, limb, or mental well-being of the patient.

Any minor may give consent to his medical or dental care at the time such care is sought if (*i*) he is married, widowed, divorced; or (*ii*) he is the parent of a child, in which case he may also give consent to medical or dental care of the child; or (*iii*) he is a member of any of the armed forces; or (*iv*) she is pregnant

or believes herself to be pregnant; or (*v*) he is living separate and apart from his parent or legal guardian, and is managing his own financial affairs; or (*vi*) he reasonably believes himself to be suffering from or to have come in contact with any disease defined as dangerous to the public health pursuant to section six of chapter one hundred and eleven; provided, however, that such minor may only consent to care which relates to the diagnosis or treatment of such disease.

Consent shall not be granted under subparagraphs (*ii*) through (*vi*), inclusive, for abortion or sterilization.

Consent given under this section shall not be subject to later disaffirmance because of minority. The consent of the parent or legal guardian shall not be required to authorize such care and, notwithstanding any other provisions of law, such parent or legal guardian shall not be liable for the payment for any care rendered pursuant to this section unless such parent or legal guardian has expressly agreed to pay for such care.

No physician or dentist, not any hospital, clinic or infirmary shall be liable, civilly and criminally, for not obtaining the consent of the parent or legal guardian to render medical or dental care to a minor, if, at the time such care was rendered, such person or facility: (*i*) relied in good faith upon the representations of such minor that he is legally able to consent to such treatment under this section; or (*ii*) relied in good faith upon the representations of such minor that he is over eighteen years of age.

All information and records kept in connection with the medical or dental care of a minor who consents thereto in accordance with this section shall be confidential between the minor and the physician or dentist, and shall not be released except upon the written consent of the minor or a proper judicial order. When the physician or dentist attending a minor reasonably believes the condition of said minor to be so serious that his life or limb is endangered, the physician or dentist shall notify the parents, legal guardian or foster parents of said condition and shall inform the minor of said notification.

Approved August 28, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 28, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 564

of the Acts of 1975, entitled AN ACT AUTHORIZING THE CONSENT BY CERTAIN MINORS TO CERTAIN MEDICAL CARE., and the enactment of which received my approval on August 28, 1975, should take effect forthwith.

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

In order to immediately allow the provisions of medical care to certain minors.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 29, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and sixty-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 565. AN ACT PROVIDING FOR A THREE OR FIVE YEAR TERM OF OFFICE FOR PLANNING BOARD MEMBERS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 81A of chapter 41 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in section 4 of chapter 340 of the acts of 1947, and inserting in place thereof the following sentence: — When a planning board is first established or when the terms of members of the planning board established under section seventy serving as members of the planning board under this section expire, as the case may be, the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town.

SECTION 2. In any city or town which changes the terms of office of planning board members from five to three years, as provided for in section eighty-one A of chapter forty-one of the General Laws, as amended by section one of this act, members

of the planning board of said city or town in office when the change is effected shall continue in office until their respective terms of office expire. *Approved August 28, 1975.*

Chap. 566. AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE OFFICE OF TOWN MEETING MEMBERS IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Chapter 349 of the acts of 1935 is hereby amended by striking out section 7 and inserting in place thereof the following section:—

Section 7. In the event of any vacancy in the full number of town meeting members of any precinct such vacancy shall be filled until the next annual town election by the town clerk from the list of candidates who sought election as town meeting members at the last prior election. The candidate receiving the next highest vote after the last person elected shall fill such vacancy, but if such person does not accept the office, the candidate who shall have received the next highest number of votes shall fill such vacancy. The procedure shall be repeated until all vacancies are filled. In the event of a tie vote of those next succeeding the last person elected at the most recent town election, or in the event there is no defeated candidate who will accept the office, the town clerk shall call a special meeting of the town meeting members of the precinct in which the vacancy or tie occurs for the purpose of filling the vacancy or vacancies until the next annual town election from among those having the tie votes, or, if no tie is involved, from among the registered voters of the precinct. Notice of the purpose, time and place of the meeting shall be mailed by the town clerk to the remaining town meeting members not less than five days before the time set for the meeting.

Approved August 28, 1975.

Chap. 567. AN ACT PROVIDING FOR THE SUBMISSION TO THE VOTERS OF THE TOWN OF PLYMOUTH OF A QUESTION RELATIVE TO THE LOCATION OF A SECOND NUCLEAR POWER STATION IN SAID TOWN.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, for the purpose of ascertaining the will of the voters of the town of Plymouth, the following question shall be placed upon the official ballot to be used for the election of officers at the next annual town meeting to be held in said town: — "Shall a

second nuclear power station be constructed within the town of Plymouth?" The result of such vote shall not be binding upon the selectmen or any other officer of said town.

Approved August 28, 1975.

Chap. 568. AN ACT RELATIVE TO THE APPOINTMENT OF POLICE OFFICERS IN THE TOWN OF SUNDERLAND.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section ninety-seven A of chapter forty-one of the General Laws shall not apply to the town of Sunderland, notwithstanding the acceptance of said section by said town.

SECTION 2. Police officers shall be appointed in said town by its board of selectmen subject to the provisions of section ninety-six of said chapter forty-one.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Sunderland at the annual town meeting to be held in the year nineteen hundred and seventy-six in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act relative to the appointment of police officers in the town of Sunderland', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect, but not otherwise. *Approved August 28, 1975.*

Chap. 569. AN ACT PROVIDING FOR THE ASSIGNMENT OF PERSONS WHO HAVE COMPLETED CERTAIN COURSES IN EMERGENCY MEDICAL CARE TO CERTAIN FOOTBALL GAMES.

Be it enacted, etc., as follows:

Chapter 71 of the General Laws is hereby amended by striking out section 54A, inserted by chapter 74 of the acts of 1972, and inserting in place thereof the following section: —

Section 54A. A physician employed by a school committee or a person who has completed a full course in emergency medical care as provided in section six of chapter one hundred and eleven C shall be assigned to every interscholastic football game played by any team representing a public secondary school in the commonwealth, and the expenses of such physician or person shall be paid by the school committee of the city, town or district wherein such football game is played.

Approved August 28, 1975.

Chap. 570. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW ESTABLISHING THE MASSACHUSETTS INSURERS INSOLVENCY FUND.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to correct immediately a typographical error in the enactment of the law establishing the Massachusetts Insurers Insolvency Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of the definition of "Covered claim" in section 1 of chapter 175D of the General Laws, as appearing in section 1 of chapter 261 of the Acts of 1970, is hereby amended by striking out, in line 4, the second time it appears, the word "insurer" and inserting in place thereof the word: — insured.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-one. *Approved September 2, 1975.*

Chap. 571. AN ACT EXPANDING THE LIMITS ON HOLDINGS IN SAVINGS BANKS AND CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 1 of section 21 of chapter 168 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 84 of the acts of 1972, and inserting in place thereof the following sentence: — Such corporation may receive on deposit from any person for his own account or for the accounts of one or more distinct estates or trusts and deposits on any joint account provided for in section fourteen of chapter one hundred and sixty-seven to the amount of not more than forty-five thousand dollars in the case of each such individual account or not more than ninety thousand dollars in the case of each joint account, exclusive of interest accumulated thereon and upon such interest.

SECTION 2. Section 22 of said chapter 168 is hereby amended by striking out the first paragraph, as most recently amended by section 2 of chapter 346 of the acts of 1974, and inserting in place thereof the following paragraph: —

Either party to a joint account also may make deposits for his individual account, but all deposits, including term deposits, in any of his individual accounts and in any joint accounts to which he is a party shall not at any one time exceed one hundred thousand dollars, exclusive of accumulated interest, and any deposits other than term deposits in any of his individual accounts and in any joint accounts to which he is a party shall not at any one time exceed ninety thousand dollars, exclusive of accumulated interest.

SECTION 3. Section 16 of chapter 170 of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 3 of said chapter 346, and inserting in place thereof the following paragraph: —

Except as otherwise provided in this chapter and in other applicable provisions of law, no person individually and no two or more persons, as provided in section fifteen, shall hold more than three hundred serial shares and more than the combined total of one thousand paid-up and savings shares in the denomination of one hundred dollars nor more than one hundred and fifty serial shares and more than the combined total of five hundred paid-up and savings shares in the denomination of two hundred dollars. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars three hundred serial shares and the combined total of one thousand paid-up and savings shares, or in the denomination of two hundred dollars one hundred and fifty serial shares and the combined total of five hundred paid-up and savings shares. Of the shares which are permitted to be held as aforesaid, other than serial shares, no person individually shall hold in one corporation, at the same time, more than a combined total of four hundred and fifty paid-up and savings shares in the denomination of one hundred dollars other than term deposit account savings shares issued pursuant to a term deposit account plan approved by the commissioner pursuant to subsection three B of section thirteen, nor more than the combined total of two hundred and twenty-five paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. No two or more persons, as provided in section fifteen, shall hold more than the combined total of nine hundred paid-up and savings shares in the denomination of one hundred dollars other than term deposit account savings shares, nor more than the combined total of four hundred and fifty paid-up and savings shares in the denomination of two hundred dollars other than term deposit account savings shares. Each person so holding shares with one or more other persons also may hold shares individually, but the total amount of shares in such corporation held at the same time by such person both individually and with one or more other persons shall not exceed in the denomination of one hundred dollars the combined total of nine hundred paid-up and savings shares other than term deposit account savings shares, or in the denomination of two hundred dollars the combined total of four hundred and fifty paid-up and savings shares other than term deposit account savings shares. Said limitations upon individual holdings shall apply to shares held by more than one fiduciary in the same estate and to shares

held for each estate where the same person is fiduciary in two or more distinct estates. *Approved September 2, 1975.*

Chap. 572. AN ACT FACILITATING THE DISCHARGE OF ATTACHMENTS OF LAND.

Be it enacted, etc., as follows:

SECTION 1. Chapter 223 of the General Laws is hereby amended by inserting after section 113 the following section: —

Section 113A. Attachments in all cases in law, equity or probate courts of the commonwealth shall be dissolved, discharged or reduced in whole or in part without order of court by any method provided in this chapter.

SECTION 2. The provisions of section one hundred and thirteen A of chapter two hundred and twenty-three of the General Laws, inserted by section one of this act, shall apply to all such attachments whether made before or after the effective date thereof. *Approved September 2, 1975.*

Chap. 573. AN ACT PROVIDING FOR THE DISCLAIMER OF CERTAIN INTERESTS IN PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 191 the following chapter: —

CHAPTER 191A.

DISCLAIMER OF CERTAIN PROPERTY INTEREST ACT.

Section 1. The following words as used in this chapter shall have the following meanings, unless otherwise expressly provided or the context otherwise requires: —

"Beneficiary", any person to whom, and any estate, trust, corporation or other legal entity to which, an interest in property would pass in any manner described in section two, except for the execution and filing of a disclaimer in accordance with the provisions of this chapter.

An "interest in property" which may be disclaimed shall include: —

1. any legal or equitable interest or estate, whether present, future or contingent, in any real or personal property, or in any fractional part, share, or portion thereof, or in any specific asset or assets thereof;

2. any power to appoint, consume, apply, or expend property or any other right, power, or privilege, relating thereto;

3. any fractional part, share or portion of any interest described in clause (1) or (2).

Section 2. Unless barred by the provisions of section eight, a beneficiary may disclaim any interest in property which, except

for the execution and filing of a disclaimer in accordance with the provisions of this chapter, pass to the beneficiary: —

1. By intestate succession, devise, legacy, bequest, exercise or nonexercise of a power of appointment exercisable by will, or testamentary exercise or nonexercise of a power of appointment exercisable by either deed of trust or will; as beneficiary of a testamentary trust, beneficiary of a testamentary gift to a nontestamentary trust, or donee of a power of appointment created by will; by succession in any manner described in this clause to a disclaimed interest; or in any other manner not specified above under a testamentary instrument or by operation of any statute or rule of law governing devolution or disposition of property upon or after a person's death.

2. As donee, grantee, beneficiary of an inter-vivos trust, beneficiary of an insurance or annuity contract, donee of a power of appointment created by a nontestamentary instrument, or as surviving joint tenant or tenant by the entirety, except that a surviving joint tenant or tenant by the entirety may not disclaim that portion of an interest in joint property or property held by the entirety which is allocable to amounts contributed by him or her to the interest in such property; through exercise or nonexercise of a power of appointment exercisable by deed, or nontestamentary exercise or nonexercise of a power of appointment exercisable by deed of trust or will; under any deed, assignment, or other nontestamentary instrument of conveyance or transfer; by succession in any manner described in this clause to a disclaimed interest; or in any other manner not specified above under a nontestamentary instrument or by operation of any statute or rule of law.

Disclaimer may be made for a beneficiary under a legal disability by the duly appointed guardian or conservator of such beneficiary, and for a deceased beneficiary by the legal representative of such beneficiary's estate; provided, in any case, however, that the probate court having jurisdiction of the estate of such beneficiary shall have decreed, upon complaint filed by such guardian, conservator, or legal representative, that such disclaimer is in the best interests of those interested in the estate of such beneficiary and not detrimental to the best interests of the beneficiary or the estate of such beneficiary, and that such guardian, conservator, or legal representative is authorized to execute and file such disclaimer on behalf of such beneficiary in accordance with the provisions of this chapter.

Section 3. A disclaimer shall be executed and filed pursuant to the provisions of this chapter at any time after the creation of the interest in property being disclaimed, but in any event not later than nine months after the event determining that the beneficiary is finally ascertained as the beneficiary of such interest and that such interest is indefeasibly vested and in the case of a beneficiary who is a surviving joint tenant or tenant by the entirety, a disclaimer shall be executed and filed in any

event not later than nine months after the death of the other joint tenant or tenants or tenant by the entirety; provided, that any court having jurisdiction of the property, an interest in which is being disclaimed, may, upon petition filed by the beneficiary, the duly appointed guardian or conservator of a beneficiary under a legal disability, or the legal representative of a deceased beneficiary's estate, permit an extension of time to execute and file a disclaimer, for such further period of time as the court in its discretion deems advisable.

Section 4. A disclaimer shall be in writing, shall describe the interest in property being disclaimed, shall declare the disclaimer and the extent thereof, shall be clear and unequivocal, and shall be signed by the beneficiary, the duly appointed guardian or conservator of a beneficiary under a legal disability, or the legal representative of a deceased beneficiary's estate.

Section 5. The original of the disclaimer or an attested copy thereof, if filing is required to be made with more than one probate court, shall be filed with the probate court, or probate courts, if any, wherein a duly appointed fiduciary, if any, having custody or control of the property, an interest in which is being disclaimed, is required to file periodic accounts.

If the property, an interest in which is being disclaimed, is real property, the disclaimer shall be acknowledged in the manner provided for deeds of real property. The disclaimer shall not be valid as against any person, except the beneficiary, the heirs and devisees of the beneficiary, and any person, estate, trust, corporation or other legal entity having actual notice of the disclaimer, unless the original thereof or an attested copy thereof if the original is required to be filed with a probate court, is recorded in the registry of deeds for the county or district in which the real property is situated or, in the case of registered real property, is filed and registered in the office of the assistant recorder for the registry district in which the real property is located.

A copy of the disclaimer shall be served by delivering in hand or by mailing by certified mail to the last known address of the person or persons or other legal entity or entities having custody or possession of the property, an interest in which is being disclaimed. Failure to comply with these requirements of service shall not affect the validity of the disclaimer.

Section 6. No person or other legal entity having custody or possession of the property, an interest in which is being or has been disclaimed, shall be liable for any distribution or other disposition made prior to the delivery to him or it of a copy of the disclaimer, pursuant to the requirements of section five; and no such person or other legal entity shall be liable for any good faith distribution or other disposition made in reliance upon a disclaimer, the form of which is in accordance with the requirements of section four, and a copy of which has been delivered to him or it pursuant to the requirements of section five.

If a disclaimer certifies, with particularity, that none of the contingencies specified in section eight, which would result in waiver or bar of the beneficiary's right to disclaim, are applicable, any person or other legal entity having custody or possession of the property, and any third party purchaser of the property, an interest in which is being or has been disclaimed, shall be entitled to rely without further inquiry upon the aforesaid certifications.

Section 7. A disclaimer complying with all the applicable requirements of this chapter shall be effective according to its terms, and shall be irrevocalbe, upon execution in accordance with the provisions of section four, and filing it in accordance with the provisions of section five.

If the interest in property being disclaimed is a power to appoint, consume, apply, or expend property, as described in clause (2) of the second paragraph of section one, or any fractional part, share, or portion thereof, such interest shall be extinguished.

Except as provided in the preceding paragraph, and unless such a result would substantially impair the provisions or intent of any instrument, statute or rule of law relating to the interest in property being disclaimed, such interest shall pass in the same manner as if the beneficiary had died immediately preceding the event determining that he, she or it is the beneficiary of such interest and that such interest is indefeasibly vested.

The interest in property being disclaimed shall never vest in the beneficiary.

Any person or other legal entity having custody or possession of the property, an interest in which is being disclaimed may file a complaint for instructions or complaint for declaratory judgment seeking a determination of the effect of a disclaimer, in

1. A probate court, if any, having jurisdiction of such property; or

2. If no probate court has jurisdiction of such property, any other court having jurisdiction of such property.

Section 8. The right to disclaim an interest in property shall be barred by: —

1. assignment, conveyance, encumbrance, pledge, transfer or other disposition of such interest, or any contract therefor, by the beneficiary or sale or other disposition of such interest pursuant to judicial process made before the beneficiary has disclaimed such interest as herein provided;

2. insolvency of the beneficiary at the time of attempted disclaimer. For purposes of this paragraph only, sections one to four, inclusive, and sections eight to thirteen, inclusive, of chapter one hundred and nine A shall be applicable as if the disclaimer were a conveyance;

3. a written waiver of the right to disclaim such interest pursuant to the provisions of this chapter, signed by the beneficiary, the duly appointed guardian or conservator of a beneficiary

under a legal disability, or the legal representative of a deceased beneficiary's estate;

4. acceptance of such interest by the beneficiary; if the beneficiary, having knowledge of the existence of such interest, receives without objection a benefit from such interest, such receipt shall be deemed to constitute acceptance of such interest.

The assignment, conveyance, encumbrance, pledge, transfer or other disposition or any contract therefor, sale or other disposition pursuant to judicial process, written waiver of the right, to disclaim, or acceptance of a part of an interest in property shall not bar the right to disclaim any other part of such interest.

Section 9. The right to disclaim pursuant to the provisions of this chapter shall exist irrespective of any limitation in the nature of an express or implied spendthrift provision or other similar restraint on alienation imposed by any instrument, statute, rule of law or otherwise on the interest in property being disclaimed.

Section 10. Except for the provisions of section eight, this chapter shall not abridge the right of any person to disclaim, waive, release, renounce, or abandon any interest in property under section fifteen of chapter one hundred and ninety-one or any other statute or rule of law.

SECTION 2. The provisions of chapter one hundred and ninety-one A, inserted by section one of this act, shall apply to all interests in property, except those interests which have become indefeasibly vested in a finally ascertained beneficiary prior to the effective date of this act.

SECTION 3. Section thirty-four of chapter two hundred and four of the General Laws is hereby repealed.

SECTION 4. Section 30 of said chapter 204, as appearing in chapter 152 of the acts of 1943, is hereby amended by striking out, in line 4, the words "or disclaimer" and by striking out, in line 9, the words "or disclaim". *Approved September 2, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 28, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 573 of the Acts of 1975, entitled AN ACT PROVIDING FOR THE DISCLAIMER OF CERTAIN INTERESTS IN PROPERTY, and the enactment of which received my approval on September 2, 1975, should take effect forthwith.

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

In order to immediately provide for the disclaiming of certain interests in property.

Sincerely,
MICHAEL S DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 29, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 574. AN ACT PERMITTING MUNICIPALITIES TO REPAIR CERTAIN PRIVATE WAYS.

Be it enacted, etc., as follows:

Section 5 of chapter 40 of the General Laws is hereby amended by adding the following clause: —

(68) For the reconstruction of an unaccepted street upon petition of the owners of fifty per cent of the lineal footage on such street; provided, however, the expenses of such reconstruction may be charged to all abutters in proportion to the lineal footage owned by said abutters of such street.

Approved September 2, 1975.

Chap. 575. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF NORFOLK COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Norfolk county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

NORFOLK COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$ 218,190 00
2.	For reduction of county debt		528,197 29
3.	For county commissioners, salaries and expenses		172,096 22
	1. Personal services	$163,981 22	
	2. Contractual services	6,550 00	
	3. Supplies and materials	1,025 00	
	4. Current charges and obligations	540 00	
4.	For transportation and expenses of county and acting commissioners		1,600 00
5.	For clerk of courts, salaries and expenses		336,437 20
	1. Personal services	295,691 35	
	2. Contractual services	15,000 00	
	3. Supplies and materials	11,458 20	
	4. Current charges and obligations	3,234 15	
	5. Equipment	11,053 50	
6.	For county treasurer, salaries and expenses		147,904 70
	1. Personal services	125,549 70	
	2. Contractual services	14,800 00	
	3. Supplies and materials	4,200 00	
	4. Current charges and obligations	3,355 00	
7.	For sheriff, salary and expenses		21,339 84
	1. Personal services	19,889 84	
	2. Contractual services	150 00	
	3. Supplies and materials	650 00	
	4. Current charges and obligations	300 00	
	5. Equipment	350 00	
8.	For registry of deeds, salaries and expenses		721,299 96
	1. Personal services	619,509 96	
	2. Contractual services	40,000 00	
	3. Supplies and materials	26,000 00	
	4. Current charges and obligations	35,790 00	
8a.	For registry of probate, salaries and expenses		97,725 00
	1. Personal services	1,000 00	
	2. Contractual services	64,225 00	
	3. Supplies and materials	21,500 00	
	4. Current charges and obligations	11,000 00	
9.	For law library, salaries and expenses		26,760 40
	1. Personal services	10,335 40	
	2. Contractual services	50 00	
	3. Supplies and materials	375 00	
	4. Current charges and obligations	16,000 00	

Item		Subtotal	Total
10.	For highways, including state highways, bridges and land damages		$ 359,360 05
	1. Personal services	$242,635 05	
	2. Contractual services	35,000 00	
	3. Supplies and materials	6,125 00	
	4. Current charges and obligations	600 00	
	6. All other	75,000 00	
12.	For superior court costs		1,493,068 28
	1. Personal services	782,340 78	
	2. Contractual services	673,518 50	
	3. Supplies and materials	23,300 00	
	4. Current charges and obligations	9,400 00	
	5. Equipment	4,509 00	
13.	For civil expenses in probate court		135,225 60
	1. Personal services	94,745 60	
	2. Contractual services	37,300 00	
	3. Supplies and materials	2,400 00	
	4. Current charges and obligations	780 00	
14.	For district courts, salaries and expenses		
	District Court of Northern Norfolk		520,901 87
	1. Personal services	485,416 87	
	2. Contractual services	22,000 00	
	3. Supplies and materials	8,880 00	
	4. Current charges and obligations	4,035 00	
	5. Equipment	570 00	
	District Court of East Norfolk		1,024,993 75
	1. Personal services	942,910 75	
	2. Contractual services	59,000 00	
	3. Supplies and materials	17,480 00	
	4. Current charges and obligations	5,602 80	
	District Court of Western Norfolk		425,088 29
	1. Personal services	399,168 29	
	2. Contractual services	15,280 00	
	3. Supplies and materials	9,000 00	
	4. Current charges and obligations	1,640 00	
	District Court of Southern Norfolk		296,307 31
	1. Personal services	273,852 31	
	2. Contractual services	15,500 00	
	3. Supplies and materials	5,280 00	
	4. Current charges and obligations	1,675 00	
	Municipal Court of Brookline		351,354 14
	1. Personal services	311,634 14	
	2. Contractual services	23,420 00	
	3. Supplies and materials	13,200 00	
	4. Current charges and obligations	3,100 00	
	District Court Defenders		82,836 00
	1. Personal services	82,836 00	
15.	For medical examiners and commitments of insane		69,000 00
16.	For jail and house of correction, maintenance and operation		252,532 53
	2. Contractual services	29,820 00	
	3. Supplies and materials	171,336 00	
	4. Current charges and obligations	4,300 00	
	5. Equipment	11,720 66	
	6. All other	35,355 87	

Item		Subtotal	Total
18.	For court houses and registry buildings, maintenance and operation		$ 881,948 44
	1. Personal services	$455,648 44	
	2. Contractual services	270,000 00	
	3. Supplies and materials	150,000 00	
	4. Current charges and obligations	3,700 00	
	5. Equipment	2,600 00	
19.	For construction of county buildings and purchase of land		50,000 00
20.	For agricultural school or county cooperative extension service		899,755 74
	1. Personal services	711,630 74	
	2. Contractual services	90,000 00	
	3. Supplies and materials	84,000 00	
	4. Current charges and obligations	6,750 00	
	5. Equipment	2,375 00	
	6. All other	5,000 00	
24.	For noncontributory pensions		330,000 00
25.	For contributory retirement system and supervisory expenses		421,538 26
26.	For miscellaneous and contingent expenses		97,355 91
27.	For unpaid bills of previous years		137,506 06
28.	For reserve fund		75,000 00
28d.	For reserve for counsel for indigent defendants		50,000 00
28e.	For reserve for federal grants		6,070 00
29.	For advertising recreational, industrial and agricultural advantages of the county		100,000 00
39.	For group insurance		300,000 00
45.	For Wollaston recreational facility		110,597 70
	Total amount of appropriations		$10,741,990 54
	Less estimated amount available for reduction of county tax		1,452,898 00
	And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$9,289,092 54

The following sum is hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item		
16.	For jail and house of correction	
	1. Personal services	$651,232 40

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved September 2, 1975.*

Chap. 576. AN ACT REGULATING THE USE OF A CERTAIN BURIAL GROUND IN THE TOWN OF PLYMOUTH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section seventeen of chapter one hundred and fourteen of the General Laws, a certain portion of land located at the boundary line of the town of Kingston and Plympton road in the town of Plymouth containing fifteen acres, more or less, which is a portion of land known as Parting Ways Cemetery, shall henceforth be under the control and supervision of the public works department of said town and shall not be put to any use, other than its present use until such use is changed by a vote of the town of Plymouth; provided, however, that the portion of such land now used as the burial site of the four black veterans of the American Revolutionary War shall remain a burial ground.

Approved September 2, 1975.

Chap. 577. AN ACT DESIGNATING THE BRIDGE ON STATE HIGHWAY ROUTE 240 OVER INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF FAIRHAVEN AS THE VETERANS OF FOREIGN WARS, FORT PHOENIX POST 2892 AND THE AMERICAN LEGION POST NO. 166 BRIDGE.

Be it enacted, etc., as follows:

The bridge on state highway route 240 over interstate highway route 195 in the town of Fairhaven shall be designated and known as the Veterans of Foreign Wars, Fort Phoenix Post 2892 and the American Legion Post No. 166 bridge, in memory of the deceased members of the Veterans of Foreign Wars, Fort Phoenix Post 2892 and the American Legion Post No. 166. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration. *Approved September 2, 1975.*

Chap. 578. AN ACT DESIGNATING THE BRIDGE ON NEW BOSTON ROAD OVER INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF FAIRHAVEN AS THE PETER W. ROY BRIDGE.

Be it enacted, etc., as follows:

The bridge on New Boston road over interstate highway route 195 in the town of Fairhaven shall be designated and known as the Peter W. Roy bridge in memory of Peter W. Roy, who was killed in action while a member of the armed forces of

the United States during the Vietnam campaign. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration. *Approved September 2, 1975.*

Chap. 579. AN ACT FURTHER REGULATING THE REQUIREMENT OF CERTAIN INQUIRIES MADE UPON THE FILING OF A PETITION FOR THE ADOPTION OF A CHILD UNDER AGE FOURTEEN.

Be it enacted, etc., as follows:

The first paragraph of section 5A of chapter 210 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 2 of chapter 737 of the acts of 1950 and inserting in place thereof the following two sentences: — The department shall submit to the court not later than thirty days after receipt of such notice such written report as will give the court full knowledge as to the desirability of the proposed adoption. If the report of the department is not submitted to the court within said thirty days, upon motion of the petitioner, seven days notice of which shall be given to the department by service in hand or by certified mail, return receipt requested, the court shall, if the court finds that the department has made substantial progress but has not completed the report due to circumstances beyond the department's control, grant the department up to an additional thirty days in which to complete the report and if the court does not so find, the court shall appoint any charitable corporation organized under general or special laws of the commonwealth for the purpose of engaging in the care of children and principally so engaged to conduct such inquiry, and the report thereof shall have the same force and effect as a report of the department.

Approved September 2, 1975.

Chap. 580. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF MIDDLESEX COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Middlesex county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

MIDDLESEX COUNTY.

Item		Subtotal	Total
1.	For interest on county debt		$1,818,472 50
2.	For reduction of county debt		2,895,000 00
3.	For county commissioners, salaries and expenses		386,260 93
	1. Personal services	$377,260 93	
	2. Contractual services	2,150 00	
	3. Supplies and materials	100 00	
	4. Current charges and obligations	6,750 00	
4.	For transportation and expenses of county and acting commissioners		1,500 00
5.	For clerk of courts, salaries and expenses		1,067,174 59
	1. Personal services	968,599 59	
	2. Contractual services	59,275 00	
	3. Supplies and materials	18,250 00	
	4. Current charges and obligations	20,850 00	
	5. Equipment	200 00	
6.	For county treasurer, salaries and expenses		207,890 13
	1. Personal services	170,585 13	
	2. Contractual services	35,000 00	
	4. Current charges and obligations	2,305 00	
7.	For sheriff, salary and expenses		21,701 15
	1. Personal services	21,401 15	
	4. Current charges and obligations	300 00	
8.	For registry of deeds, salaries and expenses Northern District		322,226 69
	1. Personal services	300,541 29	
	2. Contractual services	16,000 00	
	3. Supplies and materials	934 80	
	4. Current charges and obligations	4,750 60	
	Southern District		1,618,109 66
	1. Personal services	1,470,176 06	
	2. Contractual services	73,629 00	
	3. Supplies and materials	11,050 00	
	4. Current charges and obligations	40,841 60	
	5. Equipment	22,413 00	
8a.	For registry of probate, salaries and expenses		81,918 00
	1. Personal services	7,098 00	
	2. Contractual services	15,895 00	
	3. Supplies and materials	32,325 00	
	4. Current charges and obligations	26,000 00	
	5. Equipment	600 00	

Item		Subtotal	Total
9.	For law libraries, salaries and expenses		
	Cambridge		$ 84,586 85
	1. Personal services	$ 46,456 85	
	2. Contractual services	50 00	
	4. Current charges and obligations	38,080 00	
	Lowell		61,598 96
	1. Personal services	27,111 96	
	2. Contractual services	632 00	
	3. Supplies and materials	795 00	
	4. Current charges and obligations	33,060 00	
10.	For highways, including state highways, bridges and land damages		987,085 05
	1. Personal services	858,085 05	
	2. Contractual services	15,000 00	
	3. Supplies and materials	13,000 00	
	4. Current charges and obligations	900 00	
	5. Equipment	100 00	
	6. All other	100,000 00	
12.	For superior court costs		2,721,591 25
	1. Personal services	1,217,697 25	
	2. Contractual services	1,495,904 00	
	3. Supplies and materials	990 00	
	4. Current charges and obligations	7,000 00	
13.	For civil expenses in probate court		234,057 56
	1. Personal services	129,352 56	
	2. Contractual services	94,350 00	
	3. Supplies and materials	6,200 00	
	4. Current charges and obligations	2,700 00	
	5. Equipment	1,455 00	
14.	For district courts, salaries and expenses		
	District Court of Lowell		831,258 35
	1. Personal services	782,371 85	
	2. Contractual services	27,598 00	
	3. Supplies and materials	16,475 00	
	4. Current charges and obligations	4,260 00	
	5. Equipment	553 50	
	District Court of Somerville		720,867 92
	1. Personal services	688,073 50	
	2. Contractual services	22,046 00	
	3. Supplies and materials	6,300 00	
	4. Current charges and obligations	4,448 42	
	District Court of Newton		386,182 15
	1. Personal services	358,641 15	
	2. Contractual services	15,325 00	
	3. Supplies and materials	4,500 00	
	4. Current charges and obligations	5,850 00	
	5. Equipment	1,866 00	
	District Court of Marlborough		269,486 09
	1. Personal services	254,804 49	
	2. Contractual services	8,184 50	
	3. Supplies and materials	2,825 00	
	4. Current charges and obligations	2,698 30	
	5. Equipment	973 80	
	District Court of Natick		200,144 15
	1. Personal services	182,981 15	

Item		Subtotal	Total
	2. Contractual services	$ 4,525 00	
	3. Supplies and materials	1,620 00	
	4. Current charges and obligations	10,918 00	
	5. Equipment	100 00	
	First District Court of Eastern Middlesex		$ 690,307 05
	1. Personal services	659,051 05	
	2. Contractual services	17,471 00	
	3. Supplies and materials	9,475 00	
	4. Current charges and obligations	3,960 00	
	5. Equipment	350 00	
	Second District Court of Eastern Middlesex		502,793 02
	1. Personal services	481,459 52	
	2. Contractual services	11,575 00	
	3. Supplies and materials	4,788 50	
	4. Current charges and obligations	3,375 00	
	5. Equipment	1,595 00	
	Third District Court of Eastern Middlesex		1,448,728 33
	1. Personal services	1,361,680 33	
	2. Contractual services	19,546 00	
	3. Supplies and materials	13,541 00	
	4. Current charges and obligations	53,246 00	
	5. Equipment	715 00	
	Fourth District Court of Eastern Middlesex		677,285 99
	1. Personal services	639,823 99	
	2. Contractual services	25,578 00	
	3. Supplies and materials	6,350 00	
	4. Current charges and obligations	5,374 00	
	5. Equipment	160 00	
	First District Court of Northern Middlesex		363,192 10
	1. Personal services	348,043 90	
	2. Contractual services	9,050 00	
	3. Supplies and materials	3,400 00	
	4. Current charges and obligations	2,448 20	
	5. Equipment	250 00	
	First District Court of Southern Middlesex		765,752 94
	1. Personal services	730,267 94	
	2. Contractual services	19,095 00	
	3. Supplies and materials	9,125 00	
	4. Current charges and obligations	7,265 00	
	District Court of Central Middlesex		533,544 21
	1. Personal services	501,997 21	
	2. Contractual services	23,422 00	
	3. Supplies and materials	3,840 00	
	4. Current charges and obligations	4,200 00	
	5. Equipment	85 00	
	District Court — Juvenile Division		331,631 70
	1. Personal services	310,810 90	
	2. Contractual services	16,150 00	
	3. Supplies and materials	2,000 00	
	4. Current charges and obligations	2,670 80	
15.	For medical examiners and commitments of insane		150,625 00

Item		Subtotal	Total
16.	For jail and house of correction, maintenance and operation		
	Billerica		$ 658,572 00
	2. Contractual services	$ 100,650 00	
	3. Supplies and materials	417,675 00	
	4. Current charges and obligations	38,735 00	
	5. Equipment	72,812 00	
	6. All other	28,700 00	
	Cambridge		152,485 00
	2. Contractual services	7,500 00	
	3. Supplies and materials	137,550 00	
	4. Current charges and obligations	7,435 00	
17a.	For multi-service center		67,875 63
	1. Personal services	30,140 03	
	2. Contractual services	9,400 00	
	3. Supplies and materials	16,175 00	
	4. Current charges and obligations	12,160 60	
18.	For court houses and registry buildings, maintenance and operation		4,168,634 51
	1. Personal services	2,122,185 51	
	2. Contractual services	1,549,900 00	
	3. Supplies and materials	281,845 00	
	4. Current charges and obligations	200,820 00	
	5. Equipment	13,884 00	
20.	For agricultural school or county cooperative extension service		285,734 92
	1. Personal services	264,096 72	
	2. Contractual services	16,000 00	
	3. Supplies and materials	4,085 00	
	4. Current charges and obligations	833 20	
	5. Equipment	720 00	
24.	For noncontributory pensions		374,864 54
25.	For contributory retirement system and supervisory expenses		1,542,704 94
26.	For miscellaneous and contingent expenses		238,500 00
27.	For unpaid bills of previous years		150,328 47
28.	For reserve fund		200,000 00
28b.	For reserve for multi-service center		20,305 23
28c.	For reserve for temporary employees		30,000 00
28d.	For reserve for counsel for indigent defendants		350,000 00
28e.	For reserve for child care		35,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		42,700 00
39.	For group insurance		899,479 25
46.	For central purchasing department		473,432 20
	Total amount of appropriations		$30,071,589 01
	Less estimated amount available for reduction of county tax		6,157,177 73
	And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$23,914,411 28

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item	Subtotal	Total
16. For jail and house of correction		
Billerica		
1. Personal services	$1,400,947 10	
Cambridge		
1. Personal services	1,258,617 14	
		$2,659,564 24

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five. *Approved September 2, 1975.*

Chap. 581. AN ACT AUTHORIZING URBAN RENEWAL AGENCIES TO OWN, CONSTRUCT AND MAINTAIN INTERMODAL TRANSPORTATION TERMINALS.

Be it enacted, etc., as follows:

Section 46 of chapter 121B of the General Laws is hereby amended by inserting after clause (*g*) the following clause: —

(*h*) In any city whose population exceeds one hundred and fifty thousand, to own, construct, finance and maintain intermodal transportation terminals within an urban renewal project area. As used in this clause an "intermodal transportation terminal" shall mean a facility modified as necessary to accommodate several modes of transportation which may include, without limitation, inter-city mass transit service, rail or rubber tire, motor bus transportation, railroad transportation, and airline ticket offices and passenger terminal providing direct transportation to and from airports.

Approved September 2, 1975.

Chap. 582. AN ACT RELATIVE TO COMPUTATION OF THE COUNTY TAX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to insure prompt tax assessments on property taxpayers in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section 30 of chapter 35 of the General Laws, as most recently amended by section 14 of chapter 849 of the acts of 1969, is hereby further amended by adding the words: — ; provided, however, that the county commissioners shall deduct the unappropriated balance from the previous

fiscal year from the tax authorized by the general court prior to the apportionment and assessment of said tax among and upon the several cities and towns.

SECTION 2. Notwithstanding any provision of special or general law to the contrary, in lieu of the amount estimated by the state tax commission for the purpose of fixing the local property tax rate for the fiscal year nineteen hundred and seventy-six for any city or town in the several counties which have not fixed its tax rate upon the effective date of this act, the basis for the estimate of the county tax shall be the following: —

Bristol—$6,405,141.77; Essex—$10,300,400.88; Hampden—$9,070,666.74; Hampshire—$2,327,836.13; Middlesex—$23,914,411.28; Norfolk—$9,233,665.99; Plymouth—$6,017,938.04; Worcester—$10,863,703.49, apportioned according to the most recent equalization and apportionment reported by the state tax commission pursuant to section ten C of chapter fifty-eight of the General Laws.

SECTION 3. Notwithstanding any special or general law to the contrary, the county commissioners of Norfolk county are hereby authorized and directed to reimburse those cities and towns in Norfolk county the amounts which are due said cities and towns on account of their overassessment for county expenditures for the eighteen month fiscal period nineteen hundred and seventy-three and seventy-four. Said cities and towns shall be authorized to reduce their respective tax rates for the fiscal year nineteen hundred and seventy-six as a result of such overassessment. *Approved September 3, 1975.*

Chap. 583. AN ACT AUTHORIZING THE CONVEYANCE OF THE PROPERTY OF THE FIRST UNIVERSALIST CHURCH AND OTHERS IN THE TOWN OF CANTON.

Be it enacted, etc., as follows:

The First Universalist Church, the First Parish Unitarian Universalist, the First Congregational Parish, all of Canton, the Trustees of the Ministerial Fund of the Congregational Parish and Society in Canton, a corporation duly established by chapter one hundred and forty-one of the acts of eighteen hundred and twenty-five, the town of Canton acting under any vote heretofore or hereafter passed or by any other authority, or all or any of the foregoing, and all other persons whatsoever having any estate, right, title or interest in the real estate hereinafter described, are hereby each severally authorized and empowered to convey the land in the town of Canton, with the buildings thereon, situated on the southeasterly side of Washington street and on the northeasterly side of Mechanic street in said town and bounded and described as follows:

Northwesterly by Washington Street;
Northeasterly by land formerly of William W. Brooks;
Southeasterly by land formerly of Margaret M. Noonan;
Southwesterly by Mechanic Street;
or however otherwise the said premises may be bounded, measured or described.

Being the same premises conveyed to the First Universalist Parish in Canton by Bethuel Morse by deed dated February 5, 1849 and recorded with the registry of deeds in Norfolk county, Book 185, Page 5.

Excepting from the above described premises so much thereof as was conveyed by the First Universalist Parish in Canton to William W. Brooks by deed dated November 7, 1868 and recorded with Norfolk Deeds, Book 376, Page 155, and also excepting from the above described premises so much thereof as was taken for the relocation of Washington Street by instrument duly recorded with the registry of deeds in Norfolk county, Book 1821, Page 525, and Book 2521, Page 180.

Approved September 3, 1975.

Chap. 584. AN ACT FURTHER REGULATING THE PRACTICE OF PHYSICAL THERAPY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out sections 23A to 23 O, inclusive, and inserting in place thereof the following sections: —

Section 23A. The following words as used in sections twenty-three A to twenty-three O, inclusive, unless the context otherwise requires, shall have the following meanings: —

(*a*) "Physical therapy", treatment of a person by the use of therapeutic exercise, massage, heat, cold, water, radiant energy, electricity, or sound for the purpose of correcting or alleviating any physical or mental disability; or the performance of tests as an aid to the diagnosis or treatment of a person, provided, however, that physical therapy shall not include radiology or electrosurgery, or chiropractice as defined in section eighty-nine.

(*b*) "Physical therapist", a person who is duly registered as a physical therapist in accordance with section twenty-three B and who practices physical therapy upon the referral of a physician duly registered by the commonwealth.

(*c*) "Board", the board of registration and discipline in medicine established under section ten of chapter thirteen.

Section 23B. A person who desires to be registered as a physical therapist shall apply to the board, in writing, on an application form prescribed and furnished by the board. He shall include in his application statements under oath satisfactory to

the board showing that he possesses the qualifications preliminary to examination required by section twenty-three C. At the time of filing his application, an applicant for registration as a physical therapist shall pay to the board a fee of fifty dollars.

Section 23C. To be eligible for registration by the board as a physical therapist an applicant shall be of good moral character; and be an applicant for registration as a physical therapist, have graduated from an educational program within the United States leading to professional qualification in physical therapy, which program was approved at the time of his graduation by the appropriate sub-body of the American Medical Association in collaboration with the American Physical Therapy Association or, if graduated prior to nineteen hundred and thirty-six, by the American Physical Therapy Association; or have graduated from an educational program in physical therapy chartered in a sovereign state outside the United States and have furnished to the board such evidence as it may require: (1) that his education is substantially the equivalent of that of graduates of approved programs in the United States, and (2) that he has sufficient qualifications, including proficiency in the English language, to practice physical therapy; and pass to the satisfaction of the board an examination conducted by it to determine his fitness to practice as a physical therapist.

Section 23D. The board may, in its discretion and without examination, register as a physical therapist any applicant who is a physical therapist registered or licensed under the laws of another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. At the time of making such application, the applicant shall pay the board a fee of twenty-five dollars.

Section 23E. The board shall examine applicants for registration as physical therapists at such times and places as it may determine and shall conduct at least two such examinations in each calendar year. The examination shall embrace the following subjects: — the applied sciences of anatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, applied to medicine, neurology, orthopedics, pediatrics, psychiatry and surgery; medical ethics and technical procedures in the practice of physical therapy. The type of examination shall be determined by the board. Any applicant who fails to pass such examination may take a second examination upon the payment of an additional application fee of twenty-five dollars, and must be so reexamined at the next scheduled examination. The board shall have discretion to determine the number of times an individual applicant may take the examination. An applicant who fails to pass the second examination shall pay an application fee of fifty dollars for each additional examination taken.

Section 23F. The board shall register as a physical therapist each applicant who proves to the satisfaction of the board his fitness for registration or licensure under the provisions of sections twenty-three A to twenty-three O, inclusive. It shall issue to each person so registered a certificate of registration which shall be prima facie evidence of the right of such person to represent himself as a registered physical therapist.

Section 23G. Every registered physical therapist shall, during January of every even-numbered year, apply to the board for a renewal of his registration and pay a fee of ten dollars. Any registration not so renewed prior to April first in any such year shall automatically lapse on said date. The board may in its discretion revive and extend a lapsed registration granted under the provisions of sections twenty-three B to twenty-three F, inclusive, upon the payment of all unpaid renewal fees.

Section 23H. Notwithstanding the provisions of subsections (*b*) and (*c*) of section twenty-three A, an applicant for registration as a physical therapist who meets the qualifications described in section twenty-three C may, between the date of filing such application and the announcement of the results of the next succeeding examination for registration, practice as a physical therapist under the direction of a registered physical therapist. If any person so practicing as a physical therapist fails to qualify for and pass the first announced examination after filing for registration or licensure, all privileges under this section shall automatically cease upon due notice to the applicant of such failure. Such privileges shall be renewed upon filing for a second examination for registration or licensure as provided in section twenty-three E, and shall automatically cease upon due notice to the applicant that he has failed to pass the second examination.

Section 23I. The board, after due notice and hearing, may refuse to issue a certificate of registration to a physical therapist or may suspend or revoke said certificate if such physical therapist has: —

(*a*) practiced physical therapy other than upon the referral of a physician duly registered under this chapter;

(*b*) used drugs or intoxicating liquors to an extent which adversely effects his professional competence;

(*c*) been convicted of a felony or of a crime involving moral turpitude;

(*d*) obtained or attempted to obtain registration as a physical therapist by fraud or deception;

(*e*) been grossly negligent in his practice as a physical therapist;

(*f*) been adjudged mentally ill or incompetent by a court of competent jurisdiction;

(*g*) acted in a manner which is professionally unethical according to ethical standards of the profession of physical therapy.

Section 23J. The board may adopt reasonable rules and regulations to carry into effect sections twenty-three A to twenty-three O, inclusive, and may amend and revoke such rules and regulations at its discretion. The board shall keep a record of its proceedings and a roster of all persons registered by it. This roster shall include the registrant's name, last known business and residential addresses, date of registration and registration number as physical therapist.

Section 23K. The board shall investigate every alleged violation of sections twenty-three A to twenty-three N, inclusive, coming to its notice. If as a result of such investigation, the board has reasonable cause to believe that a violation has occurred, it shall forthwith report to appropriate law enforcement agency.

Section 23L. A person who does not possess a valid and existing certificate of registration as a physical therapist pursuant to the provisions of sections twenty-three A to twenty-three O, inclusive, shall not in any manner represent himself as a physical therapist nor use in connection with his name the words or letters "Registered Physical Therapist", "Physical Therapist", "Physiotherapist", "Physical Therapy Technician", "Doctor of Physical Therapy", "R.P.T.", "P.T.", "Ph. T.", "P.T.D.", "P.T.T.", or any other letters, words, abbreviations or insignia indicating or implying that he is a physical therapist.

Section 23M. Any person who violates any provision of sections twenty-three A to twenty-three O, inclusive, or who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required under said sections, or who obtains or attempts to obtain registration by any fraudulent representation shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment, for not more than three months, or both.

Section 23N. No person shall practice as a physical therapist except upon the referral of a physician or dentist duly registered by the commonwealth. Nothing in sections twenty-three A to twenty-three O, inclusive, shall be construed as authorizing a physical therapist to practice medicine, osteopathy, chiropractic or any other form or method of healing not specified in section twenty-three A.

Section 23 O. Nothing contained in sections twenty-three A to twenty-three N, inclusive, shall prohibit any person employed as a physical therapist by an agency of the federal government from practicing physical therapy while discharging his official duties as such employee.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-six. Nothing in sections twenty-three A to twenty-three N, inclusive, of chapter one hundred and twelve of the General Laws, as amended by section one of this

act, shall be construed to invalidate any registration issued by the board of registration and discipline in medicine prior to January first, nineteen hundred and seventy-six.

Approved September 3, 1975.

Chap. 585. AN ACT PROVIDING A PENALTY FOR THE SALE OR POSSESSION OF A ZOOBOW OR SIMILAR WEAPON.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 269 of the General Laws is hereby amended by striking out paragraph (*b*), as appearing in section 2 of chapter 649 of the acts of 1974, and inserting in place thereof the following paragraph: —

(*b*) Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, any stiletto, dagger, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, or a slung shot, blackjack, metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed star-like object intended to injure a person when thrown, or a manrikigusari or similar length of chain having weighted ends; or whoever, when arrested upon a warrant for an alleged crime, or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned and those mentioned in paragraph (*a*), shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison, or for not less than six months nor more than two and one-half years in a jail or house of correction, except that, if the court finds that the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one-half years in a jail or house of correction.

SECTION 2. Said chapter 269 is hereby further amended by striking out section 12, as most recently amended by section 30 of chapter 688 of the acts of 1957, and inserting in place thereof the following section: —

Section 12. Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon

of the kind usually known as a dirk knife, a switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one-half inches, slung shot, sling shot, bean blower, sword cane, pistol cane, bludgeon, blackjack, nunchaku, zoobow, also known as klackers or kung fu sticks, or any similar weapon consisting of two sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather, a shuriken or any similar pointed star-like object intended to injure a person when thrown, or a manrikigusari or similar length of chain having weighted ends; or metallic knuckles or knuckles of any other substance which could be put to the same use and with the same or similar effect as metallic knuckles, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used.

Approved September 3, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, September 4, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 585 of the Acts of 1975, entitled AN ACT PROVIDING A PENALTY FOR THE SALE OR POSSESSION OF A ZOOBOW OR SIMILAR WEAPON, and the enactment of which received my approval on September 3, 1975, should take effect forthwith.

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

In order to prohibit the use of certain dangerous weapons.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, September 4, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and twenty minutes, P.M., on the above

date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter five hundred and eighty-five of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 586. AN ACT AUTHORIZING THE PAYMENT OF PUBLIC EMPLOYEES BY MEANS OF DIRECT BANK CREDITS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 41 of the General Laws is hereby amended by inserting after section 41A, inserted by chapter 441 of the acts of 1971, the following section: —

Section 41B. The treasurer of any city, town or district which accepts this section may pay salaries, wages, or other compensation to any person in the service of such city, town or district by means of deposits to a deposit account or accounts of such person in any one or more savings or cooperative banks, trust companies, or credit unions incorporated in or chartered by the commonwealth; in any one or more national banking associations, federal savings or loan associations or federal credit unions located in the commonwealth; in any one or more banking companies or Morris Plan companies subject to chapter one hundred and seventy-two A; or any one or more savings or loan associations under the supervision of the commissioner of banks; provided, that such person has specifically authorized such deposits, and provided further, that if such deposits are made initially to accounts established for such persons in any one such bank, trust company, credit union, or association, the depository shall have agreed with the treasurer on terms satisfactory to the treasurer for the immediate direct transfer of such deposit to any other such bank, trust company, credit union, or association designated by each such person.

SECTION 2. The first sentence of section 178B of chapter 149 of the General Laws, as most recently amended by chapter 292 of the acts of 1970, is hereby further amended by inserting after the word "teachers", in line 12, the words: — or any savings or cooperative bank, trust company, or credit union incorporated in or chartered by the commonwealth; or any national banking association, federal savings and loan association or federal credit union located in the commonwealth; or any banking company or Morris Plan Company subject to chapter one hundred and seventy-two A, or any savings and loan association under the supervision of the commissioner of banks.

SECTION 3. Said section 178B of said chapter 149 is hereby

further amended by striking out the third sentence, as appearing in chapter 458 of the acts of 1966, and inserting in place thereof the following sentence: — Any treasurer making deductions under this section shall transmit the amounts so deducted to the treasurer of such credit union or to the appropriate officer of any other such bank or association for the purposes specified by the employee; provided, in the case of such a union, that he is satisfied by such evidence as he may require that the treasurer of the credit union has given bond as required by the law for the faithful performance of his duties.

SECTION 4. Section 31 of chapter 29 of the General Laws is hereby amended by striking out the fifth paragraph, added by section 1 of chapter 829 of the acts of 1974, and inserting in place thereof the following paragraph: —

The state treasurer or other state official authorized to expend money on behalf of the commonwealth may pay any salary, wages or other compensation to any person in the service of the commonwealth by means of deposits to employee bank accounts, provided, employees have expressly authorized said deposits. *Approved September 3, 1975.*

Chap. 587. AN ACT ALLOWING JUSTICES, CLERKS AND ASSISTANT CLERKS OF THE DISTRICT COURTS TO ACCRUE VACATION DAYS NOT IN EXCESS OF SIXTY DAYS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 6 of chapter 218 of the General Laws is hereby amended by inserting after the first sentence the following two sentences: — Each justice of a district court shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the total number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave accumulated shall not exceed one hundred and eighty days.

SECTION 2. The fourth paragraph of said section 6 of said chapter 218 is hereby amended by striking out the second sentence, as most recently amended by chapter 702 of the acts of 1972, and inserting in place thereof the following three sentences: — For each day's service so paid for in excess of the number of days of vacation accumulated by a justice, as provided in this section, there shall be deducted by the county treasurer from the salary of the justice who absents himself one day's compensation at the rate by the day of the salary of said justice, except for services of the special justice in holding simultaneous sessions; provided, however, that if a justice is absent, due to

his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated no such deduction shall be made. If a justice is absent on Saturday or absent due to an assignment on the administrative committee or an assignment by the chief justice of the district courts, no such deduction shall be made therefor. During the calendar year of the taking office of a justice no such deduction shall be made for the absence of the justice on that proportion of thirty days corresponding to the proportion of said calendar year remaining after his taking office as justice, nor in addition for the absence of the justice by reason of illness or physical disability for the said proportion of thirty days.

SECTION 3. Section 8 of said chapter 218 is hereby amended by adding the following paragraph: —

Each clerk so appointed shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the total number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave accumulated shall not exceed one hundred and eighty days.

SECTION 4. Section 9 of said chapter 218 is hereby amended by striking out the second sentence, as amended by section 1 of chapter 526 of the acts of 1961, and inserting in place thereof the following sentence: — A temporary clerk shall be paid by the county for each day's service an amount equal to the rate by the day of the minimum compensation of the clerk of such court as established in the salary schedule set forth in section seventy-nine; but compensation so paid to a temporary clerk for service, in excess of the number of days of vacation accumulated by the clerk as provided in section eight in any one year, shall be deducted by the county treasurer from the salary of the clerk; provided, however, that if a clerk is absent, due to his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated pursuant to said section eight, no such deduction shall be made.

SECTION 5. Section 10 of said chapter 218 is hereby amended by adding the following paragraph: —

Each assistant clerk appointed under the authority of this section shall be entitled to thirty days vacation leave and thirty days sick leave in each calendar year. Vacation and sick leave not used in any such year may be accumulated, provided that the total number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave accumulated shall not exceed one hundred and eighty days.

SECTION 6. Section 11 of said chapter 218 is hereby amended by striking out the second sentence, as amended by section 2 of chapter 526 of the acts of 1961, and inserting in place thereof the following sentence: — A temporary assistant

clerk shall be paid by the county for each day's service an amount equal to the rate by the day of the minimum compensation of such assistant clerk as established by section eighty, but compensation so paid to a temporary assistant clerk for service, in excess of the number of days of vacation accumulated by the assistant clerk as provided in section ten in any one year, shall be deducted by the county treasurer from the salary of such assistant clerk; provided, however, that if an assistant clerk is absent, due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made.

SECTION 7. The first paragraph of section 50 of said chapter 218, as appearing in section 9 of chapter 810 of the acts of 1963, is hereby amended by adding the following two sentences: — Said justices shall each be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 8. Section 52 of said chapter 218 is hereby amended by striking out the sixth sentence, as most recently amended by chapter 623 of the acts of 1970, and inserting in place thereof the following sentence: — The compensation of said justice shall be at the rate by the day of the salary of an associate justice of the municipal court of the city of Boston; and, except when holding an additional session as above provided, the compensation for service in excess of the number of days of vacation leave he has accumulated which may be rendered to or for any one justice shall be deducted by the treasurer of Suffolk county from the salary of such justice; provided, however, that if such justice is absent due to his illness or physical disability for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made.

SECTION 9. The first paragraph of section 53 of said chapter 218 is hereby amended by inserting after the second sentence the following two sentences: — Each clerk and assistant clerk of said court shall be entitled to thirty days vacation and thirty days sick leave in each calendar year. Vacation leave and sick leave not used in any such year may be accumulated, provided that the number of vacation days so accumulated shall not exceed sixty and the total amount of sick leave shall not exceed one hundred and eighty days.

SECTION 10. Section 53A of said chapter 218, inserted by section 3 of chapter 604 of the acts of 1951, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — A temporary assistant clerk shall be paid by the county for each day's service an amount

equal to the rate by the day of the salary of such assistant clerk; but compensation so paid to a temporary assistant clerk for service, in excess of the number of days vacation accumulated by the assistant clerk as provided in section fifty-three in any one year, shall be deducted by the county treasurer from the salary of such assistant clerk; provided, however, that if an assistant clerk is absent, due to his illness or physical disability, for a period not exceeding the number of days of sick leave he has accumulated, no such deduction shall be made.

Approved September 3, 1975.

Chap. 588. AN ACT INCREASING CERTAIN FEES AND MAKING CORRECTIVE CHANGES IN THE LAWS RELATIVE TO THE REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section 81E of chapter 112 of the General Laws, as appearing in section 3 of chapter 584 of the acts of 1958, is hereby amended by striking out, in lines 4 and 5, the words "heating and ventilating" and inserting in place thereof the words: — heating and ventilating, and air conditioning.

SECTION 2. Section 81K of said chapter 112, as most recently amended by section 40 of chapter 684 of the acts of 1972, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs: —

Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references. For engineering applicants, three or more shall be professional engineers having personal knowledge of the applicant's engineering experience, and for surveying applicants, three or more shall be registered land surveyors having personal knowledge of the applicant's surveying experience.

The registration fee for professional engineers shall be forty dollars, which shall accompany the application. The registration fee for land surveyors shall be thirty dollars, which shall accompany the application. In addition there shall be a fee of fifteen dollars for each four hour written examination and a fee of thirty dollars for each eight hour written examination, which fees shall accompany the application for such examination.

SECTION 3. The first paragraph of section 81L of said chapter 112 is hereby amended by striking out the second sentence

and inserting in place thereof the following sentence: — If examinations are required on fundamental engineering subjects, such as are ordinarily given in college curricula, the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work.

SECTION 3A. The second paragraph of said section 81L of said chapter 112 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — A candidate failing on his first examination, upon application therefor not less than six months thereafter, shall be entitled to be reexamined upon payment of the appropriate registration fee required by section eighty-one K.

SECTION 4. The sixth sentence of section 81N of said chapter 112 is hereby amended by striking out the word "fifteen", inserted by section 41 of chapter 684 of the acts of 1972, and inserting in place thereof the word: — thirty.

SECTION 5. The second sentence of section 81Q of said chapter 112, as appearing in section 2 of chapter 643 of the acts of 1941, is hereby amended by striking out, in line 3, the word "three" and inserting in place thereof the word: — five.

Approved September 4, 1975.

Chap. 589. AN ACT DESIGNATING THE BRIDGE ON OAK GROVE LANE OVER INTERSTATE HIGHWAY ROUTE 195 IN THE TOWN OF FAIRHAVEN AS THE LT. COL. WALDERMAN NOYA DAMAS BRIDGE.

Be it enacted, etc., as follows:

The bridge on Oak Grove lane over interstate highway route 195 in the town of Fairhaven shall be designated and known as the Lt. Col. Walderman Noya Damas bridge in memory of Walderman Noya Damas, who was killed in action while a member of the armed forces of the United States during World War II. Suitable markers bearing said designation shall be attached thereto by the department of public works in compliance with the standards of said department and as authorized by the federal highway administration

Approved September 4, 1975.

Chap. 590. AN ACT CHANGING THE METHOD OF FILLING VACANCIES IN THE OFFICE OF MAYOR, COUNCILLOR AT LARGE, AND WARD COUNCILLORS IN THE CITY OF GARDNER.

Be it enacted, etc., as follows:

SECTION 1. Section 32 of chapter 119 of the acts of 1921 is hereby amended by striking out the first three paragraphs, as appearing in chapter 206 of the acts of 1975, and inserting in place thereof the following three paragraphs: —

If a vacancy occurs in the office of mayor before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of said term, the president of the city council shall succeed thereto for the unexpired term.

If a vacancy occurs in the position of councillor at large, the city council shall appoint the person who received the seventh highest vote total for the position of councillor at large during the most recent municipal election to fill the vacancy for the unexpired term, if the person is willing to serve, then to the eighth and so on until a person is appointed.

If a vacancy occurs in the position of ward councillor, the city council shall appoint the person from the same ward who received the next highest vote total in the most recent municipal election to fill the vacancy for the unexpired term, except that if there was not another candidate for the ward councillor position, then the city council, by a majority vote, may elect a resident of the same ward to fill the vacancy for the unexpired term.

SECTION 2. Section one of this act shall be submitted for acceptance to the voters of the city of Gardner at the municipal election to be held in said city in the current year in the form of the following question, which shall be placed on the official ballot to be used in said city at said election: — "Shall section one of an act passed by the General Court in the current year, entitled 'An Act changing the method of filling vacancies in the office of Mayor, Councillor at Large, and Ward Councillors in the city of Gardner,' be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

SECTION 3. If section one is not accepted as provided in section two, any vacancy occurring in the office of mayor or in the city council before the last six months of the term of office, the city council shall order an election to fill the same for the unexpired term; and if such vacancy occurs in the office of mayor in the last six months of said term, the president of the city council shall succeed thereto for one unexpired term.

Approved September 4, 1975.

Chap. 591. AN ACT RELATIVE TO THE COLLECTIVE BARGAINING UNIT OF THE UNIFORMED BRANCH OF THE DIVISION OF STATE POLICE.

Be it enacted, etc., as follows:

Section 3 of chapter 150E of the General Laws, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by adding the following paragraph: —

The appropriate bargaining unit in the case of the uniformed branch of the division of state police for officers subordinate to the rank of lieutenant shall be composed of members of the state police holding and in the rank of staff sergeant, sergeant, corporal, policewoman and trooper.

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, August 6, 1975, and, in concurrence, by the Senate, September 4, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 592. AN ACT MAKING CHANGES IN THE LAW RELATIVE TO THE DISCLOSURE OF CONSUMER CREDIT COSTS AND TERMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith that the laws of the commonwealth relative to the disclosure of consumer credit costs and terms continue to be in conformity with federal law and regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 140C of the General Laws, as appearing in section 1 of chapter 517 of the acts of 1969, is hereby amended by adding the following subsection: —

(e) Credit transactions primarily for agricultural purposes in which the total amount to be financed exceeds twenty-five thousand dollars.

SECTION 2. Section 3 of said chapter 140C, as so appearing, is hereby amended by adding the following subsection: —

(i) Notwithstanding any other provision of this section, a discount which a person offers, allows, or otherwise makes available for the purpose of inducing payment for a purchase by cash, check, or similar means rather than by use of an open end credit card account, whether or not a credit card is physically used, is not a finance charge, provided that:

(i) Such discount does not exceed five per cent when computed or expressed as a percentage of the tag, posted, or advertised price of the goods or services which are the subject of the transaction,

(ii) Such discount is available to all prospective buyers,

(iii) The availability of such discount is clearly and conspicuously disclosed to all prospective buyers by a sign or dis-

play posted at or near each public entrance to the seller's place of business wherein such discount is offered, and at all locations within the place of business where a purchase may be made, and

(iv) If an offer of sale is advertised in any medium or if offers to buy are invited or allowed by a seller to be made by mail, telephone, or by means other than personal contact between the customer and seller and if customers are allowed to pay by use of a credit card or its underlying account and such fact is disclosed by the advertisement, telephone contact, or in the course of the mail correspondence, the availability of a discount for payments in cash must be clearly and conspicuously disclosed in any advertisement for such offerings and, in any case, before the transaction has been completed by use of the credit card or its underlying account.

Notwithstanding anything contained in this subsection to the contrary, any surcharge added to the tag, posted, or otherwise generally available price of goods or services offered for sale by a seller, which is imposed by such seller as a condition or consequence of the use of the credit card with respect to a transaction involving such goods or services, shall be a finance charge subject to the requirements of this section.

With respect to any discount for cash in excess of five per cent, the total amount of the discount shall constitute a finance charge under subsection *(a)* to be disclosed in accordance with subsection *(d)* of section six.

SECTION 3. Section 5 of said chapter 140C is hereby amended by adding after subsection *(i)*, added by section 1 of chapter 229 of the acts of 1972, the following subsection: —

(j) The information required to be given under this chapter shall include a full statement of closing costs to be incurred by the customer, which shall be presented, in accordance with regulations of the commissioner prior to the time when any down payment is made; or in the case of a consumer credit transaction involving real property, at the time the creditor makes a commitment with respect to the transaction or in accordance with the provisions of the federal Real Estate Settlement Procedures Act of 1974 (P. L. 93-533) and regulations issued thereunder.

The commissioner may provide by regulation that any portion of the information required to be disclosed by this subsection may be given in the form of estimates where the provider of such information is not in a position to know exact information. Compliance with the provisions of the federal Real Estate Settlement Procedures Act of 1974 (P. L. 93-533), regulations issued thereunder and the use of the combined Uniform Disclosure Settlement Statement form issued by the Secretary of Housing and Urban Development, except to the extent of inconsistency with the provisions of clause (3) of subsection *(b)*, clause (8) of subsection *(c)* and clause (3) of

subsection *(d)*, all of section seven, shall be deemed compliance with the provisions of this subsection.

SECTION 4. Clause (1) of subsection *(a)* of section 6 of said chapter 140C, as appearing in section 1 of chapter 517 of the acts of 1969, is hereby amended by inserting after the word "charge", in line 4, the words: — , except that the creditor may, at his option and without disclosure, impose no such finance charge if payment is received after the termination of such time period;.

SECTION 5. Subsection *(b)* of said section 6 of said chapter 140C is hereby amended by striking out clause (2), as so appearing, and inserting in place thereof the following clause: —

(2) The amount and date of each extension of credit during the period and a brief identification on or accompanying the statement of each extension of credit in a form sufficient to enable the customer to identify the transaction or relate it to copies of sales vouchers or similar instruments previously furnished;.

SECTION 6. Clause (8) of said subsection *(b)* of said section 6 of said chapter 140C, as so appearing, is hereby amended by inserting after the word "charges", in line 5, the words: — , except that the creditor may, at his option and without disclosure, impose no such additional finance charges if payment is received after such date or termination of such period.

SECTION 7. Said section 6 of said chapter 140C is hereby further amended by striking out subsection *(d)*, as so appearing, and inserting in place thereof the following subsection: —

(d) Any creditor, other than the creditor of the open end credit account, who imposes a finance charge not excepted by subsection *(i)* of section three at the time of honoring a customer's credit card, shall make the disclosures required under item (2) of subsection *(b)* and under subsection *(d)*, both of section seven, at the time of that transaction, and the annual percentage rate to be disclosed shall be determined by dividing the amount of the finance charge by the amount financed and multiplying the quotient, expressed as a percentage, by twelve.

SECTION 8. Subsection *(a)* of section 7 of said chapter 140C, as so appearing, is hereby amended by inserting after the word "action", in line 16, the words: — ; or (3) in transactions subject to subsection *(j)* of section five, on a Disclosure Settlement Statement prescribed by said subsection.

SECTION 8A. Section 8 of said chapter 140C is hereby amended by striking out subsection *(a)*, as so appearing, and inserting in place thereof the following subsection: —

(a) Except as otherwise provided in this section, in any credit transaction in which a security interest is used or is expected to be used is the principal residence of the customer, the customer shall have the right to rescind that transaction until midnight of the third business day following the date of consummation of that transaction or the date of delivery of the

disclosures required under this chapter, whichever is later, by notifying the creditor by mail, telegram or other writing of his intention to do so, provided however, the customer's right to rescind pursuant to this subsection shall expire four years after the date of consummation or upon the date that the customer transfers title to the property, whichever occurs earlier, notwithstanding any failure of the creditor to deliver to the customer the disclosures required by this section or the other material disclosurers required by this chapter. Notification by mail shall be considered given at the time of the mailing; notification by telegram shall be considered given at the time of the filing for transmission; and notification by other writing shall be considered given at the time of the delivery to the creditor's designated place of business. Business day is any calendar day except Sunday, the following federal business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving and Christmas, and any legal holiday under the laws of the commonwealth.

SECTION 9. Subsection *(g)* of said section 8 of said chapter 140C is hereby amended by inserting after clause (4), as amended by section 7 of chapter 229 of the acts of 1972, the following clause:—

(5) Any transaction in which an agency of the commonwealth is the creditor.

SECTION 10. Section 9 of said chapter 140C is hereby amended by adding after subsection *(e)*, added by section 8 of chapter 229 of the acts of 1972, the following subsection: —

(f) Any advertisement to aid, promote, or assist directly or indirectly an extension of consumer credit repayable by agreement in more than four instalments shall, unless a specific finance charge is or will be imposed, state clearly and conspicuously: "THE COST OF CREDIT IS INCLUDED IN THE PRICE QUOTED FOR THE GOODS AND SERVICES.".

SECTION 11. Section 10 of said chapter 140C is hereby amended by adding the following three subsections: —

(e) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the commissioner, notwithstanding that after such act or omission has occurred, such rule, regulation or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(f) The multiple failure to disclose to any person any information required under this chapter to be disclosed in connection with a single account under an open end consumer credit plan, other single consumer credit sale, consumer loan, or other extension of consumer credit, shall entitle the person to a single recovery under this section but continued failure to

disclose after a recovery has been granted shall give rise to rights to additional recoveries.

(g) Except as otherwise specifically provided in this chapter, any civil action for a violation of this chapter which may be brought against the original creditor in any credit transaction may be maintained against any subsequent assignee of the original creditor where the violation from which the alleged liability arose is apparent on the face of the instrument assigned unless the assignment is involuntary.

SECTION 12. Sections two and six of this act shall take effect on October twenty-eighth, nineteen hundred and seventy-five.

Approved September 6, 1975.

Chap. 593. AN ACT SUSPENDING THE OPERATION OF CERTAIN LAWS GOVERNING THE OPERATION OF CERTAIN HEAVY VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to permit those agencies responsible for the administration of the heavy vehicle permit programs to have additional time in which to prepare for its implementation, so as to improve the efficient management thereof, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The operation of chapter eight hundred and fifty-one of the acts of nineteen hundred and seventy-four, as amended by chapter four hundred and ninety-four of the acts of nineteen hundred and seventy-five shall continue to be suspended until March first, nineteen hundred and seventy-six, except for sections two, three, four, five, six, nine and ten of said chapter eight hundred and fifty-one, as so amended, each of which sections shall take effect on September first, nineteen hundred and seventy-five.

SECTION 2. Notwithstanding the provisions of chapter eighty-five of the General Laws, no permit issued by the commissioner of public works under the provisions of section thirty A of said chapter eighty-five other than a permit for the carrying of so-called irreducible loads, nor any permit sticker issued by the registrar of motor vehicles under section nineteen D of chapter ninety of the General Laws shall be valid until March first, nineteen hundred and seventy-six and which shall be considered the initial date of issuance of such permits, but the commissioner of public works and the registrar of motor vehicles shall on and after September first, nineteen hundred and seventy-five, accept and process applications submitted for such

permits and stickers so as to issue the same for use by applicants on and after March first, nineteen hundred and seventy-six.

SECTION 3. The provisions of this act shall take effect as of September first, nineteen hundred and seventy-five.

Approved September 8, 1975.

Chap. 594. AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN MEMBERS OF THE POLICE DEPARTMENT OF SAID CITY FOR CERTAIN CAREER INCENTIVE PAY DUE THEM.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the city of Lawrence is hereby authorized to appropriate the sum of four thousand five dollars and sixty-nine cents, and after such appropriation the treasurer of said city in accordance with the provisions of its contract with the International Brotherhood of Police Officers, Local 395 is authorized to pay certain members of the police department of said city the amounts due to each in accordance with said agreement, and the provisions of section one hundred and eight L of chapter forty-one of the General Laws for the fiscal year nineteen hundred and seventy-four.

Approved September 9, 1975.

Chap. 595. AN ACT PROHIBITING THE REFUSAL OF INSURANCE COMPANIES TO ISSUE CERTAIN POLICIES TO BLIND AND DEAF PERSONS AS INDIVIDUALS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by striking out section 108A, inserted by chapter 490 of the acts of 1974, and inserting in place thereof the following section: —

Section 108A. No insurer authorized to issue policies of accident and sickness insurance in the commonwealth shall refuse, for the reason of blindness or deafness, to issue an individual policy of accident and sickness insurance, which provides hospital expense and surgical expense coverage, to any person residing in the commonwealth.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8B, inserted by section 2 of chapter 785 of the acts of 1974, the following section:—

Section 8C. No corporation subject to this chapter shall refuse for the reason of blindness or deafness, to contract with a subscriber an individual hospital service plan.

SECTION 3. Chapter 176B of the General Laws is hereby

amended by inserting after section 4B, inserted by section 3 of said chapter 785, the following section: —

Section 4C. No corporation subject to this chapter shall refuse for the reason of blindness or deafness, to contract with a subscriber a subscription certificate under an individual medical service agreement. *Approved September 9, 1975.*

Chap. 596. AN ACT RELATIVE TO THE INSTALLATION OF CABLE TELEVISION FACILITIES.

Be it enacted, etc., as follows:

Chapter 166A of the General Laws is hereby amended by adding the following section: —

Section 22. No operator shall enter into any agreement with persons owning, leasing, controlling or managing buildings served by a CATV system, or perform any act, that would directly or indirectly diminish or interfere with existing rights of any tenant or other occupant of such a building to use of master or individual antenna equipment.

An operator who affixes, or causes to be affixed, CATV system facilities to the property of another shall do so at no cost to the owner of such property, shall indemnify the owner of such property for any damage arising out of such actions, and shall not interfere with the safety, functioning, appearance or use of such property.

The consent required by section thirty-five of chapter one hundred and sixty-six shall be deemed to have been granted to an operator upon his delivery to the owner or lawful agent of the owner of property upon which he proposes to affix CATV system facilities of a copy of this section, and a signed statement that he agrees to be bound by the terms of this section.

An owner of property, or his lawful agent, may sue in contract to enforce the provisions of an operator's agreement under this section.

No person owning, leasing, controlling or managing buildings served by a CATV system shall discriminate in rental or other charges between tenants who subscribe to such CATV services, and those who do not or demand or accept payment, in any form, for the affixing of CATV system equipment to such buildings, except that to which he is entitled under the provisions of this section. *Approved September 9, 1975.*

Chap. 597. AN ACT AUTHORIZING CERTAIN ADDITIONAL ALLOTMENTS IN THE ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 530 of the acts of 1975 is hereby amended by adding the following sentence: — Public institutions of higher education may transfer within and among subsidiary accounts; provided, however, that said institutions are hereby directed to limit total expenditures hereunder to an amount not to exceed ninety per cent of seventeen-fifty-seconds of the sums appropriated, including the amounts made available by transfer from the salary and fuel reserves, in the acts referred to above; provided, however, to meet critical needs resulting from said limitations, expenditures may be increased not to exceed the remaining ten per cent to meet such need, provided that the existence of such critical need has been certified by the appropriate board of trustees of said institution or an officer designated by said board, and that the existence of the said need shall have been verified by the house and senate committees on ways and means.

SECTION 1A. Said section 1 of said chapter 530 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The commissioner of administration is hereby further directed to limit the total amount allotted to executive and administrative offices, departments and undertakings, boards or commission subject to section nine B of chapter twenty-nine of the General Laws to an amount not to exceed ninety per cent of seventeen-fifty-seconds of the sums appropriated, including the amounts made available by transfer for the salary and fuel reserves, in the acts referred to above; provided, however, to meet critical needs resulting from said limitations, the allotment may, in the discretion of the commissioner of administration, be increased not to exceed the remaining ten per cent to meet such need; except that to meet emergencies the said ten per cent may be exceeded subject to the certification by the commissioner of administration of the emergency and the verification of said emergency by the house and senate committees on ways and means; provided, that the existence of such critical need has been certified by the appropriate secretary and the commissioner of administration, and that the existence of the said need shall have been verified by the house and senate committees on ways and means; and provided further, that the total amount made available in any subsidiary account shall be no greater than the amounts authorized by the chapters referred to in this section, except that, to meet emergencies, transfers between subsidiary accounts may be made as authorized under chapter twenty-nine of the General Laws, provided such emergencies are certified by the commissioner of administration. The commissioner of administration shall forthwith notify the house and senate committees on ways and means of any such transfers between subsidiary accounts. The provisions of this paragraph shall not apply to public institutions of higher education.

SECTION 1B. Funds authorized by items 7112-0100 and 7210-0000 in chapter five hundred and thirty of the acts of nineteen hundred and seventy-five based on the various appropriation accounts referred to in section one of said chapter five hundred and thirty for the Lowell Technological Institute and Lowell State College are hereby merged and made available for the University of Lowell.

SECTION 2. Said chapter 530 is hereby further amended by striking out sections 7, 8, and 9 and inserting in place thereof the following three sections:—

Section 7. From the balance to be reverted in item 4403-2000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five, the sum of five million dollars is hereby appropriated for the purposes of item 4401-1000 of said section two of said chapter three hundred and twenty-seven; provided, that expenditures caused by rate changes for services furnished in a prior year but not finally determined until the current fiscal year may be paid from said item 4401-1000, subject to the prior approval of the house and senate committees on ways and means.

Section 8. From the balance to be reverted in item 4403-2000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five the sum of one hundred and sixty-three thousand dollars is hereby appropriated for the purposes of item 4202-0021 of said section two of said chapter three hundred and twenty-seven; provided, that expenditures caused by rate changes for services furnished in a prior year but not finally determined until the current fiscal year may be paid from said item 4202-0021, subject to the prior approval of the house and senate committees on ways and means.

Section 9. Item 4402-5000 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five is hereby amended by adding the words: — ; and provided further, that expenditures caused by rate changes for services furnished in a prior year but not finally determined until the current fiscal year may be paid from this item, subject to the prior approval of the house and senate committees on ways and means.

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

Approved September 11, 1975.

Chap. 598. AN ACT FURTHER REGULATING THE ENABLING ACT OF THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to avoid irreparable harm to the housing industry of the commonwealth, injury to low-income families in need of decent, safe and sanitary housing at

low rentals and the consequences of any reduction in the supply of such housing, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience, health and peace.

Be it enacted, etc., as follows:

Chapter 708 of the acts of 1966, as amended by section 3A of chapter 709 of the acts of 1968, is hereby amended by striking out section 9 and inserting in place thereof the following section: —

Section 9. (a) Bonds and notes issued under the provisions of this act shall not be deemed to constitute a debt of the commonwealth or any political subdivision thereof or a pledge of the faith and credit of the commonwealth or any political subdivision thereof, unless and except any such notes bear the guaranty of the commonwealth pursuant to paragraph (b) of this section, and shall be payable solely from the proceeds of mortgage loans made under this act, reserve funds created therefor by the MHFA, and any mortgage insurance contracts pertaining thereto. All such bonds and notes, except notes bearing such guaranty, shall contain on the face thereof a statement to the effect that neither the MHFA nor the commonwealth nor any political subdivision thereof shall be obligated to pay the same or the interest thereon except from such proceeds, reserve funds or mortgage insurance contracts and that neither the faith and credit nor the taxing power of the commonwealth or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds and notes.

(b) The commonwealth, acting by and through the treasurer and receiver general, shall, upon application of the MHFA, guarantee the principal of and interest on notes issued subsequent to September first, nineteen hundred and seventy-five, by MHFA under the provisions of this act to fund mortgage loans made by MHFA or refund notes issued to fund such mortgage loans. The full faith and credit of the commonwealth is hereby pledged for any such guarantee, provided that any note so guaranteed shall mature not later than the second anniversary of its date and provided further that the total amount of notes to be guaranteed shall not exceed five hundred million dollars in the aggregate, provided, however, any note being refunded by the issuance of a guaranteed note shall not, and the refunding note shall, be included within such total amount. The total amount of notes to be guaranteed as aforesaid shall be reduced by the principal amount of bonds issued subsequent to September first, nineteen hundred and seventy-five, by MHFA to refund notes so guaranteed. Each guarantee of an issue of notes shall be based upon a separate application made by the MHFA to the treasurer and receiver general. The guarantee by the commonwealth of such notes shall be executed on each note by the treasurer and receiver general. It shall be sufficient if

the signature of the treasurer and receiver general upon such notes is an engraved, printed or stamped facsimile signature, providing that he has, by writing bearing his written signature filed with MHFA authorized his facsimile signature to be placed thereon. The facsimile signature of the treasurer and receiver general so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. If the treasurer and receiver general shall cease to be such officer before the delivery of such instruments, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

Approved September 11, 1975.

Chap. 599. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the immediate issue of notes to carry out the purposes of an act passed during the regular annual legislative session of the year nineteen hundred and seventy-five, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section eight of chapter two hundred and twelve of the acts of nineteen hundred and seventy-five, creating a government land bank, shall be issued and may be renewed one or more times for terms not exceeding one year, and the final maturities of such notes, whether original or renewal, shall be not later than June thirtieth, nineteen hundred and eighty-one, as recommended by the governor, in a message to the general court, dated May sixteenth, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

SECTION 2. Section 7 of chapter 212 of the acts of 1975 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — All monies credited to said Fund shall be used for the payment of principal and interest on such notes and for the acquisition, holding, protection, maintenance or use of lands, and to provide for personnel and administrative cost of the bank as provided by this act.

SECTION 3. Section 8 of said chapter 212 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — All payments on account of

principal and interest on such notes shall be repaid from the Government Land Bank Fund; provided, however, that notwithstanding any provision of this act, such notes shall be general obligations of the commonwealth.

Approved September 11, 1975.

Chap. 600. AN ACT FURTHER REGULATING PRESIDENTIAL PRIMARIES.

Be it enacted, etc., as follows:

SECTION 1. Section 26 of chapter 51 of the General Laws is hereby amended by inserting after the first sentence the following sentence: — In any city or town in which the annual city or town election is held on the first Monday in March, in a year when the presidential primary is held, the registration sessions held by the election commissioners or registrars of voters in preparation for the city or town election shall also serve as registration sessions for the primary.

SECTION 2. The first paragraph of section 1 of chapter 52 of the General Laws, as most recently amended by chapter 145 of the acts of 1961, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Members of said committee elected at the presidential primaries from senatorial districts shall hold office for a period of four years from the thirtieth day next following their election; provided that members of said committee elected in nineteen hundred and seventy-six shall hold office for a period beginning May fifteenth, nineteen hundred and seventy-six and ending on the thirtieth day following the day on which presidential primaries are next held.

SECTION 3. Said section 1 of said chapter 52 is hereby further amended by striking out the second paragraph, as amended by section 1 of chapter 138 of the acts of 1955, and inserting in place thereof the following paragraph: —

The members of the state committee elected at the presidential primaries shall within ten days after the thirtieth day next following their election, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect; provided that members of said committee elected in nineteen hundred and seventy-six shall meet and organize within ten days after May fifteenth, nineteen hundred and seventy-six; and provided, further, that the members of the committee shall first meet and organize temporarily by the choice of a temporary chairman and a temporary secretary who shall serve until a permanent chairman and a permanent secretary are chosen, and such committee, while temporarily organized or at any time after its permanent organization, may add to its membership.

SECTION 4. The first paragraph of section 2 of said chapter 52, as appearing in chapter 111 of the acts of 1958, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Each political party shall, in every ward and town, elect at the presidential primaries from among the enrolled members of the party resident in such ward or town a committee to be called a ward or town committee, whose members shall hold office for a period of four years ending on the thirtieth day following the day on which presidential primaries are next held and until their successors shall have organized; provided that members of said committee elected in nineteen hundred and seventy-six shall hold office for a period beginning May fifteenth, nineteen hundred and seventy-six and ending on the thirtieth day following the day on which presidential primaries are next held and until their successors shall have organized.

SECTION 5. Section 4 of said chapter 52, as amended by section 3 of chapter 138 of the acts of 1955, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Each city, ward and town committee shall within ten days after the thirtieth day next following the election of its members, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect; provided that members of said committee elected in nineteen hundred and seventy-six shall meet and organize within ten days after May fifteenth, nineteen hundred and seventy-six.

SECTION 6. Section 9 of said chapter 52, as most recently amended by section 1 of chapter 429 of the acts of 1973, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Notice of the number of committee members to be elected shall be given by the city or town committee, as the case may be, to the state secretary on or before the third Tuesday in October of the year preceding the year in which said persons are to be elected.

SECTION 7. Chapter 53 of the General Laws is hereby amended by striking out section 2, as most recently amended by section 1A of said chapter 429, and inserting in place thereof the following section: —

Section 2. Except in the case of municipal nominations where a city charter or a law applying specially to a particular town otherwise provides, candidates of political parties for all elective offices, except presidential elector, shall be nominated and members of political committees, except as provided in sections one and four of chapter fifty-two, shall be elected, in primaries or caucuses, and the nomination of any party other than a political party, in any district containing more than one ward or town, shall be made by a convention of delegates chosen by caucuses held under section one hundred and seventeen in the wards and

towns of the district for which the nomination is to be made. All nominations and elections in primaries and caucuses shall be by direct plurality vote. No candidates shall be nominated, and no member of a political committee or convention delegate elected, in any other manner than is provided in this chapter or chapter fifty-two.

SECTION 8. The first paragraph of section 28 of said chapter 53, as most recently amended by section 3 of chapter 762 of the acts of 1968, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Presidential primaries shall be held on the first Tuesday after the first Monday in March in any year in which presidential electors are to be elected. Notwithstanding any provision of law to the contrary, any town may hold its preliminary or regular town elections on the first Tuesday after the first Monday in March in any year in which presidential electors are to be elected, provided that such election is by a ballot independent of the ballot used at presidential primaries.

SECTION 9. Section 34 of said chapter 53 is hereby amended by striking out the fourth and fifth paragraphs, as appearing in section 3 of chapter 429 of the acts of 1973, and inserting in place thereof the following two paragraphs: —

Names of candidates for ward and town committees shall be arranged in groups in such order as may be determined by lot, under the direction of the state secretary, who shall notify each state committee and give a representative of each such committee an opportunity to be present. When necessary, groups may be printed on the ballot in two or more columns; provided, however, that only one heading designating the number of members to be elected to such committee shall be printed.

Against the name of a candidate for an elective office, for a ward or town committee, or for state committee, shall be printed the street and number, if any, of his residence.

SECTION 10. Section 35 of said chapter 53, as most recently amended by section 4 of chapter 337 of the acts of 1941, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — A cross in the circle at the head of a group of candidates for ward or town committee shall count as a vote for each candidate therein.

SECTION 11. The second sentence of the second paragraph of section 46 of said chapter 53, as appearing in section 8 of said chapter 337, is hereby amended by inserting after the word "date", in line 7, the words: — , and except that for presidential primaries the meetings shall be held on the fifth, fourth, third and second Tuesdays next preceding such date.

SECTION 12. Said chapter 53 is hereby further amended by striking out section 48, as most recently amended by section 2 of chapter 139 of the acts of 1975, and inserting in place thereof the following section: —

Section 48. Nomination papers of candidates to be voted on at presidential primaries except candidates for state, ward and town committees, shall be filed with the state secretary on or before the first Friday in January preceding the day of the primaries.

Nomination papers of candidates for election to state, ward and town committees at presidential primaries shall be filed with the state secretary on or before the third Tuesday in November of the year preceding said presidential primaries.

Nomination papers of candidates to be voted on at state primaries shall be filed with the state secretary on or before the eleventh Tuesday preceding the day of the primaries, except that such nomination papers of candidates for nomination for any office to be filled by all the voters of the commonwealth, or for congressman, shall be so filed on or before the tenth Tuesday preceding the day of the primaries. In the case of primaries before special elections, such nomination papers shall be filed on or before the fifth Tuesday preceding the day of the primaries. The state secretary shall forthwith issue to the candidate or other person filing such nomination papers a certificate acknowledging the time and date of the receipt thereof.

There shall not be printed on the ballot at the state primary the name of any person as a candidate for nomination for any office to be filled by all the voters of the commonwealth, or for councillor, senator, representative to the general court, representative in congress, district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, sheriff, or county treasurer, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter that he is enrolled as a member of the political party whose nomination he seeks is filed with the state secretary on or before the last day herein provided for filing nomination papers. Said registrars shall issue such a certificate, signed by a majority thereof, forthwith upon request of any such candidate so enrolled or of his authorized representative. No such certificate shall be issued to any person who is a candidate for nomination for any such office, if such person has changed his party enrollment less than one year prior to the last day for filing nomination papers with the state secretary as provided by this section.

There shall not be printed on the ballot at a city or town primary the name of any person as a candidate for nomination for any office to be filled at a city or town election unless such person has become an enrolled member of the political party whose nomination he seeks on or before the last day for submitting primary nomination papers to the registrars of voters prior to said primary.

SECTION 13. Said chapter 53 is hereby further amended by striking out section 70B, as most recently amended by section 8A of chapter 337 of the acts of 1971, and inserting in place thereof the following section: —

Section 70B. In any year in which candidates for presidential electors are to be elected, the selection of delegates and alternate delegates to national conventions of political parties shall be by that system adopted by the state committee, provided such system shall not include the placing of the names of delegates on the presidential primary ballot; and provided, further, that the distribution of delegates under any such system shall reflect the preference expressed by the voters on the presidential preference portion of the ballot at the presidential primary. The system adopted by the state committee shall be set forth in written rules and procedures covering all aspects of the delegate selection process and a copy of such rules and procedures shall be filed with the state secretary on or before October first of the year preceding the year in which presidential electors are to be elected. The number of district delegates and alternate district delegates, not less than two from each congressional district, and the number of delegates and alternate delegates at large shall be fixed by the state committee, who shall give notice thereof to the state secretary on or before the first Tuesday in January. At such primaries, members of the state, ward and town committees shall also be chosen as provided in chapter fifty-two.

SECTION 14. Section 70C of said chapter 53, as appearing in section 21 of chapter 473 of the acts of 1938, is hereby amended by striking out, in line 5, the word "February" and inserting in place thereof the words: — November in the year preceding the year in which presidential electors are to be elected.

SECTION 15. Said chapter 53 is hereby further amended by striking out section 70D, as most recently amended by section 3 of chapter 407 of the acts of 1966, and inserting in place thereof the following section: —

Section 70D. Nominations of candidates for state, ward and town committee shall be by nomination papers which shall be prepared and, on request, furnished by the state secretary. Nomination papers for candidates for state committees shall be signed by at least fifty voters, and nomination papers for candidates for ward and town committees shall be signed by at least five voters.

Section forty-five shall apply to such papers for candidates to be voted for at presidential primaries except that they shall not contain the eight word statement referred to in said section; provided, that a candidate for state committee may state in not more than eight words the public offices which he holds or has held, showing clearly that he is a former incumbent thereof, if such is the case; and if he is a veteran, as defined in section twenty-one of chapter thirty-one, the word "veteran" may be used. The nomination papers of a candidate for state committee who is an elected incumbent thereof may also contain the statement "Candidate for Re-election". Nomination papers may contain the name of more than one candidate for members of ward and town committees.

SECTION 16. Said chapter 53 is hereby further amended by striking out section 70E, as most recently amended by section 1 of chapter 7 of the acts of 1972, and inserting in place thereof the following section: —

Section 70E. The state secretary shall cause to be placed on the official ballot for use at presidential primaries, under separate headings, and in the following order, the names of those candidates or potential candidates for the office of president of the United States whom he shall have determined to be generally advocated or recognized in national news media throughout the United States, the names of any other candidates or potential candidates for nomination for president whose names are proposed therefor by nomination papers prepared and furnished by the state secretary, signed in the aggregate by at least twenty-five hundred voters, and the names of those candidates or potential candidates for nomination for president whose names appear on written lists signed by the chairman of the state committee of the political parties, arranged in such order as may be determined by lot under the direction of the state secretary, a blank space in which the voter may, if he does not vote for any of the candidates for president whose names are printed on the ballot insert the name of any person of his choice as a candidate for president and a blank space in which a voter may vote no preference. The chairman of the state committee of a political party and the state secretary shall submit lists or prepare lists of candidates for president, as aforesaid, no later than the first Friday in January and shall notify each such candidate forthwith, by registered mail, of the presence of his name on said lists. No name shall be removed from said lists, nor from the ballot, unless such candidate shall file with the state secretary an affidavit stating that he does not desire his name printed upon said ballot at the forthcoming presidential primary. Such affidavit shall be filed with the state secretary no later than five o'clock post meridian on the second Friday in January. Notwithstanding the provisions of section eleven, withdrawals of or objections to presidential primary nomination papers must be filed no later than five o'clock post meridian on the first Wednesday in January.

The names of candidates for state committee shall next be placed upon the ballot in the manner provided in section thirty-four. The names of candidates for ward or town committee appearing in nomination papers containing nominations for all the places to be filled shall next be placed upon said ballot, arranged in groups and in the same order as in the nomination papers. The order in which the groups shall appear shall be determined by lot in the manner provided in section thirty-four. The names of candidates appearing in nomination papers containing nominations for less than all the places to be filled shall follow, alphabetically arranged.

There shall also be printed on the ballot appropriate instructions to aid the voter with respect to expressing his preference for a candidate for nomination as president. Election officers in the presidential primaries, in counting and tabulating the votes showing the voters' preference for president, shall disregard the omission or inaccuracy of initials, the omission, inaccuracy or misspelling of Christian names, and the misspelling of surnames, if the intent of the voter to express a preference for any particular individual can be ascertained. Such statements of voters of presidential preference shall be counted, tabulated and entered in the records of election officers of votes cast.

SECTION 17. Said chapter 53 is hereby further amended by striking out section 70F, as most recently amended by section 2 of chapter 819 of the acts of 1969, and inserting in place thereof the following section: —

Section 70F. Upon the receipt of the records of the votes cast at presidential primaries and within four days after said primary the city or town clerk shall forthwith canvass the same and make return of the votes for nomination for president, and for election as members of the state committee to the state secretary, who shall forthwith canvass such returns, determine the results thereof, notify the successful candidates, and certify to the state committees the names of the persons appearing on the ballots as candidates or potential candidates for president and the results of the vote therefor, and the names of the persons elected as members of state committees. Said clerks shall determine the results of the votes for members of ward and town committees, issue proper certificates thereof to the successful candidates and notify the chairmen of the city and town committees of the respective parties, and the chairmen of the state committees of the respective parties.

SECTION 18. Said chapter 53 is hereby further amended by striking out section 70G, as most recently amended by section 6 of chapter 407 of the acts of 1966, and inserting in place thereof the following section: —

Section 70G. In case of the death, withdrawal or ineligibility of a candidate for state committee, the vacancy may be filled as provided in section forty-nine.

In case of the death, withdrawal or ineligibility of a candidate for a ward or town committee, the vacancy may not be filled but members may be added as provided in section four of chapter fifty-two.

If there is a tie vote, as defined in section fifty-three, for members of the state committee it shall be filled by the ward and town committees of the district in which it exists.

If there is a vacancy in a ward or town committee caused by a tie or a failure to elect the number provided for in section nine of chapter fifty-two the members elected shall fill the vacancy.

All vacancies caused by ties shall be filled only by the choice of one of the candidates receiving the tie vote.

SECTION 19. Said chapter 53 is hereby further amended by striking out section 70I, as amended by chapter 63 of the acts of 1972, and inserting in place thereof the following section: —

Section 70I. If there is a roll call vote for president at the national convention of a political party, all delegates and alternate delegates whose selection is subject by party rule to the approval of a presidential candidate shall vote on the first such roll call for that presidential candidate unless released by such candidate.

SECTION 20. Section seventy J of said chapter fifty-three is hereby repealed.

SECTION 21. Section 135A of chapter 54 of the General Laws is hereby amended by adding the following sentence: — In any city or town where the annual city or town election is held on the first Monday in March, or during the month of February, in the year when the presidential primary is held the election commissioners or the registrars of voters shall inspect and make a record of the figures on the voting machines and ballot boxes immediately after the polls have closed and said machines and ballot boxes shall be used in the presidential primary.

Approved September 11, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, October 27, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 600 of the Acts of 1975 entitled AN ACT FURTHER REGULATING PRESIDENTIAL PRIMARIES and the enactment of which received my approval on September 11, 1975 should take effect forthwith.

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

The deferred operation of the act would delay the proper filing of a copy of the rules and procedures adopted by the state committee covering all aspects of the delegate selection process.

The deferred operation of the act would delay the proper filing by the city or town with the state secretary of notice of the number of committee members to be elected.

The deferred operation of the act would delay the proper and timely filing with the state secretary of nomination papers of

candidates for state, ward and town committees on or before November 18, 1975, as required by section 12 of the act.

The deferred operation of the act, which moves up the date for the primary by approximately eight weeks, from April 27, 1976 to March 2, 1976, would cause public confusion and inconvenience by further reducing the time available for complying with the requirements of the act prior to the primary.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, October 27, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 601. AN ACT AUTHORIZING THE CITY OF BROCKTON TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay, unpaid bills in the amount of twenty-four thousand one hundred and ninety-six dollars and thirty-five cents, as appearing on a list on file with the joint committee on local affairs, for labor and material furnished to the recreation commission of said town.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives

payment for goods, materials or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved September 16, 1975.

Chap. 602. AN ACT AUTHORIZING THE CITY OF WORCESTER TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO DOROTHY MCINNES.

Be it enacted, etc., as follows:

The city of Worcester is hereby authorized to appropriate money for the payment of and to pay to Dorothy McInnes the sum of seven hundred dollars and forty-five cents for services rendered by her during the period from September first, nineteen hundred and seventy-one through June twenty-fourth, nineteen hundred and seventy-four, payment of which was computed incorrectly. *Approved September 16, 1975.*

Chap. 603. AN ACT RELATIVE TO THE TIME WITHIN WHICH THE TOWN OF BRAINTREE MAY INCREASE THE MEMBERSHIP OF ITS BOARD OF SELECTMEN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of sections two and seven of chapter forty-one of the General Laws, the number of selectmen in the town of Braintree shall not be increased prior to its next annual town meeting, except at a special town meeting called for the purpose in said town in the current year. The following article shall be placed on the warrant for such meeting: — To see if the town will vote to increase the number of selectmen from three to five.

If such article is adopted three selectmen shall be elected at the annual town meeting to be held in said town in the year nineteen hundred and seventy-six as follows: one for one year, one for two years and one for three years. Thereafter, upon the expiration of the term of a selectman, his successor shall be elected for a term of three years.

The provisions of this act shall not be construed as limiting the term of any selectman in office on the effective date thereof.

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

Approved September 16, 1975.

Chap. 604. AN ACT PROVIDING THAT CALL MEMBERS OF THE FIRE DEPARTMENT IN THE TOWN OF FRANKLIN APPOINTED HEREAFTER SHALL NOT BE SUBJECT TO THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments of call members of the fire department in the town of Franklin shall not be subject to the civil service law and rules.

SECTION 2. The provisions of section one shall not impair the civil service status of any call member of the fire department in the town of Franklin who holds such status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at a special or annual town meeting in the form of the following question which shall be placed upon the official ballot to be used for the election of officers in the case of an annual meeting, or, in the case of a special town meeting, upon a ballot which shall be used for the determination of said question: "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act providing that call members of the fire department in the town of Franklin appointed hereafter shall not be subject to the civil service law and rules', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise. *Approved September 16, 1975.*

Chap. 605. AN ACT AUTHORIZING GRANDCHILDREN TO ADMINISTER CERTAIN SMALL ESTATES.

Be it enacted, etc., as follows:

Section 16 of chapter 195 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 433 of the acts of 1975, and inserting in place thereof the following paragraph: —

If an inhabitant of the commonwealth dies leaving an estate consisting entirely of personal property the total value of which may include a motor vehicle of which the decedent was the owner, and other personal property not exceeding two thousand dollars in value, his surviving spouse, child, grandchild, parent, brother, sister, niece, nephew, aunt or uncle, if of full age and legal capacity and an inhabitant of the commonwealth, or, in the case of a person who at his death, was an impatient or resident of any facility of the department of mental health or was receiving relief or support under chapter one hundred and seventeen or assistance under chapter one hundred and eighteen, one hundred and eighteen A or one hundred and eighteen E, any person

designated to act as a voluntary administrator of the estate of such person by the department of mental health or the department of public welfare, may, after the expiration of thirty days from the death of the decedent, provided no petition for letters testamentary or letters of administration have been filed with the probate court of the county in which the decedent resided, file with said probate court upon a form prescribed by the court, a statement, verified by oath, or affirmation containing: (*a*) the name and residential address of the affiant, (*b*) the name, residence and date of death of the deceased, (*c*) the relationship of the affiant to the deceased, (*d*) a schedule showing every asset of the estate known to the affiant and the estimated value of each such asset, (*e*) a statement that the affiant has undertaken to act as voluntary administrator of the estate of the deceased and will administer the same according to law, and apply the proceeds thereof in conformity with this section and (*f*) the names and addresses of surviving joint owners of property with the deceased, known to the affiant. The oath required by this section shall not be governed by section one A of chapter two hundred and sixty-eight. *Approved September 16, 1975.*

Chap. 606. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Executive Office of Environmental Affairs.

Metropolitan District Commission.

Metropolitan Parks District.

Item		
2444-9010	For the administration of school desegregation expenses of Phase II of the metropolitan district police	**$675,000**

Executive.

Military Division.

8000-0111	For the administration of school desegregation expenses of Phase II of the national guard	**$425,000**

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

Approved September 18, 1975.

Chap. 607. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF NORFOLK SHALL NOT BE SUBJECT TO THE CIVIL SERVICE LAW AND FURTHER REGULATING THE APPOINTMENT OF MEMBERS OF THE POLICE DEPARTMENT OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Norfolk shall not be subject to the civil service law and rules; provided, however, that any person appointed to said department who serves therein for a period of three consecutive years may continue to serve until he reaches age sixty-five unless sooner incapacitated by physical or mental disability from performing the duties of a police officer or unless he is removed by the selectmen in the manner provided by chapter thirty-one of the General Laws and the rules made thereunder, relative to removal from the classified civil service.

SECTION 2. The provisions of section one shall not impair the civil service status of any member of the police department of the town of Norfolk who holds such status on the effective date of this act.

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

Approved September 18, 1975.

Chap. 608. AN ACT MAKING CORRECTIVE CHANGES IN THE LAW REGULATING ABANDONED PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make immediately certain corrective changes in the law passed in the current year further regulating abandoned property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 200A of the General Laws is hereby amended by striking out section 2, as appearing in chapter 801 of the acts of 1950, and inserting in place thereof the following section: —

Section 2. (*a*) Property which has been bequeathed to any person, shall be presumed abandoned, if not claimed by that person or his heirs, legatees or distributees within ten years

after the death of the testator unless the will makes provision in case of a lapse, failure or rejection of the bequest for the disposition of the property.

(*b*) When a person, owning property, is not known for ten successive years to be living and neither he nor his heirs or distributees can be located or proved for ten successive years to have been living, he shall be presumed to have died without heirs or distributees, and his property shall be presumed abandoned.

SECTION 2. Section 3 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 5, the word "fourteen" and inserting in place thereof the word: — ten.

SECTION 3. Section 4 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 6, the word "fourteen" and inserting in place thereof the word: — ten.

SECTION 4. Section 5 of said chapter 200A, as most recently amended by section 1 of chapter 248 of the acts of 1962, is hereby further amended by striking out, in line 14, the word "fourteen" and inserting in place thereof the word: — ten.

SECTION 5. Section 6 of said chapter 200A, as appearing in chapter 801 of the acts of 1950, is hereby amended by striking out, in lines 3 and 5, the word "fourteen" and inserting in place thereof, in each instance, the word: — ten.

Approved September 18, 1975.

Chap. 609. AN ACT RELATIVE TO THE APPLICABILITY OF THE MASSACHUSETTS RULES OF CIVIL PROCEDURE TO THE HOUSING COURT OF HAMPDEN COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 185B of the General Laws, as appearing in section 1 of chapter 591 of the acts of 1973, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

In all matters within its jurisdiction, the housing court shall have all the powers of the superior court, including the power to grant temporary restraining orders and preliminary injunctions as justice and equity may require. The housing court shall have like power and authority for enforcing orders, sentences and judgments made or pronounced in the exercise of any jurisdiction vested in it, and for punishing contempts of such orders, sentences and judgments and other contempts of its authority, as are vested for such or similar purposes in the supreme judicial or superior court.

SECTION 2. Said chapter 185B is hereby further amended by striking out section 20, as so appearing, and inserting in place thereof the following section: —

Section 20. Proceedings shall be commenced in the housing court as follows: a criminal case by complaint in like manner as in the district court, a civil action in accordance with the Massachusetts Rules of Civil Procedure; provided, however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated by the housing court, subject to the approval of the supreme judicial court. The clerk of the housing court shall charge a fee of two dollars for the entry of an action, which shall be paid by the party entering the same; and no other fee shall be charged for taxing costs, for issuing any subpoena or execution or for issuing any order of notice or other mesne, interlocutory or final order, rule, decree or process authorized by law, except a temporary restraining order or preliminary injunction for the issuance of which the clerk shall charge five dollars; provided, however, that no fee for the entry of an action or for the issuance of a temporary restraining order or preliminary injunction shall be charged the commonwealth or political subdivision thereof or any board or officer of the commonwealth or political subdivision thereof. If the housing court finds that the party entering the action or obtaining the restraining order or preliminary injunction is destitute and unable to pay, it may order the payment of the fee or fees prescribed by this paragraph to be waived.

Notwithstanding that a proceeding under this chapter is commenced by complaint, if the housing court finds that the offense charged was not willful, intentional, reckless or repeated, the proceeding shall not be deemed criminal and no record of the case shall be entered in the probation records.

Actions in which equitable relief is sought shall be entered upon a separate docket.

SECTION 3. Section twenty-one of said chapter one hundred and eighty-five B is hereby repealed.

SECTION 4. The first paragraph of section 22 of said chapter 185B, as appearing in section 1 of chapter 591 of the acts of 1973, is hereby amended by striking out, in lines 1 and 4, the words "action at law or suit in equity" and inserting in place thereof, in each instance, the following words: — civil action.

SECTION 5. Said chapter 185B is hereby further amended by striking out section 23, as so appearing, and inserting in place thereof the following section: —

Section 23. All cases in the housing court, including motions and the like, whether interlocutory or final, shall be heard and determined by the housing court sitting without jury, except that in all cases where a jury trial is required by the constitution of the commonwealth or of the United States and the defendant has not waived his rights to a trial by jury, the cause shall be forthwith tried in the housing court before a jury selected in

accordance with chapter two hundred and thirty-four. In the trial of any complaint or action in the housing court, the report of any inspector serving in the housing inspection department of the city or the board of health of any city or town of the county shall be prima facie evidence of the facts stated therein.

SECTION 6. Said chapter 185B is hereby further amended by striking out section 24, as so appearing, and inserting in place thereof the following section: —

Section 24. Every judgment or order entered by the housing court shall bear as its date the day when actually entered by the clerk, and at the time of the entry he shall note such date upon the judgment or order and upon the docket.

SECTION 7. Section twenty-five of said chapter one hundred and eighty-five B is hereby repealed.

SECTION 8. Sections twenty-six to twenty-nine, inclusive, of said chapter one hundred and eighty-five B are hereby repealed.

Approved September 18, 1975.

Chap. 610. AN ACT PROVIDING FOR THE INSTALLATION OF ELECTRICITY AND TELEPHONE SERVICES IN CERTAIN EASEMENTS.

Be it enacted, etc., as follows:

Chapter 187 of the General Laws is hereby amended by striking out section 5, added by chapter 918 of the acts of 1973, and inserting in place thereof the following section: —

Section 5. The owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such way or other private ways shall have the right by implication to place, install, or construct in, on, along, under and upon said private way or other private ways pipes, conduits, manholes and other appurtenances necessary for the transmission of gas, electricity and telephone service, provided such facilities do not unreasonably obstruct said private way or other private ways and provided that such use of the private way or other private ways does not interfere with or be inconsistent with the existing use by others of such way or other private ways; and provided further that such placement, installation, or construction is done in accordance with regulations, plans and practices of the utility company which is to provide the service. Any such owner or owners may grant permission to a public utility company or companies to enter upon said way or other private ways to place, install, repair or relocate pipes, conduits, manholes, and other necessary appurtenances for the transmission of gas, electricity or telephone service in accordance with such company or companies regulations, practices and tariffs filed with the department of public utilities. Neither the person installing or re-

pairing public utility facilities, nor such facilities, nor the gas, electricity or telephone service transmitted shall be deemed to constitute a trespass upon said way or ways.

Approved September 18, 1975.

Chap. 611. AN ACT DIRECTING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO PAY A SUM OF MONEY TO ROMEO EMILIO.

Be it enacted, etc., as follows:

Notwithstanding the provisions of any law to the contrary, the county commissioners of Essex county are hereby authorized to appropriate, and after such appropriation the county treasurer of said county is hereby authorized and directed to pay to Romeo Emilio, the sum of six hundred and seventy-eight dollars and one cent for wages earned by him as a correction officer for said county in the year nineteen hundred and seventy-one.

Approved September 18, 1975.

Chap. 612. AN ACT AUTHORIZING THE TOWN OF BROOKFIELD TO PURCHASE LAND IN THE TOWN OF EAST BROOKFIELD FOR THE PURPOSE OF PROVIDING A WATER SUPPLY FOR THE INHABITANTS OF SAID TOWN OF BROOKFIELD.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of providing water for its inhabitants the town of Brookfield is hereby authorized to purchase a certain parcel of land located in the town of East Brookfield with all easements and water rights connected thereto, known as Herbert's Sand and Gravel Pit, and owned by Charles H. Herbert.

SECTION 2. The town of Brookfield may construct and maintain on the land acquired under the provisions of section one of this act, proper dams, wells, reservoirs, pumping and filtration plants, standpipes, tanks, fixtures, buildings and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of public health, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary or proper for the establishment and maintenance of complete and effective water works; and may construct, lay and maintain aqueducts, conduits, pipes and other works in, under, upon or over any lands, water courses, railroads, railways, or public or private ways, and along such ways, within the town of East Brookfield, in such manner as not unnecessarily to obstruct the same; and

for the purposes of constructing, laying, maintaining, operating, renewing and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, may dig up or raise and embank any such lands, and may enter upon and dig up any such way in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of East Brookfield, and such way shall be restored by the town of Brookfield to a condition satisfactory to the selectmen of the town of East Brookfield. The town of Brookfield shall hold said town of East Brookfield harmless from all liability to damages caused by things done under authority of this act upon any way in the town of East Brookfield. The town of Brookfield shall not enter upon, or construct or lay any aqueducts, conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The town of Brookfield shall pay all damages sustained by any person in consequence of any negligent act upon the part of said town.

SECTION 3. In the event that, at any future time, the selectmen of the town of East Brookfield determine that the water supply for said town of East Brookfield has been adversely affected by virtue of the town of Brookfield's drawing water from sources located on the above premises, the selectmen of the town of East Brookfield may order the town of Brookfield to cease drawing water from these sources, or to reduce the daily draw therefrom. The selectmen of the town of East Brookfield may consider, but shall not be compelled to consider, the daily gallonage obtained prior to the town of Brookfield's utilization of sources within the town of East Brookfield. Notice to cease or reduce drawing water shall be made in writing by the selectmen of the town of East Brookfield to the selectmen of the town of Brookfield and the water commissioners of the town of Brookfield by registered mail, upon receipt of which the town of Brookfield shall have forty-eight hours to comply with the order of the town of East Brookfield. Neither the town of East Brookfield nor any officials thereof shall incur any liability, financial or otherwise, resulting from the issuance of any such order.

Approved September 18, 1975.

Chap. 613. AN ACT DESIGNATING A CERTAIN SECTION OF THE CHARLES W. GREENOUGH BOULEVARD AS CHARLES RIVER ROAD.

Be it enacted, etc., as follows:

SECTION 1. Chapter seven hundred and seven of the acts of nineteen hundred and sixty-four is hereby repealed.

SECTION 2. The so-called Memorial drive extension from Memorial drive and Ash street in the city of Cambridge to Arsenal street in the town of Watertown, including that part of North Beacon street which lies between the two sections of Charles River road, shall be known and designated as the Charles W. Greenough Boulevard, in memory of Charles W. Greenough, the late commissioner and associate commissioner of the metropolitan district commission, and suitable tablets and markers bearing said designation shall be erected and maintained along said boulevard by said commission.

SECTION 3. The section of Charles River road from Arsenal street to Galen street in the town of Watertown which was designated as Charles W. Greenough Boulevard by chapter seven hundred and seven of the acts of nineteen hundred and sixty-four shall hereafter be known and designated as Charles River road. *Approved September 18, 1975.*

Chap. 614. AN ACT AUTHORIZING THE TOWN OF ASHLAND TO TAKE A CERTAIN PARCEL OF LAND BY EMINENT DOMAIN.

Be it enacted, etc., as follows:

The town of Ashland is hereby authorized to take by eminent domain under the provisions of chapter seventy-nine or chapter eighty A of the General Laws, for municipal purposes, the whole or any part of the approximately two-acre parcel of land which lies between the southerly side line of Front Street and the railroad tracks, in the general vicinity of the town library in the town of Ashland, said land owned now or formerly by the Penn Central Transportation Company and bounded and described as follows:

NORTHERLY along Front Street 441 ft. more or less;

EASTERLY 93 ft. more or less;

SOUTHERLY along the northerly side line of the Boston and Albany Railroad bed 641 ft. more or less;

WESTERLY along land of the Town of Ashland 82 ft. more or less;

NORTHERLY along land of the Community National Bank 165 ft. more or less; and

WESTERLY along said land 55 ft. more or less to a point of beginning. *Approved September 18, 1975.*

Chap. 615. AN ACT REPEALING THE LAW RESTRICTING THE CONSTRUCTION AND MAINTENANCE OF CERTAIN SEWAGE DISPOSAL SYSTEMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately repeal the law relative to the construction and maintenance of sewage disposal systems, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section one hundred and twenty-seven M of chapter one hundred and eleven of the General Laws is hereby repealed.

Approved September 22, 1975.

Chap. 616. AN ACT AUTHORIZING THE CITY OF QUINCY TO PAY UNIFORM ALLOWANCES DIRECTLY TO CERTAIN EMPLOYEES OF ITS POLICE, FIRE, HEALTH, AND HOSPITAL DEPARTMENTS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of general or special law to the contrary, the city of Quincy may provide for the payment of uniform allowances directly to those employees of its police, fire, health and hospital departments who are entitled to such allowance.

SECTION 2. The city council of the city of Quincy may, by ordinance, provide for the direct payment to each employee of the unused portion of such employees' uniform allowance for the fiscal year nineteen hundred and seventy-five, to which such employee is entitled. *Approved September 22, 1975.*

Chap. 617. AN ACT FURTHER DEFINING THE DUTIES AND POWERS OF THE ENERGY FACILITIES SITING COUNCIL FOR THE REGULATION OF THE SITING, CONSTRUCTION AND OPERATION OF ENERGY FACILITIES AND PROVIDING FOR RULES AND REGULATIONS AND REPORTING PROCEDURES TO THE SAID COUNCIL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate the siting of oil facilities within the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety, health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 69G, as amended by section 1 of chapter 852 of the acts of 1974, and inserting in place thereof the following section: —

Section 69G. As used in section sixty-nine H to sixty-nine R, inclusive, the following words and terms shall have the following meanings:—

"Applicant", a person or persons who submit a long-range plan or notice of intention to construct an oil facility to the council, or applies to the council for a certificate of environmental impact and public need.

"Certificate", a certificate of environmental impact and public need, as provided for in section sixty-nine K.

"Construction", any placement, assembly, or installation of facilities or equipment, which in the case of an oil facility must be valued in excess of five million dollars, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises.

"Council", the Energy Facilities Siting Council established under the provisions of section sixty-nine H.

"Department", the department of public utilities as established under the provisions of section two of chapter twenty-five.

"Electric company", (1) an electric company as defined in section one; (2) a corporation organized under the laws of the commonwealth empowered to generate, transmit, distribute or sell electricity for ultimate use by fifty or more persons; (3) a foreign corporation empowered under the laws of its state of incorporation to generate, transmit, distribute or sell electricity for ultimate use by fifty or more persons and qualified to do business in the commonwealth; and (4) a municipal corporation empowered to operate a municipal lighting plant under the provisions of section thirty-five or section thirty-six.

"Facility", (1) any bulk electric generating unit, including associated buildings and structures, designed for, or capable of operating at a gross capacity of one hundred megawatts or more; (2) any new electric transmission line having a design rating of sixty-nine kilovolts or more and which is one mile or more in length except reconductoring or rebuilding of existing transmission lines at the same voltage; (3) any ancillary structure including fuel storage facilities which is an integrated part of the operation of any electric generating unit or transmission line which is a facility; (4) any unit, including associated buildings and structures, designed for, or capable of, the manufacture or storage of gas; and (5) any new pipeline for the transmission of gas having a normal operating pressure in excess of one hundred pounds per square inch gauge which is greater than one mile in length except restructuring, rebuilding, or relaying of existing transmission lines of the same capacity.

"Gas", a term which shall include natural gas, propane air, synthetic natural gas, and liquefied natural gas.

"Gas company", (1) a gas company as defined in section one;

(2) a corporation organized under the laws of the commonwealth empowered to manufacture or store gas for resale or distribution to a gas company as defined in section one; (3) a foreign corporation empowered under the laws of its state of incorporation to manufacture or store gas for resale or distribution to a gas company as defined in section one, and qualified to do business in the commonwealth; (4) a natural gas pipeline company as defined in section twenty-five B; and (5) a municipal corporation empowered to operate a municipal gas plant under the provisions of section thirty-five or section thirty-six.

"Liquefied natural gas", a natural gas that has been changed into a liquid by cooling the temperature at atmospheric pressure to approximately — 260°F.

"Local Government", any political subdivision of the commonwealth, including any county, city, town, district agency or regional agency.

"Long Range Forecast", a plan filed with the council under the provisions of sections sixty-nine I and sixty-nine J, inclusive.

"National pollutant discharge elimination system permit", a permit issued in conformance with the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

"Natural gas", a type of gas which originates in the ground and is predominantly methane.

"Notice of intention", a notice of intention to construct an oil facility which shall be filed with the council under the provisions of sections sixty-nine I and sixty-nine J.

"Oil company", (1) any person, authority or corporation organized under the laws of the commonwealth empowered or intending to construct or operate an oil facility; (2) a foreign corporation or person empowered under the laws of its state of incorporation to, or intending to construct or operate an oil facility, and qualified to do business in the commonwealth.

"Oil facility", any new unit, including associated buildings and structures, designed for, or capable of, the refining, storage of more than five hundred thousand barrels or transshipment of oil or refined oil products and any new pipeline for the transportation of oil or refined oil products which is greater than one mile in length except restructuring, rebuilding, or relaying of existing pipelines of the same capacity; provided, however, that this oil facility shall not include any facility covered by a long-range forecast or supplement thereto under section sixty-nine I.

"Propane air", a type of gas produced by those facilities which add commercial grade propane to air for mixture with natural gas.

"Significant portion of his income", ten per cent of gross personal income for a calendar year, except that it shall mean fifty per cent of gross personal income for a calendar year if the recipient is over sixty years of age and is receiving such portion pursuant to retirement, pension, or similar arrangement. Income includes retirement benefits, consultants fees, and stock

dividends. Income is not received directly or indirectly from permit holders or applicants for a permit where it is derived from mutual fund payments or from other diversified investments over which the recipient does not know the identity of the primary sources of income.

"Synthetic natural gas", a type of gas which is made by a facility which produces a gaseous fuel from the manufacture, conversion or reforming of liquid or solid hydrocarbons.

SECTION 2. The second paragraph of section 69H of said chapter 164 is hereby amended by striking out the first sentence, as amended by section 4 of said chapter 852, and inserting in place thereof the following sentence: — Said council shall be composed of the secretary of administration and finance, the secretary of consumer affairs, the secretary of environmental affairs, and the secretary of manpower affairs, or their respective designees, and five persons to be appointed by the governor for terms of three years, one of whom shall be experienced in the conservation and protection of the environment, one of whom shall be a professional engineer registered under the provisions of chapter one hundred and twelve, one of whom shall be experienced in matters relating to the electric power industry and who shall vote only on those matters directly related to such industry, one of whom shall be experienced in matters relating to the gas industry and who shall vote only on those matters directly related to such industry, and one of whom shall be experienced in matters relating to the oil industry and who shall vote only on those matters directly related to such industry, provided that the three members of the council appointed for their industry experience shall cumulatively have one vote in the decisions of the council provided by this chapter, and, provided further, that the council shall not include, as a member any person who receives, or has during the previous two years received a significant portion of his income directly or indirectly from a holder of, or any applicant for, a national pollutant discharge elimination system permit.

SECTION 3. The fifth paragraph of said section 69H of said chapter 164, as amended by section 5 of said chapter 852, is hereby further amended by striking out clauses (3) and (4) and inserting in place thereof the following two clauses:—

(3) To accept applications for certificates of environmental impact and public need on such forms as it may prescribe, consistent with the provisions of section sixty-nine L; to conduct preliminary investigations thereon and solicit information and recommendations relating thereto; to conduct public hearings in accordance with the provisions of sections sixty-nine M and sixty-nine N and to supervise the enforcement of the terms and conditions of certificates so issued; to issue or deny approvals of long-range plans and notice of intention to construct an oil facility under the provisions of sections sixty-nine I and sixty-nine J.

(4) To establish a schedule of filing fees as follows: (a) not to exceed twenty-five thousand dollars in any instance for applications for certificates of environmental impact and public need, as the council may determine; provided, however, that such filing fee for any municipal corporation empowered to operate a municipal lighting plant under the provisions of section thirty-five or thirty-six shall not exceed the sum of two thousand five hundred dollars; (b) for long-range forecasts or supplements thereto a total maximum amount of four hundred thousand dollars annually from the electric companies with the fee for each applicant being determined by its proportion of the total kilowatt hour sales to ultimate customers in the commonwealth for the prior year, and a total maximum amount of one hundred and twenty-five thousand dollars annually from the gas companies with the fee for each applicant being determined by its pro rata percentage of the firm gas revenues from sales to consumers in the commonwealth for the prior year; and (c) for notices of intention to construct an oil facility a maximum amount of four hundred thousand dollars per oil facility to be graduated in accordance with the expected capital investment in such facility.

SECTION 4. The first paragraph of section 69I of said chapter 164, as appearing in section 6 of said chapter 852, is hereby amended by striking out the first two sentences and inserting in place thereof the following four sentences: — Every electric company shall, individually or jointly with others, file with the council a long-range forecast with respect to the electric power needs and requirements of its market area, taking into account wholesale bulk power sales or purchases or other cooperative arrangements with other electric companies, for the ensuing ten-year period. The first such forecast shall be filed on or before May first, nineteen hundred and seventy-six and subsequent long-range forecasts shall be filed on or before December thirty-first, nineteen hundred and eighty and every fifth year thereafter. Every gas company shall individually or jointly with others, file with the council a long-range forecast with respect to the gas needs and requirements of its market area, taking into account wholesale bulk gas sales or purchases or other cooperative arrangements with other gas companies, for the ensuing five-year period. The first such forecast shall be filed on or before May first, nineteen hundred and seventy-six and subsequent long-range forecasts shall be filed on or before December thirty-first, nineteen hundred and eighty and every fifth year thereafter.

SECTION 5. Said first paragraph of said section 69I of said chapter 164, as so appearing, is hereby further amended by adding the following sentence:— Said council shall not, in taking any action pursuant to sections sixty-nine I and sixty-nine J, be subject to any of the provisions of sections sixty-one and sixty-two of chapter thirty.

SECTION 6. Said section 69I of said chapter 164 is hereby amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph: —

Every electric and gas company, either individually or jointly with others, shall also file annually a supplement thereto revising and updating said long-range forecast for a minimum of one year, provided that the first such supplement to be filed by the electric and gas companies shall be filed on or before December thirty-first, nineteen hundred and seventy-six.

SECTION 7. Said section 69I of said chapter 164, is hereby further amended by inserting after the fourth paragraph the following two paragraphs: —

Not later than one year prior to commencement of construction of an oil facility, or not later than two years prior to commencement of construction of a facility for the refining of oil designed so that more than thirty-five per cent of its output could be gasoline or refined oil products lighter than gasoline, an oil company shall file with the council a notice of intention to construct an oil facility. Such notice shall include in such form and detail as the council shall reasonably prescribe, in addition to a detailed description of the proposed facility and site, the following information for the region expected to be served by the oil facility:

(1) A description of the applicant's current activities involving the transshipment, transportation, storage, or refining of oil or refined oil products.

(2) A forecast of the demand for the oil or refined oil products to be transshipped, transported, stored or refined by the proposed oil facility.

(3) An analysis of the need for the proposed facility in meeting this demand, including but not limited to a description of alternatives to the planned action, such as other site locations, other oil facilities, and no additional oil facilities; and a description of the environmental impact of the proposed facility, said description to include buffer zones and other measures to minimize damage to the environment. The council shall after public notice and a period for comment be empowered to issue and revise its own list of guidelines. A minimum of data shall be required by these guidelines from the applicant for review concerning land use impact, water resource impact, air quality impact, solid waste impact, radiation impact and noise impact.

(4) A description of proposed sources of supply of crude oil or refined oil products for the oil facility which is the subject of the notice; if such sources are persons not controlled by the applicant, certified copies of any contracts, letters of intent or any other understandings.

(5) A description of the capital investment plan proposed for such facility, and the overall financial soundness of the company and economic viability of the facility, including insurance coverage during construction and operation.

No oil company shall commence construction of an oil facility unless a notice of intention to construct such oil facility, filed in accordance with this section, has been approved by the council as provided for in section sixty-nine J. In addition no state agency shall issue a construction permit for an oil facility unless the council has approved a notice of intention to construct such facility. Approval of such notice of intention to construct an oil facility shall not be considered approval of construction permits by state agencies.

SECTION 8. Section 69J of said chapter 164, as amended by sections 8 and 9 of said chapter 852, is hereby amended by striking out the first and second paragraphs and inserting in place thereof the following two paragraphs: —

The council shall conduct a public hearing on every long-range forecast or supplement thereto or notice of intention to construct an oil facility within six months of the filing thereof. Such hearing shall be an adjudicatory proceeding under the provisions of chapter thirty A. In addition, a public hearing shall be held in each locality in which a generating plant site or gas facility contained in the long-range forecast or supplement is located or in which an oil facility contained in a notice of intention to construct such facility is located, except that a public hearing shall not be required in a locality containing a proposed site if such a hearing has already been held in regard to that particular site in conjunction with a previously filed long-range forecast or supplement.

The council by a majority vote shall within twelve months from the date of filing approve a long-range forecast or notice of intention to construct an oil facility, or within twenty-four months from the date of filing a notice of intention to construct an oil facility for the refining of oil designed so that more than thirty-five per cent of its output could be gasoline or refined oil products lighter than gasoline, if it determines that it meets the following requirements: all information relating to current activities, environmental impact, facilities agreements and energy policies as adopted by the commonwealth is substantially accurate and complete; projections of demand for electric power or gas and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods; projections relating to service area, facility use and pooling or sharing arrangements are consistent with such forecasts of other companies subject to this chapter as may have already been approved and reasonable projections of activities of other companies in the New England area; plans for expansion and construction of the applicant's new facilities are consistent with current health, environmental protection, and resource use and development policies as adopted by the commonwealth; and are consistent with the policies stated in section sixty-nine

H to provide a necessary power supply for the commonwealth with a minimum impact on the environment at the lowest possible cost; and in the case of a notice of intention to construct an oil facility, that all information regarding sources of supply for such facility and financial information regarding the applicant and its proposed facility are substantially accurate and complete, that it is satisfied as to the adequacy of the applicant's capital investment plans to complete its facility, the long term economic viability of the facility, and the overall financial soundness of the company, and that plans including buffer zones or alternatives thereto for the applicant's new facility are consistent with current health, environmental protection and resource use and development policies as adopted by the commonwealth.

SECTION 9. Section 69K of said chapter 164 is hereby amended by striking out the first paragraph, as amended by section 10 of said chapter 852, and inserting in place thereof the following two paragraphs: —

Any electric, gas or oil company which proposes to construct or operate facilities in the commonwealth may petition the council for a certificate of environmental impact and public need with respect to such facility. The council shall consider such petition providing: The electric, gas or oil company is prevented from building a facility because it cannot meet standards imposed by a state or local agency with commercially available equipment or because the processing or granting by a state or local agency of any approval, consent, permit or certificate has been unduly delayed; or the electric, gas or oil company believes there are inconsistencies among resource use permits issued by such state or local agencies; or the electric, gas or oil company believes that a nonregulatory issue or condition has been raised or imposed by such state or local agencies such as but not limited to aesthetics and recreation; or the facility cannot be constructed due to any disapprovals, conditions or denials by local governments, except with respect to any lands or interests therein, excluding public ways, owned or managed by any state agency or local government.

With respect to the siting of oil facilities, this section shall not be construed to override those local zoning by-laws in effect on the date when a notice of intention required by section sixty-nine I is filed.

SECTION 10. Said section 69K of said chapter 164 is hereby further amended by striking out the sixth paragraph, as amended by section 11 of said chapter 852, and inserting in place thereof the following paragraph: —

A certificate may be transferred to any other electric, gas or oil company by the holder thereof, subject to the terms and conditions contained therein.

SECTION 11. Paragraph A of section 69L of said chapter 164,

is hereby amended by striking out clause (3), as amended by section 12 of said chapter 852, and inserting in place thereof the following clause:—

(3) A copy of the long-range plan or notice of intention to construct an oil facility approved by the council under the provisions of section sixty-nine J, in proof of the need for the facility to meet the energy requirements of the applicant's market area, taking into account wholesale bulk power or gas sales or purchase or other cooperative arrangements with other utilities and energy policies as adopted by the commonwealth; provided, however, that this requirement may be waived by the council for emergency or unforeseen conditions which jeopardize the health and safety of the public.

SECTION 12. The second paragraph of section 69 O of said chapter 164 is hereby amended by striking out clause (3), as amended by section 14 of said chapter 852, and inserting in place thereof the following clause: —

(3) The extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by-laws, rules and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in this chapter to provide a necessary energy supply for the commonwealth with a minimum impact on the environment at the lowest possible cost; and.

SECTION 13. The rules and regulations which the Energy Facilities Siting Council is required to adopt and publish under section sixty-nine H of chapter one hundred and sixty-four of the General Laws shall be adopted and published on or before December first, nineteen hundred and seventy-five.

SECTION 14. Chapter 1232 of the acts of 1973 is hereby amended by striking out sections 3 to 5, inclusive.

SECTION 15. The provisions of sections sixty-nine I and sixty-nine J of chapter one hundred and sixty-four of the General Laws shall not apply to facilities under construction prior to May first, nineteen hundred and seventy-six.

SECTION 16. The requirement of paragraph three of section sixty-nine L of chapter one hundred and sixty-four of the General Laws shall not apply to any facility under construction prior to May first, nineteen hundred and seventy-seven.

Approved September 24, 1975.

Chap. 618. AN ACT CLARIFYING THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF LAW AFFECTING CERTAIN PROGRAMS OF FINANCIAL AND MEDICAL ASSISTANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to put into effect forthwith certain

provisions of law affecting certain programs of financial and medical assistance in order to alleviate the fiscal condition of the commonwealth and to further protect the fiscal integrity of the welfare programs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public welfare and convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 117 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 569 of the acts of 1972, and inserting in place thereof the following paragraph:—

The commonwealth, acting by and through the department of public welfare, shall provide assistance to residents of the commonwealth found by the department to be eligible for such assistance in accordance with this chapter. Such assistance shall be granted from the date of application therefor and shall not, in any form or manner, include the purchase of furniture and shall include medical assistance and dental care and services only as provided in section twenty.

SECTION 2. Said chapter 117 is hereby further amended by striking out section 4, as appearing in chapter 908 of the acts of 1971, and inserting in place thereof the following section:—

Section 4. No student shall be eligible for assistance under this chapter either as an applicant or as the dependent of an applicant. A person who has applied to the department for assistance under chapter one hundred and eighteen as an unemployed parent and who would be eligible for such assistance under said chapter but for the waiting period of thirty days required by federal law shall not be eligible for assistance under this chapter. A person who is eligible to receive assistance under chapters one hundred and fifteen or one hundred and eighteen or unemployment compensation under chapter one hundred and fifty-one A shall not be eligible for assistance under this chapter. A person who has applied for unemployment compensation under chapter one hundred and fifty-one A shall not be eligible for assistance under this chapter during the period in which he is awaiting receipt of his unemployment compensation payment or during the period in which he is subject to a waiting period pursuant to clause (*e*) of section twenty-five of said chapter one hundred and fifty-one A. A person who has applied for assistance under chapter one hundred and eighteen A shall be eligible for assistance under this chapter only until the end of the month in which such person receives his first assistance payment under said chapter one hundred and eighteen A. A person who has no dependent children and who is determined by the department in accordance with its regulations to be employable shall not be eligible for assistance under this chapter.

SECTION 3. Said chapter 117 is hereby further amended by

striking out section 20, as so appearing, and inserting in place thereof the following section:—

Section 20. A person eligible for assistance rendered pursuant to this chapter shall receive such medical and dental care and services as are necessary for the treatment of acute illness or injury. Any such person who suffers from any short-term disability shall also be eligible to receive such rehabilitative medical care and services as are necessary for the treatment and elimination of such short-term disability.

The department shall adopt regulations to govern the assistance provided for by this section. Said regulations shall include definitions of "acute illness or injury", "short-term disability" and "rehabilitative medical services".

The department may expand by regulation the scope of benefits available pursuant to this section subject to appropriation.

SECTION 4. Section twenty-one of said chapter one hundred and seventeen is hereby repealed.

SECTION 5. Section 6 of chapter 118E of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 800 of the acts of 1969, and inserting in place thereof the following paragraph: —

The department shall provide financial assistance for such medical care or services as said Title XIX and regulations adopted thereunder by the Secretary of Health, Education and Welfare require. The department may provide financial assistance for such additional medical care or services as said Title XIX and said regulations permit.

SECTION 5A. Nothing in this act shall be deemed to prohibit podiatric services being made available to elderly persons eligible for medical assistance under the medicaid program of the commonwealth.

SECTION 6. The department of public welfare shall, on or before the fifteenth day of each month, file a report with the joint committee on ways and means which shall indicate the number of persons who have been found to be ineligible for financial assistance or medical and dental care and assistance because of the amendments to section four or section twenty of chapter one hundred and seventeen of the General Laws, inserted by sections two and three, respectively, of this act. Said report shall contain an estimate of the amount of money saved by the commonwealth as a result of said amendments and shall also contain an evaluation of the social implications of restricting eligibility for financial assistance, or for certain medical and dental care, as provided in said sections two and three of this act.

SECTION 7. Chapter five hundred and thirty-one of the acts of nineteen hundred and seventy-five is hereby repealed.

Approved September 25, 1975.

Chap. 619. AN ACT RELATIVE TO INCREASING YEARS OF ELIGIBILITY FOR EDUCATIONAL ASSISTANCE FOR VIETNAM VETERANS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant an immediate increase to the years of eligibility for educational assistance for Vietnam veterans, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 2 of chapter 601 of the acts of 1966 is hereby amended by striking out, in line 3, the word "eight" and inserting in place thereof the word: — ten.

Approved September 25, 1975.

Chap. 620. AN ACT RELATIVE TO RETIREMENT BENEFITS OF EMPLOYEES OF SAVINGS BANKS, CO-OPERATIVE BANKS, AND CREDIT UNIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to effect certain necessary changes in the pension systems of savings banks, co-operative banks, and credit unions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The sixth paragraph of section 74 of chapter 168 of the General Laws, as most recently amended by section 3 of chapter 401 of the acts of 1971, is hereby further amended by inserting after the word "salary", in line 8, the words: — ; provided, however, that if the annuity or pension provided by an employee's vested interest in the value of the contributions made on his behalf by a participating bank exceeds the limitation herein provided then this limitation shall not be applicable.

SECTION 2. The sixth paragraph of section 51 of chapter 170 of the General Laws, as most recently amended by section 6 of said chapter 401, is hereby further amended by inserting after the word "salary", in line 8, the words: — ; provided, however, that if the annuity or pension provided by an employee's vested interest in the value of the contributions made on his behalf by a participating bank exceeds the limitation herein provided then this limitation shall not be applicable.

SECTION 3. The sixth paragraph of section 31 of chapter 171 of the General Laws, as most recently amended by section 2 of chapter 327 of the acts of 1972, is hereby further amended by inserting after the word "salary", in line 8, the words: — ; provided, however, that if the annuity or pension provided by an

employee's vested interest in the value of the contributions made on his behalf by a participating credit union exceeds the limitation herein provided then this limitation shall not be applicable. *Approved September 25, 1975.*

Chap. 621. AN ACT AUTHORIZING CERTAIN RAILROAD POLICE DEPARTMENTS TO DISPLAY BLUE LIGHTS ON CERTAIN MOTOR VEHICLES.

Be it enacted, etc., as follows:

The first paragraph of section 7 of chapter 90 of the General Laws is hereby further amended by striking out the twelfth sentence, as amended by section 1 of chapter 149 of the acts of 1966, and inserting in place thereof the following sentence: — No motor vehicle so operated, except fire apparatus, ambulances, or school buses, shall display a red light in the direction which the vehicle is proceeding or facing; and no motor vehicle, except a vehicle used solely for official business by any police department of the commonwealth or its political subdivisions or any railroad police department within the commonwealth, shall display a blue light in the direction toward which the vehicle is proceeding or facing; provided, however, that the registrar by rules and regulations may permit other vehicles to display such blue lights. *Approved September 25, 1975.*

Chap. 622. AN ACT RELATIVE TO THE CERTIFICATION OF OPERATORS OF DRINKING WATER SUPPLY FACILITIES.

Be it enacted, etc., as follows:

Section 87CCCC of chapter 112 of the General Laws, added by section 2 of chapter 942 of the acts of 1971, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following two sentences: — If the qualifications of the applicant meet or exceed the minimum qualifications established by the board, and if he passes an examination satisfactory to the board, the board shall issue him a certificate, which shall expire at the end of the calendar year in which it is issued and which may be renewed from time to time for periods of not more than four years thereafter, as the board shall determine. The fee for the original certificate shall be twenty dollars and for any renewal thereof, ten dollars per year. *Approved September 25, 1975.*

Chap. 623. AN ACT RELATIVE TO THE SALARY OF THE SURVEYOR OF HIGHWAYS IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the town of Barnstable may raise and appropriate the sum of two thousand five hundred dollars to increase the annual salary of the surveyor of highways of said town and fix said salary at seventeen thousand one hundred dollars plus three hundred dollars for each completed term commencing July first, nineteen hundred and seventy-five.

SECTION 2. The action taken by the town of Barnstable under Article 19 of the warrant of the special town meeting held on June twelfth, nineteen hundred and seventy-five is hereby validated and confirmed in all respects.

Approved September 25, 1975.

Chap. 624. AN ACT INCREASING THE BENEFITS PAID TO WIDOWS OF BOSTON POLICE OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO NINETEEN HUNDRED AND FORTY-NINE.

Be it enacted, etc., as follows:

For the purpose of promoting the public good, the city of Boston is hereby authorized to provide for the election, by a widow of a Boston police officer shot and killed in the line of duty prior to nineteen hundred and forty-nine, of a pension for her life, for as long as she remains unmarried, equal to fifty per cent of the compensation said deceased officer would have received had he continued to serve in the position which he held at the time of death; provided, however, that such salary shall be the maximum for his grade even though said deceased officer may not have reached such maximum grade.

Approved September 25, 1975.

Chap. 625. AN ACT RELATIVE TO THE LISTING OF NAMES ON TOWN ELECTION BALLOTS IN THE TOWN OF SAUGUS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in all town elections held in the town of Saugus the names of all candidates for town office and town meeting member shall appear on the official ballot in the order in which they are drawn by lot. Each such drawing shall be conducted by the registrars of voters or by their designees. Each candidate, or his duly authorized representative, shall have an opportunity to be present at such drawing. After the name of each candidate for an office who is an incumbent thereof shall be added the words "Candidate for reelection".

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

Approved September 29, 1975.

Chap. 626. AN ACT EXTENDING SMALL CLAIMS COURT VENUE IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section 21 of chapter 218 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 1 of chapter 748 of the acts of 1973, and inserting in place thereof the following sentence: — Actions under this section and sections twenty-two to twenty-five, inclusive, shall be brought in the judicial district where the defendant lives or has his usual place of business or employment; provided, however, that actions brought against a landlord or lessor of land or tenements rented for residential purposes, and arising out of such property or rental, may also be brought in the judicial district in which the property is located; provided further, that each district court shall have civil jurisdiction of such actions commenced in such court which should have been brought in some other district court, to the extent that the court in which the action is begun may hear and may dispose of the action if the venue of same is waived or, if venue requirements are not waived, the court may, on motion of any party, order the action, with all papers relating thereto, transferred for hearing and disposition to the district court in which the action should have been commenced. *Approved September 29, 1975.*

Chap. 627. AN ACT AUTHORIZING THE TAUNTON POLICE MUTUAL BENEFIT ASSOCIATION, INC. TO PAY CERTAIN SUMS OF MONEY TO ITS MEMBERS UPON THEIR RETIREMENT.

Be it enacted, etc., as follows:

Taunton Police Mutual Benefit Association, Inc., a corporation duly established under the laws of the commonwealth, is hereby authorized upon the retirement of any member in good standing, to pay at the option of such member, a sum not exceeding one-half of the death benefit payable on the death of such member. Any amount so paid, shall reduce the death benefit otherwise payable upon the death of such member.

Approved September 29, 1975.

Chap. 628. AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT OF THE TOWN OF HOPKINTON BE EXEMPTED FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments to the police department of the town of Hopkinton shall not be subject to the civil service law and rules.

SECTION 2. The provisions of section one shall not impair the civil service status of any member of the police department of the town of Hopkinton holding permanent or probationary civil service status on the effective date of this act.

SECTION 3. This act shall be submitted for acceptance to the voters of said town at its next annual town meeting in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said meeting: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five entitled 'An Act providing that members of the police department of the town of Hopkinton be exempted from the civil service law and rules', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise. *Approved September 29, 1975.*

Chap. 629. AN ACT AUTHORIZING THE TOWN OF MONTEREY TO ELECT THE MEMBERS OF ITS BOARD OF APPEALS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section fourteen of chapter forty A or any other provision of the General Laws to the contrary, the town of Monterey may at its annual town meeting, elect the members of its board of appeals. The said board shall consist of three members to be elected by ballot, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the date of the next annual town meeting; and at every annual meeting following such next meeting one such member shall be elected for the term of three years.

SECTION 2. This act shall take effect upon its acceptance by the town of Monterey. *Approved September 29, 1975.*

Chap. 630. AN ACT AUTHORIZING THE CITY OF CAMBRIDGE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay such of the unpaid bills incurred by said city and totalling two hundred twenty-seven thousand and six dollars and eighty-four cents, as set forth in the list on file with the joint committee on local affairs, which bills are legally unenforceable against said city by reason of their being incurred in excess of available appropriations.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby received payment for goods, materials or services which were not received by or rendered to said city shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved October 2, 1975.

Chap. 631. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO LEASE CERTAIN PARK LAND IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON TO THE MY BREAD BAKING CO.

Be it enacted, etc., as follows:

The metropolitan district commission shall lease a certain parcel of land located in the Dorchester district of the city of Boston to the My Bread Baking Co. for a period of not less than ten years upon such terms and conditions as may be agreed upon by said commission and said company, said land being bounded and described as follows: —

Beginning at the intersection of the southerly side line of Conley street with the westerly side line of the Southeast Expressway as shown on a plan hereinafter mentioned:

Thence the line runs southerly by said westerly side line of the Southeast Expressway, ninety and 16/100 (90.16) feet to a point;

Thence southerly by a line curving to the right with a radius of four thousand eight hundred eighty and 00/100 (4,880.00) feet by said westerly side line of the Southeast Expressway, two hundred sixteen (216) feet more or less to a point at land of owner unknown;

Thence northwesterly one hundred seventy-eight (178) feet more or less to a point;

Thence northwesterly forty-five and 24/100 (45.24) feet to a point;

Thence northwesterly thirty-seven and 62/100 (37.62) feet to a point;

Thence northwesterly fifty-three and 83/100 (53.83) feet to

a point in the easterly side line of Tenean street; the last four (4) courses and distances being by said land of owner unknown;

Thence northwesterly by said easterly side line of Tenean street, thirty (30) feet more or less to a point;

Thence northeasterly by a line curving to the right with a radius of ten and 00/100 (10.00) feet, fifteen and 71/100 (15.71) feet to a point in the southerly side line of Conley street, said line forming the intersection of said Tenean street and Conley street;

Thence northeasterly by said southerly side line of Conley street, forty-one and 72/100 (41.72) feet to a point;

Thence northeasterly and easterly by a line curving to the right with a radius of five hundred forty and 00/100 (540.00) feet by said southerly side line of Conley street, one hundred fifty-three and 22/100 (153.22) feet to the point of beginning; comprising land supposed to be owned by the city of Boston and shown on an order of taking recorded on February ninth, nineteen hundred and sixty-two in Suffolk registry of deeds, plan two, in book 7624 page 579. The proceeds from the lease of this land shall be credited to the Metropolitan Parks Trust Fund. *Approved October 2, 1975.*

Chap. 632. AN ACT PROHIBITING DISTRICT ATTORNEYS FROM ENGAGING IN THE PRIVATE PRACTICE OF LAW.

Be it enacted, etc., as follows:

SECTION 1. Chapter 12 of the General Laws is hereby amended by striking out section 15, as most recently amended by section 3 of chapter 744 of the acts of 1972, and inserting in place thereof the following section:—

Section 15. District attorneys shall devote their entire time during ordinary business hours to their duties, shall neither directly nor indirectly engage in the practice of law, and shall receive from the commonwealth a salary of thirty-six thousand two hundred and three dollars annually.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-nine; provided, however, that any district attorney who devotes his entire time during ordinary business hours to these duties and who neither directly nor indirectly engages in the practice of law before the effective date of this act and files notice of compliance thereof with the clerk of the supreme judicial court for Suffolk county, shall forthwith receive the salary specified in section one of this act.

Approved October 2, 1975.

Chap. 633. AN ACT PROVIDING THAT ROBERT J. ANDERSEN SHALL, NOTWITHSTANDING CERTAIN MAXIMUM AGE

REQUIREMENTS, BE ELIGIBLE FOR APPOINTMENT AS A POLICE OFFICER IN THE TOWN OF WILMINGTON.

Be it enacted, etc., as follows:

Notwithstanding any rule or law to the contrary regulating the maximum age of applicants for appointment as a police officer, Robert J. Andersen shall be eligible to take the next open competitive examination for police officer in the town of Wilmington and, provided he meets all other requirements, shall be eligible for certification and appointment as a police officer in said town. *Approved October 2, 1975.*

Chap. 634. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW REGULATING MEDICAL MALPRACTICE INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately make a corrective change in the law regulating medical malpractice insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety.

Be it enacted, etc., as follows:

SECTION 1. Chapter 231 of the General Laws is hereby amended by striking out section 60D, inserted by section 5 of chapter 362 of the acts of 1975, and inserting in place thereof the following section: —

Section 60D. Notwithstanding the provisions of section seven of chapter two hundred and sixty, any claim by a minor against a health care provider stemming from professional services or health care rendered, whether in contract or tort, based on an alleged act, omission or neglect shall be commenced within three years from the date the cause of action accrues, except that a minor under the full age of six years shall have until his ninth birthday in which the action may be commenced.

SECTION 1A. The board of registration in medicine, established under the provisions of section ten of chapter thirteen of the General Laws, is hereby authorized and directed to perform the duties of the board of registration and discipline in medicine relative to the mailing of a renewal application to each registered physician, as provided in the sixth paragraph of section two of chapter one hundred and twelve of the General Laws, as amended by section two of chapter three hundred and sixty-two of the acts of the current year, notwithstanding the provisions of said chapter which provide for the establishment of said board of registration and discipline on January first, nineteen hundred and seventy-six. Said applications shall be mailed no later than November fifteenth, nineteen hundred and seventy-five.

SECTION 2. This act shall take effect as of June nineteenth, nineteen hundred and seventy-five.

Approved October 6, 1975.

Chap. 635. AN ACT REQUIRING SAVINGS BANKS AND CO-OPERATIVE BANKS TO ACCEPT PREPAYMENT OF INTEREST OBLIGATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 36 of chapter 168 of the General Laws is hereby amended by inserting after paragraph 3 the following paragraph: —

3A. *Prepayment of Interest.* — Such corporation shall, upon written request by the mortgagor, accept a prepayment of interest for a period not exceeding twelve months beyond the end of the taxable year. In the event that any such additional payments are made, the board of investment may reduce the monthly or other periodic payments as set forth in the mortgage.

SECTION 2. Section 41 of said chapter 168 is hereby amended by adding the following paragraph: —

4. *Prepayment of Interest.* — Such corporation shall, upon a written request by the obligor, accept the prepayment of interest which is paid for a period not exceeding twelve months beyond the end of the taxable year. In the event that any such additional payments are made, the board of investment may reduce the monthly or other periodic payments as set forth in the note, loan agreement, or other instrument.

SECTION 3. Section 24 of chapter 170 of the General Laws is hereby amended by inserting after paragraph 7 the following paragraph:—

7A. The corporation shall, upon a written request by the mortgagor, accept a prepayment of interest for a period not exceeding twelve months beyond the end of the taxable year. In the event of such prepayment the corporation may reduce the amount of the periodic payments set forth in the note.

SECTION 4. Section 26 of chapter 170 of the General Laws, is hereby amended by inserting after paragraph 13 the following paragraph: —

14. Such corporation shall, upon a written request by the borrower, accept a prepayment of interest due on any loan made pursuant to this section for a period not exceeding twelve months beyond the end of the taxable year. In the event of such prepayment the corporation may reduce the amount of the periodic payments set forth in the note, loan agreement, or other instrument.

Approved October 6, 1975.

Chap. 636. AN ACT PROVIDING THAT LOCAL GOVERNMENTAL UNITS MAY PAY ONE HALF THE COST OF PREMIUMS

AND THE FULL AMOUNT OF ADDITIONAL RATES FOR GROUP HEALTH INSURANCE FOR THE SURVIVING SPOUSES AND CHILDREN OF POLICE OFFICERS WHO WERE KILLED OR WHO DIED FROM INJURIES RECEIVED IN THE PERFORMANCE OF DUTY.

Be it enacted, etc., as follows:

Chapter 32B of the General Laws is hereby amended by inserting after section 9F the following section: —

Section 9G. Upon the death of an insured employee who was killed, or who died from injuries received, in the performance of his duty as a police officer, a surviving spouse may continue the group health insurance for the benefit of such spouse and any dependents under age nineteen, until the remarriage or death of said surviving spouse; provided that application for such insurance shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further, that said surviving spouse shall pay fifty per cent of a premium the amount of which may be changed by the governmental unit from time to time as part of the total cost for such health insurance. The governmental unit shall contribute the remaining fifty per cent of said premium together with payment in full of a subsidiary or additional rate which rate may be lower or higher than the governmental unit's share of the aforesaid premium.

This section shall take effect in a county, city, town or district upon its acceptance in the following manner: — In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the registered voters of the district at a district meeting; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election: — "Shall the town pay one half of a premium for group health insurance for the surviving spouse and dependents of an insured police officer who was killed or who died from injuries received in the performance of duty, with the surviving spouse paying the remaining one half, and shall the town also pay a subsidiary or additional rate?" Section nine B shall not apply in any governmental unit which accepts the provisions of this section. *Approved October 6, 1975.*

Chap. 637. AN ACT PROHIBITING DISCRIMINATION IN THE GRANTING OF MORTGAGE LOANS AND IN THE FURNISHING OF CREDIT OR SERVICES SOLELY ON ACCOUNT OF AGE.

Be it enacted, etc., as follows:

SECTION 1. Subsection 3B of section 4 of chapter 151B of the General Laws, as appearing in section 2 of chapter 163 of the acts of 1960, is hereby amended by striking out, in line 5, the words "or ancestry" and inserting in place thereof the words: — ancestry or age; provided, that in case of age the failure or refusal to grant any mortgage loan the duration of which exceeds the life expectancy of the applicant as determined by the most recent Individual Annuity Mortality Table, or the failure or refusal to grant any mortgage loan to a person who has not attained the age of majority, shall not be an unlawful practice.

SECTION 2. The first paragraph of subsection 14 of said section 4 of said chapter 151B, as appearing in chapter 168 of the acts of 1973, is hereby amended by striking out, in line 3, the words "or marital status" and inserting in place thereof the words:— , marital status or age; provided, that in case of age the denial of any credit or services the duration of which exceeds the life expectancy of the applicant as determined by the most recent Individual Annuity Mortality Table, or the denial of any credit or services to a person who has not attained the age of majority, shall not be an unlawful practice. *Approved October 6, 1975.*

Chap. 638. AN ACT ESTABLISHING THE SHELBURNE FIRE DISTRICT IN THE TOWN OF SHELBURNE.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Shelburne, liable to taxation in said town and residing therein except for that part which lies within the bounds of the Shelburne Falls Fire District as described in chapter four hundred and two of the acts of nineteen hundred and five, shall constitute a fire district and are hereby made a body corporate by the name of the Shelburne Fire District, hereinafter called the district, for the purpose of supplying themselves with water and facilities for the extinguishment of fires, with power to establish fountains and hydrants and to relocate and discontinue the same, and for the purpose of assessing and raising taxes as provided herein for the payment of such services and for defraying the necessary expenses of carrying on the business of the district, subject to all General Laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its prudential committee, hereinafter provided for, its board of water commissioners, authority to establish such board is hereby granted when and if the need for the same may arise, may contract with any municipality, or with any water

company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted; may contract with any municipality, or any fire district for fire protection or for ambulance service; and may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Shelburne, not already appropriated for the purposes of a public supply, and the water and flowage rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of the district; provided that the source of water supply or lands necessary for preserving the quality of the water shall not be so taken or used without first obtaining the advice and approval of the department of public health, the department of natural resources and the local conservation commission, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said departments, boards or commissions.

The district may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of a complete and effective fire extinguishment district and activities incidental thereto; and for that purpose may construct pipe lines, wells and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Shelburne. The district shall not enter upon, or construct or lay any conduit, pipe or other works within the location of any

railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to so agree, as may be approved by the department of public utilities. The district may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine or chapter eighty A of the General Laws; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the district may, in addition to any other authority to borrow under the General Laws, borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, the debt limit authorized by section ten of chapter forty-four, and may issue bonds or notes therefor, which shall bear on their face the words, Shelburne Fire District Loan, Act of 1975. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than the maximum statutory term provided from their dates. Indebtedness incurred under this act shall be subject to the provisions of said chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four; and, when a vote to that effect has been passed, a sum which will be sufficient to pay the annual interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the district by the assessors of said town of Shelburne annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved, and controlled by the prudential committee, or the water commissioners, hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board or boards by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects

in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the extinguishment of fires under this act if, in the judgment of the prudential committee hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid in the extinguishment of fire; but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by said prudential committee to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance and approval of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the prudential committee, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, or the town elected moderator, shall preside at such organizational meeting only. At any meeting held hereunder prior to the acceptance and approval of this act, the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon, it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the prudential committee, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 9. The district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a prudential committee; and at every annual district meeting following such next succeeding annual district meeting

one such committeeman shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the prudential committee, but in no event shall it be later than fifteen months subsequent to the date on which the prudential committee was first elected. All the authority granted to the district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said prudential committee who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said prudential committee are first elected and at each annual district meeting held thereafter, the district shall elect by ballot, each for a term of one year, a clerk and a treasurer of the district. The treasurer shall not be a committeeman, and shall give bond to the district in such an amount as may be approved by said committee and with a surety company authorized to transact business in the commonwealth as surety. A majority of said committee shall constitute a quorum for the transaction of business. Any vacancy occurring in said committee from any cause may be filled for the remainder of the unexpired term by the distict at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district except upon a written order of said prudential committee or a majority of them, consistent with appropriations voted at annual or special district meetings.

SECTION 10. Said prudential committee shall annually, and as often as the district may require, render a report upon the condition of the work under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws, prescribing by whom and how meetings of the district may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of said district, not inconsistent with this act or with any other provision of law, and may choose such other officials not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, wall, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine or imprisonment as may be provided for in the General Laws.

SECTION 13. The district shall have all the rights of fire districts contained in chapter forty-eight of the General Laws not inconsistent with this act.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the district by section one present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved October 6, 1975.

Chap. 639. AN ACT RELATIVE TO LABOR SERVICE LISTS UNDER THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 31 of the General Laws is hereby amended by striking out the second paragraph, as most recently amended by chapter 250 of the acts of 1975, and inserting in place thereof the following paragraph: —

No person shall remain eligible for more than two years upon any eligible list established under this section, notwithstanding any other provision of law to the contrary, except provisions of law extending eligibility to persons in the military and naval service; provided, however, that whenever the administrator is temporarily enjoined by a court order from certifying persons from an eligible list, the period of eligibility of all persons whose names appear on said list shall be extended for a period equal to the duration of such order; and provided further, that the administrator may, if he deems that the public convenience so requires, extend the period of eligibility of all persons on an eligible list until such time as a new eligible list is established for the same position.

SECTION 2. Said chapter 31 is hereby further amended by striking out section 24, as most recently amended by section 110 of said chapter 835, and inserting in place thereof the following section: —

Section 24. The names of persons who apply for employment in the labor service of the commonwealth and of the cities and towns thereof shall be registered and shall be placed on the eligible lists of the classes for which they apply and qualify for not more than five years in the order of date of filing application, provided that the names of veterans who apply for such employment shall be placed on the eligible lists of the classes for which they qualify ahead of the names of all other persons. The eligibility of persons so registered who renew their applications during the six months immediately prior to or during the six months immediately following the date of expiration of their five-year period of eligibility shall continue for not more than five years from such date, without their losing their places on the eligible list. Applications for renewal filed later than six months after the expiration date shall, for the purposes of determining placement on the eligible lists, be considered to be new

applications for employment. During their period of eligibility, persons may add to their labor service applications titles of positions for which they qualify other than those for which they originally applied, and their registration for such additional positions shall continue for the remainder of their period of eligibility.

The names of widows or widowed mothers of veterans who were killed in action or died from service-connected disability, upon presenting proof from official sources of such facts, satisfactory to the administrator, and who have not remarried, shall be placed on the eligible lists for the classes in the labor service for which they apply and qualify above the names of all other applicants but below the names of veterans.

If the appointing officer certifies in the requisition for laborers that the work to be performed requires young and vigorous men, and, on investigation, the administrator is satisfied that such certificate is true, he may fix a limit of age and certify only those whose age falls within such limit.

Approved October 6, 1975.

Chap. 640. AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF BEDFORD TO SELL AND CONVEY CERTAIN CEMETERY LAND HELD BY SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Bedford are hereby authorized to sell and convey to the following named owners of land abutting the Shawsheen Cemetery certain parcels of land shown on a "Plan of Land in Bedford, Mass." by Boston Survey Consultants, dated July 10, 1975, presently held by said town for cemetery purposes: — Parcel A to Martin F. Callahan and Marjorie L. Callahan, Parcel B to J. Evan Deardorf and Arlene J. Deardorf, Parcel C to Harold L. Henley and Jeanne F. Henley, Parcel D to Robert H. Wittenauer and Muriel L. Wittenauer, Parcel E to Raymond T. Snee and Mary P. Snee, Parcel F to Carolyn M. Hardy, and Parcel G to John H. Hansis and Albina C. Hansis.

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

Approved October 8, 1975.

Chap. 641. AN ACT INCREASING THE DEBT LIMIT FOR CERTAIN URBAN RENEWAL AND RELOCATION PROJECTS.

Be it enacted, etc., as follows:

Section 21 of chapter 121B of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The total amount of

indebtedness of any city or town outstanding at any one time under clause (3) of section twenty alone shall not exceed one half of one per cent, and under clause (1), (2) and (4) combined of said section twenty shall not in any city with a population over one hundred and fifty thousand exceed seven per cent of its equalized valuation and in any other city exceed six per cent of its equalized valuation. *Approved October 8, 1975.*

Chap. 642. AN ACT AUTHORIZING CREDIT UNIONS TO ESTABLISH AND MAINTAIN SAFE DEPOSIT VAULTS AND RENT BOXES.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by inserting after section 21A the following section: —

Section 21B. A credit union established under this chapter may, with the written permission of, and under conditions prescribed by the commissioner, establish and maintain safe deposit vaults and rent boxes or storage space therein. The provisions of section seventeen of chapter one hundred and fifty-eight, so far as apt, shall apply to the rental of any such vault, box or space. *Approved October 8, 1975.*

Chap. 643. AN ACT FURTHER REGULATING HOUSING PROGRAMS OF THE MASSACHUSETTS HOUSING FINANCE AGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately extend the temporary financing of certain projects, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 708 of the acts of 1966, as most recently amended by section 15 of chapter 1215 of the acts of 1973, is hereby further amended by adding the following paragraph: —

(*h*) "Moderate income persons or families" shall mean those persons or families other than low income persons or families whose annual income is less than the amount necessary to enable them to obtain and maintain decent, safe and sanitary housing without the expenditure of over twenty-five per cent of such income for basic shelter costs, including the additional costs, if any, of heat and hot water.

SECTION 2. The first sentence of the first paragraph of paragraph (*b*) of section 8 of said chapter 708 is hereby amended

by striking out, in line 4, the word "five" and inserting in place thereof the word: — six.

SECTION 3. Said chapter 708 is hereby further amended by striking out section 13A, added by section 10 of chapter 855 of the acts of 1970, and inserting in place thereof the following section: —

Section 13A. Interest Subsidy Program. In addition to its other powers and to the extent of appropriations or grants or other financial aid directed to the purpose, the MHFA may operate an interest subsidy program. Such program shall, pursuant to regulations adopted by the MHFA, provide, on behalf of the low and moderate income persons and families living in projects financed under this act, a subsidy to be applied towards rent payments not to exceed the difference between that portion of the rental of such units which is attributable to the mortgagor's interest payments and the amount which would have been attributable if the interest rate for the financing of the project were one per cent per annum. *Approved October 14, 1975.*

Chap. 644. AN ACT PROVIDING TENURE FOR CERTAIN HARBOR MASTERS.

Be it enacted, etc., as follows:

Section 19 of chapter 102 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Any harbor master or assistant harbor master may be eligible for and granted tenure in accordance with the provisions of sections one hundred and twenty-six to one hundred and thirty-two, inclusive, of chapter forty-one.

Approved October 14, 1975.

Chap. 645. AN ACT AUTHORIZING THE TOWN OF BEDFORD TO CONVEY CERTAIN PARK LAND TO THE FIRST PARISH IN BEDFORD, UNITARIAN UNIVERSALIST.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Bedford are hereby authorized to execute on behalf of the town a deed conveying to the First Parish in Bedford, Unitarian Universalist, a certain parcel of land in the town held for park purposes, said parcel being a portion of land known as the Town common and enclosed within the Great road, Elm street, Maple street and South road, said parcel, containing approximately 35,852 square feet, is shown as "Lot #1" on "Plan of Land in Bedford, Mass., Scale 1" = 30', June 14, 1975" and prepared by Raymond Engi-

neering Service, 110 Houghton street, Hudson, Mass. The conveyance of said parcel may be subject to reasonable restrictions on the use of the parcel and may reserve to the town easements in the parcel conveyed.

SECTION 2. The board of selectmen of the town of Bedford are hereby authorized, by the deed referred to in section one or by separate deed, to grant to First Parish in Bedford, Unitarian Universalist, easements over and reasonable restrictions on the use of that portion of the Town common to which the town will retain title, that is, the land shown as Lot #2 on the plan of land referred to in section one.

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

Approved October 16, 1975.

Chap. 646. AN ACT RELATIVE TO THE BOUNDARY LINE BETWEEN THE TOWNS OF CHELMSFORD AND WESTFORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and thirty-two of the acts of nineteen hundred and seventy-five is hereby repealed.

SECTION 2. The following lines shall hereafter be the boundary line between the town of Chelmsford and the town of Westford: —

Beginning at a rough granite monument marking the common corner of the towns of Carlisle, Chelmsford and Westford, having coordinates X = 629,946.90, Y = 564,788.66, and extending N.11° 49'43"W. following the existing dividing line between the towns of Chelmsford and Westford 11,265.67 feet to a drill hole in an existing roadstone northerly of Tadmuck Road, hereby designated as corner C-W-1, having coordinates X = 627,637.61, Y = 575,-815.11; thence leaving said dividing line and extending N.13° 31'51"W., 1666.57 feet to an existing roadstone easterly of Pine Hill Road, hereby designated as corner C-W-2, having coordinates X = 627,247.68, Y = 577,435.41; thence N.12°18'22"W., 2,402.62 to a drill hole in an existing roadstone northerly of Galloway Road, hereby designated corner C-W-3, having coordinates X = 626,735.60, Y = 579,782.83; thence N.09°17'02"W., 1565.76 feet to a point on the existing dividing line to be marked by a granite monument with drill hole and lettered C on the east face, W on the west face and 1975 on the south face, hereby designated corner C-W-4, having coordinates X = 626,483.00, Y = 581,328.08; thence leaving said dividing line and extending N.07°51'32"W., 1667.41 feet to a drill hole in an existing roadstone northerly of Old Westford Road, Chelmsford and Main Street, Westford hereby designated corner C-W-5, having coordinates X = 626,255.01, Y = 582,979.82; thence N.13°31'05"W., 3916.25 feet to a point on

the existing dividing line at its intersection with the southerly sideline of the 1969 County Commissioners' layout of Lowell Road, Westford, to be marked by a granite monument with drill hole and lettered C on the east face, W on the west face and 1975 on the north face, hereby designated corner C-W-6, having co-ordinates of X = 625,339.58, Y = 586,787.58; thence N.11°49'-43"W. following said dividing line 16,175.40 feet to the point at ending thereof, at a stone monument marking the common corner at the towns of Chelmsford, Tyngsborough, and Westford, having coordinates X = 622,023.87, Y = 602,619.50.

All information pertaining to the changing and establishing of the boundary line between the towns of Chelmsford and Westford was prepared by the Middlesex County Engineering Department as shown on their working plan numbered 4672. Co-ordinates and bearings used in this act are based on the Massachusetts co-ordinate system, mainland zone as described in sections eight to thirteen, inclusive, of chapter ninety-seven of the General Laws.

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

Approved October 16, 1975.

Chap. 647. AN ACT AUTHORIZING SOUTHEASTERN MASSACHUSETTS UNIVERSITY TO REGULATE AND CHARGE FEES FOR AND TO MAINTAIN THE RESEARCH VESSEL "CORSAIR".

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make available immediately funds for the operation, maintenance and improvement of the research vessel "Corsair", therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Southeastern Massachusetts University is hereby authorized to regulate and charge fees for the use of the research vessel "Corsair" and to use any income derived therefrom, in addition to any federal, state or other funds made available therefor, for the operation, maintenance, and improvement of the said research vessel.

Approved October 16, 1975.

Chap. 648. AN ACT RELATIVE TO THE APPROVAL PROCEDURES BY BOARDS OF ASSESSORS RELATIVE TO APPLICATIONS FOR VALUATION, ASSESSMENT AND TAXATION OF AGRICULTURAL OR HORTICULTURAL LANDS.

Be it enacted, etc., as follows:

Section 9 of chapter 61A of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 1 of chapter 1118 of the acts of 1973, and inserting in place thereof the following paragraph: —

An application for valuation, assessment and taxation of land under the provisions of this chapter shall be allowed or disallowed by the board of assessors of the city or town in which such land is located within three months of the filing thereof. An application for valuation, assessment and taxation of land under the provisions of this chapter shall be disallowed by the board of assessors of the city or town in which such land is located if, in their judgment such land, in whole or in part, does not qualify thereunder. If any board of assessors shall determine that any application pursuant to this chapter is submitted for the purpose of evading payment of full and proper taxes, such board shall be and hereby is authorized to disallow such application. The failure of a board of assessors to allow or disallow any such application within three months following the filing thereof, shall be deemed an allowance of such application. The board of assessors shall, within ten days of an allowance, or disallowance, send written notice of such allowance, or disallowance, by certified mail to the landowner applicant and shall set forth therein the reason or reasons for disallowance together with a statement advising the landowner of his right to appeal therefrom as provided in sections sixty-four to sixty-five B, inclusive, of chapter fifty-nine. In the case of a partial disallowance, the landowner shall be permitted to file an amendment to the original application.

Approved October 16, 1975.

Chap. 649. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO GRANT AN EASEMENT ON CERTAIN LAND IN THE TOWN OF DOUGLAS TO THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

The department of environmental management, acting for and in behalf of the commonwealth, is hereby authorized to grant to Worcester county an easement for highway purposes in a strip of land 66 feet in width, known as Southwest Main street in the town of Douglas. Said easement is delineated on a plan entitled, "plan of Southwest Main Street in the Town of Douglas proposed highway easements from Commonwealth of Massachusetts Department of Natural Resources", dated April 2, 1975 and recorded in the Worcester district registry of deeds, Plan Book No. 409, Plan No. 110.

Said department is hereby further authorized to grant to Worcester county an easement for the purpose of extending

slopes beyond the limits of the above described area and an easement to install such drainage structures as may be required.

Approved October 16, 1975.

Chap. 650. AN ACT RELATIVE TO SURVIVORS BENEFITS FOR CERTAIN FULL-TIME STUDENTS UNDER THE CONTRIBUTORY RETIREMENT LAW.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (*b*) of subdivision (2) of section 26 of chapter 32 of the General Laws is hereby amended by striking out clause (*iii*), as most recently amended by chapter 451 of the acts of 1961, and inserting in place thereof the following clause: —

(*iii*) A yearly amount of additional pension at the rate of three hundred and twelve dollars for each surviving unmarried child of such member under the age of eighteen or over said age and physically or mentally incapacitated from earning on and after the date such illness was incurred or injury sustained. Such additional pension on account of any such child shall be paid only so long as such child survives, remains unmarried and is under age eighteen or, if over said age, remains physically or mentally incapacitated from earning or, if over said age and under age twenty-one, is a full-time student at an accredited educational institution. The words "full-time student" shall mean a child who is in full-time attendance in an accredited educational institution offering full-time courses of study equivalent to or higher than secondary school study. The words "accredited educational institution" shall mean any school, college, or university that is licensed, approved, or accredited, as the case may be, in the state in which it is located.

SECTION 2. The provisions of section one of this act shall take effect as of January first, nineteen hundred and seventy-five, and shall apply to any child who has been receiving benefits pursuant to paragraph (*b*) of subdivision (2) of section twenty-six of chapter thirty-two of the General Laws as the result of the disability of a member which occurred prior to January first, nineteen hundred and seventy-five.

Approved October 16, 1975.

Chap. 651. AN ACT PROVIDING FOR THE RECORDING OF INVENTORY INFORMATION IN ALL ESTATES WHICH INVOLVE INTEREST IN REAL PROPERTY WITHIN A REGISTRY DISTRICT OTHER THAN THE ONE IN WHICH ANY ESTATE IS PROBATED.

Be it enacted, etc., as follows:

Chapter 217 of the General Laws is hereby amended by inserting after section 15A the following section: —

Section 15B. Whenever the inventory or schedule filed by a fiduciary indicates that a decedent, ward, absentee or beneficiary owns or owned real estate in a registry district other than that in which the inventory or schedule is filed, the fiduciary shall cause to be inserted in said inventory or schedule a reference to the volume, page number and district in which the original deed has been recorded, and shall forthwith cause to be filed in the registry of deeds for each registry district where any of the land included in the inventory or schedule lies, a notice of such inventory or schedule containing information relative to the location of the land in such district, the volume and page number of the deeds book in which the land is recorded and the probate docket number and name of the estate. Such registry of deeds shall record and index such notice in the grantor index under the name of the decedent, ward, absentee or beneficiary.

Approved October 16, 1975.

Chap. 652. AN ACT CLARIFYING THE ELIGIBILITY OF PRIVATE SCHOOL STUDENTS IN OBTAINING PUBLIC SCHOOL TEXTBOOKS.

Be it enacted, etc., as follows:

The last paragraph of section 48 of chapter 71 of the General Laws, added by chapter 1196 of the acts of 1973, is hereby amended by inserting after the word "seventy-six", in line 3, the words: — and which does not discriminate in its entrance requirements on the basis of race or color.

Approved October 16, 1975.

Chap. 653. AN ACT PLACING THE POLICE DEPARTMENT OF THE TOWN OF DARTMOUTH UNDER THE DIRECTION OF THE BOARD OF SELECTMEN OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provisions of law, the acceptance by the town of Dartmouth of the provisions of section ninety-seven A of chapter forty-one of the General Laws is hereby rescinded and its police department shall be under the supervision and control of the board of selectmen. On and after the effective date of this act the provisions of section ninety-seven of said chapter forty-one shall apply to said town.

SECTION 2. Nothing contained in this act shall be construed so as to affect the civil service status, seniority, rank, retirement and any other rights of any of the members of or of the incum-

bents of the office of chief of police or of any other offices within the police department of the town of Dartmouth.

SECTION 3. This act shall be submitted for acceptance to the voters of the town of Dartmouth at the next annual town election in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act placing the police department of the town of Dartmouth under the direction of the board of selectmen of said town', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect upon the completion of service by the present incumbent chief of police in said town.

Approved October 16, 1975.

Chap. 654. AN ACT ESTABLISHING AN HISTORICAL DISTRICT COMMISSION IN THE TOWN OF FALMOUTH AND DEFINING ITS POWERS AND DUTIES, AND ESTABLISHING CERTAIN HISTORICAL DISTRICTS THEREIN.

Be it enacted, etc., as follows:

SECTION 1. The purpose of this act is to promote the general welfare of the inhabitants of the town of Falmouth through the preservation and protection of historical buildings, places and districts of historical interest; through the development and preservation of appropriate settings for such buildings, places and districts; and through the benefits resulting to the economy of said town by preserving and enhancing the amenities and historical aspects of various of the villages and areas of the town which make the town a desirable place to live and for tourists to visit.

SECTION 2. There is hereby established in the town of Falmouth an Historical District Commission, hereinafter called the commission, consisting of five unpaid members who shall be residents of the town of Falmouth, to be appointed by the selectmen. The commission shall have the powers and authority to perform all the duties as hereinafter enumerated and provided. The original members of the commission shall be appointed in the following manner: one member from two nominees submitted by the Falmouth Historical Society; one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and three other members who shall be residents of the town of Falmouth. Such original appointment shall be for five years, four years, three years, two years and one year respectively; thereafter as the term of each member expires, a successor, who may be the same person, shall be appointed

by the selectmen for a five year term, maintaining the same representation as in the original appointment. Vacancies occurring in the commission other than by expiration of term shall be filled by appointment by the selectmen for the remaining term of the member replaced. In the event that no nominations by one or another of the above named nominating groups have been received within thirty days from the date of an invitation to nominate, the selectmen may make the appointment to the commission without such nomination.

SECTION 3. There are hereby established in various village areas of the town of Falmouth the following described Historical Districts:

North Falmouth — two strips 150 feet wide on the Easterly and Westerly sides of Old Main Road, beginning at the Northerly sideline of Curley Boulevard and extending Northerly approximately 8,850 feet to the railroad bridge underpass;

West Falmouth — two strips 150 feet wide on the Easterly and Westerly sides of West Falmouth Highway (Route 28-A), beginning at the intersection of Route 28 and Route 28-A on the Easterly side and the Northwesterly boundary of land of the Commonwealth of Massachusetts (approximately opposite) on the Westerly side, and extending Northerly approximately 20,400 feet to a line perpendicular to the centerline of Route 28-A at Station 95+29.15 as shown by the Massachusetts Highway Bound at that point on the 1936 State Highway Layout;

Falmouth Village — a strip 200 feet wide on the Southwesterly side of (West) Main Street, the Southeasterly side of Locust Street and Easterly side of Mill Road, beginning at the Southeasterly line of the Parish of St. Barnabas and extending Northwesterly, Southwesterly and Southerly approximately 3,650 feet to the Northerly sideline of Emmons Road;

a strip 200 feet wide on the Northeasterly side of Main Street and the Northeasterly and Southeasterly side of Palmer Avenue, beginning at the Northwesterly boundary of the U.S. Postal Service lot and extending Northwesterly and Northeasterly approximately 4,250 feet to the Southwesterly sideline of Jones Road;

the entire block bounded by West Main Street, North Main Street, Palmer Avenue and Hewins Street;

the Village Green;

a strip 100 feet wide on the Northwesterly side of Locust Street beginning at the former Penn Central railroad crossing and extending Northeasterly approximately 1,800 feet to the Westerly sideline of North Main Street;

a strip 100 feet wide on the Northwesterly side of North Main Street and Palmer Avenue, beginning at the intersection of Depot Avenue with North Main Street, and extending approximately 3,350 feet Northeasterly to the Southwesterly sideline of Ter Heun Drive;

two strips 100 feet wide on the Northeasterly and Southwesterly sides of Depot Avenue, beginning at the Westerly sideline of North Main Street and extending Northwesterly approximately 550 feet on the Northeasterly side and approximately 650 feet on the Southwesterly side to the Penn Central Railroad; two strips 150 feet wide on the Easterly and Westerly sides of Shore Street, beginning at the Southerly sideline of Main Street and extending Southerly approximately 3,750 feet on the Easterly side to the shore of Vineyard Sound, and approximately 3,680 feet on the Westerly side to the Northerly sideline of Surf Drive;

Woods Hole — a strip 200 feet wide on the Northerly and Northeasterly side of Woods Hole Road and Water Street beginning at the Southwesterly sideline of Harbor Hill Road and extending Westerly and Northwesterly approximately 2,300 feet to the Southeasterly sideline of School Street;

East Falmouth — two strips 200 feet wide on the Easterly and Westerly sides of Davisville Road, beginning at the Northerly sideline of Menauhant Road and extending Northerly approximately 2,700 feet to the Southerly sideline of Shaker Lane on the Easterly side, and to a Westerly extension of that sideline on the Westerly side;

Waquoit — two strips 250 feet wide on the Southeasterly and Northwesterly sides of Waquoit Highway (Route 28) beginning at the Northeasterly sideline of Takemmeh Way on the Southeasterly side of Route 28, and at the Northeasterly sideline of Barrows Road on the Northwesterly side of Route 28 and extending 700 feet to two lines parallel to and 700 feet Northeasterly from Takemmeh Way and Barrows Road respectively.

SECTION 4. No building permit for the construction of a building or structure or for the alteration of an exterior architectural feature which is subject to public view from a public street or way shall be issued by the town or any department thereof until a certificate of appropriateness has been issued by the commission.

SECTION 5. No permit for the demolition, razing or removal of a building or structure within an historical district shall be issued by the town or any department thereof until a certificate of appropriateness has been issued by the commission.

SECTION 6. The erection or display of an occupational or other sign exceeding two square feet in area or the erection or display of more than one such sign, irrespective of size, on any lot, building or structure located within an historical district must be approved in advance by the commission. Evidence of such approval shall be a certificate of appropriateness issued by the commission.

SECTION 7. The commission shall elect its chairman and secretary. The commission shall meet as necessary, but in no case more than twenty days after submission to it of an application for a certificate of appropriateness or to demolish. If the commission

questions the advisability of issuing a certificate of appropriateness or permit to demolish, the applicant shall be notified and heard before final action is taken. The commission shall hold such public hearings as it deems advisable. It shall keep a permanent record of all decisions made on applications considered by it and may make such rules and regulations consistent with this act as may appear necessary and desirable and may incur such expenses as are necessary for the carrying out of its work within the amount appropriated for its use.

SECTION 8. (a) It shall be the function and duty of the commission to consider and pass upon the appropriateness of the exterior architectural features of buildings and structures hereafter designed, arranged, constructed or enlarged, extended, or structurally altered within an historical district, in so far as such architectural features are subject to public view from a public street or way, and to pass on the permissibility of the razing or demolishing of any building or structure within an historical district. A majority vote shall be required for approval of an application.

(b) The commission shall consider the general exterior design, arrangements and appearance of the proposed building, structure or enlargement, extension or external structural alteration thereof. It shall issue a certificate of appropriateness if such features are of appropriate exterior design and appearance reasonably consistent with the general character of other buildings and structures in the vicinity within an historical district.

(c) The commission shall not consider, nor be required to issue certificates of appropriateness for details of design, interior arrangements, ordinary repairs to and maintenance of existing buildings or structures, or features not subject to public view from a public street or way. The commission shall not make any recommendations or requirements except for the purpose of preventing structural developments obviously incongruous to the area and to the purposes set forth in this act.

(d) The commission may require from the applicant such plans, elevations and other information as may be sufficient to determine the appropriateness of the proposed construction, enlargement, extension, external structural alteration or demolition. A copy of such plans shall be retained by the commission for its files.

(e) If the commission determines that no certificate of appropriateness is required, it shall issue a certificate to that effect. Copies of all certificates of appropriateness, certificates of nonapplicability and permits to demolish shall be sent to the applicant, town clerk and building inspector, and a copy retained for the commission's files.

(f) If an application is disapproved, the commission shall forthwith notify the applicant, town clerk and building inspector,

stating the reasons for such disapproval, retaining a copy of such notification for its files.

(g) If the commission shall fail to take final action on any application or to notify the applicant in writing of its decision within sixty days after the date of filing of such application, or within such further time as the applicant may allow in writing, the application shall be deemed to have been approved and a certificate of appropriateness or permit to demolish shall forthwith be issued by the town clerk.

(h) The town clerk shall keep a permanent record of all applications made under section seven and of all certificates and disapprovals issued by the commission under paragraphs (e) and (f) of section eight and of any constructive approvals given under paragraph (*g*) of said section eight.

SECTION 9. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than five hundred dollars, which shall be forfeited to the use of the town. Each day that a violation continues to exist shall constitute a separate offence.

SECTION 10. Any person, aggrieved by a decision of the commission or by a constructive approval of an application by the town clerk resulting from the commission's failure to act under paragraph (*g*) of section eight, whether or not previously a party to the proceedings, or any officer or board of the town may, within twenty days after the filing of the notice of such decision with the town clerk, appeal to the superior court sitting in equity for the county of Barnstable. The court shall hear all pertinent evidence and shall annul the decision of the commission if it finds the decision of the commission to be unsupported by the evidence, or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such decision of the commission unless it shall appear to the court that the appellant acted in bad faith or with malice in making the appeal to the court.

SECTION 11. The superior court shall have jurisdiction in equity to enforce the provisions of this act and the rulings issued thereunder and may restrain by injunction violations thereof.

SECTION 12. In case any section, paragraph or part of this act be for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 13. This act shall take effect upon its passage.

Approved October 20, 1975.

Chap. 655. AN ACT AUTHORIZING THE TOWN OF MILLBURY TO CONTRACT WITH THE TOWN OF SUTTON FOR THE USE OF ITS SEWERAGE SYSTEM BY SAID TOWN OF SUTTON.

Be it enacted, etc., as follows:

SECTION 1. The town of Millbury is hereby authorized to enter into an agreement, subject to the approval of the emergency finance board, with the town of Sutton to accept from said town of Sutton certain sewage to be processed at the Millbury Sewerage Treatment Plant provided that the said town of Sutton shall construct at its own expense a sewerage system for the carrying of said sewage from the Millbury-Sutton line to the said Millbury Sewerage Treatment Plant. After such system has been constructed by the town of Sutton within said town of Millbury, such system shall be owned by the town of Millbury but maintained by the town of Sutton.

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

Approved October 20, 1975.

Chap. 656. AN ACT RELATIVE TO REPRESENTATIVE TOWN GOVERNMENT IN THE TOWN OF WELLESLEY.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 202 of the acts of 1932, as most recently amended by section 1 of chapter 196 of the acts of 1958, is hereby further amended by adding the following paragraph: —

At such time the town clerk shall also establish how many of the vacancies in any precinct shall be for three-year terms, two-year terms, and one-year terms, so that, insofar as possible, one third of the town meeting members from each precinct shall be elected in each year. In any such election there shall not be separate contests for three-year terms, two-year terms, and one-year terms, but members elected at such election shall be assigned terms of office on the basis of the number of votes they received, those receiving the highest number of votes being assigned three-year terms, and then in descending order two-year terms and one-year terms.

SECTION 2. Said chapter 202 is hereby further amended by inserting after said section 2 the following section: —

Section 2A. Notwithstanding any provisions of general or special law to the contrary, the order in which the names of

candidates for each town office, including the office of town meeting member, appear on the ballot in any town election in the town of Wellesley shall be determined by a drawing by lot conducted by the town clerk. Each candidate shall have an opportunity to be present in person or to be represented by a designee at the drawing.

SECTION 3. Section 8 of said chapter 202, as appearing in section 3 of chapter 196 of the acts of 1958, is hereby amended by striking out, in line 9, the word "five" and inserting in place thereof the word: — fourteen.

SECTION 4. Said chapter 202 is hereby further amended by striking out section 8A, as so appearing, and inserting in place thereof the following section: —

Section 8A. In the event of any vacancy in the full number of town meeting members of any precinct from any cause other than the failure of the registered voters thereof to elect, said vacancy shall be filled, until the next annual election, by the town clerk, if there are available one or more candidates for the office of town meeting members of said precinct at the preceding annual town election who failed of election but received not less than twenty votes. In such event the town clerk shall choose the person who received the highest number of votes as such a defeated candidate, in said precinct, notifying said person of his or her election as a town meeting member and securing his or her written acceptance thereof. If for any reason the person so chosen cannot accept the office, the town clerk shall in like manner choose and notify the defeated candidate in said precinct receiving the next highest number of votes, but no less than twenty, and so on until all vacancies are filled. The town clerk shall call a special meeting of the town meeting members of the precinct in which the vacancy or vacancies exist for the purpose of filling the vacancy or vacancies, until the next annual town election, if at the preceding election: no defeated candidate received at least twenty votes; the highest vote received by any defeated candidate was at least twenty votes and such vote was a tie vote; or there is no such defeated candidate who can or will accept the office. The special election shall be among those having the tie votes or, if no tie is involved, from among the registered voters of the precinct. The town clerk shall cause to be mailed to every such member, not less than fourteen days before the time set for the meeting, a notice specifying the object, time and place of the meeting. The procedures to be followed at said special meeting shall be the same as those prescribed for the special meeting provided for in section eight. *Approved October 20, 1975.*

Chap. 657. AN ACT REGULATING THE AUTHORITY OF TRUST COMPANIES TO TAKE SECOND MORTGAGES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 172 of the General Laws is hereby amended by striking out section 48A, inserted by chapter 437 of the acts of 1972, and inserting in place thereof the following section: —

Section 48A. A trust company may take a second mortgage on:

(*a*) residential property as security for a noncommercial or nonbusiness loan not exceeding ten thousand dollars; or

(*b*) any real estate as collateral security for a commercial or business loan; provided, however, that said second mortgage shall not be taken as the primary security for such a loan.

SECTION 2. Section forty-eight B of said chapter one hundred and seventy-two is hereby repealed.

Approved October 20, 1975.

Chap. 658. AN ACT AUTHORIZING THE TREASURER OF THE COUNTY OF ESSEX TO PAY A SUM OF MONEY TO FRANCIS MURPHY.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, and in order to discharge a moral obligation of the county of Essex, the treasurer of said county, subject to appropriation, shall pay to Francis Murphy, a correction officer at the jail and house of correction-Lawrence, the sum of one thousand six hundred and ninety-one dollars and ninety-seven cents, being the difference between the wages he received from the date of his permanent appointment on July first, nineteen hundred and seventy-one, through June thirtieth, nineteen hundred and seventy-four, and the wages he would have received had his permanent appointment had an anniversary date of December first, nineteen hundred and sixty-nine, from which date he served intermittently as a part-time correction officer at said institution to said date of July first, nineteen hundred and seventy-one.

Approved October 20, 1975.

Chap. 659. AN ACT PROVIDING FOR THE APPOINTMENT OF HOUSING AUTHORITY MEMBERS IN THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section five of chapter one hundred and twenty-one B of the General Laws, upon the expiration of the term of an elected member of the Northborough housing authority his successor shall be appointed by the select-

men of said town for a term of five years. All subsequent members, except the member appointed by the department of community affairs, shall be so appointed for similar terms.

Approved October 20, 1975.

Chap. 660. AN ACT AUTHORIZING THE CITY OF BOSTON TO CONSTRUCT CERTAIN PUBLIC IMPROVEMENTS IN THE CENTRAL BUSINESS DISTRICT OF SAID CITY.

Be it enacted, etc., as follows:

The city of Boston is hereby authorized to appropriate eleven million two hundred thousand dollars under the indebtedness limitations of section twenty-one of chapter one hundred and twenty-one B of the General Laws for the design and construction of public improvements such as streets, sidewalks, plazas, curbs, lighting, traffic signals, surface drainage, landscaping and street furniture within the central business district of said city, as bounded and described in the central business district urban renewal plan, dated July 27, 1967, as approved by the city council on December 11, 1967, which district includes the Bedford-West urban renewal project, the School-Franklin urban renewal project, the Boylston-Essex urban renewal project, and the South Station urban renewal project. *Approved October 20, 1975.*

Chap. 661. AN ACT PERMITTING THE PROBATE COURT TO MAKE APPROPRIATE ORDERS OF MAINTENANCE FOR CHILDREN UNDER THE AGE OF TWENTY-ONE YEARS WHO ARE DEPENDENTS OF AND WHO RESIDE IN THE HOME OF A PARENT.

Be it enacted, etc., as follows:

SECTION 1. Section 28 of chapter 208 of the General Laws, as most recently amended by section 29 of chapter 400 of the acts of 1975, is hereby further amended by adding the following sentence: — The court may make appropriate orders of maintenance of any child who has attained age eighteen years but who has not attained the age of twenty-one years and who is living in the home of a parent, and is principally dependent upon said parent for maintenance.

SECTION 2. Section 37 of chapter 209 of the General Laws, as most recently amended by section 38 of chapter 400 of the acts of 1975, is hereby further amended by adding the following sentence: — The probate court may make appropriate orders of maintenance of any child who has attained age eighteen years but who has not attained the age of twenty-one years and who is living in the home of a parent, and is principally dependent upon said parent for maintenance. *Approved October 20, 1975.*

Chap. 662. AN ACT DIRECTING THE BOARD OF REGISTRATION IN MEDICINE TO GRANT A CERTIFICATE OF REGISTRATION TO PRACTICE MEDICINE TO LYNNE REID.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant forthwith a certificate of registration to practice medicine to Lynne Reid, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law or of any rule or regulation of the board of registration in medicine, said board shall grant a certificate of registration as a qualified physician to practice medicine within the commonwealth to Dr. Lynne Reid for a period of five years inclusive from the effective date of this act and, if within said five-year period, the said Lynne Reid becomes a permanent resident of the commonwealth and evidences her intention to become a citizen of the United States to the board, said board shall grant a certificate of registration to practice medicine within the commonwealth to the said Lynne Reid without limitation as to time. *Approved October 23, 1975.*

Chap. 663. AN ACT RELATIVE TO THE CONSTRUCTION OF A POLICE STATION IN THE TOWN OF AUBURN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section four of chapter forty of the General Laws or any other provision of law to the contrary, the town of Auburn may enter into a lease purchase contract for the construction of a building for the use of the police department in said town on land owned by said town. Said contract shall provide for an annual payment not exceeding twenty thousand dollars for a period not exceeding ten years, and that at the expiration of the contract the town of Auburn shall obtain title to such building.

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

Approved October 23, 1975.

Chap. 664. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO CONSTRUCT AND MAINTAIN A SANITARY SEWER ON LAND IN SAID TOWN UNDER THE JURISDICTION OF THE CONSERVATION COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any law or rule or regulation to the contrary, the town of Lexington is hereby authorized to lay, construct, inspect, repair, remove, replace, operate and forever maintain a sanitary sewer or sewers with manholes, pipes, culverts and other appurtenances, and to do all other acts incidental thereto, including the right to pass along and over the land for the aforesaid purposes, in, through and under the following strip of land under the jurisdiction of the conservation commission of said town.

Beginning at a point bearing S 14-35-45 W and 50.59 feet distant from the southerly sideline of the 1945 County Layout of Concord Avenue; thence S 14-35-45, 23.45 feet; thence S 54-21-10 W, 907 feet more or less; thence northwesterly, 16 feet more or less; thence N 54-21-10 E, 919 feet more or less to the point of beginning all as shown on a plan entitled "Sewer Easement from Waltham Street to Concord Avenue, Lexington, Mass., Scale 1" = 40', June 25, 1975, James E. Chase, Town Engineer" recorded in the southern district registry of deeds in Middlesex county as plan #883 of 1975.

SECTION 2. In addition to the permanent easement provided in section one, the town of Lexington is hereby authorized to use the following two parcels of land under the jurisdiction of the conservation commission for constructing the sewers to be installed in said permanent easement, provided that said authorization shall terminate thirty days after the completion of the sewer construction, and, in any event, not later than December 31, 1976:

Parcel 1. Beginning at a point bearing S 14-35-45 W and 34 feet distant more or less from the southerly sideline of the 1945 County Layout of Concord Avenue; thence S 14-35-45 W, 17 feet more or less; thence S 54-21-10 W, 919 feet more or less; thence northwesterly, 11 feet more or less; thence N 54-21-10 E, 927 feet more or less to the point of beginning all as shown on a plan entitled "Sewer Easement from Waltham Street to Concord Avenue, Lexington, Mass., Scale 1" = 40', June 25, 1975, James E. Chase, Town Engineer" recorded in the southern district registry of deeds in Middlesex county as Plan #883 of 1975.

Parcel 2. Beginning at a point bearing S 14-35-45 W and 50.59 feet distant from the southerly sideline of the 1945 County Layout of Concord Avenue; thence S 14-35-45, 17 feet more or less; thence S 54-21-10 W, 898 feet more or less; thence northwesterly, 11 feet more or less; thence N 54-21-10 E, 907 feet more or less to the point of beginning all as shown on a plan entitled "Sewer Easement from Waltham Street to Concord Avenue, Lexington, Mass., Scale 1" = 40', June 25, 1975, James E. Chase, Town Engineer" recorded in the southern district registry of deeds in Middlesex county as Plan #883 of 1975.

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

Approved October 30, 1975.

Chap. 665. AN ACT FURTHER REGULATING THE FEES CHARGED FOR THE ISSUANCE OF LICENSES TO WHOLESALERS AND IMPORTERS OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

The first paragraph of section 18 of chapter 138 of the General Laws is hereby amended by striking out the last two sentences, as appearing in section 16 of chapter 441 of the acts of 1935, and inserting in place thereof the following two sentences: — The license fee for a license issued under this section to sell and import all alcoholic beverages shall be five thousand dollars. The license fee for a license issued under this section to sell and import wines and malt beverages only shall be twenty-five hundred dollars; provided, that the license fee for a license issued under this section to sell wines for sacramental use shall be one thousand dollars. *Approved October 30, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 21, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 665 of the Acts of 1975, entitled AN ACT FURTHER REGULATING THE FEES CHARGED FOR THE ISSUANCE OF LICENSES TO WHOLESALERS AND IMPORTERS OF ALCOHOLIC BEVERAGES., and the enactment of which received my approval on October 30, 1975, should take effect forthwith.

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

In order to allow for the immediate increase of license fees prior to the customary renewal date.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 26, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chap-

ter six hundred and sixty-five of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 666. AN ACT INCREASING THE FEES FOR PERMITS ISSUED TO SALESMEN EMPLOYED BY LICENSEES UNDER THE LAW REGULATING WHOLESALERS AND IMPORTERS OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

The first paragraph of section 19A of chapter 138 of the General Laws, as appearing in section 20 of chapter 440 of the acts of 1935, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The commission may annually grant to individual citizens of the commonwealth employed as salesmen for licensees under section eighteen, eighteen A or nineteen permits which shall authorize such salesmen on behalf of their employers to solicit orders for alcoholic beverages from any licensee under this chapter to whom their employers are authorized to sell such beverages, and the fee for each such permit shall be fifteen dollars. *Approved October 30, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 21, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 666 of the Acts of 1975, entitled AN ACT INCREASING THE FEES FOR PERMITS ISSUED TO SALESMEN EMPLOYED BY LICENSEES UNDER THE LAW REGULATING WHOLESALERS AND IMPORTERS OF ALCOHOLIC BEVERAGES., and the enactment of which received my approval on October 30, 1975, should take effect forthwith.

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

In order to allow for the immediate increase of fees prior to the customary renewal date.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 26, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and sixty-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 667. AN ACT CLARIFYING THE DISPOSITION OF SUMMARY PROCESS AND SMALL CLAIMS ACTIONS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 20 of chapter 185A of the General Laws, as appearing in section 36 of chapter 1114 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Proceedings shall be commenced in the housing court as follows: — a criminal case by complaint in like manner as in the district court; a civil action in accordance with the Massachusetts Rules of Civil Procedure, provided however, that a summary process action and a small claims action shall be commenced and administered in accordance with rules promulgated by the housing court subject to the approval of the supreme judicial court.

SECTION 2. Said chapter 185A is hereby further amended by striking out section 24, as amended by section 16 of chapter 700 of the acts of 1974, and inserting in place thereof the following section: —

Section 24. All dispositions of any case, except an action for summary process or an action for small claims, before the housing court, whether interlocutory or final, shall be administered, entered, reported and appealed from as in the superior court.

SECTION 3. Chapter 239 of the General Laws is hereby amended by striking out section 5, as most recently amended by section 1 of chapter 347 of the acts of 1971, and inserting in place thereof the following section:—

Section 5. If the defendant appeals from a judgment of the superior court, a housing court or a district court, rendered for the plaintiff for the possession of the land or tenements demanded, he shall, except as provided in section six, before such appeal is allowed, give bond in such sum as the court orders, payable to the plaintiff, with sufficient surety or sureties approved by the plaintiff or court, or secured by cash or its

equivalent deposited with the clerk, in a reasonable amount to be fixed by the plaintiff or court. In an appeal from a judgment of a district court such bond shall be conditioned to enter the action in the superior court for that county at the return day next after the appeal is taken. In an appeal from a judgment of the superior court or a housing court such bond filed shall be conditioned to enter the action in the appeals court. An appeal from a judgment of the superior court or a housing court shall be taken by filing a notice of appeal within six days of entry of judgment. Appeals from judgments of the superior court or a housing court shall otherwise be governed by the Massachusetts Rules of Appellate Procedure. Any bond given shall also be conditioned that the defendant is to pay to the plaintiff, if final judgment is in his favor, all rent accrued at the date of the bond, all intervening rent, and all damage and loss which he may sustain by the withholding of possession of the land or tenements demanded and by any injury done thereto during such withholding, with all costs, until delivery of possession thereof to him. A certificate of such deposit of cash or its equivalent shall be issued to the depositor by the clerk. In appeals from a district court the deposit shall be transmitted by the clerk with the papers to the clerk of the superior court, who shall thereupon deliver a receipt therefor to such clerk, but in such appeals from a judgment of the superior court or a housing court the deposit shall not be transmitted to the appeals court unless specifically requested by said appeals court. The superior court or a housing court may give directions as to the manner of keeping such deposit. Upon final judgment for the plaintiff, all money then due to him may be recovered in an action on the bond.

The court shall waive the requirement of such bond or security if it is satisfied that the defendant has a defense which is not frivolous and that he has insufficient funds available to him to furnish the necessary bond or security. The court may require any person for whom such bond or security has been waived to pay in installments as the same becomes due, pending appeal, all or any portion of any rent which shall become due after the date of such waiver, for the continued occupancy of the premises. *Approved October 30, 1975.*

Chap. 668. AN ACT PROVIDING FOR THE FINAL DESTRUCTION OF CERTAIN FILES OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CRIME AND CORRUPTION.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law or any vote or action of the special commission established under chapter one hundred and forty-six of the resolves of nineteen hundred

and sixty-two, Alfred Gardner, former chairman of said commission and constituted custodian of the confidential files of said commission by chapter six hundred and fifty-four of the acts of nineteen hundred and sixty-six, shall forthwith arrange for and supervise the complete destruction by burning in his presence of the confidential files of said commission and of the stenographic notes taken by the official stenographers at hearings before said commission and of the copies of any transcriptions of such notes, which files, notes and transcriptions are in his custody and are in a separate and segregated vault in the archives division of the state secretary.

No one except said Alfred Gardner shall have access to the subject matter of said files, notes and transcriptions prior to their destruction.

After said files, notes and transcriptions have been destroyed by burning, said Alfred Gardner shall file with the state secretary a certificate signed by him certifying that such destruction has taken place in his presence and under his supervision.

So much of chapter six hundred and fifty-four of the acts of nineteen hundred and sixty-six as is inconsistent with the provisions of this act is hereby repealed.

Approved October 30, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 668 of the Acts of 1975, entitled AN ACT PROVIDING FOR THE FINAL DESTRUCTION OF CERTAIN FILES OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO CRIME AND CORRUPTION., and the enactment of which received my approval on October 30, 1975, should take effect forthwith.

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

In order to permit the immediate destruction of certain files.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 7, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven o'clock and thirty minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and sixty-eight of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 669. AN ACT REQUIRING THE BOARD OF HIGHER EDUCATION TO APPROVE THE GRANTING OF DEGREES BY CERTAIN EDUCATIONAL INSTITUTIONS.

Be it enacted, etc., as follows:

Chapter 69 of the General Laws is hereby amended by striking out section 31A, as inserted by chapter 66 of the acts of 1964, and inserting in place thereof the following section:—

Section 31A. No educational institution chartered, located, offering courses, or otherwise doing business within the commonwealth, shall award degrees within the commonwealth unless authorized to do so by the commonwealth; nor shall any educational institution chartered, incorporated or organized in another state conduct within the commonwealth any courses available to residents of the commonwealth leading to the award of a degree, unless such educational institution has received the approval of the commonwealth for such courses. The board of higher education shall be responsible for the implementation of the provisions of this section.

Approved October 30, 1975.

Chap. 670. AN ACT RELATIVE TO THE DIVISION OF THE TOWN OF NATICK INTO PRECINCTS FOR THE DETERMINATION OF ITS REPRESENTATIVE TOWN MEETING MEMBERSHIP.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 3 of chapter 2 of the acts of 1938 is hereby amended by striking out, in line 4, the word "three" and inserting in place thereof the words:— two and four-tenths,- and by striking out, in line 6 and in line 7, the words "registered voters" and inserting in place thereof, in each instance, the word:— inhabitants.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-seven. *Approved October 30, 1975.*

Chap. 671. AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX PRIOR TO ACTION ON THE GENERAL APPROPRIATION BILL FOR SAID YEAR.

Be it enacted, etc., as follows:

SECTION 1. The first sentence of the first paragraph of section 1 of chapter 530 of the acts of 1975 is hereby amended by striking out the words "and October" and inserting in place thereof the words: —, October and November.

SECTION 2. The second sentence of said first paragraph of said section 1 of said chapter 530, added by section 1 of chapter 597 of the acts of 1975, is hereby amended by striking out the word "seventeen-fifty-seconds" and inserting in place thereof the words: — twenty-two fifty-seconds.

SECTION 3. The second paragraph of said section 1 of said chapter 530, as amended by section 1A of said chapter 597, is hereby further amended by striking out the word "seventeen-fifty-seconds" and inserting in place thereof the words: — twenty-two fifty-seconds.

SECTION 4. Section 2 of said chapter 530 is hereby amended by striking out the words "and October" and inserting in place thereof the words: —, October and November.

SECTION 5. The second sentence of the first paragraph of section 4 of said chapter 530 is hereby amended by striking out the words "and October" and inserting in place thereof the words: —, October and November.

SECTION 6. Section 11 of said chapter 530 is hereby amended by striking out the words "October thirty-first" and inserting in place thereof the words: — November thirtieth.

SECTION 7. This act shall take effect upon its passage. *Approved October 31, 1975.*

Chap. 672. AN ACT RELATIVE TO THE RETIREMENT BENEFITS OF WILLIAM TIGHE, A MEMBER OF THE TEACHERS RETIREMENT SYSTEM.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prevent the termination of William Tighe as a public employee because of his inability to fulfill certain requirements of the public employee retirement law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. William Tighe of Stoneham shall be entitled to creditable service under the Teachers Retirement System for the period from September first, nineteen hundred and forty-nine to September twenty-ninth, nineteen hundred and seventy-four, provided that he pays the sum of sixteen thousand five hundred dollars and fifty-seven cents into the annuity savings fund of said system within five years from the effective date of this act, or upon his retirement, whichever first occurs.

SECTION 2. In the event of the death of William Tighe prior to his complete repayment to the teachers' retirement system of all retirement contributions and interest pursuant to section one of this act, said retirement system shall withhold all survivorship and other benefits pursuant to chapter thirty-two of the General Laws until such time as the remainder of said contributions and interest have been repaid to said system.

Approved October 31, 1975.

Chap. 673. AN ACT AUTHORIZING THE TOWN OF MONTAGUE TO ACQUIRE AN EASEMENT IN CERTAIN LAND IN THE TOWN OF ERVING FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing and maintaining a sewerage system in the town of Montague and to construct and maintain transmission facilities to convey wastewaters to the wastewater treatment facility in the town of Erving, the town of Montague may, for such purpose, acquire by purchase or otherwise, or take by eminent domain under the provisions of chapter seventy-nine or chapter eighty A of the General Laws a permanent easement, and a temporary easement for construction purposes only, in the town of Erving, said permanent easement being bound and described as follows:

Lying southerly of River Street and westerly of Bridge Street, all that land of Walter J. Zuk and Kenneth P. Cibroski extending 10.00 feet both sides of the following described line, viz:

BEGINNING at a point in the southerly sideline of River Street, said point being S. 83° 12' 15" W. a distance of 180.06 feet from a point which is N. 19° 55' 15" W. a distance of 2.63 feet from a point opposite station 9 plus 48.00 in the baseline of location of the 1953 layout of Bridge Street; thence running S. 31° 18' 55" E. a distance of 183 feet, more or less, to a point in the Millers River marking the line between the towns of Montague and Erving.

Said permanent easement contains 3660 square feet more or less.

Said temporary easement is described as follows:

Two certain parcels of land each ten feet in width and running the entire length of said permanent easement hereinabove de-

scribed and adjoining the most easterly and westerly boundaries of said permanent easement. Said temporary easement contains 3660 square feet more or less.

The easements described above are over land conveyed to Kenneth P. Cibroski and Walter J. Zuk by deed recorded at Book 1310, Page 256 and more completely shown on a plan entitled "Proposed Sewer Easement through land in Erving and Montague, Mass." to be recorded in the registry of deeds in Franklin county.

Said sewer system shall include such appurtenances as a vault for the flow measuring equipment, a manhole and a double siphon from said manhole to the town line.

The town of Montague shall have the right to enter said premises at any and all times for the purposes of constructing, maintaining and repairing said sewer system and the right to construct and install certain bank protection along the bank of the Millers river, which may include areas beyond the limits of said easements.

No buildings shall be constructed within the limits of said easements.

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

Approved October 31, 1975.

Chap. 674. AN ACT FURTHER REGULATING COMMUNITY ANTENNA TELEVISION SYSTEMS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for further regulation of community antenna televisions systems and appointment of members to the community antenna television commission, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Clause (*b*) of the first paragraph of section 1 of chapter 166A of the General Laws, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by inserting after the word "subscribers", in line 10, the words: — , but excluding any system which serves fewer than fifty subscribers.

SECTION 2. Clause (*e*) of said first paragraph of said section 1 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "excluding", in line 2, the word: — only.

SECTION 3. Said chapter 166A is hereby further amended by striking out section 2, as most recently amended by section 1 of chapter 96 of the acts of 1972, and inserting in place thereof the following section: —

Section 2. There shall be established in the executive office of consumer affairs a community antenna television commission

which is authorized to call on the staff of the department of public utilities or any other state or federal agency for administrative and investigatory services and technical advice. Said commission shall consist of seven members, one of whom shall be an expert in digital computer application, one of whom shall be a member of the Consumers' Council, one of whom shall be an expert in the field of telecommunications, one of whom shall be an attorney and a member of the Massachusetts bar, one of whom shall be an educator with some experience in telecommunications and two shall be residents of the commonwealth, one of the two from a city having a population of more than one hundred and fifty thousand persons and the other from a city or town of less than one hundred and fifty thousand persons, determined by reference to the most recent decennial census conducted by the United States Bureau of the Census. All the members of said commission shall be registered voters in the commonwealth.

Not more than four members of said commission shall be of the same political party. The members of the commission shall be appointed by the governor for terms of four years and any vacancy shall be filled by the governor for the unexpired portion of the term. The governor may, from time to time, designate the chairman of the commission. The commission shall appoint an executive director who shall not be subject to chapter thirty-one and who shall be knowledgeable in the field of telecommunication. He shall be responsible for informing the commission and the public of matters relating to community antenna television, and shall perform such other duties as the commission requires. Said executive director shall serve at the pleasure of the commission who shall determine his rate of compensation. The members shall be compensated at the rate of thirty dollars for each day or part thereof spent in the performance of their duties. The commission may expend such sums for quarters and clerical and other assistance as may be appropriated therefor.

The commission shall annually prepare and submit to the governor and the general court, on or before the first Wednesday of November, a report of its activity and the condition of the cable television industry within the commonwealth during the preceding fiscal year, together with recommendations for legislation which it considers necessary or desirable.

SECTION 4. Section 4 of said chapter 166A, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by striking out the sixth sentence and inserting in place thereof the following sentence: — Additional areas to be served may be added by amendment to the license from time to time pursuant to regulations promulgated by the commission.

SECTION 5. The first paragraph of section 5 of said chapter 166A, as so appearing, is hereby amended by striking out, in

lines 1 and 2, the words "Such form shall also require that in the event a license is issued, the applicant shall agree to the following" and inserting in place thereof the words: — In the event a license is issued, each licensee shall agree to the following.

SECTION 6. The third sentence of section 6 of said chapter 166A, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words ", which reasons shall relate to the information the applicant furnished pursuant to section four".

SECTION 7. Said chapter 166A is hereby further amended by striking out section 7, as so appearing, and inserting in place thereof the following section: —

Section 7. No license or control thereof shall be transferred or assigned without the prior written consent of the issuing authority, which consent shall not be arbitrarily or unreasonably withheld. Such consent shall be given only after a hearing upon a written application therefor on forms to be prescribed by the commission. The application for consent to a transfer or assignment shall be signed by the licensee and by the proposed transferee or assignee or by their representatives, evidence of whose authority shall be submitted with the application. The consent of an issuing authority to a transfer or assignment shall not be given if it appears from the application or from subsequent investigation or otherwise that the consideration being paid in the proposed transaction includes a substantial payment for the license issued hereunder.

SECTION 8. The first sentence of section 9 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "renewal", in line 2, the word: — , transfer.

SECTION 9. The first paragraph of section 11 of said chapter 166A, as so appearing, is hereby amended by striking out clause (*e*) and inserting in place thereof the following clause:—

(*e*) for any transfer or assignment of a license or control thereof without consent in violation of section seven;.

SECTION 10. Said chapter 166A, as so appearing, is hereby further amended by striking out section 13 and inserting in place thereof the following section: —

Section 13. Any license issued hereunder may be renewed after hearing by the issuing authority for additional periods each not to exceed ten years. An application for renewal shall be on forms to be prescribed by the commission. Such forms shall set forth such facts as the commission may prescribe as to the citizenship and character of the applicant for renewal, and its financial, technical, and other qualifications to operate the system, and complete information as to its principals and ultimate beneficial owners, including in the case of corporations, all stockholders both nominal and beneficial owning one per cent or more of the issued and outstanding stock, and in the case of unincorporated associations, all members and ultimate beneficial owners however designated, in order that the applicant for renewal shall make full disclosure as to its true ownership and as to the source of funds to be used for operation of the system.

SECTION 11. Section 14 of said chapter 166A is hereby amended by striking out the first paragraph, as amended by section 3 of chapter 96 of the acts of 1972, and inserting in place thereof the following paragraph: —

Any applicant for a license or renewal of a license who is aggrieved by a denial of its application by the issuing authority or by its failure to act within the period of sixty days, or any licensee who is aggrieved by the action of an issuing authority in modifying, suspending, cancelling, revoking, declaring a license forfeited, denying consent to the transfer or assignment of a license or control thereof, or by the issuing authority's failure to act within the period of sixty days may appeal therefrom to the commission within thirty days following notice of such action or within thirty days following the expiration of a sixty day period of inaction, by a petition in writing, setting forth all material facts in the case.

SECTION 12. The fourth paragraph of said section 14 of said chapter 166A, as appearing in section 1 of chapter 1103 of the acts of 1971, is hereby amended by inserting after the word "renewal", in line 6, the word:—, transfer.

SECTION 13. The fifth paragraph of said section 14 of said chapter 166A, as so appearing, is hereby amended by striking out the second sentence.

SECTION 14. The first paragraph of section 15 of said chapter 166A, as so appearing, is hereby amended by striking out, in line 5, the word "individually".

SECTION 15. Said section 15 of said chapter 166A is hereby further amended by striking out the second paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The commission shall cause notice of the time and place of every such hearing to be published in at least one newspaper of general circulation in the municipality or service area affected. Such notice and schedule shall be in such form as the commission may deem expedient.

SECTION 16. The first sentence of section 19 of said chapter 166A, as so appearing, is hereby amended by inserting after the word "sections", in line 1, the word:— eleven,.

SECTION 17. In making the first appointments to the community antenna television commission pursuant to section two of chapter one hundred and sixty-six A of the General Laws, as amended by section three of this act, the governor shall appoint two members for terms of one year, two members for terms of two years, two members for terms of three years, and one member for a term of four years. *Approved November 1, 1975.*

Chap. 675. AN ACT REMOVING THE STATE COLLEGE AT LOWELL FROM THE JURISDICTION OF THE BOARD OF TRUSTEES OF STATE COLLEGES UPON THE COMPLE-

TION OF THE MERGER OF THE LOWELL TECHNOLOGICAL INSTITUTE OF MASSACHUSETTS AND THE STATE COLLEGE AT LOWELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to remove the state college at Lowell from the jurisdiction of the board of trustees of state colleges upon the completion of the merger of said college with the Lowell Technological Institute of Massachusetts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 1175 of the acts of 1973 is hereby amended by adding the following sentence: — Section six of this act shall take effect on the date of the completion of the merger of the Lowell Technological Institute of Massachusetts and the state college at Lowell.

SECTION 2. This act shall take effect as of March tenth, nineteen hundred and seventy-four. *Approved November 6, 1975.*

Chap. 676. AN ACT REQUIRING THE INSTALLATION OF SPRINKLER SYSTEMS IN HIGH RISE BUILDINGS, AND AUTOMATIC FIRE WARNING SYSTEMS IN CERTAIN BUILDINGS AND STRUCTURES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for certain changes in the law regulating building construction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 148 of the General Laws is hereby amended by striking out section 26A, inserted by section 1 of chapter 395 of the acts of 1973, and inserting in place thereof the following section: —

Section 26A. Every building or structure of more than seventy feet in height above the mean grade shall be protected with an adequate system of automatic sprinklers in accordance with the provisions of the state building code, except that sprinklers shall not be required to be installed in patient rooms in hospitals.

The head of the fire department shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board

of appeals as provided in the state building code and section twenty-three of chapter twenty-three B.

SECTION 2. Said chapter 148 is hereby further amended by striking out section 26B, inserted by section 1 of chapter 214 of the acts of 1974, and inserting in place thereof the following section: —

Section 26B. Every building or structure not exceeding seventy feet in height above the mean grade erected or substantially altered to be occupied for residential purposes shall be protected with an approved automatic fire warning system in accordance with the provisions of the state building code. Such system shall include the features of automatic smoke detection in conjunction with the approved fire detection devices.

The head of the fire department as defined in section one shall enforce the provisions of this section.

Whoever is aggrieved by the head of the fire department's interpretation, order, requirement, direction or failure to act under the provisions of this section, may, within forty-five days after the service of notice thereof, appeal from such interpretation, order, requirement, direction, or failure to act, to the board of appeals as provided in the state building code and section twenty-three of chapter twenty-three B.

SECTION 3. This act shall apply to buildings and structures the construction or substantial alteration of which began after January first, nineteen hundred and seventy-five.

Approved November 6, 1975.

Chap. 677. AN ACT FURTHER REGULATING THE TIME OF APPEAL AND THE CONDITIONS UNDER WHICH AN APPEAL MAY BE TAKEN BY AND AN ABATEMENT GRANTED TO PERSONS AGGRIEVED BY THE REFUSAL OF LOCAL ASSESSORS TO GRANT AN ABATEMENT OF TAXES ON PROPERTY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to facilitate appeals taken by persons aggrieved by the refusal of local assessors to grant an abatement, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 64 of chapter 59 of the General Laws, as most recently amended by section 1 of chapter 664 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences: — A person aggrieved by the refusal of assessors to abate a tax on personal property at least one half

of which has been paid, or a tax on a parcel of real estate, may, within three months after receiving the notice of the assessors' decision on an application for abatement as provided in section sixty-three, or within three months after the time when the application for abatement is deemed to be denied as hereinafter provided, appeal therefrom by filing a complaint with the clerk of the county commissioners, or of the board authorized to hear and determine such complaints, for the county where the property taxed lies, and if on hearing the board finds that the property has been overrated and that the complainant has complied with all applicable provisions of law, it shall make a reasonable abatement and an order as to costs; provided, that if the tax due for the full fiscal year on a parcel of real estate is more than two thousand dollars, said tax shall not be abated unless the full amount of said tax due has been paid without the incurring of any interest charges on any part of said tax pursuant to section fifty-seven of chapter fifty-nine of the General Laws, and provided, further, that for the purposes of this condition a sum not less than the amount which would be assessable in the year of assessment of the tax upon a valuation equal to the average of the valuations of said parcel as reduced by reason of abatements, if any, for the three years next preceding said year, may be deemed to be the tax due but the provisions of said section fifty-seven of said chapter fifty-nine shall apply to the amount of the tax deemed to be due and the payment of said sum without incurring any interest charges on any part thereof shall be deemed to be a payment of the tax. No appeal may be taken under this section with respect to a tax on property in Revere or Winthrop.

SECTION 2. Section 65 of said chapter 59, as most recently amended by section 6 of chapter 621 of the acts of 1945, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — A person aggrieved as aforesaid with respect to a tax on property in any municipality may, subject to the same conditions provided for an appeal under section sixty-four, appeal to the appellate tax board by filing a petition with such board within three months after receiving the notice of the assessors' decision on an application for abatement as provided in section sixty-three, or within three months after the time when the application for abatement is deemed to be denied as provided in section sixty-four.

SECTION 3. Said chapter 59 is hereby further amended by striking out section 65B, as most recently amended by section 7 of chapter 621 of the acts of 1945, and inserting in place thereof the following section: —

Section 65B. A person who has filed an appeal from the refusal of assessors to abate a tax on a parcel of real estate under the provisions of section sixty-five who has paid either a sum not less than one half of the amount of such tax or a sum not less

than one half the amount deemed to be such tax under the provisions of section sixty-four without incurring any interest charges on either of such payments pursuant to section fifty-seven of chapter fifty-nine who claims to be unable presently to pay the amount of tax remaining unpaid, may, on or before the last date for payment of said tax without incurring interest, file a motion alleging that the appellant is unable presently to pay such amount of tax and that he has otherwise complied with the provisions of section sixty-four relative to payment of such tax and moving that he be excused from the requirement that the balance of the tax be paid or that the time for payment thereof be extended. If upon the hearing of said motion supported by evidence the board finds the allegations to be true, the board, by order, may grant the motion upon such conditions as may be imposed therein, which may or may not require such petitioner to pay, in whole or by installments, the amount of the tax remaining unpaid, as a prerequisite to any hearing on the merits of the appeal. If the complainant fails to comply with any of the conditions imposed in said order an appeal may, upon motion, be dismissed. If the complainant complies with the conditions imposed in said order, the appeal thereafter shall be heard and determined by said board in the manner provided by chapter fifty-eight A. The board may enter such order as justice may require in the manner provided in section sixty-four with respect to complaints removed from the county commissioners.

SECTION 4. Said chapter 59 is hereby further amended by striking out section 65C, as inserted by section 1 of chapter 476 of the acts of 1953, and inserting in place thereof the following section: —

Section 65C. If a person has, by reason of the failure of the board of assessors to act upon an application for abatement, a right of appeal to the appellate tax board under section sixty-five but the board of assessors failed to notify the applicant of such inaction in writing within ten days as provided in section sixty-three and by mistake or accident such person fails to enter such appeal in said board within the time prescribed by section sixty-five, said board, upon petition filed within two months after the appeal should have been entered, and after notice and hearing, and upon terms, may allow such person to enter his appeal.

SECTION 5. The provisions of this act shall take effect upon its passage and shall apply to taxes levied for fiscal years ending June thirtieth, nineteen hundred and seventy-six and thereafter.

SECTION 6. Notwithstanding the provisions of section one of this act, a payment on or before January First, nineteen hundred and seventy-six of one half the yearly tax on a parcel of real estate shall be deemed to be a payment on November first, nineteen hundred and seventy-five for the purposes of said section. This

provision shall apply only to taxes due and payable for the fiscal year ending June the thirtieth, nineteen hundred and seventy-six.

Approved November 6, 1975.

Chap. 678. AN ACT TO ASCERTAIN THE WILL OF THE VOTERS OF THE TOWN OF CHELMSFORD RELATIVE TO ITS PARTICIPATION IN THE METCO PROGRAM, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any special or general law to the contrary, in order to ascertain the will of the voters of the town of Chelmsford, the selectmen of said town shall cause to be placed on the official ballot to be used for the election of officers at the next annual town meeting of said town the following question:

"Shall the town of Chelmsford participate in the METCO program?" The result of such vote shall not be deemed to be binding upon the selectmen and other officers of said town.

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

Approved November 6, 1975.

Chap. 679. AN ACT AUTHORIZING CERTAIN MEDICINES AND DRUG SUBSTANCES TO BE MANUFACTURED OR SOLD WITHOUT CERTAIN CONTROLS.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by inserting after section 41 the following section: —

Section 41A. Sections thirty-six A to forty-one, inclusive, of this chapter, and sections twenty-nine to thirty G, inclusive, of chapter one hundred and thirty-eight shall not apply to the manufacture or sale of patent and proprietary medicines or any substance or drug not included or defined in chapter ninety-four C as a controlled substance. *Approved November 6, 1975.*

Chap. 680. AN ACT PROVIDING A MINIMUM PENALTY FOR PERSONS WHO COMMIT AN ASSAULT AND BATTERY UPON CERTAIN PUBLIC OFFICERS OR EMPLOYEES.

Be it enacted, etc., as follows:

Chapter 265 of the General Laws is hereby amended by striking out section 13D, as amended by chapter 839 of the acts of 1973, and inserting in place thereof the following section: —

Section 13D. Whoever commits an assault and battery upon a police officer, a fire fighter, a correction officer or an employee

of the registry of motor vehicles having police powers, or a public school teacher or administrator, or any person in a public school system having similar duties, or a sheriff, a deputy sheriff, a court officer or a constable engaged in the performance of his duty, shall be punished by imprisonment for not less than ninety days, nor more than two and one half years in a house of correction, or by a fine of not less than five hundred dollars nor more than five thousand dollars. *Approved November 6, 1975.*

Chap. 681. AN ACT CLARIFYING THE DUTIES OF THE CHIEF HEARINGS OFFICER IN THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Be it enacted, etc., as follows:

The first paragraph of section 4H of chapter 7 of the General Laws, as appearing in section 3 of chapter 1229 of the acts of 1973, is hereby amended by striking out the third sentence and inserting in place thereof the following sentences: — He shall hear, or assign for hearing, appeals filed pursuant to section thirty-six of chapter six A and such appeals assigned for hearing pursuant to sections forty-three and forty-six of chapter thirty-one. Any officer or agency of the commonwealth authorized to conduct adjudicatory proceedings or to hear appeals from such proceedings may, subject to the approval of the secretary of the executive office within which such officer is employed or such agency is located, request the division to conduct one or more classes of such proceedings or appeals on behalf of the officer or agency. The chief hearing officer may, subject to the approval of the secretary of administration and finance, grant any such request but shall, when necessary, promulgate regulations governing the additional class or classes of proceedings or appeals to be so conducted or heard prior to conducting or hearing any such proceedings or appeals.

Approved November 6, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 681 of the Acts of 1975, entitled AN ACT CLARIFYING THE DUTIES OF THE CHIEF HEARINGS OFFICER IN THE EXECUTIVE OFFICE FOR

ADMINISTRATION AND FINANCE., and the enactment of which received my approval on November 6, 1975 should take effect forthwith.

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

In order to permit the Division of Hearing Officers to immediately hear certain appeals.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 7, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 682. AN ACT EXEMPTING THE POSITIONS OF CLERK, STENOGRAPHER AND SECRETARY IN THE OFFICE OF THE CITY SOLICITOR OF THE CITY OF NEWTON FROM THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The positions of clerk, stenographer and secretary in the office of the city solicitor of the city of Newton shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one shall not impair the civil service status of any person holding a position as a clerk, stenographer or secretary in the office of the city solicitor of the city of Newton.

SECTION 3. This act shall take effect upon its acceptance by the city of Newton. *Approved November 6, 1975.*

Chap. 683. AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES WITHIN FIVE HUNDRED FEET OF A CHURCH.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section sixteen C of chapter one hundred and thirty-eight of the General Laws, the selectmen of the town of Middleborough are hereby authorized to grant a license under section fifteen of said chapter one hundred and thirty-eight for the sale of wine and malt beverages at the premises known as Rock Village Store located at Miller street in said town. *Approved November 6, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 683 of the Acts of 1975, entitled AN ACT AUTHORIZING THE TOWN OF MIDDLEBOROUGH TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES WITHIN FIVE HUNDRED FEET OF A CHURCH., and the enactment of which received my approval on November 6, 1975, should take effect forthwith.

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

In order to immediately grant a certain license to the town of Middleborough.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 7, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 684 AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX, FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS AND INCREASING CERTAIN TAXES TO PROVIDE THE MEANS FOR DEFRAYING SUCH APPROPRIATIONS.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the General Fund unless specifically designated otherwise in the item, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending June thirtieth, nineteen hundred and seventy-six, in this act referred to as the year nineteen hundred and seventy-six, or for such period as may be specified.

SECTION 2.

Legislature.

Senate.

Item		
0111-0000	For the compensation of senators, prior appropriation continued	**$ 659,476**
0111-8000	For expenses of senators, including travel, prior appropriation continued	**100,000**

	Conference Committee
Legislative	$16,707,470
Judiciary	18,938,163
Executive	5,868,788
Secretary of State	3,807,327
Treasurer	366,132,588
Auditor	3,020,723
Attorney General	3,835,378
Administration and Finance	204,945,485
Environmental Affairs	77,458,289
Communities and Development	50,322,268
Human Services	1,535,036,416
Transportation and Construction	124,956,118
Educational Affairs	945,815,667
Public Safety	42,726,518
Manpower Affairs	11,868,136
Elder Affairs	5,120,583
Consumer Affairs	12,765,847
Total	**$3,429,325,764**

BALANCE SHEET

SOURCES OF INCOME	
Balance — beginning of year	($81,853)
Taxes	1,901,000
Federal Reimbursements	620,000
Departmental Revenue	156,000
General Revenue Sharing	68,900
Transfers	8,474
Total	**$2,716,621**
APPROPRIATIONS	
State Purposes	2,160,000
Reimbursement to Cities & Towns	281,000
Distribution of State Collected Taxes	427,000
Debt Services	145,000
Total	**$3,013,000**
Balance — end of year	(296,779)
	$2,716,621

Item

0112-0000 For the office of the senate clerk, prior appropriation continued, including not more than ten permanent positions **$235,000**

0113-0000 For the salary of the chaplain of the senate **8,397**

0114-0000 For the office of the senate counsel, prior appropriation continued, including not more than five permanent positions **48,000**

0115-0000 For administrative and legislative aides to the senators, prior appropriation continued **1,200,000**

0116-0000 For secretarial and clerical assistance to the senators, prior appropriation continued **356,000**

0116-0030 For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and seventy-six.

0117-0000 For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions **360,000**

0117-0010 For a forecasting and policy analysis model of the state economy **40,000**

0118-0000 For the office supplies and other expenses of the senators, prior appropriation continued **260,000**

House of Representatives.

0121-0000 For compensation of representatives, prior appropriation continued **$3,222,767**

0121-8000 For expenses of representatives, including travel, prior appropriation continued **735,000**

0122-0000 For the office of the clerk of the house of representatives, prior appropriation continued, including not more than nine permanent positions **227,854**

0123-0000 For the salary of the chaplain of the house of representatives **7,883**

0124-0000 For the office of the house counsel, prior appropriation continued, including not more than eight permanent positions **413,345**

0125-0000 For the office of the house committee on rules, prior appropriation continued, including not more than fourteen permanent positions **582,500**

0125-0010 For expenses of standing and special committees of the house of representatives, authorized by order of the house of representatives to sit during the session and recess of the general court, said funds to

Item		
	be allocated to committees only upon written approval of the speaker	$ 5,000
0125-0020	For expenses of standing and special committees of the house of representatives, authorized by the speaker under Joint Rule 3 to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the speaker	5,000
0126-0000	For the office of the house committee on ways and means, prior appropriation continued, including not more than nine permanent positions	466,000
0127-0000	For clerical and other expenses of the members of the house of representatives, including not more than one permanent position, prior appropriation continued	1,300,000
0127-0020	For legislative aides to the members of the house of representatives, prior appropriation continued	430,000
0127-0030	For a legislative intern program	60,000
0128-0000	For payment of certain authorized salaries of deceased members of the house of representatives; provided, that said salaries have been authorized by a resolve of the general court, prior appropriation continued.	

Sergeant-at-Arms.

0131-0000	For the office of the sergeant-at-arms, including not more than eleven permanent positions	$ 206,349
0132-0000	For the salaries of the chief general court officers, assistant chief general court officers, general court officers and pages of the senate and house of representatives, with the approval of the sergeant-at-arms, including not more than ninety-four permanent positions, prior appropriation continued	1,692,817
0132-1000	For the salaries of clerks employed in the legislative document room, including not more than thirteen permanent positions	173,380
0133-0000	For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, prior appropriation continued	175,000
0134-0000	For the payment of witness fees to persons summoned to appear before committees of the general court and for expenses incidental to such summoning, with the approval of the sergeant-at-arms	300
0135-0000	For the rental and maintenance of an electric roll call system	12,500

Other Expenses.

0141-0000	For the expenses of the legislative research council .	$ 6,000
0142-0000	For the legislative research bureau	262,500
0143-0000	For the legislative service bureau	950,000
0143-0001	For the administration of the office of legislative data processing	90,302
0143-0003	For the compilation, indexing, annotating, printing and other expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, including not more than three permanent positions	240,000
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued	80,000

Item

0161-0000 For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, for printing the manual of the general court, with the approval of the clerks of the respective branches, and for biographical sketches of certain state and federal officials, prior appropriation continued **$500,000**

0161-1000 For telephone and telegraph service, prior appropriation continued **464,150**

0161-2000 For the emergency services of a physician, for medical supplies in the state house and for expenses, including the purchase of equipment in connection therewith, subject to the approval of the joint committee on rules; provided, that section twenty-one of chapter thirty of the General Laws shall not apply to the payments made under this item **12,000**

0162-0000 For the service of the joint committee on federal financial assistance **25,000**

0163-0000 For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees **85,000**

0164-0010 For expenses of joint standing and special committees authorized by joint order to sit and travel during the session and recess of the general court, said funds to be allocated to committees only upon written approval of the president of the senate and the speaker of the house of representatives, prior appropriation continued **40,000**

0164-0020 For expenses of joint standing and special committees authorized by the president of the senate and the speaker of the house of representatives under the provisions of Joint Rule 3 to sit and travel during the recess of the general court, said funds to be allocated to committees only upon written approval of the president and the speaker **10,000**

0165-0000 For the annual membership fees of the commonwealth in the national conference of state legislators **30,190**

0169-7102 For the office of legislative post audit and oversight bureau, prior appropriation continued **365,000**

0181-5000 For the expenses of the revolutionary bicentennial commission, including the preparation of a documentary history of the revolutionary government in Massachusetts; to be in addition to any federal funds available for the purpose; prior appropriation continued **261,800**

0185-0000 For an investigation and study relative to compulsory motor vehicle liability insurance as authorized by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight; provided, that the amount authorized herein shall be borne by liability insurance companies in accordance with the provisions of section eight B of chapter twenty-six of the General Laws **20,000**

0185-7304 For an investigation and study relative to the recreation, travel, vacation and tourist facilities of the commonwealth as authorized by chapter fifty-seven of the resolves of nineteen hundred and seventy-two **2,960**

Tourism and Industrial Promotion Fund 100.0%

0185-7509 For an investigation and study relative to medical malpractice and liability insurance as authorized by section twelve of chapter three hundred and sixty-two of the acts of nineteen hundred and seventy-five; provided, that the amount authorized herein shall be borne by all insurance companies licensed by the commonwealth to provide liability, multiple peril or accident and health insurance coverage any by hospital and medical service corporations licensed under the

Item

provisions of chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws .. $80,000

Judiciary.

Supreme Judicial Court.

0301-0001 For the salaries, travelling allowances and expenses of the chief justice and of the six associate justices ..... $ 298,964

0301-0002 For law clerks and clerical assistance for the justices 310,600

0301-0006 For office supplies, services and equipment 30,000

0301-0101 For the salary of the clerk and the assistant clerk for the commonwealth 58,920

0301-0102 For clerical assistance to the clerk 38,776

0301-0200 For the salaries of the officers and messengers 16,720

0301-0300 For the commonwealth's share of the salaries of the clerk and assistant clerks for the county of Suffolk 13,239

0301-0400 For the use by certain state agencies of the facilities of the social law library; provided, that no payment shall be made for the use of said facilities other than from funds provided by this item 82,500

0301-0500 For the service of the executive secretary 147,787

0301-0551 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended 57,668

0301-0601 For expenses of the Massachusetts defenders committee, including not more than thirty-nine permanent positions 1,920,000

0301-0602 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended; and, provided further, that these funds shall be used solely for providing attorneys for the Massachusetts defenders committee 260,000

0301-0700 For the office of the reporter of decisions, including not more than six permanent positions 115,970

0301-0800 For expenses of the mental health legal advisors committee, and for certain programs for the indigent mentally ill, as provided in section thirty-four E of chapter two hundred and twenty-one of the General Laws; provided, that no expenditure or commitment made pursuant thereto shall be incurred in excess of funds appropriated herein 88,000

Appeals Court.

0301-3001 For the salaries, travelling allowances and expenses of the chief justice and of the five associate justices $238,260

0301-3003 For clerical assistance for the justices 246,000

0301-3005 For court expenses 50,000

0301-3101 For the salary of the clerk and assistant clerks 103,742

0301-3102 For clerical assistance to the clerk 35,000

0301-3201 For the salaries of court officers and messengers 144,713

Superior Court.

0302-0001 For the salaries, travelling allowances and expenses of the chief justice and of the forty-five justices $1,850,000

0302-0003 For court expenses 492,546

0302-0100 For the commonwealth's share of the salaries and expenses of the clerk and assistant clerks for the county of Suffolk 7,602

Item		
0302-0301	For the compensation of justices of district courts while sitting in the superior court, prior appropriation continued	**$134,113**
0302-0302	For expenses of justices of district courts while sitting in the superior court, prior appropriation continued.	
0302-0303	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in the place of district court justices sitting in the superior court	**15,000**
0302-0401	For the compensation of probation officers, including not more than one hundred and eight permanent positions	**1,712,000**
0302-0402	For personal services and expenses of the office of the supervisor of probation	**40,600**
0302-1001	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended	**16,730**
	Judicial Council.	
0303-0001	For the service of the council	**$ 48,620**
	Administration of District Courts.	
0304-0001	For compensation and expenses in connection with the administration of district courts	**$126,205**
0304-0002	For compensation and expenses of the justices while sitting in the appeals court	**44,290**
	Administration of Probate and Insolvency Courts.	
0305-1001	For the compensation of the special judge of probate when acting for other judges of probate	**25,209**
0305-2001	For expenses of the special judge of probate when acting for other judges of probate	**3,300**
0305-3001	For reimbursing officials for premiums paid for procuring sureties on their bonds	**1,160**
0305-4001	For the expenses of the administrative committee of probate courts	**500**
0305-5001	For office expenses of the chief judge	**107,977**
	Probate and Insolvency Courts.	
	For the salaries of judges of probate, registers of probate, assistant registers and clerical assistants to registers of the several counties:	
0305-6011	Barnstable, including not more than thirteen permanent positions	**$164,041**
0305-6021	Berkshire, including not more than ten permanent positions	**135,876**
0305-6031	Bristol, including not more than twenty-four permanent positions	**262,169**
0305-6041	Dukes, including not more than three permanent positions	**27,959**
0305-6051	Essex, including not more than thirty-four permanent positions	**370,459**
0305-6061	Franklin, including not more than seven permanent positions	**90,000**
0305-6071	Hampden, including not more than thirty-three permanent positions	**353,624**
0305-6081	Hampshire, including not more than nine permanent positions	**118,409**

Item		
0305-6091	Middlesex, including not more than sixty-six permanent positions	$ 918,681
0305-6101	Nantucket, including not more than three permanent positions	38,145
0305-6111	Norfolk, including not more than forty permanent positions	458,945
0305-6121	Plymouth, including not more than twenty-one permanent positions	272,017
0305-6131	Suffolk, including not more than seventy-four permanent positions	769,824
0305-6141	Worcester, including not more than thirty-two permanent positions	369,039

Land Court.

0306-0001	For the office of the land court, including not more than sixty-two permanent positions	$979,364

Pensions for Certain Retired Justices.

0307-0001	For pensions of retired judges or their widows	$1,013,000

District Attorneys.

For the salaries of district attorneys and assistants for the nine districts:

0308-0001	Suffolk, including not more than thirty-five permanent positions	$465,000
0308-0002	Northern, including not more than seventeen permanent positions	221,163
0308-0003	Eastern, including not more than ten permanent positions	114,214
0308-0005	Middle, including not more than thirteen permanent positions	150,938
0308-0006	Western, including not more than nine permanent positions	104,405
0308-0007	Northwestern, including not more than six permanent positions	71,000
0308-0008	Norfolk, including not more than fourteen permanent positions	142,922
0308-0009	Plymouth, including not more than eight permanent positions	91,332
0308-0010	For the travelling expenses necessarily incurred by the district attorneys except in the Suffolk district, including expenses incurred in previous years	20,000
0308-0011	Bristol, including not more than five permanent positions	94,000
0308-0012	Cape and Island, including not more than five permanent positions	60,000

Committee on Probation.

0309-0001	For the office of the commissioner of probation, including not more than sixty-three permanent positions	$917,382
0309-0002	For compensation and expenses of the members of the committee on probation	2,800
0309-0010	For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended	115,755

Item

Board of Bar Examiners.

0310-0001 For the services of the board, including not more than six permanent positions **$219,815**

Suffolk County Court House.

0312-0001 For reimbursing the city of Boston for thirty per cent of the cost of maintenance of the Suffolk county court house, as provided by and subject to the conditions of section six of chapter four hundred and seventy-four of the acts of nineteen hundred and thirty-five; provided, that this appropriation shall not be construed as fixing the specific amount for which the commonwealth shall be liable on account of said maintenance **$922,839**

Executive.

Governor.

0411-1000 For the salaries of the governor and officers and employees in the governor's office **$805,000**

0411-1901 For postage, printing, office and other contingent expenses, including travel of the governor **179,000**

0411-3000 For the commonwealth's share of the expenses of the New England regional commission to coordinate interstate development and planning projects under the federal Economic Development Act of nineteen hundred and sixty-five **65,800**

0411-4000 For the administration of the public safety committee **344,000**

0411-4011 For local government matching funds under the federal Crime Control Act **854,149**

General Fund 75.0%

Law Enforcement and Criminal Justice Training Fund 25.0%

0411-6000 For the office of intergroup affairs **67,500**

0411-7000 For the commission on the status of women **28,800**

Extraordinary Expenses.

0411-8000 For the cost, not to exceed fifteen thousand dollars, of entertainment of distinguished visitors to the commonwealth; provided, that no expenditure shall be allowed for a party exceeding fifty visitors; for the payment of extraordinary expenses not otherwise provided for; and for transfers to appropriation accounts where the amounts otherwise available are insufficient; provided, that requests for such transfers shall be referred to the commissioner of administration, who after investigation, shall submit for approval of the governor his written recommendation as to the amount of funds required with facts pertinent thereto **$80,000**

Lieutenant Governor.

0412-1000 For the salary of the lieutenant governor and for personal services for the lieutenant governor's office, including not more than seven permanent positions **$119,250**

Governor's Council.

0413-1000 For the salaries and personal services of the council, for the expenses of the governor and council, and for the expenses and travel of the lieutenant governor and council from and to their homes **$151,052**

Item

Military Division.

Notwithstanding the provisions of chapter thirty of the General Laws, certain military personnel in the military division may be paid salaries according to military pay grades, so called.

Adjutant General.

0431-0010 For the office of the adjutant general, including not more than thirty-nine permanent positions **$478,730**

0431-0200 For compensation for special and miscellaneous duty, for transportation of officers to and from military meetings and drills and for expenses of camps of instruction, including not more than eight permanent positions **106,242**

0431-0300 For allowances to companies and other administrative units, to be expended under the direction of the adjutant general **150,000**

0431-0400 For compensation for accidents and injuries sustained in the performance of military duty and for small claims for damages to private property **16,000**

0431-0500 For the operation of the war records project, so called, including not more than ten permanent positions **89,182**

State Quartermaster.

0431-1010 For the office of the state quartermaster **$9,050**

0431-1110 For the operation of armories of the first class, including not more than one hundred and ten permanent positions ... **1,599,878**

0431-1300 For the Camp Curtis Guild rifle range, including not more than seven permanent positions **64,000**

0431-1410 For certain storage and maintenance facilities, including not more than thirty-three permanent positions **250,000**

0431-1510 For certain national guard aviation facilities, including not more than ten permanent positions **83,284**

Other Military.

0431-9002 For expenses of maintaining, in the state house, headquarters for the Department of Massachusetts, United Spanish War Veterans, with the approval of the department commander and the adjutant general **$1,500**

Civil Defense Agency.

0432-0001 For the service of the civil defense agency; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal funds for the purposes of this item, including not more than fifty-two permanent positions **$305,361**

0432-0002 For the service of the civil defense agency nonmatching fund program **10,000**

0432-3000 For training and training supplies; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities for reimbursement of fifty per cent of the amounts expended for the purposes of this item ... **6,000**

0432-4000 For the purchase and installation of certain equipment to be allocated to the state civil defense program; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least an equivalent amount of federal grants for the purposes of this item **5,000**

Item

Secretary of the Commonwealth.

0511-0000 For the office of the secretary; provided, that the positions of director of administrative services, counsel II, and assistant supervisor of public records, director, bilingual information center, assistant director, bilingual information center shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than one hundred and twenty-eight permanent positions **$1,984,988**

0517-0000 For the expense of printing various public documents, prior appropriation continued **201,570**

0518-0000 For the purchase and distribution of certain journals of the house of representatives **4,500**

1519-0000 For expenses of a census, as authorized by chapter ten of the acts of nineteen hundred and seventy-five **13,200**

0521-0000 For preparing, printing and distributing ballots and other miscellaneous expenses for primary and other elections, prior appropriation continued, and including not more than seven permanent positions **1,265,572**

Massachusetts Historical Commission.

0526-0100 For the administration of the commission, including not more than one permanent position **$83,185**

0526-0110 For the Old King's Highway regional historical district, established by chapter six hundred and thirty-eight of the acts of nineteen hundred and seventy-three, prior appropriation continued.

Ballot Law Commission.

0527-0100 For the compensation and expenses of the commissioners, including not more than three permanent positions ..... **$ 4,750**

Records Conservation Board.

0528-0100 For the expenses of the board **$13,650**

Commission on Interstate Co-operation.

0530-0100 For the administration of the commission; provided, that the positions of director, assistant director and executive secretary shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than three permanent positions; provided, that expenditures in excess of thirty thousand five hundred and thirty-two dollars shall be approved by the house and senate committees on ways and means **$71,252**

Office of Campaign and Political Finance.

0531-0100 For the expenses and administration of the office of campaign and political finance, including not more than eight permanent positions **$164,660**

Treasurer and Receiver-General.

0610-0000 For the office of the treasurer and receiver-general, including not more than one hundred and twelve permanent positions **$ 2,344,600**

Highway Fund 30.0%
General Fund 70.0%

0611-2000 For payments to soldiers in recognition of service in World War II **1,000**

0611-3000 For payment to soldiers in recognition of service in the Korean conflict **2,500**

0611-4000 For the administration of the Vietnam bonus payments **148,927**

Item

0611-5000 For compensation to victims of violent crimes ..... **$ 250,000**

0611-5100 For compensation to medical examiners who perform autopsies pursuant to section six C of chapter thirty-eight of the General Laws, prior appropriation continued **1,000**

State Board of Retirement.

0612-0100 For the administration of the board provided, that the position of executive secretary of retirement board shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than forty-three permanent positions ..... **$ 470,539**

0612-1000 For the payment of the commonwealth's share in financing the state employees' retirement system, prior appropriation continued; provided, that the amounts of all reimbursements received on account of retirement allowances paid and all contributions received from the federal government and authorities and agencies of the commonwealth and political subdivisions thereof on account of the retirement of employees are to be in addition to this item and to be available for expenditure without further appropriation **83,000,000**

Highway Fund 15.0%
General Fund 84.2%
Inland Fisheries and Game Fund 0.2%
State Recreational Areas Fund 0.5%
Tourism and Industrial Promotion Fund .. 0.1%

0612-2000 For the compensation of veterans who may be retired by the state board of retirement and for the cost of medical examinations in connection therewith **10,575,000**

Highway Fund 22.0%
General Fund 78.0%

0612-4000 For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired **8,000**

0612-5000 For retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law **27,900**

MDC Sewerage District Fund 25.0%
MDC Water District Fund 25.0%
Highway Fund 25.0%
MDC Parks District Fund 25.0%

0612-6000 For retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission; provided, that said commission's share of this item shall be assessed by methods fixed by law **925,525**

Highway Fund 60.0%
MDC Parks District Fund 39.0%
General Fund 1.0%

0612-7000 For retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district **225,000**

MDC Sewerage District Fund 100.0%

0612-8000 For retirement of certain veterans formerly in the service of the metropolitan water system **436,200**

MDC Water District Fund 100.0%

0612-9000 For annuities for widows of certain former members of the uniformed branch of the state police **85,000**

Highway Fund 66.0%
General Fund 34.0%

Item

Commissioners on Firemen's Relief.

0620-0000 For the expenses of administration and for relief disbursed by the commissioners **$15,412**

Emergency Finance Board.

0630-0000 For administration of the board, including not more than one permanent position **$37,000**

State Lottery Commission.

0640-0000 For the expenses of the operation and administration of the state lottery, provided, that twenty-five per cent of the appropriation shall be transferred from the State Lottery Fund to the General Fund quarterly in advance; provided further, that all the positions in this item shall not be subject to chapters thirty and thirty-one of the General Laws; provided, that the salary of the position of executive director for lottery and the position of assistant to the executive director for lottery may be established without reference to the general salary schedule; and, provided further, that the director shall, so far as practicable in making appointments to such positions, promote employees of the commonwealth serving in positions which are classified under said chapter thirty-one; any such employee so promoted from a position in which at the time of promotion he has tenure by reason of section nine A of chapter thirty of the General Laws shall, upon termination of his service in such unclassified supervisory position, be restored upon his request to the classified position from which he was promoted or to a position equivalent thereto in salary grade in the same state agency, without impairment of his civil service status or his tenure by reason of said section nine A or loss of the seniority, retirement and other rights to which uninterrupted service in the classified positions would have entitled him; provided, however, that if his service in such unclassified supervisory position is terminated for cause, his right to be restored shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter thirty-one; including not more than one hundred and sixty-two permanent positions **$15,625,481**

Debt Service.

0699-1000 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Public Access Fund **$10,425**

Public Access Fund 100.0%

0699-1100 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Public Access Fund **20,000**

Public Access Fund 100.0%

0699-1200 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Harbors and Inland Waters Fund **10,425**

Harbors and Inland Waters Fund 100.0%

0699-1300 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Harbors and Inland Waters Fund **20,000**

Harbors and Inland Waters Fund 100.0%

Item

0699-1800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund **$1,779,793**
State Recreation Areas Fund 100.0%

0699-1900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the State Recreation Areas Fund **5,550,000**
State Recreation Areas Fund 100.0%

0699-2800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund **78,025**
Inland Fisheries and Game Fund 100.0%

0699-2900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Inland Fisheries and Game Fund **270,000**
Inland Fisheries and Game Fund 100.0%

0699-3800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Water District Fund **5,183,394**
MDC Water District Fund 100.0%

0699-3900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Water District Fund **6,741,000**
MDC Water District Fund 100.0%

0699-4800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Sewerage District Fund **3,290,727**
MDC Sewerage District Fund 100.0%

0699-4900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Sewerage District Fund **4,322,000**
MDC Sewerage District Fund 100.0%

0699-5800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Parks District Fund **2,468,632**
MDC Parks District Fund 100.0%

0699-5900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Metropolitan Parks District Fund **4,807,000**
MDC Parks District Fund 100.0%

0699-6800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve **15,842,258**
Highway Fund 100.0%

0699-6900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Highway Fund debt service reserve **43,153,000**
Highway Fund 100.0%

0699-7800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve **59,519,300**

Item

0699-7900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Fund debt service reserve **$85,357,000**

0699-8800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Tourism and Industrial Promotion Fund **10,425**
Tourism and Industrial Promotion Fund 100.0%

0699-8900 For certain serial bonds maturing; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the Tourism and Industrial Promotion Fund **20,000**
Tourism and Industrial Promotion Fund 100.0%

0699-9800 For the payment of interest on certain bonded debt of the commonwealth; provided, that any deficit existing in this item at the close of this fiscal year shall be charged to the General Obligation Fund **13,500,000**
General Obligation Fund 100.0%

Auditor of the Commonwealth.

0710-0000 For the office of the auditor, including not more than one hundred and thirty permanent positions **3,020,723**
Highway Fund 30.0%
General Fund 70.0%

Department of the Attorney General.

0810-0000 For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued **$3,496,728**

0810-0014 For expenses incurred by the department pursuant to section eleven E of chapter twelve of the General Laws **250,000**

0810-0100 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **25,000**

0821-0100 For the settlement of certain claims on account of damages by cars owned by the commonwealth and operated by state employees and for the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws; provided, that the comptroller shall transfer to the General Fund from the appropriate funds sums equal to the payments made under this item for claims against agencies whose appropriations are derived from other funds **50,000**

Commission on Uniform State Laws.

0830-0100 For the expenses of the commission **$13,650**

Executive Office of Administration and Finance.

Office of the Commissioner.

1100-1100 For the office of the commissioner, including not more than twenty-nine permanent positions **$593,843**
Highway Fund 30.0%
General Fund 70.0%

1100-2301 For the office of data processing and telecommunications, including not more than eight permanent positions **121,400**

1100-2302 For the design and implementation of a data processing system for the state and teachers' retirement boards **150,000**

1100-2401 For federal state relations **25,400**

Item

Fiscal Affairs Division.

1101-2100 For the administration of the division, inclding not more than forty-six permanent positions **$790,700**
Highway Fund 30.0%
General Fund 70.0%

1101-2201 For the office of federal state resources, including not more than five permanent positions; provided, that the commissioner of administration and the commissioner of public welfare shall enter into an agreement under which the department of public welfare shall seek reimbursement from the proper federal authorities, under the provisions of Title XX of the Social Security Act of 1974, for not less than fifty per cent of all expenditures made from this item, such reimbursements to be credited to the general fund **170,212**

1101-2202 For the installation of information management systems for certain state agencies participating in Title XX of the Social Security Act of 1974; provided, that the commissioner of administration and the commissioner of public welfare shall enter into an agreement under which the department of public welfare shall seek reimbursement from the proper federal authorities, under the provisions of Title XX of the Social Security Act of 1974, for not less than seventy-five per cent of all expenditures made from this item, such reimbursements to be credited to the general fund **100,000**

Central Services Division.

1102-3110 For the administration of the division, including not more than six permanent positions **$92,205**

1102-3210 For the administration of the bureau of building construction, including not more than one hundred and one permanent positions **1,361,444**

1102-3301 For the administration of the bureau of state buildings and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings, including not more than three hundred and eighty-five permanent positions **9,444,125**

1102-4010 For the operation of certain central services and the telephone system, including not more than twenty-eight permanent positions **346,980**

1102-5201 For the expenses and administration of a motor vehicles management bureau; including not more than nine permanent positions **90,063**

1102-5211 For fuel and repairs of certain motor vehicles **181,489**

Comptroller's Division.

1103-1000 For the administration of the division, including not more than one hundred and forty-eight permanent positions **$1,368,000**
Highway Fund 30.0%
General Fund 70.0%

1103-1010 For the expenses of the computer service center, including not more than sixty-nine permanent positions **1,777,000**

1103-5010 For administration of the fraudulent claims commission, including not more than fifty-nine permanent positions **732,365**

Purchasing Agent's Division.

1104-1000 For the administration of the division, including not more than eighty permanent positions **$889,386**
Highway Fund 30.0%
General Fund 70.0%

Item

1104-2000 For the operation of a central mailing room in the Leverett Saltonstall building, including not more than three permanent positions **$ 23,587**

1104-3000 For the purchase of paper used in the execution of contracts for printing, other than legislative **137,000**

1104-4000 For the administration of the collective purchasing bureau, including not more than two permanent positions **28,802**

Other Administration and Finance.

1105-1000 For the administration of the division of employee relations, including not more than sixteen permanent positions **$355,470**

Division of Personnel Administration.

1107-1000 For the administration of the division, including the compensation of the members of the civil service commission and expenses of hearings, including not more than four hundred and forty permanent positions **$4,663,500**
General Fund 80.0%
Highway Fund 20.0%

1107-2300 For a portion of the state share of training programs under the federal Intergovernmental Act of nineteen hundred and seventy, to be in addition to any other state and federal funds available for the purpose **52,500**

1110-1000 For the administration of the division of hearing officers established by section four H of chapter seven of the General Laws, including not more than eight permanent positions **109,000**

1111-0010 For the administration of the bureau of teachers' retirement, including not more than thirty-one permanent positions **309,025**

1111-1001 For the payment of retirement assessments of teachers formerly in military or naval service **1,000**

1111-1002 For reimbursement of certain cities and towns for pensions to retired teachers **11,603,000**

1111-1003 For the payments of the commonwealth's share in financing the teachers' retirement system **88,000,000**

Group Insurance Commission.

1120-1000 For administration of the group insurance program, including not more than forty-six permanent positions **$867,000**

1120-2000 For the commonwealth's share of the group insurance premium, provided, that the group insurance commission shall charge the division of employment security and other departments, authorities, agencies and divisions which have federal or other funds allocated to them for this purpose for that portion of the cost of the program as it determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds, and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided, that, notwithstanding the provisions of section twenty-six of chapter twenty-nine of the General Laws, the commission is hereby authorized to negotiate, purchase and execute contracts for a policy or policies of group insurance, as authorized by chapter thirty-two A of the General Laws; and, provided further, that the present level of health insurance coverage shall be maintained but shall not constitute payments in full of charges for health care services; prior appropriation continued **35,900,000**

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1120-3000 For the group insurance premium for certain retired employees and their dependents; provided, that amounts received from cities, towns or districts are to be in addition to this item and to be available for expenditure without further appropriation **$ 204,600**

1120-4000 For the group insurance premium for certain retired municipal teachers and their dependents, prior appropriation continued **906,000**

Massachusetts Commission Against Discrimination.

1150-5100 For the office of the commission; provided, that all positions except clerical are exempted from the provisions of chapter thirty-one of the General Laws; including not more than fifty-four permanent positions **$670,649**

Contributory Retirement Appeal Board.

1160-1000 For the expenses of the board **$2,600**

Retirement Law Commission.

1180-1000 For the administration of the commission, including not more than two permanent positions **$87,000**

Department of Corporations and Taxation.

1201-0100 For the administration of the department, including the audits of certain foreign corporations; provided, that the comptroller shall transfer to the General Fund the sum of two hundred and sixty thousand dollars from the receipts of the cigarette tax in accordance with the provisions of paragraph (*b*) of section fourteen of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five, including not more than one thousand two hundred and fifteen permanent positions **$14,930,780**

Highway Fund 10.0%
General Fund 90.0%

Bureau of Accounts.

1231-0100 For the administration of the bureau, including the expenses of auditing and installing systems of municipal accounts and the expenses of certain books, forms and other material which may be sold to cities and towns requiring the same for maintaining their system of accounts; including not more than one hundred and twenty-six permanent positions **$1,300,708**

1231-1000 For the administration of the county personnel board, including not more than six permanent positions **42,792**

Bureau of Local Taxation.

1233-1000 For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities **$14,601,285**

1233-1500 For reimbursing cities and towns for loss of taxes on land taken for flood control purposes **200,000**

1233-2000 For reimbursing cities and towns for abatements granted **3,300,000**

1233-3000 For reimbursing the city of Boston for loss of taxes on land for the government center **357,575**

1233-3100 For reimbursing certain cities and towns for career incentive salary increases for police officers as authorized by section one hundred and eight L of chapter forty-one of the General Laws **1,000,000**

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Appellate Tax Board.

1310-1000 For the personal services and expenses of the board; provided, that the board is hereby authorized to prepare official transcripts of hearings at no expense to the commonwealth and expend, in addition to the sum appropriated herein and without further appropriation, income derived from the sale of such transcripts; including not more than thirty-three permanent positions **$488,000**

Miscellaneous.

1500-0001 For the contribution of the commonwealth toward the maintenance of the old provincial state house **$1,500**

1599-0001 For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves **10,000**

1599-0002 For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payment shall be made unless the subsidiary account item to which the deficiency is to be charged contains a balance sufficient to meet the required payment; and provided further, that the comptroller is hereby authorized to allocate the cost of such payments to the several or other state funds to which the items of appropriation are charged .. **25,000**

1599-0003 For payment to claimants, as authorized by section one hundred and forty-nine D of chapter one hundred and seventy-five of the General Laws, and for reimbursement of other persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth **25,000**

1599-0004 For the payment of claims fo unpaid checks, with the approval of the state treasurer and certification by him to the comptroller of the amount due, where payment has otherwise been prevented as a result of the application of section thirty-two of chapter twenty-nine of the General Laws **2,500**

1599-0010 For a reserve to meet the cost of equipment; provided, that the need for said equipment shall have prior verification by the house and senate committees on ways and means; and further provided, that the Governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other appropriation items, such funds as are needed; and, provided further, that the Governor, upon recommendation of the commissioner of administration is authorized to allocate the sum of said transfers to the several state or other funds to which such items of appropriation are charged **500,000**

1599-0020 For the payment, with the approval of the comptroller, of expenses of prior fiscal years for which no funds are available in the current fiscal year; provided, that no payments shall be made unless the subsidiary account item to which the deficiency is to be charged contains a balance sufficient to meet the required payments **5,000**

Highway Fund 100.0%

Unforeseen Emergencies

1599-2025 For a reserve to meet unforeseen emergencies; provided, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to transfer from the sum appropriated herein to other appropriation items where the amounts otherwise available are insufficient, such amounts as are

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necessary to protect the public interest; provided further, that no transfer shall be made as authorized herein until the existence of the said unforeseen emergency shall have been certified by the agency and the secretary having jurisdiction over the requesting agency; and that the existence of the said unforeseen emergency shall have been verified by the house and senate committees on ways and means; and provided further, that the governor, upon recommendation of the commissioner of administration, is authorized to allocate the amount of said transfers to the several state or other funds to which such items of appropriation are charged **$3,500,000**

1599-3100 For the payment of certain employment security benefits **2,500,000**

Executive Office of Environmental Affairs.

Office of the Secretary.

2000-0100 For the office of the secretary, including not more than five permanent positions **$103,000**

General Fund 12.0%
MDC Water District Fund 13.0%
MDC Sewerage District Fund 14.0%
MDC Parks District Fund 14.0%
State Recreation Areas Fund 13.0%
Marine Fisheries Fund 3.0%
Inland Fisheries and Game Fund 3.0%
Public Access Fund 1.0%
Agricultural Purposes Fund 2.0%
Highway Fund 22.0%
Recreational Vehicles Fund 3.0%

2000-0140 For the coastal zone management program **50,351**

Public Access Fund 100.%

2000-0200 For the administration and review of environmental impact reports published pursuant to section sixty-two of chapter thirty of the General Laws, including not more than four permanent positions **98,700**

General Fund 12.0%
MDC Water District Fund 13.0%
MDC Sewerage District Fund 14.0%
MDC Parks District Fund 14.0%
State Recreation Areas Fund 13.0%
Marine Fisheries Fund 3.0%
Inland Fisheries and Game Fund 3.0%
Public Access Fund 1.0%
Agricultural Purposes Fund 2.0%
Highway Fund 22.0%
Recreational Vehicles Fund 3.0%

2010-0100 For the administration and maintenance of the Massachusetts World War II Memorial; the unexpended balance remaining in account 2200-1000 is hereby transferred and made available for the purpose of this item

Division of Law Enforcement.

2020-0100 For the administration of the division of law enforcement, including not more than seventy-eight permanent positions **$1,169,275**

Inland Fisheries and Game Fund 30.0%
Marine Fisheries Fund 20.0%
State Recreation Areas Fund 15.0%
General Fund 5.0%
Public Access Fund 20.0%
Recreational Vehicles Fund 10.0%

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2020-0300 For the hunter safety training program ..... **$ 37,000**
Inland Fisheries and Game Fund 100.0%

2030-0100 For the administration of the division of conservation services, including the expenses for the committee for conservation, and for the administration of a land and water conservation program, including not more than eleven permanent positions **204,299**
State Recreation Areas Fund 50.0%
General Fund 50.0%

Department of Environmental Management.

2100-0100 For the administration of the department, including the expenses of the natural resources board, including not more than forty permanent positions; provided, that the position of deputy commissioner of natural resources shall not be subject to the provisions of chapter thirty-one of the General Laws; and for the office of planning and data processing **$786,286**
General Fund 25.0%
State Recreation Areas Fund 75.0%

Division of Forests and Parks.

2120-0100 For the administration of the division, including not more than ten permanent positions **$160,700**
General Fund 50.0%
State Recreation Areas Fund 50.0%

2120-0200 For the administration and supervision of land acquisition and construction programs, and including not more than sixteen permanent positions **323,319**
State Recreation Areas Fund 100.0%

2120-0300 For the administration of the bureau of recreation, including the administration of public beaches, the administration of swimming pools and skating rinks, including not more than thirteen permanent positions; provided, that the position of supervisor of rinks and pools and the district supervisor of rinks and pools shall not be subject to the provisions of chapter thirty-one of the General Laws **347,228**
State Recreation Areas Fund 100.0%

2120-0400 For the operation of forests and parks facilities under the management of the bureau of recreation, including not more than one hundred and forty-six permanent positions **3,413,345**
State Recreation Areas Fund 100.0%

2120-0500 For the maintenance of swimming pools and skating rinks; provided, that the provisions of chapter thirty-one of the General Laws shall not apply to this item **4,007,100**
State Recreation Areas Fund 100.0%

2120-0601 For the maintenance of Horseneck beach, including not more than one permanent position **254,262**
State Recreation Areas Fund 100.0%

2120-0602 For the maintenance of Salisbury beach, including not more than three permanent positions **284,599**
State Recreation Areas Fund 100.0%

2120-0603 For the maintenance of Scusset beach, including not more than one permanent position **124,547**
State Recreation Areas Fund 100.0%

2120-0604 For the maintenance of Fort Phoenix beach **53,127**
State Recreation Areas Fund 100.0%

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2120-0700 For the maintenance and operation of certain state reservations, including not more than six permanent positions **$ 167,403**
State Recreation Areas Fund 100.0%

2120-1100 For the development of forests, and for a federal-state cooperative forest management program and for certain farm forestry projects in cooperation with the United States Forest Service and the counties of Berkshire, Essex and Hampshire; provided, that no expenditures shall be made under this item for farm forestry projects until the county shall have deposited in the state treasury an amount equal to twenty-five per cent of the expenses of such projects, as determined by the commissioner of environmental management; including not more than twenty-three permanent positions **349,110**
General Fund 90.0%
Tourism and Industrial Promotion Fund 10.0%

2120-1200 For the office of the state fire warden and for expenses of the northeastern interstate forest fire protection commission and for compensation of commissioners; provided, that federal funds not exceeding fifteen thousand dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount herein appropriated; and for the expenses of the forest fire patrol; including not more than seventy-eight permanent positions **993,883**

2120-1300 For the suppression of insect pests and shade tree diseases, including gypsy and brown tail moths and Japanese beetles, and including not more than thirty-three permanent positions ... **317,005**

2120-1400 For a certain study of the gypsy moth and a test control program in cooperation with the United States forest service; provided, that expenditure from this item shall be contingent upon the prior approval of the proper federal authorities for full reimbursement of the amounts so expended **20,985**

Division of Water Resources.

2130-0100 For the administration of the division, including the restriction of wetlands and for the commonwealth's share of the cost of certain federal-state cooperative studies, including not more than twenty permanent positions **$399,155**

2130-0200 For a program of water planning; provided, that expenditures from this item shall be contingent upon the prior approval of the proper federal authorities and shall be expended with at least sixty-six thousand five hundred dollars of federal funds for the purposes of this item; including not more than three permanent positions **46,228**

2130-0300 For certain watershed protection and flood control activities and for expenses of certain flood control commissions, including not more than six permanent positions **295,050**

2130-0400 For expenses of the Ipswich river watershed district commission; provided, that the state treasurer shall assess upon the several cities and towns in the district an amount equal to such expenditures, one half of said assessment to be in proportion to the equalized valuation of cities and towns of said district, as established in section ten C of chapter fifty-eight of the General Laws, and one half to be in proportion to their respective population . **1,000**

2130-0500 For the commonwealth's share of the New England river basin commission **48,483**

Bureau of Solid Waste Disposal.

2140-0100 For the administration of the bureau, including the necessary maintenance and operation of solid waste disposal facilities

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constructed, purchased, leased or otherwise acquired; provided, that the comptroller shall transfer to the General Fund from the Solid Waste Disposal Fund an amount equal to the expenditures made herefrom; prior appropriation continued; provided, that the unexpended balance remaining in account 6050-0010 is hereby transferred and made available for the purpose of this item, including not more than fifteen permanent positions **$13,568**

Department of Environmental Quality Engineering.

Office of the Commissioner.

2200-0100 For the office of the commissioner, including not more than two permanent positions **$66,351**

Outdoor Advertising Division.

2210-0100 For the administration of the division, including not more than ten permanent positions **$95,000**

Division of Mineral Resources.

2220-0100 For the administration of the division **$5,000**

Wetlands Regulation Division.

2230-0200 For a program of wetland regulation, including not more than ten permanent positions **$164,309**

Division of Water Pollution Control.

2240-0200 For the administration of the division; provided that any federal funds available for this purpose shall, when received, be credited to the General Fund, including not more than forty-nine permanent positions **$1,505,775**

2240-0400 For the compensation and expenses of the New England interstate water pollution control commission; provided, that the limitation contained in Article VIII of chapter four hundred and twenty-one of the acts of nineteen hundred and forty-seven shall be increased to twenty-one thousand six hundred and ten dollars **25,335**

2240-0600 For reimbursement to the metropolitan district commission and any city or town or other political subdivision for the commonwealth's share of water pollution abatement projects **1,105,496**

Bureau of Environmental Sanitation.

2250-0100 For the administration of the bureau, including not more than seventy-six permanent positions **$1,361,936**
General Fund 95.0%
Aquatic Nuisance Control Fund 5.0%

2250-0200 For the administration of the Lawrence experimental station, including not more than thirty-one permanent positions **453,405**

2250-0300 For the administration of the metropolitan Boston air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district; including not more than five permanent positions **195,321**

2250-0400 For the administration of the Pioneer valley air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district; including not more than three permanent positions **61,641**

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2250-0500 For the administration of the Berkshire air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district ..... **$ 9,649**

2250-0600 For the administration of the central Massachusetts air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district **38,332**

2250-0700 For the administration of the Merrimack valley air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district **37,526**

2250-0800 For the administration of the southeastern Massachusetts air pollution control district, to be in addition to any federal funds available for the purpose; provided, that the commissioner shall certify the amounts to be assessed by the state treasurer upon the several cities and towns in the district **37,892**

2250-0900 For the control of algae, weeds, and other aquatic nuisances in lakes, ponds, streams and other waters within the commonwealth, to be in addition to any private or public funds available for the purpose; provided that the unexpended balance remaining in item 4511-9006 is hereby transferred and made available for the purpose of this item **100,000**

Aquatic Nuisance Control Fund 100.0%

Pesticide Board.

2260-0100 For the administration of the pesticide board **$28,613**

Division of Waterways.

The salaries of all officers and employees of the division engaged in projects or activities authorized by bond issue or otherwise shall be charged in full to appropriations authorized hereunder.

2270-0100 For the administration of the division, including not more than fifty-four permanent positions **$748,398**

General Fund 50.0%

Public Access Fund 50.0%

2270-0500 For a continuous program of cleaning and dredging of harbors and inland waters, as authorized by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy; provided, that an amount not exceeding three hundred thousand dollars shall be used for the dredging of the Belle Isle inlet; and provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the Malden River in the city of Malden; and, provided further, that not less than three hundred thousand dollars shall be used for other dredging and cleaning of inland waters and great ponds for repairs and modernization of state piers; provided that, the unexpended balance remaining in account 6032-7100 is hereby transferred and made available for the purpose of this item **50,000**

Harbor and Inland Water Fund 100.0%

2270-0700 For the maintenance of property in the town of Plymouth, including not more than two permanent positions **27,360**

2270-0900 For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions **42,910**

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2280-0400 For certain construction as authorized by chapter eight hundred and seventy-three of the acts of nineteen hundred and seventy-one, as amended by chapter six hundred and forty of the acts of nineteen hundred and seventy-four, including the cost of an environmental impact study; provided, that the unexpended balance remaining in item 6032-2018 is hereby transferred and made available for the purpose of this item ..... **$ 35,000**

Department of Fisheries, Wildlife and Recreational Vehicles.

Office of the Commissioner.

2300-0100 For the office of the commissioner, including not more than two permanent positions **$50,077**
Inland Fisheries and Game Fund 50.0%
Recreational Vehicles Fund 20.0%
Marine Fisheries Fund 25.0%
Public Access Fund 5.0%

Division of Fisheries and Wildlife.

Federal funds received as reimbursement for expenditures from the following items shall be credited as income to the Inland Fisheries and Game Fund:

2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board; including not more than thirty-two permanent positions **$473,252**
Inland Fisheries and Game Fund 100.0%

2310-0400 For the administration of game farms and wildlife restoration projects, and for wildlife research and management, including not more than fifty-four permanent positions **793,826**
Inland Fisheries and Game Fund 100.0%

2310-0600 For the administration of fish hatcheries, for the improvement and management of lakes, ponds and rivers, for fish restoration projects, for the commonwealth's share of certain cooperative fishery programs, and for certain programs reimbursable under the federal aid to fish restoration act; provided, that expenditures for such programs shall be contingent upon prior approval of proper federal authorities for reimbursement of at least seventy-five per cent of the amount so expended; including not more than sixty-one permanent positions **965,527**
Inland Fisheries and Game Fund 100.0%

2310-0800 For the payment of damages caused by wild deer provided, that the unexpended balance remaining in item 2670-2451, is hereby transferred and made available for the purpose of this item, including not more than one permanent position . **12,273**
Inland Fisheries and Game Fund 100.0%

Public Access Board.

2320-0100 For the maintenance, operation and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws; provided that the unexpended balance remaining in items 2600-1491 and 2600-1492 is hereby transferred and made available for the purpose of this item **$200,000**
Public Access Fund 100.0%

Division of Marine Fisheries.

2330-0100 For the administration of division programs, including expenses of the Cat Cove marine research station, and estuarine research

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program, and the coordination of commercial fisheries research; including not more than twenty-six permanent positions **$400,900**

Marine Fisheries Fund 100.0%

2330-0200 For marine research programs, including programs relative to estuarine research and coastal alteration, coastal flounder resources, paralytic shellfish poisoning, and coastal lobsters, including not more than four permanent positions **221,714**

Marine Fisheries Fund 100.0%

2330-0300 For marine recreational fisheries including the study of alewife run parameters, the use of coho salmon and anadramous fish, and for fishway projects; including not more than three permanent positions **93,944**

Marine Fisheries Fund 100.0%

2330-0400 For certain commercial fisheries programs including the collection, compilation, evaluation and dissemination of commercial fisheries statistics, for consumer education in and development of Massachusetts fishery products, for commercial fisheries extension service, and for the improvement of the program for the protection of shellfish; provided, that expenditures shall be contingent upon the prior approval of the proper federal authorities for reimbursement of at least fifty per cent of the amounts so expended **165,330**

Marine Fisheries Fund 100.0%

2330-0500 For the operation of the shellfish treatment plant at Newburyport **77,921**

Marine Fisheries Fund 100.0%

2330-0600 For a program of self-help to said cities and towns for the cultivation, propagation and protection of shellfish **250,000**

Tourism and Industrial Promotion Fund 100.0%

Division of Marine and Recreational Vehicles.

2340-0100 For the administration of the division; including not more than fifty-eight permanent positions **$776,764**

Recreational Vehicles Fund 100.0%

Department of the Metropolitan District Commission.

Notwithstanding any other provision of any general or special law to the contrary, the salaries of all officers and employees of the commission shall be charged in full to appropriations authorized under this heading:

Administration.

2410-1000 For general administration, including not more than sixty-two permanent positions **$829,500**

Highway Fund 25.0%
MDC Parks District Fund 25.0%
MDC Sewerage District Fund 25.0%
MDC Water District Fund 25.0%

Metropolitan Water System.

2420-0100 For the maintenance and operation of the metropolitan water system, including payments to the state retirement system, including not more than six hundred and thirteen permanent positions **$7,944,635**

MDC Water District Fund 100.0%

2425-9001 For emergency repairs to water mains, prior appropriation continued **15,000**

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MDC Water District Fund 100.0%

2425-9003 For the purchase of certain pipe and valve stock, prior appropriation continued ..... **$ 10,000**
MDC Water District Fund 100.0%

Metropolitan Sewerage District.

2430-0100 For the maintenance and operation of a system of sewage disposal for the metropolitan sewerage district, including payments to the state retirement system, including not more than five hundred and fifty-three permanent positions **$8,273,649**
MDC Sewerage District Fund 100.0%

2430-0115 For the purchase of certain maintenance equipment. **75,000**
MDC Sewerage District Fund 100.0%

Metropolitan Parks District.

2440-0010 For the maintenance of boulevards and parkways, including Bunker hill and the adjacent property, and for the maintenance of parks, reservations and the Charles River basin, and for the payment of damages caused by defects in boulevards and parkways under the control of the commission with the approval of the attorney general, including payments to the state retirement system; provided, that, notwithstanding any provisions of chapter thirty-one of the General Laws, members of the metropolitan district commission police force may be temporarily allocated to special secondary ratings in accordance with the schedule approved by the joint committee on ways and means, a copy of which is on file with the director of personnel and standardization; including not more than one thousand four hundred and eleven permanent positions. **$25,749,200**

Notwithstanding any provision of law to the contrary, sums in this item are appropriated from the following funds:
Highway Fund 67.0%
MDC Parks District Fund 33.0%

2441-0090 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **11,570**
Highway Fund 60.0%
MDC Parks District Fund 39.0%
General Fund 1.0%

2442-9032 For the clearing, cleaning, dredging and control of pollution of certain rivers, brooks, lakes, ponds and streams; provided, that federal or other funds may be expended for these purposes, such federal or other funds to be in addition to the amount appropriated; prior appropriation continued
MDC Parks District Fund 100.0%

2442-9033 For the maintenance and care of trees, planting and the clearing and cleaning of forests and reservations and the development of bicycle paths on reservations; provided, that federal funds may be expended in addition to the amount appropriated; prior appropriation continued.
MDC Parks District Fund 100.0%

2443-3901 For the operation and management of the Franklin Park and Walter D. Stone zoological parks **200,000**
MDC Parks District Fund 100.0%

2444-9001 For the construction, reconstruction and improvement of boulevards and parkways, including bridges, and including the resurfacing and repairing thereof and the installation of traffic lights thereof;

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provided, however, that adequate lighting is installed on the Jamaicaway and the Riverway and that a traffic signal be installed at the intersection of Bynner street and Willow Pond road on the Jamaicaway; prior appropriation continued ..... **$ 1,000,000**
Highway Fund 100.0%

2444-9002 For the purchase of certain highway maintenance equipment **200,000**
Highway Fund 100.0%

2444-9004 For certain payments for the maintenance and use of the Trailside Museum and the Chickatawbut Hill Center **98,500**
MDC Parks District Fund 100.0%

2444-9006 For the expenses of holding band concerts **20,000**
MDC Parks District Fund 100.0%

2444-9013 For the construction of a recreational facility, including the cost of equipment, as authorized by chapter five hundred and fifty-eight of the acts of nineteen hundred and fifty-five, to be in addition to any other federal or state funds or assistance which may be available for the purposes of said act; prior appropriation continued
MDC Parks District Fund 100.0%

2450-1000 For the personal services and expenses related to employees previously paid from highway bond funds **523,000**
Highway Fund 100.0%

Construction Division.

2460-1000 For the maintenance of the construction division, including the personal services and expenses relating to employees previously paid from metropolitan water district bond funds and including payments to the state retirement system; provided, that, notwithstanding any provisions of any general or special law to the contrary, all officers and positions shall be subject to classification under section forty-five to fifty, inclusive, of chapter thirty of the General Laws **$4,062,500**
MDC Sewerage District Fund 50.0%
MDC Water District Fund 50.0%

Department of Food and Agriculture.

2511-0100 For the office of the commissioner, including the expenses of the board of agriculture, and including not more than twenty-nine permanent positions; providing that revenues are deposited to the Agricultural Purposes Fund **$252,208**
Agricultural Purposes Fund 100.0%

2511-2001 For a program of agriculture land use **50,000**
Agricultural Purposes Fund 100.0%

2512-1000 For apiary inspection and for reimbursement of owners of diseased bees, including not more than one permanent position; providing that revenues are deposited to the Agricultural Purposes Fund **13,546**
Agricultural Purposes Fund 100.0%

Division of Poultry and Poultry Products.

2513-1000 For the administration of the division, including not more than four permanent positions; providing that revenues are deposited to the Agricultural Purposes Fund **$74,017**
Agricultural Purposes Fund 100.0%

Division of Dairying and Animal Husbandry.

2514-1000 For the office of the division, including not more than sixteen permanent positions; providing that revenues are deposited to the

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	Agricultural Purposes Fund	**$205,500**
	Agricultural Purposes Fund 100.0%	
2514-2000	For a program of quality improvement of dairy products; providing that revenues are deposited to the Agricultural Purposes Fund	**13,000**
	Agricultural Purposes Fund 100.0%	
	Division of Animal Health.	
2515-1000	For the administration of the division, including not more than twenty-six permanent positions	**$262,421**
	Agricultural Purposes Fund 100.0%	
2515-3000	For the reimbursement of owners of diseased cattle slaughtered; prior appropriation continued	**25,000**
	Agricultural Purposes Fund 100.0%	
2515-3500	For the reimbursement for hogs killed	**5,000**
	Agricultural Purposes Fund 100.0%	
2515-4000	For the reimbursement of certain towns for compensation paid to inspectors of animals	**2,500**
	Agricultural Purposes Fund 100.0%	
	Division of Markets.	
2516-1000	For the administration of the division, including not more than fourteen permanent positions; providing that revenues are deposited to the Agricultural Purposes Fund	**$187,000**
	Agricultural Purposes Fund 100.0%	
2516-1500	For promoting agriculture in the commonwealth	**75,000**
	Agricultural Purposes Fund 100.0%	
2516-2000	For a program of preparing crop survey reports	**4,400**
	Agricultural Purposes Fund 100.0%	
2516-7000	For a program of improving roadside markets	**11,000**
	Agricultural Purposes Fund 100.0%	
	Division of Plant Pest Control.	
2517-1000	For the administration of the division, including not more than four permanent positions; providing that revenues are deposited to the Agricultural Purposes Fund	**$51,055**
	Agricultural Purposes Fund 100.0%	
	Division of Fairs.	
2518-1000	For the administration of the division and for state prizes and agricultural exhibits, including allotment of funds for the 4-H activities, prior appropriation continued; including not more than three permanent positions	**$289,000**
	Agricultural Purposes Fund 100.0%	
2518-1010	For the display of exhibits at certain fairs, prior appropriation continued	**150,000**
	Agricultural Purposes Fund 100.0%	
2518-1020	For the administration of the thoroughbred breeders fund	**15,300**
	Agricultural Purposes Fund 100.0%	
2518-1021	For certain prizes	**50,000**
	Agricultural Purposes Fund 100.0%	
2518-1030	For the administration of the Massachusetts standardbred agricultural fair and breeding fund committees	**3,500**
	Agricultural Purposes Fund 100.0%	
2518-1031	For certain prizes	**50,000**
	Agricultural Purposes Fund 100.0%	

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Division of Milk Control.

2519-1000 For the administration of the division, including not more than twenty-three permanent positions **$234,350**

State Reclamation Board.

2520-0100 For the administration of the board, including not more than three permanent positions; provided all receipts shall be deposited to the Agricultural Purposes Fund **$28,550**
Agricultural Purposes Fund 100.0%

For the expenses of the following mosquito control projects:

2520-0300 Cape Cod **$334,000**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-0900 Suffolk county **109,500**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1000 Central Massachusetts **169,040**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1100 Berkshire county **192,850**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1200 Norfolk county **212,680**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1300 Bristol county **177,925**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1400 Plymouth County **183,950**
Mosquito and Greenhead Fly Control Fund 100.0%

2520-1500 Essex county, city of Revere and town of Winthrop . **267,659**
Mosquito and Greenhead Fly Control Fund 100.0%

Executive Office of Communities and Development.

Office of the Secretary.

3000-0100 For the office of the secretary, including not more than two permanent positions **$59,770**
General Fund 60.0%
Tourism and Industrial Promotion Fund 40.0%

3000-0116 For the expenses of the state office of minority business assistance **28,566**

American and Canadian French Cultural Exchange Commission.

3300-1000 For the expenses of the American and Canadian French cultural exchange commission **$8,325**

Department of Community Affairs.

Administration.

3700-0100 For the general administration of the department, including not more than eighty-one permanent positions **$1,638,000**

Division of Community Development.

3722-9001 For certain financial assistance for housing projects for the elderly **$19,000,000**

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3722-9002 For certain financial assistance for housing projects for veterans **$8,509,000**

3722-9003 For a program of financial assistance for certain low income housing, prior appropriation continued.

3722-9004 For a program of rental assistance for families of low income; provided, that, notwithstanding any provision of law to the contrary, first preference for admission shall be granted to the eligible elderly; and, provided further, that not more than eight per cent of the amount appropriated herein may be used for administration of said program, prior appropriation continued **2,017,700**

3722-9005 For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for the elderly and the handicapped pursuant to section forty of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until the said deficiencies have been certified by the state comptroller; and provided, further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budget of the housing authorities **2,000,000**

3722-9006 For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for veterans and relocated persons pursuant to section thirty-two of chapter one hundred and twenty-one B of the General Laws; provided, that no payment shall be made from this item until said deficiencies have been certified by the state comptroller; and provided further, that no monies shall be expended from this item for the purpose of reimbursing the debt service reserve included in the budget of the housing authorities **7,382,000**

3722-9007 For a reserve to meet the cost of extraordinary maintenance of a housing authority; provided, that any expenditure from this item which exceeds six thousand dollars shall be subject to the prior approval of the commissioner of administration and the house and senate committees on ways and means; prior appropriation continued.

3722-9101 For reimbursement of cities and towns for the commonwealth's share of federally aided urban renewal **3,453,354**

3722-9102 For reimbursement of cities and towns for the commonwealth's share of certain nonfederally aided urban renewal projects; provided, that, notwithstanding the provisions of any general or special law to the contrary, an amount not exceeding three hundred thousand dollars may be reimbursed for surveys, plans, and administration, and an amount not exceeding nine hundred thousand dollars may be expended for urban renewal assistance grants **985,849**

3722-9201 For an interest subsidy program; provided, that, notwithstanding any other provisions of law to the contrary, expenditures made hereunder shall be subject to the approval of the commissioner of community affairs **4,500,000**

Division of Community Services.

3731-2003 For expenses of community development and housing program services **$270,000**

3735-9011 For the administration of the state building code commission **147,704**

Division of Social and Economic Opportunity.

3744-4010 For payment of stipends to corpsmen of the commonwealth service corps **$305,000**

3746-0012 For the administration of the urban job incentive bureau as authorized

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by section twelve of chapter twenty-three B of the General Laws $17,000

Executive Office of Human Services.

Office of the Secretary.

4000-0100 For the office of the secretary, including not more than five permanent positions **$441,950**

4000-0200 For a program to assist the state hospitals and clinics in the collection of revenues and fees and the preparation of necessary documents to effectuate certain rate increases **400,000**

4000-1502 For the comprehensive health planning project **45,000**

4000-1505 For the administration of the health facilities appeals board, established under the provisions of section one hundred and sixty-six of chapter six of the General Laws..... **18,000**

Rate Setting Commission.

4100-0010 For the administration of the commission; provided, that the executive secretary shall be removed only for cause and that the position of director of the bureau of special service rates shall not be subject to the provisions of chapter thirty-one of the General Laws, including not more than sixty permanent positions **$814,415**

Massachusetts Commission for the Blind.

4110-0001 For the office of the commissioner, including not more than fifteen permanent positions **$199,690**

Bureau of Medical Care.

4110-1010 For aiding the adult blind, prior appropriation continued **$4,617,000**

4110-1020 For administration of a program of medical assistance, including not more than five permanent positions **45,000**

4110-1030 For the commonwealth's share of certain medical assistance programs, including medical supplies and equipment, and including previous fiscal years..... **7,265,655**

Bureau of Individual Services.

4110-2010 For administration of a talking book program, including not more than three permanent positions **$195,245**

4110-2020 For administration of a home teaching program, including not more than nineteen permanent positions **187,445**

4110-2030 For administration of a children's services program, including not more than seven permanent positions **85,300**

4110-2040 For certain social services programs, including not more than fifty-six permanent positions **929,380**

Bureau of Rehabilitation.

4110-3010 For a program of vocational rehabilitation of the blind in cooperation with the federal government, including not more than two permanent positions, prior appropriation continued **$360,000**

Bureau of Industrial Aid and Workshops.

4110-4000 For the administration of the bureau, including not more than three permanent positions **$36,000**

4110-4010 For operation of local shops, including not more than fourteen permanent positions **419,947**

4110-4030 For operation of the Cambridge industries for the blind; provided, that any funds herein made available for space rental may be applied to a five-year lease; including not more than eleven permanent

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	positions	$ 754,515
4110-4050	For certain payments to blind persons	109,000
	Bureau of Research.	
4110-5000	For the administration of the bureau, including not more than four permanent positions	$36,521
	Massachusetts Rehabilitation Commission.	
4120-0010	For the administration of the commission, including not more than one permanent position, prior appropriation continued	$2,799,435
4120-0041	For the administration of the office of deafness	25,000
	Office for Children.	
4130-0001	For the office of the director, including not more than thirty-six permanent positions	$603,000
	Region One.	
4131-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions	$309,425
4131-2020	For providing services to children with special needs in the Berkshire council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
4131-2030	For providing services to children with special needs in the Franklin-Hampshire council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
4131-2040	For providing services to children with special needs in the Westfield council area; provided that the federal allocation for the purpose of such expenditure shall not be less than seventy-five per cent of such expenditure	48,250
4131-2050	For providing services to children with special needs in the Holyoke-Chicopee council area; provided that the federal allocation for the purpose of such expenditure shall not be less than seventy-five per cent of such expenditure	48,250
4131-2060	For providing services to children with special needs in the Springfield council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
	Region Two.	
4132-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions	$307,090
4132-2020	For providing services to children with special needs in the Fitchburg council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
4132-2030	For providing services to children with special needs in the Gardner-Athol council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
4132-2040	For providing services to children with special needs in the Grafton council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure	48,250
4132-2050	For providing services to children with special needs in the	

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Southbridge council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure ..... $ 48,250

4132-2060 For providing services to children with special needs in the Worcester council area, provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

Region Three.

4133-1000 For the administration of the regional office, including services to children, including not more than eight permanent positions $294,888

4133-2020 For providing services to children with special needs in the Cambridge-Somerville council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4133-2030 For providing services to children with special needs in the Concord council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4133-2040 For providing services to children with special needs in the Metropolitan Beaver Brook council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4133-2050 For providing services to children with special needs in the Mystic Valley council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4133-2060 For providing services to children with special needs in the Lowell council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

Region Four.

4134-1000 For the administration of the regional office, including services to children, including not more than eight permanent positions $367,445

4134-2020 For providing services to children with special needs in the Haverhill council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4134-2030 For providing services to children with special needs in the Danvers-Salem council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4134-2040 For providing services to children with special needs in the Cape Ann council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4134-2050 For providing services to children with special needs in the Lynn council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4134-2060 For providing services to children with special needs in the Tri-City council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4134-2070 For providing services to children with special needs in the Eastern Middlesex council area; provided that the federal allocation for the

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purpose of such expenditure shall be not less than seventy-five per cent of such expenditure ..... $ 48,250

4134-2080 For providing services to children with special needs in the Lawrence council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

Region Five.

4135-1000 For the administration of the regional office, including services to children, including not more than eight permanent positions $332,647

4135-2000 For providing services to children with special needs in the South Shore council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4135-2020 For providing services to children with special needs in the Medfield-Norwood council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4135-2030 For providing services to children with special needs in the Newton-Wellesley council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4135-2040 For providing services to children with special needs in the Quincy council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4135-2050 For providing services to children with special needs in the Framingham council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4135-2060 For providing services to children with special needs in the Marlborough council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

Region Six.

4136-1000 For the administration of the regional office, including services to children, including not more than eight permanent positions $273,092

4136-2020 For providing services to children with special needs in the Boston State College council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4136-2030 For providing services to children with special needs in the Boston University council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4136-2040 For providing services to children with special needs in the Habor University council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4136-2050 For providing services to children with special needs in the Massachusetts Mental Health council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure 48,250

4136-2060 For providing services to children with special needs in the Tufts council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such

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expenditure ..... $ 48,250

Region Seven.

4137-1000 For the administration of the regional office, including services to children, including not more than eight permanent positions **$399,343**

4137-2020 For providing services to children with special needs in the Barnstable council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2030 For providing services to children with special needs in the Brockton council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2040 For providing services to children with special needs in the Fall River council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2050 For providing services to children with special needs in the Foxborough council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2060 For providing services to children with special needs in the New Bedford council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2070 For providing services to children with special needs in the Plymouth council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

4137-2080 For providing services to children with special needs in the Taunton council area; provided that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure **48,250**

Commissioner of Veterans' Services.

4170-0010 For the office of the commissioner, including not more than seventy-three permanent positions **$753,085**

4170-0300 For the payment of annuities to certain disabled veterans **190,000**

4170-0400 For reimbursing cities and towns for money paid to veterans benefits **13,000,000**

4170-0500 For reimbursing cities and towns for financial aid granted to certain needy dependents of persons in the service of the armed forces **20,000**

Soldiers' Home in Massachusetts.

4180-0100 For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions **$7,666,725**

Soldiers' Home in Holyoke.

4190-0100 For the maintenance of the home, including not more than three hundred and twelve permanent positions **$3,880,138**

Department of Youth Services.

4200-0010 For the administration of the department; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and further provided, that vacancies for which there exists a critical need may be filled only upon the

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certification of the critical need by the commissioner of administration and a verification of said need by the house and senate committees on ways and means, including not more than eighty-two permanent positions **$1,214,923**

4202-0021 For the purchase of service for certain residential care programs in accordance with the provisions of chapter twenty-eight A of the General Laws, and for certain nonresidential care programs from a list of vendors approved and on file with the central office of the department; provided, that no expenditure shall be made for residential care under this item unless the rate setting commission, in accordance with the procedure established by section thirty L of chapter seven of the General Laws, shall have approved the rate of compensation for said residential care, and, immediately upon approval of said rates, shall have filed a schedule of the approved rates with the comptroller and the house and senate committees on ways and means; and, provided further, that all rate charges for services provided in a prior year but finally determined during the current fiscal year may be paid from this account, subject to the approval of the house and senate committees on ways and means; and provided further, that, notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws, no monies shall be advanced to the department from this account **7,875,000**

4202-0023 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **150,000**

Bureau of Clinical Services.

For the administration and maintenance of and for certain improvements at the institutions within the bureau:

4221-1010 Judge John J. Connelly Youth center in the city of Boston; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and further provided, that vacancies for which there exists a critical need may be filled only upon the certification of the critical need by the commissioner of administration and a verification of said need by the house and senate commitees on ways and means, including not more than eighty-six permanent positions **$700,052**

4223-1010 Detention center in Hampden county; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and provided further, that vacancies for which there exists a critical need may be filled only upon the certification of the critical need by the commissioner of administration and a verification of said need by the house and senate committees on ways and means, including not more than thirty-three permanent positions **301,819**

4224-1010 Detention center in Worcester county; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and provided further, that vacancies for which there exists a critical need may be filled only upon certification of the critical need by the commissioner of administration and a verification of said need by the house and senate committees on ways and means, including not more than thirty-three permanent positions **328,732**

Bureau of Institutional Services.

For the administration, maintenance of and for certain improvements at the institutions within the bureau:

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4231-1010 Stephen L. French Youth Forestry Camp; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and provided further, that vacancies for which there exists a critical need may be filled only upon certification of the critical need by the commissioner of administration and a verification of said need by the house and senate committees on ways and means, including not more than twenty-eight permanent positions **$329,729**

4237-1010 For supervision, counseling, and other services by the department incidental to certain residential or nonresidential care programs; provided, that all positions vacant or which became vacant in this account shall remain vacant during this fiscal year; and further provided, that vacancies for which there exists a critical need may be filled only upon the certification of the critical need by the commissioner of administration and a verification of said need by the house and senate committees on ways and means; and provided, further, that no expenditure shall be made hereunder for residential care which is not provided by departmental personnel, provided that notwithstanding the provisions of section twenty-three of chapter twenty-nine of the General Laws no monies shall be advanced to the department from this account except for payroll and for necessary travel for department personnel, including not more than two hundred and ninety-five permanent positions **3,555,669**

Department of Correction.

4311-0001 For administration; provided, that the persons employed under the division of classification of prisoners shall not be subject to the civil service law and rules; and, provided further, that, notwithstanding any provision of law to the contrary, the director of civil service shall certify to the commissioner of correction, on receipt of permanent requisitions, names of correction officers to fill permanent vacancies, and the salaries of such officers for the official training period shall be paid from this item; including not more than seventy-four permanent positions **$2,050,347**

4311-0002 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **242,245**

4311-0003 For a community reintegration program, including not more than ten permanent positions **553,265**

4311-0004 For a health services program, including not more than twenty-two permanent positions **936,252**

For the maintenance of and for certain improvements at the following institutions under the control of the department of correction:

4312-0001 Correctional institution at Bridgewater, including not more than five hundred and eighty-six permanent positions **$10,168,322**

4313-0001 Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions **5,718,862**

4313-2001 Correctional institution at Walpole, industries; provided, that the commissioner of correction shall determine the cost of the manufacture of motor vehicle registration plates and certify to the comptroller the amounts to be transferred therefor from the Highway Fund to the General Fund; including not more than thirty-five permanent positions **1,675,950**

4314-0001 Correctional institution at Concord, including not more than two hundred and eighty-five permanent positions **4,877,353**

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4314-2001 Correctional institution at Concord, industries, including not more than fifteen permanent positions ..... **$ 387,263**

4315-0001 Correctional institution at Framingham, including not more than one hundred and thirty-four permanent positions **2,056,150**

4315-2001 Correctional institution at Framingham, industries, including not more than ten permanent positions **161,850**

4315-9015 For the renovation of Hodder Hall **35,000**

4316-0001 Correctional institution at Norfolk, including not more than three hundred and nine permanent positions **5,577,000**

4316-2001 Correctional institution at Norfolk, industries, including not more than thirty-one permanent positions **750,357**

4317-0001 Correctional institution camps, including not more than forty-three permanent positions **974,841**

4341-0001 For a receptions diagnostic center **568,509**

4342-0001 For a pre-release guidance center **284,499**

4343-0001 For a pre-release center at Shirley, including not more than twenty-seven permanent positions **1,081,935**

Parole Board.

4380-0001 For the office of the board; provided, that the position of employment officer, parole board, shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than one hundred and three permanent positions **$1,412,695**

4380-0002 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **85,000**

Department of Public Welfare.

4400-1000 For the office of the commissioner; provided, that the commissioner shall report in writing to the governor the total expenditures of his department for each month within thirty days after the end of each month, and said report shall be available to the public; provided further, that the consolidation of welfare offices shall be subject to prior approval of the house and senate committees on ways and means; and provided further, that applications for all federal subventions and grants shall be subject to prior approval of the commissioner of administration and the house and senate committees on ways and means; including not more than four thousand nine hundred and fourteen permanent positions .. **$60,000,000**

4400-1003 For the administration of a central automated vendor payment system; provided, that any federal funds received for this purpose shall be credited to the General Fund **6,200,000**

4400-1004 For the administration of the child support enforcement unit; provided, that any federal funds received for this purpose shall be credited to the General Fund; including not more than one hundred and thirty permanent positions **1,316,800**

4400-1005 For the administration of a protective services unit; provided, that any expenditure from this item shall be contingent upon prior approval of and assurance by the proper federal authorities that the federal allocation for the purposes of such expenditures shall be not less than seventy-five per cent of such expenditures **882,620**

4400-1020 For the administration of certain donated funds programs, including personal services; provided, that the salaries of all employees of the department engaged in such programs shall be charged in full to this item; provided further, that, notwithstanding any provision of section seventeen B of chapter ten of the General Laws or any provision of section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon the receipt by the department, and the deposit with the state treasurer, of funds

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from any source, public or private, other than the commonwealth, in an amount equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval of and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall not be less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department of public welfare that no federal grants or reimbursements available for present or future programs other than those authorized in this item will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item **$417,000**

4400-1061 For the administration of the social services administrative unit; including not more than seventy-seven permanent positions **720,495**

4400-1200 For the expenses of operating a food stamp program for eligible persons in the commonwealth; provided, that all federal funds received for the purposes of this item shall be credited to the General Fund; and provided further, that banking institutions within the commonwealth, the United States postal service, and other agencies shall process the food stamps; including not more than two hundred and thirty-nine permanent positions **6,417,200**

Grove Hall Project.

4400-2000 For administration of a demonstration project, linking, integrating, and strengthening services in a neighborhood service center program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund **$572,342**

4401-1000 For care and maintenance of children under the jurisdiction of the division of children and family services; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the rate paid to any institution or school shall be granted or paid unless such increase shall have been approved by the commissioner of administration after certification by the budget director that funds are available for such increase, subject to the approval of the house and senate committees on ways and means; and, provided further, that no rate increase shall be granted or paid during the current fiscal year; and, provided further, that no monies appropriated under this item shall be expended for tutoring or remedial reading of children boarded by the department and attending public schools **30,300,000**

4402-5000 For a medical assistance program; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no expenditure or commitment made pursuant to this item or to any agreements authorized by chapter eight hundred of the acts of nineteen hundred and sixty-nine, for the purpose of complying with the provisions of Public Law 89-97, Title XIX, shall be incurred in excess of available funds which have been appropriated therefor; and provided, further, that all judgments, appeals and rate changes for services provided in a prior year but finally determined during the current fiscal year may be paid from this account, subject to the approval of the house and senate committees on ways and means; provided, further, that optional services allowed under this item may be phased out at the discretion of the commissioner of public welfare consistent with the funding level of this item; and further provided, that the medical needy program so-called in this item shall cease effective January thirty-first, nineteen hundred and seventy-six unless a certification is made by the commissioner of administration that sufficient funds are available from either state or federal sources to warrant the

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continuation of the program and that this item is increased by appropriation to properly fund said continuation . **$410,000,000**

4402-5101 For a hospital admissions surveillance system in connection with the state medicaid program; provided, that any federal funds received for this program shall be credited to the General Fund **1,750,000**

4403-2000 For a program of aid to families with dependent children; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; provided, that no payment of overdue rent or utility bills shall be made under this chapter to a person who has failed to pay such rent or utility bill when due **412,000,000**

4403-2005 For certain donated funds programs; provided, that, notwithstanding any provision of section seventeen B of chapter ten or section twelve of chapter eighteen of the General Laws, any expenditure from this item shall be contingent upon receipt by the department, and the deposit with the state treasurer, of funds from any source, public or private, other than the commonwealth, equal to twenty-five per cent of such expenditures, and shall be further contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditure; and, provided further, that acceptance of such funds shall be subject to the approval of the commissioner of administration, upon certification by the department that no federal grants or reimbursements available for present or future programs other than those herein authorized will be reduced or eliminated by the use of such grants or reimbursements for the purposes of this item **11,625,000**

4403-2100 For a program of day care services; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall be not less than seventy-five per cent of such expenditures and further provided, that a sum of eight hundred and seventy-five thousand dollars may be expended from this item to provide certain public social services for residents of state-aided housing authorities pursuant to contracts entered into between the department of community affairs and the department of public welfare **22,000,000**

4403-2200 For a program of social services to families and children; provided, that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of expenditures **2,500,000**

4403-2300 For a program of social services to children in crisis; provided, that the federal allocation for the purpose of this item shall be not less than fifty per cent of expenditures **2,615,000**

4403-2301 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **75,000**

4403-2400 For a program of family planning and unwed mothers' services; provided that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of expenditures **1,490,000**

4403-2500 For a program for protective services for children in the care of the department; provided, that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of expenditures **1,000,000**

4405-2000 For the state supplement to the supplemental security income program for the aged and disabled **115,000,000**

4406-2000 For a program of general relief; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the budgetary

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standard allowance, so called, shall be granted or paid unless such increase shall have been approved in advance by the commissioner of administration after certification by the budget director that funds are available for such increase; and, provided further, that said commissioner shall notify in writing the house and senate committees on ways and means thirty days prior to the effective date of said increase **$62,500,000**

4408-1000 For a program to provide services to the elderly and disabled, including certain social services to be provided by the department of elder affairs pursuant to contracts to be entered into between the department of public welfare and the department of elder affairs; provided, that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of such expenditure **7,000,000**

4408-2000 For a program to provide emergency needs such as those resulting from fire, flood or other disaster, and burials **500,000**

4409-3000 For assistance to United States citizens returned from foreign countries and for emergency assistance to resettled Cuban refugees, in cooperation with the federal government; provided, that the department shall bill the federal government for the amount expended for this purpose; and provided further, that funds received from the federal government for said purpose shall be in addition to the amount appropriated herein; prior appropriation continued.

Department of Public Health.

Bureau of Administration.

4510-0100 For the administration of the bureau, including not more than sixty-one permanent positions **$740,745**

4510-0150 For a program on paralytic shellfish poisoning; provided, that any federal funds received under this program shall be credited to the General Fund; prior appropriation continued **36,000**

4510-0700 For the administration of the medical assistance unit **1,262,970**

4510-0750 For the cost of providing certificates of need, so called, as required by section twenty-five C of chapter one hundred and eleven of the General Laws **55,000**

4510-0770 For the registration of practitioners, health facilities and researchers pursuant to section seven of chapter ninety-four C of the General Laws **20,567**

4510-0780 For inspection of ambulance services, as authorized by section two of chapter one hundred and eleven C of the General Laws **53,833**

Bureau of Chronic Disease Control.

4512-0011 For a long term care information system in connection with the state medicaid program; provided, that any federal funds received for this program shall be credited to the General Fund **$627,180**

4512-0100 For the administration of the division of communicable and venereal diseases, including not more than twenty-four permanent positions **1,189,237**

4512-0110 For a poliomyelitis vaccine program **129,042**

4512-0165 For a triviral vaccine program **686,250**

4512-0170 For a yellow fever vaccine program **1,000**

4512-0200 For the administration of the division of alcoholism, including not more than ten permanent positions **7,214,828**

4512-0300 For the administration of the division of adult health, including not more than fourteen permanent positions **291,000**

4512-0400 For the administration of the division of nursing home facilities, including not more than fourteen permanent positions **444,900**

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4512-0500	For the administration of the division of dental health, including not more than eight permanent positions	$67,282
4512-0600	For a study of equine encephalitis	146,000
4512-0700	For epilepsy control program, including not more than two permanent positions	135,864

Bureau of Health Services.

4513-1000	For the administration of the bureau, including not more than seventy-four permanent positions	$6,064,119
4513-2110	For certain comprehensive public health and medical care programs, including research, to be in addition to any federal, city or town or private funds available for the purpose; provided, that the maximum period of state participation shall be four years and the commonwealth's share shall not exceed the following yearly percentages of the cost of any project: seventy-five per cent in the first year, sixty per cent in the second year, forty per cent in the third year and twenty-five per cent in the fourth year; prior appropriation continued	60,000
4513-2400	For the high risk for deafness program	25,000
4513-3500	For a preschool nursery program for crippled children, to be in addition to any federal funds available for the purpose	677,565

Bureau of Hospital Facilities.

4514-0100	For the administration of the bureau, including not more than twenty permanent positions	$305,740

Bureau of Tuberculosis and Institutions.

4515-0100	For the administration of the bureau, including such payments for hospital care of tubercular patients as may be contracted for by the commissioner, and for the commonwealth's share of the operation of certain tuberculosis clinics; including not more than thirty-eight permanent positions	$3,396,529

Institute of Laboratories.

4516-0100	For the administration of the institute, including not more than one hundred and seventy-three permanent positions	$2,425,574
4516-0201	For a program of prevention of lead poisoning, including not more than three permanent positions	272,078

Bureau of Consumer Products Protection.

4517-0100	For the administration of the bureau; provided, that expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of one hundred per cent of the amounts so expended; including not more than ninety-seven permanent positions	$1,377,000
4517-0150	For a program of fish inspection at the port of New Bedford, or in the immediate vicinity in accordance with the provisions of chapter ninety-four of the General Laws	55,400

For the maintenance of and for certain improvements at the following institutions under the control of the department of public health:

In order to promote a Public Health Hospital Revenue Incentive Program for the State Public Health Hospitals if the net revenue collected by said hospitals from all sources and deposited with the state treasurer is in excess of the total amount of net revenues

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collected from all sources and deposited with the state treasurer for the fiscal year, such excess shall be considered by the General Court in determining the level of appropriation in the ensuing fiscal year. For the purposes of this item, "new revenue" shall mean total revenue collected from all sources and deposited with the state treasurer less that portion of such total revenue paid out of the state treasury as the commonwealth's share of reimbursements under the program of medical assistance granted pursuant to chapter one hundred and eighteen E of the General Laws.

4531-0001 Lakeville hospital, including not more than three hundred and forty-six permanent positions **$4,800,000**

4532-0001 Lemuel Shattuck hospital; provided, that the salary of the position of superintendent of Lemuel Shattuck hospital may be established without reference to the general salary schedule and salary range but shall not exceed thirty-five thousand dollars; and, provided further, that no such salary shall be established without prior recommendation of the director of personnel and approved by the commissioner of administration; including not more than eight hundred and thirty-four permanent positions **9,318,015**

4532-9003 For a chronic renal disease program, including not more than two permanent positions **246,927**

4533-0001 Massachusetts hospital school, including not more than three hundred and thirty-eight permanent positions **3,800,000**

4534-0001 Pondville hospital, including not more than three hundred and ten permanent positions **4,055,325**

4534-9001 For the administration of a cancer research project . **69,288**

4535-0001 Rutland Heights hospital, including not more than three hundred and eighty-three permanent positions **3,470,000**

4536-0001 Tewksbury hospital, including not more than one thousand and four permanent positions **10,964,266**

4537-0001 Western Massachusetts hospital, including not more than two hundred and ninety-six permanent positions **3,089,048**

Department of Mental Health.

In order to promote a Mental Health Hospital Revenue Incentive Program for the State Mental Health Hospitals and the State Mental Health Centers if the net revenue collected by said hospitals and centers from all sources and deposited with the state treasurer is in excess of the total amount of net revenues collected from all sources and deposited with the state treasurer for the fiscal year, such excess shall be considered by the General Court in determining the level of appropriation in the ensuing fiscal year. For the purposes of this item, "new revenue" shall mean total revenue collected from all sources and deposited with the state treasurer less that portion of such total revenue paid out of the state treasury as the commonwealth's share of reimbursements under the program of medical assistance granted pursuant to chapter eighteen E of the General Laws.

5011-0000 For administration, except as otherwise provided, for the boarding out of children, as provided in chapter one hundred and twenty-three of the General Laws, with the consent of the parents or guardians, and for the transportation and medical examination of patients and certain mentally retarded persons, including not more than three hundred and fifty-two permanent positions **$5,900,000**

5011-0001 For medical examinations for the mentally retarded **451,759**

5011-0702 For a program to plan the upgrading of medical, dental, nutritional, and habilitative services for the mentally retarded, including not more than six permanent positions **233,505**

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5011-9001	For a research project and rehabilitation program for chronic mental patients	$ 310,000
5013-0100	For the office of the division of drug rehabilitation, including not more than seventeen permanent positions	2,850,210
5014-0100	For certain community programs for the mentally retarded	2,374,116
5016-0100	For the expansion and upgrading of service to the retarded; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the commissioner of administration that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement; and provided further, that the sum shall be expended at facilities for the mentally retarded	8,876,020
5021-0000	To provide mental health community children's services, including matching funds not to exceed fifty-six thousand dollars for a Federal Law Enforcement Assistance program approved by the proper Federal authorities	900,000
	Region One.	
5111-0000	For administration, including not more than eleven permanent positions	$209,000
5121-0000	For mental health and retardation services, including not more than one hundred and twenty-five permanent positions	3,095,627
5161-0000	For the administration of the Northampton center for children and families, including not more than twenty-seven permanent positions	361,400
5181-0000	For the maintenance of the Belchertown state school, including not more than seven hundred and sixty-three permanent positions	9,244,934
5191-0000	For the maintenance of the Northampton state hospital, including not more than nine hundred and eleven permanent positions	9,137,880
	Region Two.	
5211-0000	For administration, including not more than nine permanent positions	$233,604
5221-0000	For mental health and retardation services, including not more than one hundred and seventeen permanent positions	2,126,854
5261-0000	For the maintenance of the Gardner-Athol mental health center; provided, that federal funds not exceeding three hundred seventy thousand two hundred and forty dollars may be expended for the purpose of this item; said federal funds to be in addition to amount appropriated, including not more than nine permanent positions	158,524
5262-0100	For the maintenance of the Blackstone Valley mental health center, including not more than forty-seven permanent positions	706,860
5271-0000	For the maintenance of the Rutland Heights mental health rehabilitation center, including not more than thirty-one permanent positions	358,394
5281-0000	For the maintenance of the Irving A. Glavin regional center at Shrewsbury, including not more than two hundred and two permanent positions	2,207,057
5291-0000	For the maintenance of the Gardner state hospital, including not more than five hundred and twenty-six permanent positions	4,733,815
5293-0100	For the maintenance of the Worcester state hospital, including not more than one thousand one hundred and one permanent positions	9,840,753

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5294-0100 For the maintenance of the Monson state hospital, including not more than eight hundred and fifty-three permanent positions **$ 9,307,984**

Region Three.

5311-0000 For administration, including not more than ten permanent positions **$219,900**

5321-0000 For mental health and retardation services, including not more than one hundred and twenty-three permanent positions **2,570,990**

5361-0000 For the maintenance of the Dr. Harry C. Solomon mental health center, including not more than one hundred and twenty-eight permanent positions **1,573,077**

5362-0100 For staffing a program of mental health and retardation services and a children's development clinic in the Cambridge-Somerville area; provided, that federal funds not exceeding seven hundred and sixty-five thousand dollars may be expended for the purposes of this item, said federal funds to be in addition to the amount appropriated; including not more than one hundred and thirty-three permanent positions **800,000**

5363-0100 For the purchase of psychiatric services at the Waltham hospital, prior appropriation continued **252,902**

5364-0100 For the maintenance of the Mystic Valley mental health center; provided, that federal funds not exceeding eight hundred forty-eight thousand two hundred and sixty-four dollars may be expended for the purposes of this item; said federal funds to be in addition to the amount appropriated; including not more than twenty-one permanent positions **198,456**

5381-0000 For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and forty-one permanent positions **14,189,954**

5381-0001 For a research project of the Tay Sachs disease, prior appropriation continued.

5391-0000 For the maintenance of the Metropolitan state hospital, including not more than eight hundred and five permanent positions **8,510,990**

Region Four.

5411-0000 For administration, including not more than thirteen permanent positions **$272,200**

5421-0000 For mental health and retardation services, including not more than one hundred and forty-eight permanent positions **3,250,400**

5471-0000 For the maintenance of the John T. Berry rehabilitation center, including not more than seventy-seven permanent positions **1,084,936**

5481-0000 For the maintenance of the Charles V. Hogan Regional Center, including not more than four hundred and forty-five permanent positions **4,226,311**

5491-0000 For the maintenance of the Danvers state hospital, including not more than nine hundred and twenty-six permanent positions **9,231,085**

Region Five.

5511-0000 For administration, including not more than eleven permanent positions **$243,400**

5521-0000 For mental health and retardation services, including not more than one hundred and thirty-two permanent positions . **2,912,719**

5581-0000 For the maintenance of the Wrentham state school, including not more than six hundred and sixty-nine permanent positions **9,723,969**

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5591-0000 For the maintenance of the Medfield state hospital, including not more than seven hundred and twenty-eight permanent positions **$ 6,966,664**

5592-0100 For the maintenance of the Westborough state hospital, including not more than nine hundred and seventy-two permanent positions **8,991,799**

5593-0100 For the maintenance of the Cushing hospital, including not more than six hundred and ninety-four permanent positions **6,527,770**

Region Six.

5611-0000 For administration, including not more than eleven permanent positions **$242,295**

5621-0000 For mental health and retardation services, including not more than one hundred and eighty permanent positions **3,149,892**

5661-0000 For the maintenance of the Massachusetts mental health center, including not more than three hundred and thirty-five permanent positions **3,790,701**

5662-0100 For certain expenses of the Dr. Solomon Carter Fuller mental health center; provided, that federal funds not exceeding nine hundred ninety-eight thousand five hundred and ninety dollars may be expended for the purpsoe of this item, said federal funds to be in addition to the amount herein appropriated, including not more than nine permanent positions **1,750,999**

5663-0100 For the maintenance of the Erich Lindemann mental health center, including not more than one hundred and ninety-three permanent positions **2,096,940**

5691-0000 For the maintenance of the Boston state hospital, including not more than one thousand two hundred and thirty-eight permanent positions **11,902,718**

Region Seven.

5711-0000 For administration, including not more than thirteen permanent positions **$280,300**

5721-0000 For mental health and retardation services, including not more than eighty permanent positions **1,935,300**

5740-0010 For the maintenance of the Brockton multi-service center, including not more than seven permanent positions **579,500**

5761-0000 For the maintenance of the Dr. John C. Corrigan mental health center, including not more than one hundred and twelve permanent positions **1,192,766**

5762-0100 For a treatment center at Massachusetts correctional institute at Bridgewater, including not more than twenty-seven permanent positions **475,000**

5781-0000 For the maintenance of the Paul A. Dever school, including not more than nine hundred and fourteen permanent positions **10,093,404**

5791-0000 For the maintenance of the Foxborough state hospital, including not more than five hundred and seventy-two permanent positions **4,471,101**

5792-0100 For the maintenance of the Taunton state hospital, including not more than seven hundred and thirty-seven permanent positions **8,587,628**

Executive Office of Transportation and Construction.

Office of the Secretary.

6000-0100 For the office of the secretary of transportation and construction, including not more than three permanent positions **$223,900**

Highway Fund 100.0%

Item

Massachusetts Bay Transportation Authority.

6005-0011 For additional assistance to the Massachusetts Bay Transportation Authority in accordance with the provisions of sections six and nine of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four as amended by section four of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five **$38,469,803**
Mass Transportation Fund 100.0%

Massachusetts Aeronautics Commission.

6006-0001 For the personal services and expenses of the commissioners, including not more than five permanent positions **$1,500**

6006-0003 For the administration of the commission, including not more than ten permanent positions **146,227**

6006-0051 For the expenses of air navigation facilities **33,000**

Government Center Commission.

6008-0001 For the office of the commission **$60,000**

Department of Public Works.

Highway Activities.

Personal Services.

6010-0001 For personal services, provided, that the salaries of all officers and employees of the department engaged in projects or activities related to transportation shall, except for services provided for in item 6020-1900, be charged in full to this item; provided, that, notwithstanding the provisions of section four of chapter sixteen of the General Laws, the commissioner may appoint four additional assistants who shall serve at the pleasure of the commissioner and shall not be subject to chapter thirty-one of the General Laws and may also appoint a deputy chief counsel (counsel III) who shall not be subject to chapter thirty-one of the General Laws; including not more than four thousand five hundred and thirty permanent positions **$50,350,000**
Highway Fund 100.0%

Administrative and Engineering Expenses.

6020-1509 For telephone service in the public works building ... **$165,000**
Highway Fund 100.0%

6020-1900 For the operation and maintenance of the public works building, including not more than eighty-five permanent positions **1,017,850**
Highway Fund 100.0%

6020-2501 For certain administrative and engineering expenses of the commission, the office of the public works commissioner and the divisions of administrative services, highway engineering, highway maintenance, highway construction and the district and other highway activity offices **2,937,000**
Highway Fund 100.0%

6020-2801 For the compensation of certain retired employees, as provided by chapter four hundred and three of the acts of nineteen hundred and forty-eight **635**
Highway Fund 100.0%

6020-2901 For the payment of damages caused by defects in state highways for which the commonwealth is liable, with the approval of the attorney general **5,400**
Highway Fund 100.0%

Item

Maintenance and Operation of State Highways and Bridges.

Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals **$6,000,000**
Highway Fund 100.0%

6030-7301 For expenses in connection with traffic line painting, including the cost of materials **760,000**
Highway Fund 100.0%

6030-7401 For the purchase of materials and supplies for the maintenance and operation of state highways and bridges, excluding those specifically provided for in items 6030-7201 and 6030-7301 **3,018,000**
Highway Fund 100.0%

6030-7501 For the purchase of all equipment to be used directly for the maintenance and operation of state highways and bridges **500,000**
Highway Fund 100.0%

6030-7601 For the maintenance and operation of state highways and bridges **2,728,000**
Highway Fund 100.0%

6031-0131 For a property management program **70,000**
Highway Fund 100.0%

6034-0007 For payment to cities and towns to be distributed in accordance with the provisions of sections three and nine of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four as amended by section four of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five **18,469,803**
Mass Transportation Fund 100.0%

Executive Office of Educational Affairs.

Office of the Secretary.

7000-0100 For the office of the secretary, including not more than three permanent positions **$144,300**

7000-0111 For the administration of the intern program **33,154**

7000-0112 For intern program stipends and payments **75,000**

George Fingold Library.

7000-0601 For the administration of the library, including not more than thirty permanent positions **$444,047**

Art Commission.

7000-0651 For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws **$900**

Compact for Education.

7000-0751 For the commonwealth's share of the cost of the compact for education **$13,500**

7000-0752 For the expenses of the education compact council of Massachusetts **1,400**

New England Board of Higher Education.

7000-0801 For expenses of the board, and for compensation and expenses of the

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members **$170,000**

7000-0811 For payments to medical or dental schools on acceptance of certain Massachusetts students **500,000**

Department of Education.

Board of Education.

Board of Education and Commissioner's Office.

7010-0001 For the office of the commissioner, including the expenses of the members of the board, and for the commonwealth's share of the national council of state school officers, including not more than twenty-seven permanent positions **$378,987**

7010-0006 For assistance to children of certain war veterans, as authorized by section seven B of chapter sixty-nine of the General Laws, including expenses for the last two prior fiscal years **175,000**

7010-0007 For certain payments for the use of the facilities of the Massachusetts World War II Memorial; provided, that children sixteen years of age or under shall be admitted without charge **45,000**

Tourism and Industrial Promotion Fund 100.0%

7010-0009 For the administration of the program for the elimination of racial imbalance, including expenses of the prior fiscal year **108,726**

7010-0010 For certain payments for the use of the facilities of the museum of fine arts; provided, that children age sixteen years or under shall be admitted without charge **90,000**

Tourism and Industrial Promotion Fund 100.0%

7010-0011 For certain payments for the use of the facilities of the Alice G. Wallace planetarium in Fitchburg; provided, that children sixteen years of age or under shall be admitted without charge **22,500**

Tourism and Industrial Promotion Fund 100.0%

7010-0012 For reimbursement to towns for payments of certain costs incurred under the program for the elimination of racial imbalance; provided, that expenditures for tuition from this item shall be made only upon proper certification that said tuition charge must be directly related to participation in said program; provided, further, that there shall be no discrimination on the basis of race, sex, color or creed **4,400,000**

7010-0014 For the administration of the advisory council for experimental schools and the operation of one such school, including not more than eighteen permanent positions **570,875**

7010-0042 For grants to cities, towns or regional school districts for the cost of providing magnet educational programs in accordance with the provisions of section thirty-seven I and thirty-seven J of chapter seventy-one of the General Laws, provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school district and held as a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary, and provided further, that any portion of this appropriation item may be expended by the state board of education to purchase magnet educational programs as provided in the first sentence of the last paragraph of said section thirty-seven J **3,000,000**

7010-0043 For grants to establish an Equal Education Improvement Fund for cities, towns, or regional school districts under the provisions of section one I of chapter fifteen of the General Laws, provided, however, that any payment made under this appropriation shall be deposited with the treasurer of such city, town or regional school

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district and held a separate account and shall be expended by the school committee of such city, town or regional school district without appropriation, notwithstanding the provisions of any general or special law to the contrary ..... **$ 6,000,000**

Division of Administration and Personnel.

7021-0010 For the administration of the division, including not more than forty permanent positions **$450,000**

7021-9003 For the rental and maintenance of the Tremont street property, including not more than seven permanent positions **475,000**

Division of Occupational Education.

7027-0001 For the administration of the division, to be in addition to any federal funds available for the purpose, including teacher training, to comply with the requirement of federal authorities under the Smith-Hughes and George Barden acts, so called, as amended, including Public Law 90-576; provided, that such courses may be furnished free of charge to veterans; including not more than twenty-eight permanent positions **$282,165**

7027-0010 For reimbursement to certain municipalities and regional school districts of expenses for certain approved courses, as defined in section nine of chapter seventy-four of the General Laws **39,803,000**

7027-0011 For reimbursement to certain municipalities and regional school districts for certain tuition fees, as defined in section ten of chapter seventy-four of the General Laws **2,500,000**

7027-0012 For reimbursement to certain municipalities or regional school districts for two thirds of the salaries of certain agricultural instructors, as defined in section twelve of chapter seventy of the General Laws **125,000**

7027-0013 For the reimbursement of certain counties for county vocational schools **1,700,000**

7027-0014 For the reimbursement of certain towns for the transportation of pupils **400,000**

7027-1001 For the administration of a fire fighting academy and training program, to be in addition to any federal funds available for the purpose; including not more than four permanent positions **469,397**

Division of Special Education.

7028-0001 For the administration of the division of special education, to be in addition to any federal funds available for the purpose; including not more than eighty-six permanent positions **$1,036,839**

7028-0031 For the expenses of school age children in institutional school departments as required under section twelve of chapter seventy-one B of the General Laws, including not more than one hundred and sixty-five permanent positions **7,200,000**

7028-0302 For the educational expenses of school age children with special needs attending schools under the provisions of section ten of chapter seventy-one B of the General Laws **22,500,000**

Division of Curriculum and Instruction.

7030-0100 For the administration of the division, to be in addition to any federal funds available for the purpose, including not more than sixty-one permanent positions **$925,000**

7030-0110 For the administration of bilingual programs, including not more than ten permanent positions **150,000**

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7032-0202 For the expenses and the services of an educational television program ..... **$ 350,000**

7035-0001 For the adult education and extended services program; provided, that the division may, with the approval of the board of education, expend in addition to the sums herein appropriated, and without further appropriation, income derived from such courses as may be conducted at no expense to the commonwealth to an amount not exceeding four hundred thousand dollars; including not more than forty-seven permanent positions; prior appropriation continued **394,681**

7035-0004 For the reimbursement of certain towns and regional school districts for the transportation of pupils **53,000,000**

Mass Transportation Fund 100.0%

7036-0101 For the administration of the library bureau, including not more than twenty-four permanent positions **296,445**

7036-1401 For state aid to regional public libraries **2,566,982**

7036-1501 For state aid to public libraries **2,160,031**

Division of Research and Development.

7040-1011 For the administration of the division, including not more than five permanent positions **$93,850**

7040-1013 For the administration of an assessment program, including not more than five permanent positions **202,000**

7044-1801 For certain payments for the use of facilities of the museum of science **270,000**

Tourism and Industrial Promotion Fund 100.0%

Division of School Facilities and Related Services.

7051-0001 For the administration of the division, including not more than three permanent positions **$41,824**

7051-1908 For printing school registers and other school blanks for cities and towns **17,000**

7052-0001 For the administration of the school building assistance bureau, including not more than eight permanent positions **242,431**

7052-0002 For the payment of grants and reimbursements to cities, towns, regional school districts and counties under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended; provided, that notwithstanding any provision of law to the contrary no projects shall be approved on or after the effective date of this act which would cause the commonwealth's obligation for the purposes of this item to exceed the amount of this item **105,500,000**

7053-1905 For the administration of the school lunch program; provided, that the comptroller shall transfer to the General Fund the sum of fifty thousand dollars from the school lunch distribution and salvage fund; including not more than thirty-four permanent positions **387,800**

7053-1907 For partial assistance in the furnishing of lunches to school children, as authorized by chapter five hundred and thirty-eight of the acts of nineteen hundred and fifty-one, and, if necessary, for supplementing federal funds allocated for the special milk program; provided, that, notwithstanding any provisions of the law to the contrary, payments so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided further, that, notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued.

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7053-1909 For the reimbursement of cities and towns for partial assistance in the furnishing of lunches to school children and for supplementing funds allocated for the special milk program; provided, that notwithstanding any provisions of law to the contrary, reimbursements so authorized shall not exceed fifty per cent of the total reimbursement authorized by the National School Lunch Act; and provided further, that, notwithstanding said fifty per cent limitation, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-price lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued **$ 1,171,131**

7053-1910 For the reimbursement to cities and towns and partial assistance to private schools for a lunch program for needy elderly persons; provided, that no expenditures shall be made herefrom unless there is allocated for the purposes of said program at least seven thousand five hundred dollars by the federal government **695,056**

Division of State and Federal Assistance.

7061-0001 For the administration of the division, including not more than eight permanent positions **$108,880**

7061-0002 For personal services of the surplus property agency; provided, that a sum equivalent to the expenditures made hereunder shall be transferred to the General Fund from the receipts of the surplus property agency; provided, that the persons employed in a temporary status on December second, nineteen hundred and sixty-nine, shall continue to serve as permanent incumbents under chapter thirty-one of the General Laws; and, provided further, that the incumbents of positions in the official service pass a qualifying examination to be given by the director of civil service; including not more than two permanent positions **19,591**

7061-0003 For the reimbursement of regional school districts of the amount of school aid due under the provisions of section sixteen D of chapter seventy-one of the General Laws, as amended by section nine of chapter four hundred and thirty-six of the acts of nineteen hundred and seventy-five..... **22,700,000**

7061-0008 For the reimbursement of school aid to cities, towns and regional school districts under the provisions of chapters seventy, seventy-one A and seventy-one B of the General Laws **427,000,000**

7065-0001 For the commonwealth's share of a certain assistance program, to be expended with the approval of the commissioner of administration, as authorized and allocated to the commonwealth under the provisions of public laws to supplement existing educational programs of initiating new programs requiring matching effort; provided, that the department may use for matching such federal funds other state-appropriated funds or any public or private funds that may be available in addition to the amount made available by this item..... **500,000**

Board of Higher Education.

Notwithstanding any provision of law to the contrary, no monies shall be allotted to any institution of higher education in the commonwealth, except the University of Massachusetts medical school until the following provisions have been complied with and notification of compliance filed with the house and senate ways and means committees: The boards of trustees of all institutions of higher education shall authorize the scheduling of full-time faculty members so as to assure that each faculty member spends weekly in direct, instructional contact with

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students in a classroom, laboratory or clinical setting, an average, unless otherwise established by the respective boards of trustees and where applicable certified bargaining agents, of twelve hours at the community and state colleges; and nine hours in the undergraduate, and six hours in the graduate programs at the University of Massachusetts, the Southeastern Massachusetts University and the University of Lowell.

Notwithstanding any provision of law to the contrary, the total expenditures authorized by the boards of trustees of all segments of higher education during the nineteen hundred and seventy-six fiscal year for salaries of existing professional positions funded from state appropriations shall not include expenditures for merit increases for such positions.

Notwithstanding any provision of law to the contrary, on or before December first, nineteen hundred and seventy-five and the fifteenth day of April in each and every year thereafter, the boards of trustees of all segments of higher education shall determine for each public institution of higher education the average cost of instruction for each undergraduate student. Costs so determined shall be certified to the boards having control of the several institutions and shall be used by them in fixing the tuition to be charged students who are not residents of the Commonwealth. Such tuition shall be fixed at an amount which as nearly as possible reflects the actual average cost of instruction for each said institution or group of institutions, but in no event shall such tuition amount be less than ninety-five per cent of said cost. Tuition charges as determined in accordance with this paragraph shall be charged to all non-resident students on and after January first, nineteen hundred and seventy-six; provided that students participating in the New England Regional Student Program shall not be affected by this section.

7070-0001 For the administration of the board, including the salary of the chancellor and including not more than twenty-five permanent positions **$530,000**

7070-0005 For medical, dental and nursing scholarships, as authorized by section one D of chapter fifteen of the General Laws **500,000**

7070-0006 For a scholarship program, as provided in section one D of chapter fifteen of the General Laws, other than medical, dental, nursing and honor scholarships **11,500,000**

7070-0007 For special educational scholarships, as authorized by section seven D of chapter sixty-nine of the General Laws **15,000**

7070-0008 For the administration of the bureau of immigration and Americanization, including not more than seventeen permanent positions **180,000**

7070-0010 For a state-wide program in consortium scholarships to provide an opportunity for pursuing programs in the private sector that are not presently available in the public sector; provided, that all applications for such scholarships must be approved by the Board of Higher Education and be subject to the rules and regulations with respect to eligibility as established by said board **150,000**

7070-0011 For a scholarship program as authorized by chapter seven hundred and twelve of the acts of nineteen hundred and sixty-six for children of fire fighters or police officers who were killed or died in performance of duty **10,000**

7070-0014 For merit scholarships **192,000**

7070-0016 For central processing, classification and cataloguing of books in all institutions of higher education, prior appropriation continued.

7070-9001 For the purchase of books and periodicals to be allocated by the board to the various higher educational institutions; provided, that a

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schedule of said allocation is submitted to the house and senate committees on ways and means within thirty days of the allocation; prior appropriation continued.

Board of Trustees of State Colleges.

For the administration and maintenance of and for certain improvements at state colleges and the Massachusetts maritime academy with the approval of the board of trustees:

In order to promote a tuition revenue incentive program for the state colleges if the total revenue collected by said colleges from all tuition sources and deposited with the state treasurer collected from all tuition sources and deposited with the state treasurer for the previous fiscal year, such excess shall be considered by the general court in determining the level of appropriation in the ensuing fiscal year.

7101-0001 For the administration of the board, including not more than forty-eight permanent positions **$768,150**

7102-9604 For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment; and, provided further, that the board of trustees of state colleges shall allocate not less than two hundred thousand dollars of this appropriation to the state college at Boston **550,000**

7105-0001 For the operation of a data processing system, provided, notwithstanding any provision of law to the contrary, that services may be rendered to agencies of the commonwealth and educational institutions at no expense to the system; and provided further that charges for such services shall be allocated to the agencies and institutions utilizing the system **1,159,043**

7108-0100 State college at Boston, including maintenance of the evening undergraduate college and including not more than five hundred and seventy-seven permanent positions **8,648,510**

7108-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **197,806**

7109-0100 State college at Bridgewater, including not more than four hundred and ninety-two permanent positions **6,939,800**

7109-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **55,832**

7110-0100 State college at Fitchburg; provided, that said college may expend a sum not to exceed seventy thousand dollars for the purpose of maintaining at said college a community college program, as authorized by chapter four hundred and seventy-seven of the acts of nineteen hundred and fifty-nine; including not more than four hundred and thirty-five permanent positions **5,906,846**

7110-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than one hundred scholarships, as authorized by section seven C of chapter sixty-nine of the General Laws **46,471**

7111-0100 State college at Framingham, including not more than three hundred and fifty-nine permanent positions **4,534,755**

7111-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **35,519**

7113-0100 State college at North Adams, including not more than two hundred and thirty permanent positions **3,219,469**

7113-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **68,277**

7114-0100 State college at Salem, including not more than five hundred and fifty-eight permanent positions **7,765,936**

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7114-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs ..... **$ 98,410**

7115-0100 State college at Westfield, including not more than three hundred and forty-three permanent positions **4,469,331**

7115-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **56,697**

7116-0100 State college at Worcester, including not more than three hundred and seventy-four permanent positions **5,304,300**

7116-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **59,549**

7117-0100 Massachusetts college of art, including not more than one hundred and twenty-nine permanent positions **2,200,000**

7117-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **15,782**

7118-0100 Massachusetts Maritime academy and ship, including not more than one hundred and fifty-eight permanent positions **2,409,513**

7118-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **18,208**

University of Lowell.

In order to promote a tuition revenue incentive program for the University of Lowell if the total revenue collected by said colleges from all tuition sources and deposited with the state treasurer collected from all tuition sources and deposited with the state treasurer for the previous fiscal year, such excess shall be considered by the general court in determining the level of appropriation in the ensuing fiscal year.

7220-0001 For the maintenance and administration of the university, with the approval of the trustees; provided that said university is hereby authorized to conduct a summer school at no expense to the commonwealth, for which purpose the university may receive and expend funds derived therefrom; including not more than eight hundred and eighty-nine permanent positions; and provided, further, that said university is directed to charge each applicant for admission who is a resident of the commonwealth a fee of not less than ten dollars and every other applicant not less than twenty-five dollars; provided that said university may grant a waiver of said charge in instances of financial hardship and provided further that those fees specified herein be transferred to the General Fund of the commonwealth **$14,700,000**

7220-0002 For the university of Lowell, boarding hall maintenance, with the approval of the trustees; including not more than four permanent positions **78,890**

7220-9604 For a program of assistance for students attending the university from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment **125,000**

7220-9704 For the commonwealth's contribution toward the federal student loan programs and federal work-study programs and for not more than eighty scholarships in accordance with section sixteen of chapter seventy-five A of the General Laws **173,000**

7225-0001 For the expenses of the nuclear center, to be in addition to any federal funds made available therefor; and including not more than forty-four permanent positions **726,878**

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Southeastern Massachusetts University.

In order to promote a tuition revenue incentive program for the Southeastern Massachusetts University if the total revenue collected by said colleges from all tuition sources and deposited with the state treasurer collected from all tuition sources and deposited with the state treasurer for the previous fiscal year, such excess shall be considered by the general court in determining the level of appropriation in the ensuing fiscal year.

7310-0000 For the maintenance of the university, with the approval of the trustees; provided, that the university is hereby authorized to conduct a summer school at no expense to the commonwealth, and for said purpose the university may receive and expend income derived therefrom; including not more than six hundred and sixty-three permanent positions; and, provided, further, that said university is directed to charge each applicant for admission who is a resident of the commonwealth a fee of not less than ten dollars and every other applicant not less than twenty-five dollars, provided that said university may grant a waiver of said charge in instances of financial hardship and provided further that those fees specified herein be transferred to the General Fund of the commonwealth **$ 9,546,690**

7310-9604 For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment **150,000**

7310-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs and for not more than forty scholarships **169,608**

University of Massachusetts.

In order to promote a tuition revenue incentive program for the University of Massachusetts if the total revenue collected by said colleges from all tuition sources and deposited with the state treasurer collected from all tuition sources and deposited with the state treasurer for the previous fiscal year, such excess shall be considered by the general court in determining the level of appropriation in the ensuing fiscal year.

7400-0010 For the office of the president; provided, notwithstanding any provision of law to the contrary, that no expenditures shall be made available for the maintenance and operation of the office of the president from funds provided by any other appropriation, including not more than nineteen permanent positions **$1,102,628**

7400-0014 For a general court staff fellowship program, prior appropriation continued **11,000**

7400-0100 For the institute for governmental service, including not more than three permanent positions **86,859**

7400-9604 For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment; and, provided further, that said program shall be maintained only at the University of Massachusetts at Amherst and Boston **700,000**

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7400-9704 For scholarships, as authorized by sections thirty-one and thirty-three of chapter seventy-five of the General Laws, and for a work-scholarship program, with the approval of the board of trustees; provided, that any part of the sum herein appropriated may be used for the commonwealth's contribution toward the national defense education act loan program and the office of economic opportunity student work program ..... **$ 1,050,000**
General Fund 50.0%
Agricultural Purposes Fund 50.0%

7410-0000 For the maintenance of the university, with the approval of the trustees; provided, that the trustees may, in addition to the sums appropriated, receive and expend as university trust funds under section eleven of chapter seventy-five of the General Laws, at no expense to the commonwealth, without appropriation, funds received from the operation of the boarding halls and from university health services; provided further, that there shall be transferred from the receipts of said boarding halls the sum of two hundred and forty-five thousand dollars to the General Fund to meet the estimated cost of heat, light, power and rental of facilities at present available for the purpose and the estimated cost of certain employee fringe benefits to be furnished by the commonwealth; provided further, that the commonwealth shall furnish heat, light, power and necessary repairs to the infirmary building and pay the commonwealth's share of the cost of employee fringe benefits of the university health services trust fund; and, provided further, that the university health services trust fund shall furnish, without charge, health services required by law to be furnished at the university by the commonwealth; including not more than three thousand seven hundred and six permanent positions; and provided, further that said university is directed to charge each applicant for admission who is a resident of the commonwealth a fee of not less than ten dollars and every other applicant not less than twenty-five dollars, provided that said university may grant a waiver of said charge in instances of financial hardship and provided further that those fees specified herein be transferred to the General Fund of the commonwealth **66,440,889**

7411-1005 For the personal services and expenses of the medical school, including the affiliated teaching hospital and not more than four hundred and eighty-two permanent positions; and further provided that no less than seven hundred and fifty thousand dollars shall be expended from this item for the operation of the accredited Family Practice Residency Program; provided, that notwithstanding any provision of law to the contrary, income derived from charges made by the hospital during the fiscal year shall be deposited in a trust fund or any fund so designated for this purpose and shall be applied to a subsequent date to repay the General Fund expenditures authorized hereunder for the hospital, any surplus to be retained in a trust fund and expended in accordance with any applicable provision of law. To review the ongoing operation of said hospital, there is hereby established a University of Massachusetts hospital review commission to be composed of fourteen members, four members of which shall be appointed by the president of the Senate, the first appointee of said president to be designated commission chairman, five members of which shall be appointed by the speaker of the House, the commissioner of public health, one member of the board of trustees of the University of Massachusetts to be designated by the chairman thereof, one member of the faculty of the University of Massachusetts medical school designated by vote thereof, and one member each of the undergraduate student body of

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said medical school and from the graduate Residency Programs designated by vote thereof. Said commission shall review the overall operation of the teaching hospital and said review shall include but not be limited to the relationship of the hospital to the medical school and to the commonwealth's human service agencies. Pursuant to such review, the chancellor/dean of the medical school shall report monthly to said commission and provide said commission with all necessary information required in the review. Said commission shall on or before June first, nineteen hundred and seventy-six submit to the general court any legislative recommendations as may be forthcoming relative to the establishment of an appropriate commission assigned with the direct responsibility for the operation of said hospital and shall report to the board of trustees of the University of Massachusetts any administrative or reorganizational recommendations as may be forthcoming. Said commission shall terminate on June first, nineteen hundred and seventy-six **$13,224,721**

7416-1001 For the maintenance of the facilities of the university in the city of Boston; including not more than one thousand and six permanent positions **17,464,000**

Massachusetts Board of Regional Community Colleges.

For the administration and maintenance of and for certain improvements of community colleges with the approval of the board of regional community colleges:

In order to promote a tuition revenue incentive program for the community colleges if the total revenue collected by said colleges from all tuition sources and deposited with the state treasurer collected from all tuition sources and deposited with the state treasurer for the previous fiscal year, such excess shall be considered by the general court in determining the level of appropriation in the ensuing fiscal year.

7501-1001 For the administration of the board, including not more than thirty-two permanent positions **$467,400**

7501-9604 For a program of assistance for students from various racial backgrounds in disadvantaged environments, including, but not limited to, Negro students; provided, that expenditures may be made for, but not limited to, scholarships, loans, matching federal and private grants, tutorial assistance and programs of cultural enrichment **600,000**

7502-0100 Berkshire community college, including not more than one hundred and seventy-one permanent positions **2,217,060**

7502-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **13,500**

7503-0100 Bristol community college, including not more than one hundred and eighty-nine permanent positions **2,570,325**

7503-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **74,060**

7504-0100 Cape Cod community college, including not more than one hundred and sixty-four permanent positions **2,345,809**

7504-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **27,813**

7505-0100 Greenfield community college, including not more than one hundred and fifty permanent positions **2,137,838**

7505-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs **14,900**

7506-0100 Holyoke community college, including not more than two hundred and sixty-nine permanent positions **3,525,000**

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7506-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs ..... $ 27,200

7507-0100 Massachusetts Bay community college, including not more than one hundred and sixty-four permanent positions 2,545,500

7507-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 14,000

7508-0100 Massasoit community college, including not more than one hundred and seventy permanent positions 2,409,200

7508-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 54,250

7509-0100 Mount Wachusett community college, including not more than one hundred and forty-six permanent positions 2,021,700

7509-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 14,100

7510-0100 Northern Essex community college, including not more than two hundred and thirty-two permanent positions 3,149,926

7510-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 79,000

7511-0100 North Shore community college, including not more than one hundred and ninety-four permanent positions 2,933,763

7511-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 34,600

7512-0100 Quinsigamond community college, including not more than two hundred and three permanent positions 2,602,359

7512-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 46,000

7514-0100 Springfield technical community college, including not more than three hundred and thirty-four permanent positions 4,112,468

7514-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 25,200

7515-0100 Roxbury community college, including not more than eighty-five permanent positions 1,256,828

7515-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 43,300

7516-0100 Middlesex community college, including not more than one hundred and eight permanent positions 1,439,309

7516-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 25,200

7518-0100 Bunker Hill community college, including not more than one hundred and seventy-five permanent positions 2,581,000

7518-9704 For the commonwealth's contribution toward federal student loan programs and federal work-study programs 143,700

Council on the Arts and Humanities.

7700-0001 For the administration of the council, including the expenses of projects and productions of the council, to be in addition to any federal funds available for the purpose $1,000,000

Tourism and Industrial Promotion Fund 100.0%

Executive Office of Public Safety.

Office of the Secretary.

8000-0100 For the office of the secretary, including not more than three permanent positions $147,000

Highway Fund 85.0%
General Fund 13.0%
Law Enforcement and Criminal Justice Training Fund 2.0%

Item

Massachusetts Criminal Justice Training Council.

8200-0200 For the administration and operation of certain training programs to be conducted by the Massachusetts criminal justice training council **$109,504**

Law Enforcement and Criminal Justice Training Fund 100.0%

Department of Public Safety.

8311-1000 For the administration of the department, including not more than one hundred and ten permanent positions **$1,269,850**

Division of State Police.

8312-0100 For the administration of the division, including the compensation of state police officers formerly in the service of the commonwealth, now retired, including not more than one thousand one hundred and forty-seven permanent positions **$19,130,800**

General Fund 15.0%
Highway Fund 85.0%

8312-5000 For the federal law enforcement assistance program; provided, that expenditures from this item shall be contingent upon the prior approval by the proper federal authorities of the program for which these funds are to be expended **182,954**

General Fund 15.0%
Highway Fund 85.0%

8312-9008 For the installation of certain tanks for unleaded gasoline **120,000**

Highway Fund 100.0%

8312-9009 For certain repairs **12,000**

Highway Fund 100.0%

8312-9010 For certain radio repairs **8,000**

Highway Fund 100.0%

8312-9011 For repairs to certain barracks **75,000**

Highway Fund 100.0%

8312-9012 For the purchase of certain emergency equipment ... **37,200**

Highway Fund 100.0%

Division of Fire Prevention.

8314-1000 For the administration of the division, including not more than twenty-five permanent positions **$269,500**

Division of Inspection.

8315-1000 For the administration of the division; provided, that the position of examiner of elevator operators shall not be subject to the provisions of chapter thirty-one of the General Laws; including not more than eighty permanent positions **$1,193,000**

Board of Boiler Rules.

8316-1000 For the administration of the board, including not more than four permanent positions **$2,935**

State Boxing Commission.

8317-1000 For the administration of the commission, including not more than six permanent positions **$32,500**

Board of Elevator Regulations.

8318-1000 For the administration of the board, including not more than seven permanent positions **$5,679**

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Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.

8319-1000 For the administration of the board, including not more than one permanent positions **$1,160**

Board of Elevator Appeals.

8320-1000 For the administration of the board, including not more than six permanent positions **$1,906**

Board to Facilitate the Use of Public Buildings by the Physically Handicapped.

8321-1000 For the expenses of the board, including not more than five permanent positions **$26,900**

Recreational Tramway Board.

8322-1000 For the expenses of the board, including not more than four permanent positions **$4,501**

Board of Fire Prevention Regulations.

8340-1000 For the administration of the board, including not more than eight permanent positions **$6,230**

Board of Schoolhouse Structural Standards.

8350-1000 For the expenses of the board **$891**

Registry of Motor Vehicles.

8400-0001 For the administration of the registry; provided, that the positions of administrative assistant to the registrar, legislative assistants, executive secretary, assistant supervisor of public relations and executive assistant to the registrar shall not be subject to the civil service law and rules; including not more than one thousand three hundred and thirty-three permanent positions **$17,386,000**
Highway Fund 100.0%

8400-0002 For the administration of the certificate of title law, prior appropriation continued, including not more than two hundred and twenty-nine permanent positions **2,196,500**
Highway Fund 100.0%

8400-0010 For a motor vehicle safety compact with other states **2,000**
Highway Fund 100.0%

Other.

8500-0400 For the life safety code inspection unit under Title XIX of the Social Security Act; provided that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that not less than one hundred per cent of such expenditures are eligible for federal reimbursements **$504,508**

Executive Office of Manpower Affairs.

Office of the Secretary.

9000-0100 For the office of the secretary, including not more than five permanent positions **$109,000**
Tourism and Industrial Promotion Fund 30.0%
General Fund 70.0%

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Commission on Employment of the Handicapped.

9010-0100 For the expenses of the commission **$4,410**

Department of Labor and Industries.

9020-1001 For general administration of the department, including not more than thirteen permanent positions **$239,025**

For the personal services and expenses of the following agencies of the department:

9020-2001 Division of industrial safety, including not more than ninety-four permanent positions **$1,371,986**

9020-3001 Division of occupational hygiene, including not more than twenty permanent positions **333,900**

9020-4001 Division of statistics, including not more than twenty-six permanent positions **230,700**

9020-6001 Commission on minimum wage and for expenses of wage boards, including not more than twenty-five permanent positions **288,395**

9020-7001 Board on conciliation and arbitration, including not more than fifteen permanent positions **243,150**

9020-8001 Division of employment agencies, including not more than three permanent positions **43,950**

Division of Apprentice Training.

9020-9001 For the administration of the division; provided, that all of the positions of this division shall not be subject to chapter thirty-one of the General Laws; including not more than thirty permanent positions **$261,085**

Labor Relations Commission.

9030-1001 For the administration of the commission, including not more than twenty-three permanent positions **$448,523**

Division of Industrial Accidents.

9050-1001 For the administration of the division and for clerical and other assistance for the industrial accident rehabilitation board, including not more than one hundred and seventy-six permanent positions **$1,767,700**

9050-1901 For expenses of impartial examinations, including previous fiscal years **110,000**

9050-3000 For the compensation of certain public employees for injuries sustained in the course of their employment, including previous fiscal years **3,904,679**

Highway Fund 35.0%
General Fund 65.0%

Office of Self-Insurance.

9050-4000 For the service of the office, including not more than six permanent positions **$72,595**

Industrial Accident Rehabilitation Board.

9050-5000 For the service of the board, including not more than six permanent positions **$20,100**

Department of Commerce and Development.

9091-0100 For the administration of the department, including not more than eighty-seven permanent positions **$1,106,450**

Tourism and Industrial Promotion Fund 100.0%

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Division of Tourism.

9091-0200 For the operation of tourist information booths; provided, that all positions in this item shall not be subject to chapter thirty-one of the General Laws; and including not more than six permanent positions **$44,988**
Tourism and Industrial Promotion Fund 100.0%

9091-0211 For financial assistance for local tourist councils **200,000**
Tourism and Industrial Promotion Fund 100.0%

9091-0300 For the promotion of vacation travel within the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item **467,500**
Tourism and Industrial Promotion Fund 100.0%

Division of Economic Development.

9091-0400 For the promotion of industry within the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item **$450,000**
Tourism and Industrial Promotion Fund 100.0%

Massachusetts Science and Technology Foundation.

9091-2000 For the expenses of the Massachusetts Science and Technology Foundation; provided, that the foundation shall reimburse the commonwealth for the appropriation herein **$150,000**

Executive Office of Elder Affairs.

Office of the Secretary.

9100-0100 For the office of the secretary of elder affairs, including not more than six permanent positions **$108,514**

9105-0100 For the office of administration, including not more than nine permanent positions **287,242**

9110-0100 For the office of program planning and management, including not more than sixteen permanent positions **352,462**

9110-1610 For certain public social services to be performed by the department of elder affairs pursuant to contracts entered into between the department and the department of public welfare; provided, that any expenditure from this item shall be contingent upon prior approval and assurance by the proper federal authorities that the federal allocation for the purpose of such expenditure shall not be less than seventy-five per cent of such expenditures; and provided further, that a detailed monthly report of all expenditures made from this item including the purposes made therefor, shall be submitted to the house and senate committees on ways and means not later than the fifteenth day of the following month **1,500,000**

9110-1620 For an elder service corps; provided, that all funds appropriated under this item shall be for corpsmen stipends and for corpsmen participation in group insurance programs, as set forth in chapter one thousand one hundred and sixty-eight of the acts of nineteen hundred and seventy-three; and, provided further, that the stipend for full-time corpsmen shall not exceed the maximum allowable under the earnings limitations sections of the Social Security Act and the stipend for part-time corpsmen shall not exceed one hundred dollars per month **175,000**

9110-1630 For a home care program for the elderly, of which no more than ten per cent of the funds appropriated hereunder may be used as the commonwealth's assistance to grantees to meet the matching requirements of Title III of the Older Americans Act, and that to qualify for such assistance, the grantee shall provide at least

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twenty-five per cent of the total grant; provided, that all other funds appropriated under this item shall be used for purpose of home care services for the elderly; and, provided further, that a detailed monthly report of all expenditures made from this item, including the purposes made therefor, shall be submitted to the house and senate committees on ways and means not later than the fifteenth day of the following month; prior appropriation continued **$ 2,597,365**

9110-9002 For a demonstration grant program for the elderly .. **100,000**

Executive Office of Consumer Affairs.

Office of the Secretary.

9200-0100 For the office of the secretary, including not more than two permanent positions **$107,220**

State Racing Commission.

9210-0001 For the administration of the commission; provided, that fees paid to veterinarians for services in connection with horse racing shall not exceed forty-five dollars per diem and in connection with dog racing shall not exceed thirty-five dollars per diem, including not more than twenty-four permanent positions **$381,079**

Agricultural Purposes Fund 7.5%
General Fund 92.5%

Alcoholic Beverages Control Commission.

9212-0001 For the administration of the commission, including not more than sixty-three permanent positions **$730,260**

Consumer's Council.

9214-0001 For the administration of the council, including not more than nine permanent positions **$159,175**

Community Antenna Television Commission.

9215-0001 For the administration of the community antenna television commission, including not more than seventeen permanent positions **$147,839**

Division of Standards.

9218-0100 For the personal services and expenses of the division of standards, including not more than thirty-five permanent positions **$430,998**

Department of Banking and Insurance.

Division of Banks.

9221-1000 For the office of the commissioner, including not more than two hundred and sixty-three permanent positions **$3,540,475**

Division of Insurance.

9222-0100 For the administration of the division, including expenses of the board of appeal, and certain other costs of supervising motor vehicle liability insurance and the expenses of the fraudulent claims board; provided, that the positions of counsel I and counsel II shall not be subject to the provisions of chapter thirty-one of the General Laws; and, provided further, that contracts or orders for the purchase of statement blanks for the making of annual reports to the commissioner of insurance shall not be subject to the restrictions prescribed by section one of chapter fiive of the General Laws; including not more than three hundred and forty-one permanent

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positions $3,330,673
General Fund 65.0%
Highway Fund 35.0%

Division of Registration.

9230-0001 For the administration of the division; provided, that the position of investigator of radio-television technicians shall not be subject to chapter thirty-one of the General Laws; including not more than eighty-four permanent positions **$1,082,340**

For the services of the following agencies in the division:

9230-0100 Board of registration in medicine, including not more than seven permanent positions **$12,425**
9230-0200 Board of dental examiners, including not more than five permanent positions **11,325**
9230-0300 Board of registration in podiatry, notwithstanding the limitations of section twelve C of chapter thirteen of the General Laws, and including not more than five permanent positions **2,500**
9230-0400 Board of registration in pharmacy, including not more than ten permanent positions **92,012**
9230-0500 Board of registration of nurses, including not more than twelve permanent positions **10,100**
9230-0600 Board of registration in embalming and funeral directing, including not more than five permanent positions **23,312**
9230-0700 Board of registration in optometry, including not more than five permanent positions **3,600**
9230-0800 Board of registration in veterinary medicine, including not more than five permanent positions **8,885**
9230-0900 Board of registration of chiropractors, including not more than five permanent positions **5,000**
9230-1000 Board of registration of architects, including not more than five permanent positions **24,660**
9230-1100 Board of registration of professional engineers and land surveyors **56,980**
9230-1200 Board of public accountancy, including not more than ten permanent positions **118,463**
9230-1300 State examiners of electricians, including not more than two permanent positions **9,000**
9230-1400 State examiners of plumbers, including not more than four permanent positions **8,250**
9230-1500 Board of registration of real estate brokers and salesmen; provided, that persons employed under this item shall not be subject to the civil service law and rules; including not more than twenty-seven permanent positions **333,156**
9230-1600 Board of registration of electrologists, including not more than three permanent positions **2,925**
9230-1700 Board of registration of barbers, including not more than ten permanent positions **90,315**
9230-1800 Board of registration of hairdressers, including not more than seventeen permanent positions **160,177**
9230-1900 Board of registration of dispensing opticians, including not more than five permanent positions **1,125**
9230-2000 Board of registration of sanitarians, including not more than four permanent positions **2,000**
9230-2100 Board of registration of radio and television technicians, including not more than seven permanent positions **9,600**
9230-2200 Board of registration of landscape architects **1,400**
9230-2300 Board of registration of health officers **2,250**
9230-2400 Board of registration of nursing home administrators, including not

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	more than eleven permanent positions	$ 3,250
9230-2500	Board of certification of operators of waste water treatment facilities	925
9230-2600	Board of registration of operators of drinking water supply facilities	900
9230-2700	Board of registration of psychologists	700
	Department of Public Utilities.	
9270-0001	For general administration, including not more than eighty-nine permanent positions	$1,237,757
	Commercial Motor Vehicle Division.	
9272-0001	For the administration of the division, including not more than thirty-two permanent positions	$441,441
	Energy Facilities Siting Council.	
9274-0010	For the expenses of the energy facilities siting council; provided that the expenditures from this item shall be assessed upon utility companies in accordance with the provisions of chapter one hundred and sixty-four of the General Laws, including not more than one permanent position	$150,000
	Gas Fitting Regulations Board.	
9275-0001	For administration of the program of regulating the installation of gas fittings in buildings, including not more than one permanent position	$31,355

SECTION 2A. For the purposes of making available for expenditure in the fiscal year nineteen hundred and seventy-six certain balances of appropriations which would otherwise revert on June thirtieth, nineteen hundred and seventy-five, the unexpended balances of the following items are hereby appropriated for the fiscal year nineteen hundred and seventy-six: —

0810-0014	2600-1492
1100-2401	6005-0010
1599-2012	6030-7605
2000-1000	7010-0012
2600-1491	8200-0100

SECTION 3. In order to meet the estimated cost of heat, light, power and other services and the estimated cost of employee fringe benefits to be furnished by the commonwealth to projects of the Massachusetts State College Building Authority, the board of trustees of state colleges shall transfer to the General Fund from the funds received from the operation of said projects the sum of five hundred and seventy thousand dollars for the current fiscal year.

SECTION 3A. In order to meet the estimated cost of utilities to be furnished projects constructed by the Lowell Technological Institute Building Authority, the comptroller shall transfer from

item 7220-0001 to the General Fund, on or after July first of each fiscal year the sum of two hundred and forty-one thousand nine hundred dollars; provided, that said amount shall be credited to item 7220-8001 upon payment by said building authority and may be spent without further appropriation.

SECTION 4. Wherever, in section two of this act, it is provided that transfers shall be made from a fund, account or receipts, of a specific sum, a percentage of payments, or a sum equivalent to payments, such transfers of a specific sum shall be made upon the effective date of this section, and all others shall be made quarterly unless otherwise provided; except that at the close of a fiscal year, the amount equivalent to payments in a continuing account shall be construed to mean the amount of such appropriation.

SECTION 5. No monies appropriated under this act shall be expended for reimbursement for the expenses of meals for persons while traveling within or without the commonwealth at the expense thereof unless such reimbursement is in accordance with rules and rates established in accordance with section twenty-eight of chapter seven of the General Laws.

SECTION 6. The allowance to state employees for expenses incurred by them in the operation of motor vehicles owned by them and used in the performance of their official duties shall not exceed twelve cents a mile.

SECTION 7. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the house and senate committees on ways and means, and, except as otherwise shown by the files of said committees, a copy of which shall be deposited with the bureau of personnel, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general law to the contrary; provided, that no vacancy occurring in any classified permanent position included in said schedules of permanent positions may be filled in any manner except upon approval as required by rules and regulations established under the provisions of paragraph (6) of section forty-five of chapter thirty of the General Laws, and shall be filled by the transfer, reassignment, or promotion of a presently authorized state employee, who is subject to termination or lay-off, if the duties to be performed can be carried out by the said employee. Any person in the employ of the commonwealth on June thirtieth, nineteen hundred and seventy-four, and subsequently terminated or laid off, shall have reemployment rights to vacancies in any state department,

agency, or institution prior to such vacancies being filled from open competitive registers, or lists, or from any other source; provided such employees shall not have priority over persons on lay-off or termination within the department, agency or institution posting the vacancy. Employees coming under this provision shall retain and carry with them as re-employed employees all rights previously held at the time of lay-off or termination. Said laid off or terminated employees shall be notified by the division of personnel administration of any such vacancies.

SECTION 8. Notwithstanding the provisions of clause (*d*) of paragraph (5) of section forty-five of chapter thirty of the General Laws, no part of the sums appropriated for the service of any agency or subdivision of a department in section two of this act shall be available for the payment of any temporary or excess quota position if there is a similar position vacant within the quota of permanent positions as established by the appropriation account for the service of such agency or subdivision of a department; and, except such temporary positions as may be authorized in connection with the passage of this act, and except as hereinafter provided, no additional temporary positions shall be authorized. The commissioner of administration may, however, upon certification that an emergency exists requiring additional temporary assistance to perform work essential to the public interest, authorize the temporary employment of such additional personnel as may be necessary within the limits of funds available for the purpose; provided, however, that such emergency authorization shall not be extended to the succeeding fiscal year. The commissioner shall forthwith notify the house and senate committees on ways and means of the employment of any such additional temporary personnel. The provisions of this section shall not apply to positions essential for the care of patients or inmates in institutions or to positions essential for the educational program in all institutions of higher education operated by the commonwealth, nor to the filling of a position under the provisions of section twenty-four B of said chapter thirty nor to a position required to correct an inequity determined, as provided in sections fifty-three and fifty-six of said chapter thirty.

SECTION 8A. Notwithstanding any provision of general or special law to the contrary, federal funds received by the commonwealth or any department, agency or subdivision of a department shall not be available for the payment of the salary for any position unless such expenditure has been approved in advance by the house and senate committees on ways and means and is based upon a schedule of positions and salary rates approved by said committees, a copy of which shall be deposited with the bureau of personnel. No such federally funded positions

shall be established or filled by employees hired from outside existing state departments and agencies if the duties to be performed can be carried out by promoting or transferring or reassigning a present certified or authorized permanent state employee. Positions to be filled on federally funded projects must be advertised by posting a circular describing title, location, duties and salary grade in all places that state civil service posters are posted, and, by circularizing all departments for at least twenty days prior to appointment or recruitment of a non-state employee. Proof of such notice of promotional opportunities must be filed with the commissioner of administration and the house and senate committees on ways and means and signed under penalties of perjury by the appointing authority. The provisions of this section shall not prevent payment of the salary of any employee filling a federally funded position immediately prior to the effective date of this act.

SECTION 8B. Notwithstanding any special or general law to the contrary, any officer of the commonwealth as defined in section G-6 of the rules and regulations authorized by section twenty-eight of chapter seven of the General Laws receiving payment under subsidiaries "01 salaries, permanent positions", "02 salaries, other" or "03 services, nonemployees" for services under any item in section two of this act shall, under the penalties of perjury, report annually to the commissioner of administration, on forms said commissioner shall prescribe any other compensations received for services performed and paid from any state, federal or private funding source. Such forms shall include the name of the funding source, the date and extent of the services performed, including the rate of compensation, the signature of the person so employed and the employer thereof. Any officer of the commonwealth failing to file said report shall be given a hearing and dismissed, if found delinquent without sufficient cause. Copies of said reports shall be submitted within thirty days after receipt to the house and senate committees on ways and means.

SECTION 8C. Applications for all federal subventions and grants available to the commonwealth under any act of Congress shall be subject to the approval of the commissioner of administration. Any transfer within such subventions or grants shall be subject to the approval of the commissioner of administration. All federal subventions and grants received by the commonwealth, or by a corporation or other organization established as an affiliate of any agency or institution operated by the commonwealth or by an individual employed by the commonwealth, authorized to expend such funds in conjunction with services rendered by the commonwealth, may be expended without specific appropriation under the terms and conditions provided in rules and regulations established by the commissioner of administration and if such expenditures are

otherwise in accordance with law. All such federal subventions and grants shall be reported in full by the head of the agency directly rendering the services mentioned above to the budget director, to the comptroller and to the house and senate committees on ways and means. The report shall include such itemization as required in accordance with state and federal regulations. All federal subventions and grants available to the commonwealth under any act of Congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth. All such expenditures of federal subventions and grants shall be subject to the audit of the state auditor.

SECTION 9. Notwithstanding the provisions of any general or special law or sections of this act to the contrary, no funds shall be expended for excess quota positions without prior approval of the house and senate committees on ways and means.

SECTION 10. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and seventy-six shall be available for the payment of such other forms of compensation as may be due under existing statutes or under the provisions of rules and regulations made in accordance with said statutes.

SECTION 11. Notwithstanding the provisions of section fifty-one of chapter thirty of the General Laws, or any other provision of law, the state purchasing agent is hereby authorized during the fiscal year nineteen hundred and seventy-six to incur liabilities and incidental expenses for the purchase of supplies, as provided by said section fifty-one, including material to be disposed of as surplus, so called, by the federal government through agencies of the federal government in an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for the purpose, and the comptroller may certify for payment such incidental expenses and liabilities so incurred to an amount not exceeding five hundred and fifty thousand dollars, in addition to any amount heretofore provided for said purpose.

SECTION 12. No agency of the commonwealth receiving an appropriation under section two of this act shall make any expenditure for any document printed, mimeographed or prepared in any other way, whether for outside or interdepartmental circulation, unless publication of such document shall have been approved by the state purchasing agent, and the state purchasing agent is hereby authorized and directed to require such agencies to summarize and consolidate such documents when feasible. Each such document authorized to be printed which is four pages or more in length shall state on its face the estimated cost per copy, including the cost of paper, printing and binding. Notwithstanding any special or general law, every original manuscript of annual reports of state agencies, whether printed in full or in summarized or consolidated form or not printed, shall be filed with the state secretary. Except as otherwise

provided by law, agencies selling documents shall do so at not less than the stated estimated cost; provided, however, that such agencies may dispose of excess copies of documents no longer current as provided by rules and regulations of the commissioner of administration.

SECTION 13. Notwithstanding any provision of sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, a salary differential is hereby authorized to be paid to employees in the nursing services who are employed on evening or night tours of duty, and to employees engaged in professional nursing, as defined in section eighty B of chapter one hundred and twelve of the General Laws, at the Lemuel Shattuck hospital and the Soldiers' Home in Massachusetts. Any salary differential authorized by this section shall be paid in accordance with rules and regulations established by the director of personnel and standardization, with the approval of the commissioner of administration. Such rules and regulations shall not be subject to chapter thirty A of the General Laws.

SECTION 14. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and seventy-six for the purposes of the surplus property agency fund, in addition to amounts available in said fund, an amount not exceeding fifty thousand dollars; provided, however, that no expenditure or commitment shall be incurred from the amount of the aforesaid fifty thousand dollar authorization in excess of amounts approved therefrom by the commissioner of administration, at the written request of the surplus property agency; and provided, further, that any amounts expended or commitments incurred under this authorization shall be paid or provided for from receipts of said surplus property agency fund prior to the close of the fiscal year.

SECTION 15. Notwithstanding the provisions of section ten A of chapter eight of the General Laws, no lease negotiated as provided therein nor any agreement providing for a tenancy at will or other space rental shall be signed by the executive or administrative head of a state department, commission or board or approved by the state superintendent of buildings and by the governor and council and by the commissioner of administration unless it is in accordance with schedules filed by the budget director with the house and senate committees on ways and means prior to the passage of this act; provided, that renewals of leases, tenancies at will and other space rentals may be continued at existing rates pending appropriation if the general court has not provided otherwise; provided further, that the commissioner of administration, in order to meet unforeseen circumstances, may approve, on a tenancy at will basis, a change in location, new or additional space, or an increase in rate, if funds are available therefor within the appropriation account from which

the costs of such space rentals are to be paid; and provided further, that every such proposed change is filed by the budget director with the house and senate committees on ways and means prior to the final authorization of any such agreement.

SECTION 16. No department of the commonwealth shall occupy, or make any expenditure for the maintenance of, any land, buildings or other state-owned or state-occupied facilities or other property other than that under its control or jurisdiction; and no department of the commonwealth shall authorize or otherwise allow the use by any private agency of such land, buildings or facilities under its control or jurisdiction unless such use or expenditure shall have been approved by the house and senate committees on ways and means after recommendation by the commissioner of administration.

SECTION 17. In order that the borrowing of funds in anticipation of receipts may be kept at a minimum, every department, board, commission or agency shall, before scheduling for payment or otherwise providing for the disbursement of public funds from any sum available for expenditure or distribution for the fiscal year nineteen hundred and seventy-six, submit for approval by a board consisting of the commissioner of administration, or his designated representative, the commissioner of corporations and taxation, or his designated representative, and the state treasurer, or his designated representative, the proposed date of payment or distribution of such funds if the combined total thereof, as prepared by any such single agency, exceeds one million dollars on any one day, notwithstanding any special or general law regulating the disbursement of public funds by the commonwealth. Said board may require any agency to notify it of the anticipated receipt of revenue from any source, including federal subventions and grants.

SECTION 18. No agency of the commonwealth shall make any expenditures for the training, instruction, treatment, support and day care of children authorized under section forty-six I of chapter seventy-one and section twenty-six of chapter sixty-nine and clause (7) of paragraph (A) of section two of chapter eighteen of the General Laws and related programs conducted by the departments of mental health, public health, public welfare and youth services unless the rate setting commission, in accordance with the procedures established by section thirty L of chapter seven of the General Laws, shall have approved the rate of compensation for such training, instruction, treatment and support. The rate setting commission shall immediately upon approval of such rates file a schedule of the approved rates with the comptroller, the house and senate committees on ways and means, and with each agency making such expenditure.

SECTION 19. Notwithstanding any provision of law to the contrary, all persons eligible for public assistance, as determined by the department of public welfare, under the provisions of chapters one hundred and eighteen A, one hundred and eighteen D, and one hundred and eighteen E of the General Laws, who are not maintaining their own homes but are receiving care in any licensed nursing home, any licensed chronic hospital or in any approved public medical institution, shall retain the first thirty dollars for clothing, personal needs and leisure time activities. If there is no income, or the monthly income is less than thirty dollars, the recipient shall be paid monthly in advance the difference between the income and thirty dollars a month.

SECTION 20. Notwithstanding any provisions of law to the contrary, during the entire fiscal year nineteen hundred and seventy-six, for the payment of classified personal services the fiscal year shall be from July first, nineteen hundred and seventy-five through June twenty-sixth, nineteen hundred and seventy-six. Classified personal services for June twenty-seventh, twenty-eighth, twenty-ninth and thirtieth, nineteen hundred and seventy-six, shall be charged to the next fiscal year.

SECTION 21. Cash disbursements from amounts appropriated from the General Fund in section two of this act shall be charged to federal funds received under the provisions of Public Law 92-512 to the extent that such funds are available, subject to the restrictions contained in said Public Law for applications of federal funds received from this source, and shall first be used for such amount as is required to prevent a deficit in the general fund debt service reserve and then for such other items in section two of this act in accordance with the requirement of said Public Law.

SECTION 22. The provisions of section twelve of this act shall not apply to expenditures from appropriations made under this act for the division of state colleges and institutions under the control of the board of trustees of state colleges, the University of Lowell, the Southeastern Massachusetts University, the University of Massachusetts and the board of regional community colleges and the institutions under the control of said board; nor shall the provisions of section nine B or section twenty-nine of chapter twenty-nine of the General Laws or any provision of section seven of this act which are inconsistent with any provision of the General Laws specifically regulating the expenditure of public funds at each of said institutions apply to such expenditures; provided, however, that on or before October first, nineteen hundred and seventy-five, each said institution of higher education shall file with the board of higher education: (1) a certified list of the professional positions and the salaries to be paid therefor; (2) a certified statement of the salary ranges for all professional positions; (3) a certified copy of vacant positions;

and (4) a list of the last merit increases granted; and provided, further, that the board of higher education shall file forthwith with the house and senate committees on ways and means copies of said lists and statement.

SECTION 23. The effective date of the appropriation accounts, subsidiary accounts and authorizations in section two of this act shall be July first, nineteen hundred and seventy-five. However, beginning June first, nineteen hundred and seventy-five, obligations may be incurred against these appropriation accounts or subsidiary accounts for items to be delivered or for services to be rendered on and after July first, nineteen hundred and seventy-five; provided, that said obligations are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. Where the allotment of an appropriation account or subsidiary account is a condition precedent to expenditure, the obligations shall not exceed the amount allotted for said appropriation account or subsidiary account; provided, that during the month of June, nineteen hundred and seventy-five, the comptroller may prepare warrants and the state treasurer may advance funds appropriated in section two of this act to the department of public welfare for the purpose of making payments on and after July first, nineteen hundred and seventy-five, as authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and sixty-seven; provided, said payments are in accordance with law and the amounts thereof do not exceed the amount of the appropriation account or subsidiary account. The certified copies of the schedules provided for in section twenty-seven of chapter twenty-nine of the General Laws shall be filed with the comptroller and the budget director on June first, nineteen hundred and seventy-five. Where the allotment of an appropriation account or subsidiary account is required by law, such allotments shall be made on June first, nineteen hundred and seventy-five.

Notwithstanding any law to the contrary not later than December first, nineteen hundred and seventy-five, each secretariat shall submit to the joint committee on ways and means schedules of their expected allotments to be approved by the secretary of administration and finance for each account for each allottment period of fiscal nineteen hundred and seventy-six. Thereafter, at the end of each allotment period the secretary shall notify the secretary of administration and finance and the committeess on ways and means of any accounts in which the total expended funds, encumbered funds, and other liabilities incurred but not yet encumbered, exceeds funds allotted to that account for the period covered for the year to date. Said total shall be called the total commitments. Starting January first, nineteen hundred and seventy-six, each secretary shall certify at

the beginning of each allotment period that the current rate of the said total commitments can be continued without an additional appropriation. Any secretary failing to submit such schedules, notifications, certifications and reports as required above or the incurring of a total commitment in any account in excess of available funds will be deemed guilty of neglect and subject to a fine of not more than one thousand dollars or the removal from office. Any officer or employee of the commonwealth or the members of any departments, board, commission, institution or agency making an expenditure which exceeds an appropriation or an allotment made therefor without the approval of the secretariat, or fails to submit the necessary reports, schedules, notifications, certifications required to this section shall be deemed guilty of neglect and subject to a fine of not more than one thousand dollars or removal from office.

SECTION 23A. Section 29 of chapter 29 of the General Laws, as most recently amended by section 7 of chapter 1230 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Any subsidiary account set up as prescribed in the schedules referred to in section twenty-seven, on the books of any department, office, commission or institution, receiving an appropriation from the commonwealth, may be increased or decreased by interchange with any other subsidiary account within the same appropriation account by the officer in charge of such department, office, commission or institution upon his certification to the budget director that such interchange is required to meet unforeseen emergencies where funds are otherwise not available to protect the public interest, and, in the case of a department, office, commission or institution within any executive office established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office; provided, that any such interchange into or out of the subsidiary account entitled "01 salaries, Permanent Positions," shall have the prior written approval of the house and senate committees on ways and means.

SECTION 23B. The second paragraph of section 2 of chapter 167 of the General Laws is hereby amended by striking out the first three sentences and inserting in place thereof the following three sentences: — The cost of annual examination or audit of each bank under the supervision of the commissioner shall be paid by said bank and shall include, subject to the limitations herein contained, all monies expended by the commonwealth for personal services and such proportion of the general overhead of the division of banks and loan agencies, including travel, hotel and meal allowances, and other direct and indirect costs, as is determined by the commissioner to be attributable to such examination or audit. The charge for such examination or audit shall be ninety dollars per day for each man participating therein,

except that the assessment for an examiner in charge of an examination or audit shall be one hundred and twenty dollars per day; provided, however, that the assessment for any examination or audit which requires only one examiner shall be ninety dollars per day. In addition to the foregoing, the commissioner may assess an amount not in excess of ten cents per one thousand dollars of assets of such bank which together with the charges authorized by the preceding sentence will, in his opinion, be sufficient to reimburse the commonwealth for the direct and indirect costs of such examination or audit.

SECTION 24. In order that the group insurance commission may provide for maximum reimbursements to the commonwealth for group insurance costs, every department, board or agency on or before August first, nineteen hundred and seventy-five, shall file with the group insurance commission a true copy of all existing contracts or agreements of every nature and description with the commonwealth or a political subdivision of federal, trust and any other nonstate funds.

For contracts or agreements entered into on and after July first, nineteen hundred and seventy-five, true copies shall be filed with the group insurance commission no later than sixty calendar days from the effective date thereof.

SECTION 25. Notwithstanding any provisions of law to the contrary, federal funds not exceeding two hundred forty-seven thousand and two hundred dollars received as reimbursement for costs incurred in energy management resource development and conservation programs from the Federal Energy Administration may be expended without further appropriation.

SECTION 25A. Paragraph (*a*) of section 102 of chapter 32 of the General Laws, as appearing in section 1 of chapter 724 of the acts of 1974, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— In the event that such comparison indicates an increase in the cost of living of at least three per cent, the retirement allowance, pension, or annuity of every former employee of the commonwealth, or of any county, city, town, district, housing or redevelopment authority, or of the Massachusetts Turnpike Authority, or of the spouse or other beneficiary of any such former employee who is receiving a retirement allowance, pension, or annuity shall, subject to appropriation, be increased by such percentum.

SECTION 25A½. Section 2 of chapter 118 of the General Laws is hereby amended by inserting after the third paragraph the following paragraph: —

No payment of overdue rent or utility bills shall be made under this chapter to a person who has received assistance and who has failed to pay such rent or utility bills when due.

SECTION 25B. Notwithstanding the provision of sections two of chapter one hundred and eighteen A of the General Laws, no

pension, retirement allowances, benefit or annuity shall be increased during fiscal year nineteen hundred and seventy-six because of an increase in the cost of living, unless a specific appropriation is made therefor.

SECTION 25C. All positions vacant or which become vacant other than positions essential for the care of patients, on or after June thirtieth, nineteen hundred and seventy-five, shall remain vacant during the fiscal year nineteen hundred and seventy-six; provided, that vacancies for which there exists a critical need may be filled upon certification of the critical need by the commissioner of administration and verification of said critical need by the house and senate committees on ways and means. No funds shall be allotted for overtime compensation unless it is essential to the safety and care of persons under the care and jurisdiction of the commonwealth.

SECTION 25D. The first paragraph of section 1 of chapter 117 of the General Laws, as most recently amended by section 1 of chapter 531 of the acts of 1975, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — Such assistance shall be granted from the date of application therefor and shall not, in any form or manner, include the purchase of furniture.

SECTION 25E. Section 20 of said chapter 117 is hereby repealed.

SECTION 25F. Section 6 of chapter 118E of the General Laws is hereby amended by striking out the first paragraph, as amended by section 5 of chapter 531 of the acts of 1975, and inserting in place thereof the following paragraph: —

The department shall provide financial assistance for such medical care or services as said Title XIX and regulations adopted thereunder by the secretary of health, education and welfare require; provided, that required hospital out-patient services may be performed in a clinic. The department may provide financial assistance for immediate care facility services, podiatrists' services, for eye glasses for persons sixty-five years of age or older, and for care for patients in mental or tuberculosis hospitals who are sixty-five years of age or older.

SECTION 25G. Notwithstanding the provisions of any general or special law to the contrary, payments to be made during the nineteen hundred and seventy-six fiscal year by the department of public welfare for authorized medical services shall be reduced by thirty per cent of the rates in effect on June thirtieth, nineteen hundred and seventy-five for medical practitioners. In determining the rate upon which payments to nursing homes shall be made, interest cost of any second or third mortgage shall not be considered. In determining the rate upon which payments to hospitals shall be made, association dues or membership fees shall not be considered.

SECTION 25H. Section 20 of chapter 118E of the General Laws,

as amended by section 2 of chapter 701 of the acts of 1970, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — Providers shall submit a bill for goods sold or services rendered to the department not later than sixty days after the performance of such services on a form approved by said department. Said bill shall be signed by the recipient of said services and the provider shall submit a copy of said bill to the recipient of said goods or services at the time of submission to said department.

SECTION 25I. The department of public welfare may enter into agreements with the department of mental health for the use of available facilities for the furnishing of nursing home care.

SECTION 26. The budget director is hereby directed to send a copy of sections three to twenty-five I, inclusive, of this act to each departmental, divisional and institutional head immediately following passage of this act.

SECTION 27. Chapter 7 of the General Laws is hereby amended by inserting after section 3A the following section: —

Section 3B. No service shall be performed for the sole benefit of any person at less than cost, other than services for students in public institutions of higher education, services in hospitals, clinics or other health facility and services rendered by a correctional institution for inmates therein, by any personnel or agency of the commonwealth, nor shall any building, facility or equipment owned by the commonwealth be used by any person for private purposes or gain unless the commonwealth receives at least the cost of providing such building, facility or equipment, nor shall any meal be served to any employee of the commonwealth by an institution thereof at less than the cost to the commonwealth.

The secretary of administration shall, on or before January first, nineteen hundred and seventy-six and from time to time thereafter, after notice and a hearing in the manner provided by chapter thirty A, determine the cost hereinbefore mentioned and shall inform each department, agency and institution of the commonwealth furnishing such services or meals or having control of such property or equipment of the cost so determined. Thereafter the cost determined by the secretary shall be collected by such department, agency or institution unless a greater charge has been fixed by the general court.

The secretary shall, on or before January first, nineteen hundred and seventy-six and at least annually thereafter, review the amount fixed by law for any service, license, permit or other public function and shall report to the general court any instance in which such amount is insufficient to defray the expense to the commonwealth of administrative costs connected therewith.

SECTION 28. The second paragraph of section 4 of chapter 14 of the General Laws is hereby amended by striking out, in line 3, as

appearing in section 1 of chapter 654 of the acts of 1953, the word "sixty-five B" and inserting in place thereof the word: — sixty-five C.

SECTION 29. Chapter 26 of the General Laws is hereby amended by inserting after section 8B the following two sections: —

Section 8C. The commissioner of insurance may make an assessment in each fiscal year against all licensed insurers in the commonwealth. Said assessments shall be made at a rate as shall be determined and certified annually by the commissioner as sufficient to produce revenue to reimburse the commonwealth for funds appropriated for the operation of the division of insurance, hereinafter called the division, less any revenues which were received by the commonwealth under the provisions of section eight B and section fourteen of chapter one hundred and seventy-five, but in no event shall said assessment exceed the sum of two million dollars. Three-fourths of the amount to be so assessed shall be made against all licensed domestic companies and foreign companies in proportion to their net premiums written and annuity considerations in the commonwealth as shown in the annual report of each of said insurers filed with the division; and, in addition, one-fourth of said amount shall be made against all licensed domestic companies in proportion to their net premiums written and annuity considerations as shown in the annual report of each of said insurers filed with the division.

Said assessment shall reimburse the commonwealth for funds appropriated for the prior fiscal year.

Assessments under this section shall be charged to the normal operating cost of each company.

For the purposes of this section, the term "licensed insurer" shall have the same meaning as the word "company" as defined in section one of chapter one hundred and seventy-five, and as the words "fraternal-benefit society" as defined in section one of chapter one hundred and seventy-six, and as the words "savings insurance bank" and "insurance department" as defined in section one of chapter one hundred and seventy-eight, and as the words "non-profit hospital service corporation" as defined in section one of chapter one hundred and seventy-six A, and as the words "medical service corporation" as defined by section one of chapter one hundred and seventy-six B.

Section 8D. On or before October first in any fiscal year, the commissioner of insurance shall certify to the commissioner of corporations and taxation the amount of assessment to be made and the name and address of each company against whom such assessment is to be made. Such assessment shall be collected by the commissioner of corporations and taxation in accordance with applicable provisions of chapter sixty-three; provided, however, that each company shall pay the amount assessed

against it within thirty days from the receipt of notice of assessment from the commissioner of corporations and taxation. The amount so collected shall be credited to the funds to which the appropriations for the division of insurance are charged, and in the same proportion as such appropriations are charged.

SECTION 30. The first sentence of section 1 of chapter 58 of the General Laws, as amended by section 2 of chapter 428 of the acts of 1943, is hereby further amended by striking out, in line 2, the word "sixty-five B" and inserting in place thereof the word: — sixty-five C.

SECTION 31. The second paragraph of section 2 of said chapter 58, as most recently amended by section 1 of chapter 537 of the acts of 1969, is hereby further amended by striking out, in line 6, the word "sixty-five B" and inserting in place thereof the word: — sixty-five C.

SECTION 32. Section 3 of said chapter 58 is hereby amended by striking out the first sentence, as appearing in section 19 of chapter 254 of the acts of 1933, and inserting in place thereof the following sentence: — The commissioner shall annually, on or about January first, furnish to each board of assessors all the information relating to the assessment, valuation and ownership of property taxable in their town that has come into possession of his department, particularly under chapters sixty-five, sixty-five A and sixty-five C.

SECTION 33. Section 18A of said chapter 58 of the General Laws is hereby amended by striking out the first sentence and subsection (*a*) and inserting in place thereof the following: —

(*a*) The state treasurer shall subject to appropriation and upon certification of the commission annually distribute from the General Fund to the several cities, towns, and regional school districts for the fiscal year ending June thirtieth, nineteen hundred and seventy-six an amount not less than four hundred and twenty-seven million dollars. Thereafter the annual appropriation shall not be less than the amount of four hundred and fifty-two million dollars increased by a percentage equal to the percentage, as determined by the commission, by which the net sums received under chapters sixty-four H and sixty-four I for the last completed fiscal year, if the rate of tax in said last completed fiscal year has been three per cent for the entire year and the applicability of the tax had been the same as that of January first, nineteen hundred and seventy-five, exceeded such net sums for the fiscal year ending June thirtieth, nineteen hundred and seventy-four. "Net sums" as used in this subsection, shall mean the total sums received under or by reasons of such chapters as excises, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded under such chapters, together with any interest or costs paid on account of such refunds.

SECTION 34. The first paragraph of section 26B of said chapter 58, as appearing in section 1 of chapter 491 of the acts of 1964, is

hereby amended by striking out, in line 2, the word "sixty-five B" and inserting in place thereof the word: — sixty-five C.

SECTION 35. The second paragraph of said section 26B of said chapter 58, as amended by chapter 873 of the acts of 1973, is hereby further amended by striking out, in line 3, the word "sixty-five B" and inserting in place thereof the word: — sixty-five C.

SECTION 36. Section 31 of said chapter 58 is hereby amended by striking out, in line 6, as appearing in section 1 of chapter 135 of the acts of 1937, the word "sixty-five A" and inserting in place thereof the word: — sixty-five C.

SECTION 37. The first sentence of section 6 of chapter 58A of the General Laws is hereby amended by inserting after the word "sixty-five A", in line 14, as appearing in section 2 of chapter 632 of the acts of 1947, the words: — ; of section twenty of chapter sixty-five C.

SECTION 38. Paragraph (2) of subsection (*a*) of section 2 of chapter 62 of the General Laws, as appearing in section 2 of chapter 723 of the acts of 1973, is hereby amended by striking out subparagraph (F) and inserting in place thereof the following subparagraph: —

(F) Income from annuity stock bonus, pension, profit-sharing, annuity or deferred-payment plans or contracts described in sections four hundred and three (b) or four hundred and four of the Code until an aggregate amount of such income has been deducted under this subparagraph equal to the aggregate of all amounts previously subjected to taxation under this chapter.

SECTION 39. Said section 2 of said chapter 62 of the General Laws is hereby further amended by striking out subsection (*d*), as appearing in section 2 of chapter 723 of the acts of 1973, and inserting in place thereof the following subsection: —

(*d*) Part B adjusted gross income shall be the Part B gross income less the deductions allowable under sections sixty-two and four hundred and four, without regard to section two hundred and sixty-five, of the Code, provided, however, the following deductions shall not be allowed: —

(1) The deduction for long-term capital gains allowed by section one thousand two hundred and two of the Code.

(2) The deductions allowed to life tenants and income beneficiaries by paragraph six of section sixty-two of the Code insofar as such deductions are allowed to a trust or estate subject to taxation under this chapter.

(3) The deduction for moving expenses allowed by section two hundred and seventeen of the Code.

(4) Any deduction allowed by Subchapter S of the Code.

(5) Any deduction relating or allocable to any income not included in Massachusetts gross income or a proportionate part of any deduction which is in part so relating or allocable.

(6) Any net operating loss deduction allowed by section one hundred and seventy-two of the Code.

(7) In the case of an individual who is an employee within the meaning of section four hundred and one (*c*) (1) of the Code, the deductions allowed by section four hundred and four and four hundred and five (*c*) of the Code to the extent attributable to contributions made on behalf of such individual; however, no contribution on behalf of such individual shall be treated as an excess contribution under this chapter unless treated as an excess contribution for federal tax purposes in the year made.

(8) The deduction allowed by section one thousand three hundred and seventy-nine (*b*) (3) of the Code.

SECTION 40. Paragraph (*a*) of section B of section 3 of chapter 62 of the General Laws, as most recently amended by chapter 848 of the acts of 1974, is hereby further amended by adding at the end thereof the following subparagraph: —

(8) In the case of an individual who maintains a household which includes as a member one or more individuals under the age of twelve who qualify for exemption as a dependent under section one hundred and fifty-one of the Code, six hundred dollars; provided, that no deduction shall be allowed under this subparagraph if a deduction is claimed under subparagraph (7) of this paragraph. If the taxpayer is married at the close of the taxable year, the deduction provided herein shall be allowed only if the taxpayer and his spouse file a joint return for the taxable year. For the purposes of this subparagraph, the term "maintaining a household" shall have the same meaning as in section two hundred and fourteen of the Code.

SECTION 41. Section 4 of said chapter 62, as appearing in section 2 of chapter 723 of the acts of 1973, is hereby amended by striking out paragraph (*a*) and inserting in place thereof the following paragraph: —

(*a*) Part A taxable income shall be taxed at the rate of ten per cent.

SECTION 42. Section 5 of chapter 62B of the General Laws, as most recently amended by section 2 of chapter 546 of the acts of 1969, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Every employer who is required to deduct and withhold taxes under section two shall file returns and make payment of such taxes in the manner prescribed in regulations prepared by the commission. Such regulations, in so far as practicable shall generally conform to the payment requirements of the federal withholding law established pursuant to the regulations promulgated under applicable sections of the Internal Revenue Code.

SECTION 43. Chapter 63 of the General Laws is hereby amended by striking out section 2, as most recently amended by

section 9 of chapter 14 of the acts of 1966, and inserting in place thereof the following section: —

Section 2. Every bank shall pay, on account of each taxable year, a tax measured by its net income, as defined in section one, at the rate of twelve and fifty-four one hundredths per cent.

SECTION 44. Said chapter 63 is hereby further amended by striking out section 11, as most recently amended by section 26 of chapter 555 of the acts of 1971, and inserting in place thereof the following section: —

Section 11. Every savings bank as defined in chapter one hundred and sixty-eight, every co-operative bank as defined in chapter one hundred and seventy and every state or federal savings and loan association located in the commonwealth shall pay to the commissioner an annual excise equal to the following:

(*a*) on or before the twenty-fifth day of the seventh month of the taxable year, there shall be paid (1) six hundred twenty-seven one thousandths per cent of a reasonable estimate of its net operating income, as hereinafter defined, for the taxable year, and (2) one-sixteenth of one per cent of the average amount of its deposits or of its savings accounts and share capital for the first six months of the taxable year, after deducting from such average amounts (*i*) its real estate used for banking purposes, valued at cost less reasonable depreciation, and (*ii*) the unpaid balance on its loans secured by the mortgage of real estate taxable in this commonwealth, or real estate situated in a state contiguous to the commonwealth, and within a radius of fifty miles of the main office of such bank or association, and in the case of a bank or association not previously subject to tax by the commonwealth the unpaid balances on such of its loans secured by the mortgage of real estate located outside of the commonwealth which are outstanding on March first, nineteen hundred and sixty-six, both as of the close of such six month period; and

(*b*) on or before the twenty-fifth day of the first month following the close of the taxable year, there shall be paid (1) one and two hundred fifty-four one thousandths per cent of its net operating income, as hereinafter defined, for the taxable year, less the estimated amount previously paid with respect to such income, and (2) one-sixteenth of one per cent of the average amounts of its deposits or of its savings accounts and share capital for the second six months of the taxable year, after deducting from such average amount (*i*) its real estate used for banking purposes, valued at cost less reasonable depreciation, and (*ii*) the unpaid balances on its loans secured by the mortgage of real estate taxable in this commonwealth, or real estate situated in a state contiguous to the commonwealth, and within a radius of fifty miles of the main office of such bank or association, and in the case of a bank or association not previously subject to tax by this commonwealth the unpaid balances on such of its loans secured by the mortgage of real

estate located outside of this commonwealth which are outstanding on March first, nineteen hundred and sixty-six, both as of the close of the taxable year.

For the purpose of this section, "net operating income" shall mean gross income from all sources, without exclusion, for the taxable year, less (*i*) operating expenses, (*ii*) net losses upon assets sold, exchanged or charged off as uncollectible during the taxable year, and (*iii*) minimum additions during the taxable years to its guaranty fund or surplus required by law or the appropriate federal and state supervisory authorities; and "taxable year" shall mean any fiscal or calendar year or period for which the bank is required to make a return to the federal government. Federal and state taxes paid or accrued during the taxable year shall not be deductible in computing "net operating income".

SECTION 45. Section 30 of said chapter 63 is hereby amended by striking out paragraphs 1 and 2, as most recently amended by section 32 of chapter 555 of the acts of 1971, and inserting in place thereof the following two paragraphs: —

1. "Domestic corporations", every corporation organized under or subject to chapter one hundred and fifty-six, chapter one hundred and fifty-six A, chapter one hundred and fifty-six B or chapter one hundred and eighty which has privileges, powers, rights or immunities not possessed by individuals or partnerships; provided, however, that said term shall not apply to corporations organized under the provisions of section ten of chapter one hundred and fifty-seven, domestic manufacturing corporations as defined in section thirty-eight C or corporations exempt from taxation under the provisions of section five hundred and one of the federal Internal Revenue Code, as amended and in effect for the taxable year.

2. "Foreign corporations", every corporation, association, or organization established, organized or chartered under laws other than those of the commonwealth, for purposes for which domestic corporations may be organized under chapter one hundred and fifty-six, chapter one hundred and fifty-six A, chapter one hundred and fifty-six B, or chapter one hundred and eighty which has privileges, powers, rights or immunities not possessed by individuals or partnerships; provided, however, that said term shall not apply to such corporations, associations or organizations without capital stock as are subject to taxation under section eighteen of chapter one hundred and fifty-seven to foreign manufacturing corporations as defined in section forty-two B or to such corporation, associations or organizations as are exempt from taxation under the provisions of section five hundred and one of the federal Internal Revenue Code, as amended and in effect for the taxable year.

SECTION 46. Section 31B of said chapter 63, inserted by section 3 of chapter 634 of the acts of 1970, is hereby amended by

inserting after the word "thirtieth", in line 15, the words: — ; provided, however, that in no event shall the rate applicable to such property be less than two dollars and twnety-eight cents per thousand dollars of value for any taxable year.

SECTION 47. Said chapter 63 is hereby further amended by striking out section 32, as most recently amended by section 1 of chapter 927 of the acts of 1973, and inserting in place thereof the following section: —

Section 32. Except as otherwise provided herein, every domestic corporation, exercising its charter, or qualified to do business or actually doing business in the commonwealth, or owning or using any part or all of its capital, plant or any other property in the commonwealth, shall pay, on account of each taxable year, the excise provided in subsection (*a*) or (*b*) of this section, whichever is greater.

The excise levied herein is due and payable on any one or all of the following alternative incidents:

1) The qualification to carry on or do business in this state or the actual doing of business within the commonwealth in a corporate form. The term "doing business" as used herein shall mean and include each and every act, power, right, privilege, or immunity exercised or enjoyed in the commonwealth, as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations, as well as, the buying, selling or procuring of services or property.

(2) The exercising of a corporation's charter or the continuance of its charter within the commonwealth.

(3) The owning or using any part or all of its capital, plant or other property in the commonwealth in a corporate capacity.

It is the purpose of this section to require the payment of this excise to the commonwealth by domestic corporations for the right granted by the laws of the commonwealth to exist as such an organization and for the enjoyment under the protection of the laws of the commonwealth, of the powers, rights, privileges and immunities derived by reason of the corporate form of existence and operation.

In the case of a corporation whose taxable year is a period of less than twelve calendar months, the portion of the amount determined under clause (1) of subsection (*a*) shall be multiplied by a fraction whose numerator is the number of months included in the taxable year and whose denominator is twelve.

(*a*) An amount equal to the sum of: —

(1) Seven dollars per thousand upon the value of: —

(i) its tangible property as determined to be taxable under paragraph 7 of section thirty if a tangible property corporation; or

(ii) its net worth as determined to be taxable under paragraph 8 of section thirty if an intangible property corporation; and

(2) Seven and one half per cent of its net income determined to

be taxable in accordance with the provisions of this chapter.

(*b*) Two hundred dollars.

SECTION 48. Subsection (*a*) of said section 32 of said chapter 63, as amended by section 47 of this act, is hereby further amended by striking out clause (2) and inserting in place thereof the following clause: —

(2) Eight and thirty-three one hundredths per cent of its net income determined to be taxable in accordance with the provisions of this chapter.

SECTION 49. Section 38 of said chapter 63 is hereby amended by striking out subsection (*c*), as appearing in section 58 of chapter 698 of the acts of 1966, and inserting in place thereof the following subsection: —

(*c*) If the corporation has income from business activity which is taxable both within and without this commonwealth, its taxable net income, determined under the provisions of subsection (*a*), shall be apportioned to this commonwealth by multiplying its taxable net income, determined under the provisions of subsection (*a*), by a fraction, the numerator of which is the property factor plus the payroll factor plus twice the sales factor, and the denominator of which is four.

SECTION 50. Subsection (*g*) of said section 38 of said chapter 63, as so appearing is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

In a case where only two of the foregoing three factors are applicable, the taxable net income of the corporation shall be apportioned by a fraction, the numerator of which is the remaining two factors with their respective weights and the denominator of which is the number of times that such factors are used in the numerator.

SECTION 51. Section 38B of said chapter 63 is hereby amended by striking out subsections (*a*) and (*b*), as amended by section 8 of chapter 752 of the acts of 1973, and inserting in place thereof the following two subsections: —

(*a*) Every domestic business corporation or foreign corporation which is engaged exclusively in buying, selling, dealing in, or holding securities in its own behalf and not as a broker, except securities of a corporation defined in this chapter as a DISC, and is not a regulated investment or bank holding company under the Federal Internal Revenue Code, as amended and in effect for the taxable year, and, which either applies to the commissioner to be classified as a security corporation before the end of the taxable year and is so classified, or has been so classified by the commissioner for a prior taxable year and such classification has not been revoked before the end of the taxable year, shall pay, on account of each taxable year, an excise equal to one and thirty-two one hundredths per cent of the gross income, as defined in section thirty of this chapter, received by such corporation during the taxable year or two hundred and twenty-eight dollars, whichever is greater.

(*b*) Every domestic business corporation or foreign corporation, which is engaged exclusively in buying, selling, dealing in, or holding securities on its own behalf and not as a broker, except securities of a corporation defined in this chapter as a DISC, and is a regulated investment or bank holding company under the Federal Internal Revenue Code, as amended and in effect for the taxable year, and which either applies to the commissioner to be classified as a security corporation before the end of the taxable year and is so classified, or has been so classified by the commissioner for a prior taxable year, shall pay, on account of each taxable year, an excise equal to thirty-three one hundredths per cent of the gross income, as defined in section thirty of this chapter, received by such corporation during the taxable year or two hundred and twenty-eight dollars, whichever is greater.

SECTION 52. Said chapter 63 is hereby further amended by striking out section 39, as most recently amended by section 3 of chapter 927 of the acts of 1973, and inserting in place thereof the following section: —

Section 39. Except as otherwise provided herein, every foreign corporation, exercising its charter, or qualified to do business or actually doing business in the commonwealth, or owning or using any part or all of its capital, plant or any other property in the commonwealth, shall pay, on account of each taxable year, the excise provided in subsection (*a*) or (*b*) of this section, whichever is greater.

The excise levied herein is due and payable on any one or all of the following alternate incidents:

(1) The qualification to carry on or do business in this state or the actual doing of business within the commonwealth in a corporate form. The term "doing business" as used herein shall mean and include each and every act, power, right, privilege, or immunity exercised or enjoyed in the commonwealth, as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations, as well as, the buying, selling or procuring of services or property.

(2) The exercising of a corporation's charter or the continuance of its charter within the commonwealth.

(3) The owning or using any part or all of its capital, plant or other property in the commonwealth in a corporate capacity.

It is the purpose of this section to require the payment of this excise to the commonwealth by foreign corporations for the enjoyment under the protection of the laws of the commonwealth, of the powers, rights, privileges and immunities derived by reason of the corporate form of existence and operation.

In the case of a corporation whose taxable year is a period of less than twelve calendar months, the portion of the amount determined under clause (1) of subsection (*a*) shall be multiplied by a fraction whose numerator is the number of months included

in the taxable year and whose denominator is twelve.

(*a*) An amount equal to the sum of: —

(1) Seven dollars per thousand upon the value of —

(i) its tangible property as determined to be taxable under paragraph 7 of section thirty if a tangible property corporation, or

(ii) its net worth as determined to be taxable under paragraph 9 of section thirty if an intangible property corporation; and

(2) Seven and one half per cent of its net income determined to be taxable in accordance with the provisions of this chapter.

(*b*) Two hundred dollars.

SECTION 53. Subsection (*a*) of section 39 of said chapter 63, as appearing in section 52 of this act, is hereby amended by striking out clause (2) and inserting in place thereof the following clause: —

(2) Eight and thirty-three one hundredths per cent of its net income determined to be taxable in accordance with the provisions of this chapter.

SECTION 54. Section 4 of chapter 63B of the General Laws is hereby amended by striking out paragraph (*a*), inserted by section 2 of chapter 427 of the acts of 1975, and inserting in place thereof the following paragraph: —

(*a*) If the declaration is filed on or before the fifteenth day of the third month of the taxable year, the estimated tax shall be paid in four installments. The first installment shall be paid at the time of the filing of the declaration, and shall be equal to thirty per cent of the estimated tax; the second installment shall be paid on the fifteenth day of the sixth month of the taxable year, and shall be equal to twenty-five per cent of the estimated tax; the third installment shall be paid on the fifteenth day of the ninth month of the taxable year, and shall be equal to twenty-five per cent of the estimated tax; and the fourth shall be paid on the fifteenth day of the twelfth month of the taxable year, and shall be equal to the remaining twenty per cent of the estimated tax.

SECTION 55. Paragraph (*a*) of section 6 of said chapter 63B is hereby amended by striking out the second sentence, as amended by section 2 of chapter 536 of the acts of 1969, and inserting in place thereof the following sentence: — For the purposes of this paragraph, the "amount of the underpayment" shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to ninety per cent of the tax shown on the return for the taxable year or, if no return was filed, ninety per cent of the tax for such year, over the amount, if any, of the installment paid on or before the last date prescribed for payment.

SECTION 56. Section 1 of chapter 64B of the General Laws is hereby amended by striking out the paragraph defining "Taxable Charge" and inserting in place thereof the following paragraph: —

"Taxable charge", any amount charged for meals wherever furnished within the commonwealth, including cover and other charges, except meals exempt under section two A, and any amount charged for alcoholic beverages, as defined in chapter one hundred and thirty-eight, including cover and other charges, wherever furnished within the commonwealth for on-premises consumption, whether or not accompanying meals.

SECTION 57. Said section 1 of said chapter 64B is hereby further amended by adding the following two paragraphs: —

"Meal", any food or beverage, or both, prepared for human consumption and provided by a restaurant, whether the food or beverage is intended for consumption on or off the restaurant premises, and includes food or beverages sold on a "take out" or "to go" basis, whether or not they are packaged or wrapped and whether or not they are taken from the premises of the restaurant.

"Restaurant", any eating establishment where food, food products, or beverages are provided and for which a charge is made, including but not limited to, a cafe, lunch counter, private or social club, cocktail lounge, hotel dining room, catering business, tavern, diner, snack bar, dining room, vending machine, and any other place or establishment where food or beverages are provided, whether stationary or mobile, temporary or permanent.

SECTION 58. Section 2A of said chapter 64B, as most recently amended by section 16 of chapter 888 of the acts of 1970, is hereby further amended by adding the following two paragraphs: —

(*e*) Meals furnished to students by public and private non-profit primary and secondary schools.

(*f*) Meals furnished through program established under section one L of chapter fifteen.

SECTION 59. Chapter 64H of the General Laws is hereby amended by striking out section 2, as appearing in section 1 of chapter 757 of the acts of 1967, and inserting in place thereof the following section: —

Section 2. An excise is hereby imposed upon sales at retail of tangible personal property in the commonwealth by any vendor at the rate of five per cent of the gross receipts of the vendor from all such sales of such property, except as otherwise provided in this chapter.

SECTION 60. Said chapter 64H is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section: —

Section 4. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows: —

Amount of Sale tax	Amount of Tax
$0.01 to $0.09 inclusive	No tax
$0.10 to $0.29 inclusive	1 cent
$0.30 to $0.49 inclusive	2 cents
$0.50 to $0.69 inclusive	3 cents
$0.70 to $0.89 inclusive	4 cents
$0.90 to $1.09 inclusive	5 cents

In addition to a tax of five cents on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

SECTION 61. Section 5 of said chapter 64H, as appearing in section 1 of chapter 757 of the acts of 1967, is hereby amended by inserting after the word "vendor", in line 5, at the end thereof of the following provision —; provided however that in the instance of the sale of alcoholic beverages for on premise consumption, the tax collected need not be stated separately.

SECTION 62. Section 6 of said chapter 64H is hereby amended by striking out paragraph (*g*), as inserted by section 44 of chapter 555 of the acts of 1971, and inserting in place thereof the following paragraph: —

(*g*) Sales of tangible personal property includable in the measure or the excises levied under the provisions of chapters sixty-four A, sixty-four C, sixty-four E, sixty-four F, and one hundred and thirty-eight.

SECTION 63. Said section 6 of said chapter 64H is hereby further amended by adding at the end thereof the following new paragraph: —

(*bb*) meals prepared by employees thereof and served in any hospital, sanatorium, convalescent or nursing home, or boarding home for the aged licensed under section seventy-one of chapter one hundred and eleven or in any institution or private house licensed under section twenty-nine of chapter nineteen; meals prepared by the members thereof and served on its premises by any church or synagogue or by any church or synagogue organization to any organization of such church or synagogue the proceeds of which are to be used for religious or charitable purposes; meals furnished by any person while transporting passengers for hire by air to or from any place within the commonwealth, meals furnished to any organization in which membership is limited to persons sixty years of age or over and said organization has previously filed with the commissioner, on a form approved by the commission, satisfactory proof of its eligibility hereunder; and meals furnished to students by public and private nonprofit primary and secondary schools; and, meals furnished through programs established under section one L of chapter fifteen.

SECTION 64. Section 7 of said chapter 64H is hereby amended by striking out paragraph (*a*) and inserting in place thereof the following paragraph: —

(*a*) No person shall do business in this commonwealth as a vendor unless a registration or registrations shall have been issued to him as hereinafter described. Every person desiring to do business in the commonwealth as a vendor shall file with the commissioner for each place of business an application for registration, in such form as the commissioner, with the approval of the commission, prescribes giving such information as the commissioner requires. At the time of making the application, such person shall pay to the commissioner a registration fee of ten dollars for each registration.

SECTION 65. Paragraph (*c*) of said section 7 is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

A person whose registration has been suspended or revoked shall pay to the commissioner a fee of twenty dollars for the reissuance of a registration. The commissioner shall not issue a new registration after the suspension or revocation of a registration unless he is satisfied that the former holder of the registration will comply with the provisions of this chapter and with all pertinent rules and regulations made thereunder.

SECTION 66. Said chapter 64H is hereby further amended by striking out section 30A, inserted by section 1 of chapter 706 of the acts of 1973, and inserting in place thereof the following section: —

Section 30A. (*a*) Where a nonresident contractor enters into a contract with a person pursuant to which or in the carrying out of which tangible personal property will be consumed or used within the commonwealth, the nonresident contractor shall deposit with the commissioner a sum equivalent to five per cent of the total amount to be paid under the contract, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to five per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract and shall obtain a certificate in duplicate from the commissioner that the requirements of this subsection have been met.

(*b*) Any person dealing with a nonresident contractor without first obtaining the duplicate copy of the certificate from the commissioner as required in subsection (*a*) shall deduct five per cent of all amounts payable to the nonresident contractor and pay it over to the commissioner on behalf of or as agent for the nonresident contractor, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to five per cent of such total amount, to secure payment

of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

(*c*) Where a person dealing with a nonresident contractor fails to comply with subsection (*b*), he is personally liable for payment of the tax imposed by this chapter relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

As used in this section "contractor" shall mean any person engaged in the construction, reconstruction, alteration, remodeling or repair of real property.

SECTION 67. Chapter 64I of the General Laws is hereby amended by striking out section 2, as appearing in section 2 of chapter 757 of the acts of 1967, and inserting in place thereof the following section: —

Section 2. Except as otherwise provided in this chapter an excise is hereby imposed upon the storage, use or other consumption in the commonwealth of tangible personal property purchased from any vendor for storage, use or consumption within the commonwealth at the rate of five per cent of the sales price of the property.

SECTION 68. Said chapter 64I is hereby further amended by striking out section 5, as so appearing, and inserting in place thereof the following section: —

Section 5. For the purpose of adding and collecting the tax imposed by this chapter, or an amount equal as nearly as possible or practicable to the average equivalent thereof, to be paid to the commonwealth or to be reimbursed to the vendor by the purchaser, the following formula shall be in force and effect as follows: —

Amount of Sale	Amount of Tax
$0.01 to $0.09 inclusive	No tax
$0.10 to $0.29 inclusive	1 cent
$0.30 to $0.49 inclusive	2 cents
$0.50 to $0.69 inclusive	3 cents
$0.70 to $0.89 inclusive	4 cents
$0.90 to $1.09 inclusive	5 cents

In addition to a tax of five cents on each full dollar, a tax shall be collected on each part of a dollar in excess of a full dollar in accordance with the above formula.

SECTION 69. Said chapter 64I is hereby further amended by striking out section 31A, inserted by section 2 of chapter 706 of the acts of 1973, and inserting in place thereof the following section: —

Section 31A. (*a*) Where a nonresident contractor enters into a contract with a person pursuant to which or in the carrying out of which tangible personal property will be consumed or used within

the commonwealth, the nonresident contractor shall deposit with the commissioner a sum equivalent to five per cent of the total amount to be paid under the contract, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to five per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract and shall obtain a certificate in duplicate from the commissioner that the requirements of this subsection have been met.

(*b*) Any person dealing with a nonresident contractor without first obtaining the duplicate copy of the certificate from the commissioner as required in subsection (*a*) shall deduct five per cent of all amounts payable to the nonresident contractor and pay it over to the commissioner on behalf of or as agent for the nonresident contractor, or shall furnish the commissioner with a guarantee bond satisfactory to the commissioner in a sum equivalent to five per cent of such total amount, to secure payment of the tax payable relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

(*c*) A person dealing with a nonresident contractor fails to comply with subsection (*b*), shall be personally liable for payment of the tax imposed by this chapter relative to tangible personal property consumed or used pursuant to or in the carrying out of the contract.

As used in this section "contractor" shall mean any person engaged in the construction, reconstruction, alteration, remodeling or repair of real property.

SECTION 70. Agreements for the sale of goods subject to the excise imposed by chapter sixty-four H of the General Laws and the storage, use or other consumption in this commonwealth of tangible personal property subject to the excise imposed by chapter sixty-four I of the General Laws entered into before the effective date of this section shall be subject to the provisions of said chapters prior to their amendment by the provisions of this act; provided that such agreements are in writing, signed by the vendor and purchaser, and impose an unconditional liability on the part of the purchaser to buy the goods covered thereby at a fixed price without escalator clause, and an unconditional liability on the part of the vendor to deliver a definite quantity of such goods or at the contract price; and provided further, that delivery is made not later than ninety days after the effective date of the relevant provisions of this act. For purposes of this section, the word "sale" is defined to exclude the rental or lease of tangible personal property.

SECTION 71. Sales of building materials and supplies subject to the excise imposed by chapter sixty-four H of the General Laws and the storage, use or other consumption in this commonwealth

of building materials and supplies subject to the excise imposed by chapter sixty-four I of the General Laws shall be subject to the rate of tax imposed by said chapters prior to their amendment by the provisions of this act to the extent that such building materials and supplies are to be used in construction, reconstruction, alteration, remodeling or repair of any building or structure pursuant to a contract entered into before the effective date of the relevant provisions of this act or entered into within sixty days after said effective date pursuant to a bid required to be submitted before said date; provided, that such contract is in writing, signed, by the contractor and the party or whom such work is to be performed and imposes an obligation on the part of the contractor to perform such work, without conditions or escalator clauses with respect to said tax; and provided, further, that notice of such contract is given to the commissioner within ninety days after said effective date. For purposes of this section, the word "sales" is defined to exclude the rental or lease of building materials and supplies.

SECTION 72. The provisions of sections fifty-nine, sixty, and sixty-six to sixty-nine, inclusive, of this act shall apply to all charges for the rental or lease of tangible personal property with respect to periods beginning on and after the effective date of said sections, for which a rental is paid, even though the rental agreement or contract was entered into prior to said effective date and transfer of possession to the lessee was made prior to said date.

SECTION 73. Chapter 65A of the General Laws is hereby amended by striking out section 5, as amended by section 1 of chapter 605 of the acts of 1948, and inserting in place thereof the following section: —

Section 5. Whenever it appears upon any accounting, or in any appropriate action or proceeding, that an executor, administrator, trustee or other person acting in a fiduciary capacity, has paid or may be required to pay an estate tax levied or assessed under the provisions of chapter sixty-five C, or under the provisions of this chapter, or under the provisions of any estate tax law of the United States heretofore or hereafter enacted, upon the transfer of the estate of any person who at the time of his death was an inhabitant of this commonwealth, the net amount of said tax shall be apportioned among and borne by recipients and beneficiaries of the property and interests included in the gross estate in the following manner: —

(1) If any portion of the estate passed under the will of the decedent, such proportion of the net amount of the tax so levied or assessed shall, except as otherwise provided or directed by the will, be charged to and paid from the general funds of the estate as the net amount of the property passing under the will and included in the measure of such tax, exclusive of property over which the decedent had any power of appointment as defined

from time to time by the estate tax laws of the United States, bears to the amount of the net estate as hereafter defined in this section.

(2) If any portion of the property with respect to which such tax is levied or assessed is held under the terms of any trust created intervivos or is subject to such a power of appointment, such proportion of the net amount of the tax so levied or assessed shall, except as otherwise provided or directed by the trust instrument with respect to the fund established thereby, or by the decedent's will, be charged to and paid from the corpus of the trust property or the property subject to such power of appointment, as the case may be, as the net amount of the property of such trust or property subject to such power of appointment and included in the measure of such tax bears to the amount of the net estate as hereafter defined in this section. The amount so charged shall not be apportioned between temporary and remainder estates.

(3) The balance of the net amount of the tax so levied or assessed, or if paragraphs one and two are inapplicable the whole of the net amount of such tax shall, except as otherwise provided or directed by the decedent's will, be equitably apportioned among and charged to and paid by the recipients and beneficiaries of property or interests included in the measure of such tax and passing or arising otherwise than under the will of the decedent or by virtue of any such trust or by the exercise or nonexercise of any such power of appointment in the proportion that the net amount of such property or interests bears to the amount of the net estate as hereafter defined in this section; provided, that where any provision is made whereby any person is given an interest in income or an estate for years or for life or other temporary interest in any property or fund the amount so charged to such recipients or beneficiaries shall not be apportioned between temporary and remainder estates but shall be charged to and paid out of the corpus of such property or fund; and provided further, that any apportionment made under this section shall accord with applicable estate tax laws of the United States where such laws specify with respect to an apportionment.

(4) For the purposes of the apportionment of the tax levied or assessed under the provisions of this chapter, or under the provisions of any estate tax law of the United States, the term "net estate" as used in this section shall mean the gross estate as defined by the applicable estate tax laws of the United States less the deductions, other than specific exemptions, allowed by the provisions of such laws. For the purposes of the apportionment of the tax levied or assessed under the provisions of chapter sixty-five C the term "net estate" as used in this section shall mean the Massachusetts net estate as defined in section one of said chapter sixty-five C.

SECTION 74. The General Laws are hereby amended by inserting after chapter 65B the following chapter: —

CHAPTER 65C.

MASSACHUSETTS ESTATE TAX.

Section 1. When used in this chapter the following words or terms shall have, unless the context clearly indicated otherwise, the following meanings: —

(a) "Code", the Internal Revenue Code of the United States, as amended and in effect on January first, nineteen hundred and seventy-five.

(b) "Commission", the state tax commission.

(c) "Commissioner", the commissioner of corporations and taxation.

(d) "Federal gross estate", the gross estate as defined under the Code.

(e) "Massachusetts adjusted gross estate", the Massachusetts gross estate less the deductions allowable under section three pursuant to sections two thousand and fifty-three and two thousand and fifty-four of the Code.

(f) "Massachusetts gross estate", the federal gross estate, whether or not a federal estate tax return is required to be filed, less the value of real and tangible personal property having an actual situs outside the commonwealth.

(g) "Massachusetts net estate", the Massachusetts gross estate less the following deductions to the extent they are allowable under section three: (1) funeral expenses; (2) claims against the estate; and (3) unpaid mortgages on, or any indebtedness in respect of, property where the value of the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the Massachusetts gross estate.

(h) "Massachusetts taxable estate", the Massachusetts gross estate less the exemption and deductions allowable under section three.

(i) "Resident", any person domiciled in the commonwealth.

Section 2. (a) A tax computed in accordance with the following table is hereby imposed on the transfer of the Massachusetts taxable estate of every deceased resident of Massachusetts: —

If the Massachusetts taxable estate is:		The Massachusetts estate tax shall be:
Over	But not over	
0	50,000	5% of the taxable estate
50,000	100,000	$ 2,500 plus 7% of the excess over $ 50,000
100,000	200,000	$ 6,000 plus 9% of the excess over $ 100,000
200,000	400,000	$ 15,000 plus 10% of the excess over $ 200,000
400,000	600,000	$ 35,000 plus 11% of the excess over $ 400,000
600,000	800,000	$ 57,000 plus 12% of the excess over $ 600,000
800,000	1,000,000	$ 81,000 plus 13% of the excess over $ 800,000
1,000,000	2,000,000	$107,000 plus 14% of the excess over $1,000,000
2,000,000	4,000,000	$247,000 plus 15% of the excess over $2,000,000
4,000,000		$547,000 plus 16% of the excess over $4,000,000

; provided, however, that the tax under this subsection shall not be greater than twenty per cent of the amount by which the Massachusetts net estate exceeds sixty thousand dollars.

(b) If the maximum credit for state death taxes allowable to the estate of a deceased resident against the federal estate tax, as computed according to the rate schedule found in section two thousand and eleven of the Code based upon an amount equal to the Massachusetts taxable estate, exceeds the tax imposed under subsection (*a*), the amount of such excess shall be added to the tax imposed under subsection (*a*).

Section 3. (*a*) There shall be an exemption of thirty thousand dollars; except that if the Massachusetts net estate is sixty thousand dollars or less the exemption shall be an amount equal to the Massachusetts net estate.

(*b*) In addition to the exemption provided in subsection (a), the deductions allowable in computing the Massachusetts taxable estate shall consist of the deduction or portions thereof, other than the exemption found in section two thousand and fifty-two of the Code, which are allowable in determining the federal taxable estate and which are attributable to property included in the Massachusetts gross estate; provided, however, that the deduction for property which has passed or passes to a surviving spouse shall not exceed fifty per cent of the Massachusetts adjusted gross estate.

(*c*) If the right to claim any deduction otherwise allowable is waived for federal estate tax purposes, such right shall be considered waived for Massachusetts estate tax purposes.

Section 4. A tax computed in accordance with the provisions of section two is hereby imposed on the transfer of real and tangible personal property having an actual situs in the commonwealth of every deceased nonresident, if such property would have been included in the Massachusetts gross estate had the decedent been a resident of Massachusetts.

In determining the taxable estate for purpose of the tax imposed by this section, the sum of the exemption and deductions allowable under section three shall not be greater than an amount which bears the same ratio to the sum of the exemption and deductions which would be allowable under said section three, but for the provisions of this paragraph, as the Massachusetts gross estate bears to the federal gross estate.

Section 5. Property in the Massachusetts gross estate shall be valued as of the date of death of the decedent; provided, however, that if an alternate valuation has been elected for the purposes of the federal estate tax in accordance with section two thousand and thirty-two of the Code, the property in the Massachusetts gross estate shall be valued as of the dates used for federal estate tax valuation purposes.

Section 6. (*a*) The tax imposed by this chapter shall be paid by the executor. The term "executor", wherever used in this chapter,

means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified and acting within the commonwealth, then any person in actual or constructive possession of any property of the decedent. The probate court may authorize an executor to sell so much of the property of the estate as will enable him to pay such tax in the same manner as it may authorize him to sell such property for the payment of debts.

(*b*) No final account of an executor of any estate shall be allowed by the probate court unless and until the executor shall have filed in the probate court a certificate of the commissioner showing either that the amount of the tax has been paid, that payment thereof has been secured as provided in section ten, or that no tax is due.

Section 7. If the executor makes a written application, accompanied by a copy of the final determination of federal estate tax liability, to the commissioner for determination of the amount of the tax and discharge from personal liability therefor, the commissioner, as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, shall notify the executor of the amount of the tax. The executor, on payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due, and shall be entitled to a receipt or writing showing such discharge.

Section 8. (*a*) In all cases where the federal gross estate of the decedent exceeds sixty thousand dollars the executor shall make a return within nine months after the date of the decedent's death with respect to the tax imposed by this chapter. Such return shall be in such form as may be prescribed by the commissioner, with the approval of the commission. The return shall be accompanied by a filing fee of ten dollars.

(*b*) If the executor is unable to make a complete return as to any part of the federal gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein. Upon notice from the commissioner such person shall in like manner make a return as to such part of the federal gross estate.

(*c*) Every person liable for any tax imposed by this chapter, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the commissioner or commission may from time to time prescribe.

(*d*) For good cause the commissioner may grant a reasonable extension of time for filing any return or other document required by this chapter. Any such extension shall be granted only if application therefor is made prior to the date when the tax

imposed by this chapter is required to be paid and an amount equal to the tax reasonably estimated to be due is paid on or before said date. Failure to pay eighty per cent of the tax due on or before said date shall void any extension of time and the return shall be subject to penalty as a late return. Any such penalty may be abated by the commission, in whole or part, for good and sufficient cause.

Section 9. The tax imposed by this chapter shall be due and payable by the person liable therefor at the expiration of nine months from the date of death of the decedent.

Section 10. (*a*) The commissioner may extend the time for payment of the tax imposed by this chapter for a reasonable period not to exceed six months from the date fixed for the payment thereof. If the commissioner finds that the payment on the due date of any part of such tax would result in undue hardship, he may extend the time for payment for a reasonable period not in excess of three years from the date fixed for payment of the tax. If an extension is granted, the commissioner may require the taxpayer: —

(*i*) to deposit with the state treasurer bonds or other negotiable obligations of the commonwealth or of the United States of America of such aggregate face amount as the commissioner may from time to time deem necessary to adequately secure payment of such taxes; or

(*ii*) to give a bond to the state treasurer in such amount and with such sureties as the commissioner deems necessary, conditioned upon the payment of the amount with respect to which the extension is granted in accordance with the terms of the extension.

In case of a deposit of bonds or other negotiable obligations with the state treasurer hereunder he shall pay to such taxpayer the interest accruing thereon, and, if such taxes shall be paid in full when due in accordance with the terms of the extension, he shall return such bonds or obligations to the persons entitled thereto; but if such taxes shall not be paid when due, the state treasurer may sell all or any part of such bonds or obligations to satisfy such taxes, and shall return to the taxpayer all the proceeds of such sale, and all such bonds or obligations remaining in his hands after satisfying such taxes.

(*b*) If the value of a reversionary or remainder interest in property is included in the value of the gross estate, the payment of the part of the tax imposed by this chapter attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amount the payment of which is so postponed shall then be payable, together with interest thereon at the rate of eight per cent per annum from the date the tax was payable under section nine until such amount is paid. The postponement of such amount shall be under regulations to be

prescribed by the commission, and shall be upon condition that the executor, or any other person liable for the tax, shall give bond to the state treasurer in such amount, and with such sureties as the commissioner deems necessary, conditioned upon the payment within six months after the termination of such precedent interest or interests of the amount the payment of which is so postponed together with interest thereon, as hereinbefore provided.

Section 11. (*a*) Taxes shall be deemed to be assessed at the amount shown as the tax due upon any return filed under the provisions of this chapter and on any amendment, correction or supplement thereof, or at the amount properly due, whichever is less, and at the time when the return is filed or required to be filed, whichever occurs later.

(*b*) If the commissioner determines from the verification of a return or otherwise, that the full amount of any tax has not been assessed or is not deemed to be assessed, he may at any time within three years after the date the return was filed or the date it was required to be filed, whichever occurs later, assess the same with interest as provided in section thirty-one A of chapter fifty-eight to the date when the deficiency assessment is required to be paid, first giving notice of his intention to the person to be assessed. Such person or his representative may confer with the commissioner or his duly authorized representative as to the proposed assessment within thirty days after the date of such notification. After the expiration of thirty days from the date of such notification, the commissioner shall assess the amount of tax remaining due the commonwealth, or any portion thereof which he believes has not theretofore been assessed. Failure to receive the notice provided for by this paragraph shall not affect the validity of the tax.

(*c*) In the case of an arithmetical or clerical error or other obvious error apparent upon the face of the return, the commissioner may assess a deficiency attributable to such error without giving notice of his intention to assess to the person to be assessed.

(*d*) In the case of a false or fraudulent return filed with intent to evade a tax or of a failure to file a return, the commissioner may make an assessment at any time, without giving notice of his intention to assess, determining the tax due according to his best information and belief.

(*e*) If the taxpayer omits from the gross estate items includible in such gross estate as exceed in amount twenty-five per cent of the gross estate stated in the return, the tax may be assessed at any time within six years after the return was filed. In determining the items omitted from the gross estate, there shall not be taken into account any item which is omitted from the gross estate in the return if such item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise

the commissioner of the nature and amount of such item.

Section 12. If the assessment of any tax is in excess of the amount shown on the return as the tax due, the commissioner shall, as soon as may be, give written notice to the taxpayer of the amount of the assessment and the time when the same is required to be paid, which shall be the thirtieth day following the date of the notice. Failure to receive such notice shall not affect the validity of the assessment.

Section 13. If any part of any underpayment of tax required to be shown on the return required by this chapter is due to fraud, there shall be added to the tax an amount equal to fifty per cent of the underpayment. For purposes of this section the term "underpayment" means a deficiency assessed pursuant to subsection (*b*) of section eleven except that, for this purpose, the tax shown on a return referred to in subsection (*a*) of said section eleven shall be taken into account only if such return was filed before the last day prescribed for the filing of such return, determined with regard to any extension of time. If any penalty is assessed for fraud under this section for an underpayment of tax required to be shown on the return required by this chapter, no penalty under section thirty-one A of chapter fifty-eight shall be assessed with respect to the same underpayment.

Section 14. (*a*) Unless the tax imposed by this chapter is sooner paid in full, it shall be a lien for ten years from the date of death upon the Massachusetts gross estate of the decedent, except that such part of the Massachusetts gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by the probate court having jurisdiction thereof, shall be divested of such lien.

(*b*) If the tax imposed by this chapter is not paid when due, then the spouse, transferee, trustee, surviving tenant, person in possession of the property by reason of the exercise, nonexercise or release of a power of appointment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the Massachusetts gross estate, to the extent of the value, at the time of the decedent's death, of such property, shall be personally liable for such tax. Any part of such personal property transferred by, or transferred by a transferee of, such spouse, transferee, trustee, surviving tenant, person in possession of property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, to a bona fide purchaser, mortgagee or pledgee, for an adequate and full consideration in money or money's worth shall be divested of the lien provided in subsection (*a*), and a lien shall then attach to all the property of such spouse, transferee, trustee, surviving tenant, person in possession, beneficiary, or transferee of any such person, except any part transferred to a bona fide purchaser, mortgagee, or pledgee for an adequate and full consideration in money or money's worth.

(*c*) The lien imposed by this section shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee, or purchaser of any such security, for an adequate and full consideration in money or money's worth, or if at the time of such mortgage, pledge, or purchase such mortgagee, pledgee or purchaser is without notice or knowledge of the existence of such lien. As used in this section, the term "security" shall mean any bond, debenture, note or certificate or other evidence of indebtedness, issued by any corporation, including one issued by a government or political subdivision thereof, with interest coupons or in registered form, share of stock, voting trust certificate, or any certificate of interest or participation in, certificate of deposit or receipt for, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(*d*) The commissioner may release, or give a partial discharge of, any lien imposed by this chapter with respect to all or any part of the property subject to such lien, if he is satisfied that the collection of the tax will not thereby be jeopardized. The issuance by the commissioner of any certificate of release or of partial discharge shall be held conclusive that the lien upon the property covered by the certificate is extinguished.

(*e*) Such lien shall cease to attach to any personal property after the same has been sold or disposed of for value by the person lawfully entitled to make such sale or disposition; provided, however, that such lien shall forthwith, upon any sale or disposition of such personal property, attach to the proceeds or other property acquired in substitution therefor; and provided, further, that before a license is issued or a decree entered authorizing the sale of real estate of a resident decedent or of any property of a nonresident decedent subject to such lien, it shall appear in the records of the probate court that the commissioner has released or discharged the lien with respect to such property.

Section 15. (*a*) The amount of the liability, at law or in equity, of a transferee of property of a decedent in respect of the tax imposed by this chapter shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of the tax with respect to which the liability was incurred. Any such liability may be either as to the amount of tax shown on a return or as to any deficiency in tax.

(*b*) The period of limitations for assessment of any such liability of a transferee shall be as follows: —

(*i*) In the case of the liability of an initial transferee, within one year after the expiration of the period of limitation for assessment against the transferor.

(*ii*) In the case of the liability of a transferee within one year after the expiration of the period of limitation for assessment against the preceding transferee, but not more than three years

after the expiration of the period of limitation for assessment against the initial transferor;
except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a court proceeding for the collection of the tax or liability in respect thereof has been begun against the initial transferor or the last preceding transferee, respectively, then the period of limitation for assessment of the liability of the transferee shall expire one year after the return of execution.

(*c*) In the absence of notice to the commissioner under section sixteen of the existence of a fiduciary relationship, any notice of liability enforceable under this section, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient.

(*d*) As used in this section, the term "transferee" includes donee, heir, legatee, devisee and his distributee, and includes a person who, under subsection (*b*) of section fourteen, is personally liable for any part of the tax.

Section 16. (*a*) Upon notice to the commissioner that any person is acting as executor, such person shall assume the powers, rights, duties and privileges of an executor in respect of the tax imposed by this chapter until notice is given that such person is no longer acting as executor.

(*b*) Upon notice to the commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section fifteen, the fiduciary shall assume on behalf of such person the powers, rights, duties, and privileges of such person under such section, except that the liability shall be collected from the estate of such person, until notice is given that the fiduciary capacity has terminated.

Section 17. The commissioner shall have for the collection of taxes imposed by this chapter all the powers and remedies provided by chapter sixty for the collection of taxes on personal estate by collectors of taxes of towns. Any warrant for the collection of a tax imposed under this chapter may be issued to any deputy collector, sheriff, deputy sheriff or constable, and he shall have authority to proceed thereunder anywhere within the commonwealth. The officer, to whom a warrant for the collection of such a tax is given, shall collect said tax, penalties and interest as herein provided, including the charges and fees provided in section fifteen of chapter sixty, and shall pay over such amounts collected to the commissioner. Such officer, other than a deputy collector, may collect and receive for his fees the sum which an officer would be entitled by law to receive upon an execution for a like amount.

The commissioner may recover any tax imposed by this chapter in an action of contract in the name of the commonwealth.

Section 18. (*a*) Taxes imposed by this chapter shall be collected within ten years of the date of death of the decedent; provided, however, that written notice of such death has been given to the commissioner within five years of the date of such death. If notice is not given within such time, the commissioner's right to collect any tax due shall continue until five years after the giving of the notice. Notice to the commissioner of the death of the decedent shall be conclusively presumed to have been given upon the date of filing of the return required under section eight. Where any question relative to the taxes imposed by this chapter is pending before any agency or court at the end of the above-stated period, the commissioner's right to collect any tax due shall continue until one year after the final determination of such question.

(*b*) The running of the period of limitations for collection shall be suspended for the period of any extension of time for payment granted under the provisions of section ten.

Section 19. Any person aggrieved by the assessment of a tax under this chapter may apply in writing to the commission, upon a form approved by it, for an abatement thereof at any time within three years after the date of the assessment of such tax or within one year after the date of payment thereof, whichever is later. The commission shall, if requested thereon, grant the applicant a hearing upon his application. If the commission finds that the tax is excessive in amount or illegal, it shall abate the tax, in whole or in part, accordingly. If the tax has been paid, the state treasurer, upon certification of the commission, shall repay to the applicant the amount of such abatement without any appropriation therefor by the general court.

Section 20. Any person aggrieved by the refusal of the commission to abate a tax, in whole or in part, may appeal therefrom, within sixty days after the date of notice of the decision of the commission or within six months after the time when the application for abatement is deemed to be denied as provided by section six of chapter fifty-eight A as follows: *(a)* appeals from the determination of the commission as to the value of an asset of the estate shall be made by filing a petition with the clerk of the appellate tax board; *(b)* appeals from the determination of the commission as to all other matters shall be made by filing a petition with either the clerk of the appellate tax board or the probate court having jurisdiction of the estate of the decedent. If, on hearing, the board or the court, whichever the case may be, finds that the person making the appeal was entitled to an abatement, it shall make such abatement as it sees fit. If a tax so abated has been paid, the state treasurer, upon presentation to him of the notice of the decision of the board or the court, shall repay to the petitioner the amount of the abatement with interest thereon at the rate of six per cent per annum from the date of payment.

Section 21. (a) The terms "death tax" and "death taxes", as used in this section, shall include inheritance, succession, transfer and estate taxes and any taxes levied against the estate of a decedent upon the occasion of his death.

(b) At any time before the expiration of eighteen months after the qualification in any probate court in the commonwealth of any executor of the will or administrator of the estate of any nonresident decedent, such executor or administrator shall file with such court proof that all death taxes, together with interest or penalties thereon, which are due to the state of domicile of such decedent or to any political subdivision thereof, have been paid or secured, or that no such taxes, interest or penalties are due, as the case may be, unless it appears that letters testamentary or of administration have been issued on the estate of such decedent in the state of his domicile, herein called the domiciliary state.

(c) The proof required by subsection *(b)* may be in the form of a certificate issued by the official or body charged with the administration of the death tax laws of the domiciliary state. If such proof has not been filed within the time limited in subsection *(b)* and if within such time it does not appear that letters testamentary or of administration have been issued in the domiciliary state, the register of probate shall forthwith upon the expiration of such time notify by mail the official or body of the domiciliary state charged with the administration of the death tax laws thereof with respect to such estate, and shall state in such notice so far as is known to him—

(i) the name, date of death and last domicile of such decedent,

(ii) the name and address of each executor of administrator,

(iii) a summary of the values of the real estate, tangible personalty, and intangible personalty, wherever situated, belonging to such decedent at the time of his death, and

(iv) the fact that such executor or administrator has not filed theretofore the proof required in subsection *(b)*.

Such register shall attach to such notice a plain copy of the will and codicils of such decedent, if he dies testate, or, if he died intestate, a list of his heirs and next of kin, so far as is known to such register. Within sixty days after the mailing of such notice the official or body charged with the administration of the death tax laws of the domiciliary state may file with such probate court in this commonwealth a petition for an accounting in such estate, and such official or body of the domiciliary state shall, for the purposes of this section, be a party interested for the purpose of petitioning such probate court for such accounting. If such petition be filed within said period of sixty days, such probate court shall order such accounting, and upon such accounting being filed and approved shall order either the payments of any such tax found to be due to the domiciliary state or subdivision thereof or the remission to a fiduciary appointed or to be

appointed by the probate court, or other court charged with the administration of estates of decedents, of the domiciliary state, of creditors and expenses of administration in this commonwealth.

(d) No final account of an executor or an administrator of a nonresident decedent shall be allowed unless either: —

(i) proof has been filed as required by subsection *(b)*, or

(ii) notice under subsection *(c)* has been given to the official or body charged with the administration of the death tax laws of the domiciliary state, and such official or body has not petitioned for an accounting under said section within sixty days after the mailing of such notice, or

(iii) an accounting has been filed and approved under said subsection *(c)*, an order has been made upon such accounting and it appears that the executor or administrator has paid such sums and remitted such securities, if any, as he was required to pay or remit by such decree, or

(iv) it appears that letters testamentary or of administration have been issued by the domiciliary state and that no notice has been given under said subsection *(c)*.

(e) This section shall apply to the estate of a nonresident decedent only in case the laws of the domiciliary state contain a provision, of any nature or however expressed, whereby the commonwealth is given reasonable assurance, as finally determined by the commissioner, of the collection of its death taxes, interest and penalties from the estates of decedents dying domiciled in the commonwealth, when such estates are administered in whole or in part by a probate court or other court charged with administration of estates of decedents in such other states.

(f) The provisions of this section shall be liberally construed in order to insure that the domiciliary state of any nonresident decedent whose estate is administered in the commonwealth shall receive any death taxes, together with interest and penalties thereon, due to it from the estate of such decedent.

Section 22. For the purpose of determining any liability under this chapter, the liability of any person for any tax imposed by this chapter or the liability of any transferee or fiduciary of any person with respect to any tax imposed by this chapter, or collecting any such liability, the commissioner may take testimony and proofs under oath, and in connection therewith may issue summonses and require the attendance and testimony of witnesses and the production of books, papers, records, and other data. Such summonses shall be served in the same manner as summonses for witnesses in criminal cases issued on behalf of the commonwealth, and all provisions of law relative to summonses in such cases shall, so far as applicable, apply to summonses issued hereunder. Any justice of the supreme judicial court or of the superior court may, upon the application of the

commissioner, compel the attendance of witnesses, the production of books, papers, records, and other data, and the giving of testimony before the commissioner in the same manner and to the same extent as before the said courts.

Section 23. The disclosure by the commissioner, or by any deputy, assistant, clerk or assessor or other employee of the commonwealth, or of any city or town therein, of any information whatever contained in or set forth by any return or document filed with the commissioner in connection with the assessment of taxes imposed by this chapter, is prohibited except in proceedings to assess or collect the tax; provided, however, that the commissioner may grant to the persons charged or likely to become charged with the payment of taxes in the case in which such return or document is filed, or their representatives, permission to inspect the same; and provided, further, that the commissioner, pursuant to the provisions of sections forty-eight and forty-nine of chapter fifty-eight, may disclose such information to the duly authorized tax officials of the United States and of territories, states and political subdivisions thereof, or to any agent or agency of such territory, state or political subdivision thereof.

Section 24. The commissioner is hereby authorized to issue the following documents and to charge and collect therefor the following fees, except that in those cases where a fee of ten dollars has been paid with the filing of a return under section eight, no additional fee shall be charged or collected for copies of any of said documents. In each case, the fee for a duplicate original or for additional copies of any document shall be the same as for the document itself.

(*a*) For a certificate of release of any lien imposed by this chapter, a certificate of discharge of any property subject to any lien imposed by this chapter, or a certificate that particular property is free of any lien imposed by this chapter, five dollars.

(*b*) For a certificate showing no tax is due under this chapter as a result of the death of a specified decedent, five dollars.

(*c*) For a copy of a computation sheet showing the computation of the tax due under this chapter as a result of the death of a specified decedent, five dollars.

(*d*) For a certificate showing the amount of tax paid under this chapter, five dollars.

(*e*) For a duplicate copy of a notice of assessment showing the amount of any tax assessed under this chapter, three dollars.

(*f*) For a duplicate copy of a receipt showing the amount of any tax paid under this chapter, three dollars.

Section 25. Any regulations issued by the commission pursuant to section four of chapter fourteen for the interpretation and enforcement of the provisions of this chapter shall conform so far as the commission may deem practicable to the

regulations relating to the estate tax laws of the United States.

Section 26. Any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one half years, or both.

Section 27. Except as otherwise expressly provided in this chapter, any person required under this chapter to pay any tax, or required by this chapter or regulations made under authority of this chapter and chapter fourteen to make a return, or supply any information, who willfully fails to pay such tax or make such return or supply such information at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or imprisonment in jail for not more than one year, or both.

Section 28. Except as otherwise expressly provided in this chapter, any person who—

(1) Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under penalties of perjury and which he does not believe to be true and correct as to every material respect; or

(2) Willfully aides or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under this chapter of a return, affidavit, claim or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

(3) Removes, deposits or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to evade or defeat the assessment or collection of any tax imposed by this chapter; or

(4) In connection with the preparation of a return, affidavit, claim or other document for another, receives money or other property from such other person to be paid to the commonwealth to discharge in whole or in part such other person's liability or obligation under this chapter and fails to pay over the same to the commonwealth; shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or imprisonment in jail for not more than two years, or both.

SECTION 75. Section 33 of chapter 90 of the General Laws is hereby amended by striking out the paragraph amended by

chapter 696 of the acts of 1967, and inserting in place thereof the following paragraph: —

For the registration of every motor vehicle, the fee for which is not herein otherwise provided, seven dollars; and for the issuance in connection therewith, at the request of the applicant, of a distinctive initial plate, ten dollars, or of a particular number plate other than a distinctive initial plate, two dollars; provided, however, that the fee for the issuance of a number plate bearing the station call letters of an amateur radio operator shall be two dollars. The registrar shall make available to registered owners of motor vehicles any unissued or returned distinctive initialed or numbered registration plates.

SECTION 76. Said section 33 of said chapter 90 is hereby further amended by striking out subdivisions (4) and (5), as respectively amended by sections 2 and 3 of chapter 749 of the acts of 1968, and inserting in place thereof the following subdivisions: —

(4) For the registration of every heavy-duty platform trailer, six dollars for every one thousand pounds or fraction thereof of the weight of such vehicle plus the maximum load to be carried, but in no event less than sixty dollars.

(5) For the registration of every trailer for which a fee is not otherwise provided in this section, six dollars for every one thousand pounds or fraction thereof of the weight of such trailer and the maximum load to be carried thereon.

SECTION 77. Subdivision (7) of said section 33 of said chapter 90 is hereby amended by striking out the sixth paragraph, as amended by section 3 of chapter 700 of the acts of 1965, and inserting in place thereof the following paragraph: —

For the registration of motor vehicles or trailers owned by or under the control of a manufacturer, dealer, repairman, owner-repairman, or farmer, including one or more number plates as requested in writing by the applicant for registration, seven dollars for the registration and seven dollars for each number plate furnished by the registrar. For the registration of motor vehicles under the control of a transporter, including one or more number plates and registration certificates as requested in writing by the applicant for registration, seven dollars for the registration and seven dollars for each number plate and corresponding certificate of registration furnished by the registrar.

SECTION 78. Section 25 of chapter 151A is hereby amended by striking out subsection (e), as most recently amended by section 2 of chapter 899 of the acts of 1973, and inserting in place thereof the following subsection: —

(e) For the period of unemployment next ensuing and until the individual has had at least four weeks of work and in each of said weeks has earned an amount equivalent to or in excess of his weekly benefit amount after he has left his work (1)

voluntarily without good cause attributable to the employing unit or its agent (2) by discharge shown to the satisfaction of the director to be attributable solely to deliberate misconduct in wilful disregard of the employing unit's interest or (3) because of conviction of a felony or misdemeanor.

No disqualification shall be imposed if such individual establishes to the satisfaction of the director that he left his employment in good faith to accept new employment on a permanent full-time basis, and that he became separated from such new employment for good cause attributable to the new employing unit. An individual shall not be disqualified under the provisions of this subsection from receiving benefits by reason of leaving his work under the terms of a pension or retirement program requiring retirement from the employment notwithstanding his prior assent, direct or indirect, to the establishment of such program. An individual shall not be disqualified from receiving benefits under the provisions of this subsection, if such individual establishes to the satisfaction of the director that his reasons for leaving were for such an urgent, compelling and necessitous nature as to make his separation involuntary.

SECTION 79. Chapter 175 is hereby amended by striking out section 14, as most recently amended by section 1 of chapter 968 of the acts of 1971, and inserting in place thereof the following section: —

Section 14. He shall collect from the applicant and pay to the commonwealth charges and fees as follows: —

For each examination prior to granting a license or a certificate of authority to issue policies of insurance or annuity or pure endowment contracts as provided in sections four and thirty-two, one hundred dollars;

For the valuation of life policies of a domestic company as provided in section nine, four mills for each thousand dollars of insurance;

For each certificate issued under section sixteen, five dollars; provided, that such certificates shall be issued without charge for the use of the commonwealth;

For each certificate under section thirty-two, five dollars;

For the valuation of each outstanding group annuity contract issued by a domestic company including all annuity benefits evidenced by certificates issued thereunder, four cents, and a like sum for the valuation of each annuity contract other than a group annuity contract;

For each special license under clause (g) of section fifty-one or of section fifty-four, twenty-five dollars;

For each certificate issued by the commissioner under section seventy-or section seventy-one, five dollars;

For filing copy of charter or deed of settlement of each foreign company under section one hundred and fifty-one, one hundred dollars;

For filing copy of charter, amendment, or amended charter or deed of settlement of each foreign company, twenty-five dollars;

For filing financial statement with the application for admission of a foreign company under section one hundred and fifty-one, and for the filing of each annual statement of a foreign company under section twenty-five, and for the auditing of each financial statement of an unadmitted foreign company filed for the purpose of qualifying as a reinsurer under cluase (b) of section twenty, one hundred dollars;

For each service of legal process upon him as attorney for a foreign company under section one hundred and fifty-one and section one hundred and fifty-four, five dollars; provided, that such fee shall not be required for the service of process in any criminal proceeding;

For each license or renewal thereof to an insurance agent of any company under section one hundred and sixty-three, ten dollars;

For each license or renewal thereof to an insurance broker under section one hundred and sixty-six, fifty dollars;

For each license or renewal thereof to a special insurance broker under section one hundred and sixty-eight, one hundred dollars;

For each license or renewal thereof to an adjuster of fire losses under section one hundred and seventy-two, one hundred dollars;

For each license or renewal thereof to an insurance adviser under section one hundred and seventy-seven B, one hundred dollars;

For each license or renewal thereof to a voluntary association under section one hundred and seventy-two A, to a partnership under section one hundred and seventy-three or to a corporation under section one hundred and seventy-four, the fees hereinbefore prescribed for like licenses issued to individuals under section one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-eight or one hundred and seventy-two, for each trustee, partner or officer to be covered by the license;

For each certificate of the valuation of life policies or annuity contracts, or both, of any life company issued under section nine for each certificate of the examination, condition or qualification of a company, five dollars;

For each copy of any paper on file in the office of the commissioner, twenty cents a page and for copies of tabulations, forty cents a page and five dollars for certifying the same; and

All other fees and charges due the commonwealth for any official act of service of the commissioner.

He shall also collect from the applicant and pay to the commonwealth charges and fees for examinations as follows: —

For each original examination and subsequent re-

examination of an applicant to be licensed as an insurance agent under section one hundred and sixty-three, ten dollars;

For each original examination and subsequent re-examination of an applicant to be licensed as an insurance broker under section one hundred and sixty-six, ten dollars;

For each original examination and subsequent re-examination of an applicant to be licensed as an adjuster of fire losses licensed under section one hundred and seventy-two, ten dollars;

For each original examination and subsequent re-examination of an applicant to be licensed as an insurance adviser under section one hundred and seventy-seven B, ten dollars;

For each policy form submitted for approval, including endorsements, applications and riders filed therewith, ten dollars;

For each certificate endorsement, application or rider filed for approval separate from a policy form, ten dollars; and

For each license issued or renewed in accordance with the provisions of the fifth clause of section one hundred and fifty-one of this chapter, one hundred dollars.

SECTION 80. Section 3 of chapter 193 of the General Laws, as most recently amended by chapter 328 of the acts of 1938, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — If a person dies leaving an estate which may be liable to an income tax under chapter sixty-two or a legacy or succession tax under chapter sixty-five or an estate tax under chapter sixty-five A or chapter sixty-five C, and a will disposing of such estate is not offered for probate, or an application for administration made, within four months after his decease, the probate court, upon application by the commissioner of corporations and taxation, may appoint an administrator.

SECTION 81. Section 13 of chapter 200 of the General Laws, is hereby amended by striking out the third sentence, inserted by chapter 395 of the acts of 1946, and inserting in place thereof the following sentence: — Prior to making distribution as herein provided, said receiver shall deduct from the amount otherwise available for distribution, and shall pay over to the commissioner of corporations and taxation for the commonwealth, the equivalent of the tax which would have been imposed by chapter sixty-five or chapter sixty-five A or chapter sixty-five C if said absentee had died intestate within the commonwealth on said date and said property had passed to the distributees by inheritance.

SECTION 82. Section 16 of chapter 217 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "sixty-five", in line 14, the words: — or chapter sixty-five C.

SECTION 83. To the extent that the tax on a future interest in any property subject to a power of appointment which would otherwise be includible in the Massachusetts gross estate under chapter sixty-five C has been paid pursuant to section fourteen of chapter sixty-five prior to the death of the holder of the power of appointment, the value of the future interest in the property shall be excluded from the Massachusetts gross estate under chapter sixty-five C.

SECTION 84. The provisions of section nineteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine shall not apply to the tax imposed by section two of chapter sixty-three of the General Laws for taxable years commencing after December thirty-first, nineteen hundred and seventy-five.

SECTION 85. The provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine shall not apply to the tax imposed by section eleven of chapter sixty-three of the General Laws for taxable years commencing after October thirty-first, nineteen hundred and seventy-five.

SECTION 86. Funds received from the increases under sections seventy-five to seventy-seven, inclusive, of this act shall be credited to the Mass Transportation Fund, established under section one of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five.

SECTION 87. Chapter sixty-four B of the General Laws is hereby repealed.

SECTION 88. For taxable years ending on or after December thirty-first, nineteen hundred and seventy-five, there is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, a tax equal to seven and one-half per cent of the taxes levied under the provisions of said chapter. All provisions of law relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, levied under said chapter shall, so far as pertinent, be applicable to the tax imposed by this section.

SECTION 89. Savings banks, co-operative banks, and state or federal savings and loan associations subject to section eleven of chapter sixty-three of the General Laws, shall for taxable years ending on or after October thirty-first, nineteen hundred and seventy-five and before October thirty-first, nineteen hundred and seventy-six pay an additional tax equal to ten per cent of the sum of the taxes due under said section eleven plus any surtax which may be imposed upon such banks or loan associations pursuant to any special or general laws.

For taxable yeras ending on or after December thirty-first, nineteen hundred and seventy-five but before December thirty-first, nineteen hundred and seventy-six all corporations, banks, or other entities taxable under any provision of chapter sixty-

three of the General Laws other than section eleven, shall pay an additional tax equal to ten per cent of the sum of any taxes due under said chapter sixty-three plus any surtax which may be imposed upon such corporations, banks or other entity pursuant to any special or general law. All provisions of said chapter, acts and sections relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall so far as pertinent, be applicable to the taxes imposed by this section. For entities defined in section one hundred and eighteen of chapter one hundred and seventy-five, this section shall not apply to the extent that such entities are either (A) taxable under section twenty-two A of chapter sixty-three, inclusive of said chapter sixty-three or section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine with respect to business described under subdivisions (a) and (d) of the sixth clause and under the sixteenth clause of section forty-seven of said chapter one hundred and seventy-five.

SECTION 90. Chapter 25 of the General Laws is hereby amended by adding after section 17A, the following new section: —

Section 18. In addition to the assessment authorized in section seventeen, the commission is hereby authorized to make an assessment against each electric, gas, telephone and telegraph company under the jurisdictional control of the department, based upon the intrastate operating revenues of each of said companies derived from sales within the commonwealth of electric, gas, telephone and telegraph service, respectively, as shown in the annual report of each of said companies to the department. Said assessments shall be made at a rate not exceeding one-tenth of one per cent of such intrastate operating revenues, as shall be determined and certified annually by the commission as sufficient to produce not more than one million five hundred thousand dollars in the fiscal year nineteen hundred and seventy-six and one million seven hundred and fifty thousand dollars in subsequent fiscal years in revenue to reimburse the commonwealth for funds appropriated by the General Court for the operation and general administration of the department in the fiscal year in which the assessment is made, exclusive of funds appropriated by the general court for the commercial motor vehicle division and the railway and bus division. Such assessments shall not exceed the funds appropriated by the General Court for the operation and general administration of the department in the fiscal year of the assessment, exclusive of funds appropriated by the general court for the commercial motor vehicle division and railway and bus division and any funds unexpended in any fiscal year for the purposes for which such assessments were made shall be

credited against the assessment to be made in the following fiscal year and the assessment in the following fiscal year shall be reduced by such unexpended amount. Assessments made under this section may be credited to the normal operating cost of each company.

The commission shall assess such companies at such rates to reimburse the commonwealth for funds appropriated by the General Court in the general appropriation act for the fiscal year of nineteen hundred and seventy-six within ninety days after the passage of such general appropriation act and such assessment shall be collected in the manner provided in section seventeen A of this chapter.

All assessments to reimburse the commonwealth for fiscal years subsequent to the fiscal year of nineteen hundred and seventy-six shall be made and collected in accordance with the provisions of section seventeen A of this chapter.

Notwithstanding the provisions of section twenty of chapter one hundred and fifty-nine and section ninety-four of chapter one hundred and sixty-four of the General Laws, during any fiscal year in which such assessment is made, the department shall have no authority to suspend the effective date of any rate, price or charge set forth in any schedule filed subsequent to January first, nineteen hundred and seventy-seven, by a telephone or telegraph company under the provisions of chapter one hundred and fifty-nine or by any gas or electric company under the provisions of section ninety-four of chapter one hundred and sixty-four for a period longer than six months.

SECTION 91. The commission of the department of public utilities is hereby further authorized to make an assessment solely for the fiscal year nineteen hundred and seventy-six, in addition to the assessments provided for under the provisions of section ninety of this act and section seventeen of chapter twenty-five of the General Laws, against each electric, gas, telephone and telegraph company under the jurisdictional control of said department, based upon the intrastate operating revenues of each of said companies derived from sales within the commonwealth of electric, gas, telephone and telegraph service respectively, as shown in the annual report of each of said companies to said department. Said assessments shall be made at a rate not exceeding one-fourth of one-tenth of one per cent as shall be determined and certified by the commission as sufficient to produce for the fiscal year nineteen hundred and seventy-six two hundred and fifty thousand dollars in additional revenue to the commonwealth; provided, however, that if said department shall fail to expend in the fiscal year nineteen hundred and seventy-six, the total amounts of all assessments made under the provisions of this section and section seventeen of chapter twenty-five of the General Laws for the fiscal year nineteen

hundred and seventy-six for the purposes set forth in such sections, any amounts unexpended shall be credited against the assessment to be made in the fiscal year nineteen hundred and seventy-seven under the provisions of section ninety of this act and section seventeen of chapter twenty-five of the General Laws and such assessments in the fiscal year nineteen hundred and seventy-seven shall be reduced by such unexpended amounts. Assessments made under this section may be credited to the normal operating cost of each company. The funds produced by said assessments shall be used by the department, in addition to other funds appropriated, to assist in the defraying of the general operating expenses of the department and may be used to compensate consultants in hearings on rate petitions filed by companies subject to assessment under this section.

The commission shall assess such companies under the provisions of this section within ninety days after the passage of this act, and such assessments shall be collected in the manner provided in section seventeen A of chapter twenty-five of the General Laws.

SECTION 92. Section 5 of chapter 291 of the acts of 1975 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — All sums received under the provisions of this section, including penalties, forfeitures, interest, costs of suits and fines, shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance and repair of mass transportation lines and for other mass transportation purposes; provided, however, that additional funds, as determined by the commissioner, resulting from any change in the paragraph defining "Taxable charge" in section one of said chapter sixty-four B, made after the effective date of this act, shall be paid into the General Fund.

SECTION 93. Section 14 of said chapter 291 is hereby amended by striking out clause *(b)* and inserting in place thereof the following two clauses: —

(b) Two mills of the excise imposed by said section six and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the Mass Transportation Fund and used solely for the payment of cost of construction, reconstruction, maintenance, and repair of mass transportation lines and for other mass transportation purposes provided that there shall be deducted therefrom an amount sufficient to reimburse the commonwealth for the expenses incurred in the administration of this chapter, including any amounts abated or refunded under section seven of said chapter sixty-four C.

(c) One mill of the excise imposed by said section six and a proportionate amount of all sums received as penalties, forfeitures, interest, costs of suits and fines shall be credited to the General Fund.

SECTION 94. The provisions of chapter sixty-three B of the General Laws shall apply to the surtaxes and additional taxes imposed under sections forty-six to forty-eight, inclusive, fifty-one to fifty-three, inclusive, and eighty-nine of this act.

Notwithstanding the provisions of said chapter sixty-three B to the contrary, declarations of estimated tax filed under said chapter sixty-three B with respect to taxable years commencing after December thirty-first, nineteen hundred and seventy-five shall include the amount which the taxpayer estimates as the surtaxes and additional taxes due by reason of the passage of this act; and the computation of the addition to the tax with respect to such declarations under section six of said chapter sixty-three B shall be made as if the surtaxes and additional taxes imposed by this act were in effect and applicable to the preceding taxable year.

SECTION 95. Notwithstanding the provisions of section thirty-eight of chapter sixty-three of the General Laws, as amended by this act, for taxable years ending on or after December thirty-first, nineteen hundred and seventy-six, and before December thirty-first, nineteen hundred and seventy-seven the sales factor of the income apportionment fraction shall have a weight one-half greater than each of the other factors.

SECTION 96. Chapter 64B of the General Laws is hereby amended by striking out sections 3 to 9, inclusive, and inserting in place thereof the following section: —

Section 3. All provisions of chapter sixty-four H and other provisions of law relative to the assessment, collection, payment, abatement, verification and administration of sales taxes, including registration and penalties, shall, so far as pertinent, be applicable to the excise imposed by this chapter.

SECTION 97. Sections one to twenty-one, inclusive, of this act shall take effect as of July first, nineteen hundred and seventy-five. Sections twenty-seven to twenty-nine, inclusive, sections thirty-four to thirty-seven, inclusive, section forty-two, sections fifty-four and fifty-five, sections seventy-nine to eighty-three, inclusive, and section ninety-four shall take effect on January first, nineteen hundred and seventy-six. Sections thirty to thirty-two, inclusive, sections seventy-three and seventy-four shall take effect on January first, nineteen hundred and seventy-six, and apply only with respect to estates of decedents dying on or after January first, nineteen hundred and seventy-six, and with respect to such estates the provisions of chapter sixty-five of the General Laws and all other provisions of law imposing any tax on legacies and successions are hereby suspended. With respect to any decedent dying prior to January first, nineteen hundred and seventy-six, all provisions of law imposing taxes on legacies and successions or on the transfer of estates in effect at the time of the decedent's death shall remain in force and effect; provided, that future interests in property subject to powers of appoint-

ment which are included in the Massachusetts gross estate of a decedent under chapter sixty-five C of the General Laws shall not be taxed under chapter sixty-five of the General Laws. Sections thirty-eight and thirty-nine shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-five. Sections forty, forty-one, forty-three, forty-eight and fifty-three shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-five. Section forty-four shall apply to taxable years commencing after October thirty-first, nineteen hundred and seventy-five. Sections forty-five to forty-seven, inclusive, and sections fifty-one and fifty-two shall take effect upon passage and apply to taxable years commencing on and after January first, nineteen hundred and seventy-five.

Sections fifty-six to fifty-eight, inclusive, sections ninety-two and ninety-six shall take effect on November nineteenth, nineteen hundred and seventy-five. Sections fifty-nine, sixty and sixty-six to sixty-nine, inclusive, shall take effect on November twelfth, nineteen hundred and seventy-five. Sections sixty-one to sixty-three, inclusive, and section eighty-seven shall take effect on July first, nineteen hundred and eighty. Sections seventy-five to seventy-seven, inclusive, and section ninety-three shall take effect on December first, nineteen hundred and seventy-five. Section seventy-eight shall take effect on January fourth, nineteen hundred and seventy-six, and shall apply only to individuals whose new or reopened claims are effective on or after said effective date. Sections thirty-three, forty-nine, fifty, sixty-four, sixty-five, seventy to seventy-two, inclusive, eighty-four to eighty-six, inclusive, eighty-eight to ninety-one, inclusive, and ninety-five shall take effect upon passage.

SECTION 98. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 99. This act shall take effect upon its passage.

Approved November 8, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 10, 1975

The Honorable Paul H. Guzzi, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public

health, safety, welfare and convenience requires that the law being Chapter 684 of the Acts of 1975, entitled AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX, FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS AND INCREASING CERTAIN TAXES TO PROVIDE THE MEANS FOR DEFRAYING SUCH APPROPRIATIONS., and the enactment of which received my approval on November 8, 1975, should take effect forthwith.

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

In order to immediately provide for the fiscal requirements of the Commonwealth.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 12, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and five minutes, A.M. on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 685. AN ACT AUTHORIZING CO-OPERATIVE BANKS AND SAVINGS BANKS TO ACT AS TRUSTEES OR CUSTODIANS UNDER CERTAIN RETIREMENT PLANS AND ACCOUNTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to allow savings banks and co-operative banks to act as trustees or custodians under individual retirement accounts, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph 2 of section 21 of chapter 168 of the General Laws is hereby amended by striking out the first sen-

tence, as most recently amended by section 13 of chapter 751 of the acts of 1969, and inserting in place thereof the following sentence: — The limitations of paragraph 1 of this section shall not apply to deposits of the following classes: — deposits by trustees or custodians appointed pursuant to the Self-Employed Individuals Tax Retirement Act of 1962, (Public Law 87-792) or pursuant to the Employee Retirement Income Security Act of 1974 (Public Law 93-406); deposits by the commonwealth or any town, city or county of the commonwealth or by any instrumentality of any thereof; deposits by a religious, charitable or educational corporation or organization, labor union, credit union, or fraternal society; deposits in the name of a judge of probate, or by order of any court; deposits of any trust fund held by a town for public uses; deposits of funds representing replacement reserves or similar accumulations required under the provisions of any mortgage held by such corporation and insured by the federal housing administrator, referred to in paragraph 11 of section thirty-five and in section fifty-one of chapter one hundred and sixty-seven; deposits of the funds of the Savings Banks Employees Retirement Association; deposits in such corporation acquired by any person or persons by inheritance or bequest; deposits of the funds of any private retirement or pension system or association, provided that the deposit accounts of any one such private system or association shall not, except by the accumulation of interest, be permitted to exceed, at any one time, seventy-five thousand dollars or one and one half per cent of the deposits of such savings bank, whichever is the greater; and deposits of funds of any housing authority, referred to in sections three and five of chapter one hundred and twenty-one B.

SECTION 2. Said chapter 168 is hereby further amended by striking out section 66B, inserted by chapter 116 of the acts of 1972, and inserting in place thereof the following section: —

Section 66B. Such corporation may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such corporation at the time appointment as such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792, entitled "Self-Employed Individuals Tax Retirement Act of 1962", as amended, or pursuant to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974, as amended, if the provisions of such plan have been approved by the commissioner and permit any of the funds of such trust or custodial account to be invested in savings bank deposits. No funds held by such corporation as such trustee or custodian shall be invested otherwise than in savings bank deposits, properly qualified life insurance retirement income policies or other investments legal for savings banks, or any combination thereof, as each such plan may prescribe or permit. Every advertisement, announcement, or solicitation for such a plan or account, shall state in a clear

and conspicuous manner, the amounts of any contributions and earnings thereon, subject to state and federal taxable income.

SECTION 3. The second paragraph of section 16 of chapter 170 of the General Laws, as appearing in section 3 of chapter 346 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The foregoing limitations shall not apply to shares held by the commonwealth or any town, city, county, instrumentality or political subdivision thereof, a trustee or custodian appointed pursuant to the Self-Employed Individuals Tax Retirement Act of 1962, or pursuant to Employee Retirement Security Act of 1974, a banking institution, corporation, trust, religious, educational, charitable, medical service or cemetery organization or corporation, labor union, credit union, fraternal benefit society, by any public or private retirement or pension system, association, corporation or trust, or by any housing authority referred to in section twenty-six of chapter one hundred and twenty-one.

SECTION 4. Said chapter 170 is hereby further amended by striking out section 32D, inserted by chapter 258 of the acts of 1974, and inserting in place thereof the following section: —

Section 32D. Any such corporation may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such corporation at the time appointment as such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792, entitled "Self-Employed Individuals Tax Retirement Act of 1962", as amended, or pursuant to the provisions of section 2002 of the Employees Income Retirement Security Act of 1974, as amended, if the provisions of such plan have been approved by the commissioner and permit any of the funds of such trust or custodial account to be invested in co-operative bank shares. No funds held by such corporation as such trustee or custodian shall be invested otherwise than in co-operative bank deposits, properly qualified life insurance retirement income policies or other investments legal for savings banks, or any combination thereof, as each such plan may prescribe or permit. Every advertisement, announcement, or solicitation for such a plan or account, shall state in a clear and conspicuous manner, the amounts of any contributions and earnings thereon, subject to state and federal taxable income.

Approved November 10, 1975.

Chap. 686. AN ACT AUTHORIZING TRUST COMPANIES TO ACT AS TRUSTEE OR CUSTODIAN UNDER CERTAIN RETIREMENT PLANS AND ACCOUNTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 172 of the General Laws is hereby

amended by inserting after section 48B, inserted by chapter 352 of the acts of 1974, the following section: —

Section 48C. A trust company may act as trustee or custodian under a retirement plan or individual retirement account which in the judgment of such corporation at the time such appointment is accepted, is established pursuant to the provisions of Public Law 87-792 entitled "Self-Employed Individuals Tax Retirement Act of 1962", as amended, or pursuant to the provisions of Section 2002 of the Employee Retirement Income Security Act of 1974, as amended, provided however, that such corporation is acting under the terms of a written agreement which requires that funds held by such corporation as trustee or custodian shall be invested in savings deposits or time deposits of said corporation. Every advertisement, announcement, or solicitation for such a plan or account, shall state in a clear and conspicuous manner, the amounts of any contributions and earnings thereon, subject to state and federal taxable income.

SECTION 2. The first paragraph of section 51 of said chapter 172 is hereby amended by adding the following clause: —

3. A trust company may maintain time and savings and time or savings deposits from any person under a written agreement which provides that such corporation shall act as trustee or custodian and receive such deposits under a retirement plan or individual retirement account as established under Public Law 87-792 entitled "Self-Employed Individuals Tax Retirement Act of 1962" as amended or as established under the provisions of Section 2002 of the Employee Retirement Income Security Act of 1974, as amended and shall be exempt from the limitations in clauses 1 and 2 of this paragraph.

Approved November 10, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 10, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 686 of the Acts of 1975, entitled AN ACT AUTHORIZING TRUST COMPANIES TO ACT AS TRUSTEE OR CUSTODIAN UNDER CERTAIN RETIREMENT PLANS AND ACCOUNTS., and the enactment of which received my approval on November 10, 1975 should take effect forthwith.

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

In order to immediate permit trust companies to serve as trustees for certain retirement plans and accounts.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 10, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at one o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eighty-six of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 687. AN ACT AUTHORIZING CREDIT UNIONS TO ACT AS TRUSTEES OR CUSTODIANS UNDER CERTAIN RETIREMENT PLANS AND ACCOUNTS.

Be it enacted, etc., as follows:

Chapter 171 of the General Laws is hereby amended by striking out section 10C, inserted by chapter 15 of the acts of 1975, and inserting in place thereof the following section: —

Section 10C. A credit union may act as trustee or custodian under a retirement plan or individual retirement account which, in the judgment of such credit union at the time of appointment as such trustee or custodian is accepted, is established pursuant to the provisions of Public Law 87-792, entitled "Self-Employed Individuals' Tax Retirement Act of 1962", as amended, or pursuant to the provisions of section 2002 of the Employees Income Retirement Security Act of 1974, as amended, if the provisions of such plan have been approved by the commissioner and is such provisions permit any of the funds of trust or custodial accounts to be invested in shares or deposits in the credit union. No funds held by such credit union as such trustee or custodian shall be invested otherwise than in shares or deposits in the credit union or properly qualified life insurance retirement income policies or other investments legal for credit unions or any combination thereof, as each such plan may prescribe or permit. Every advertisement, announcement, or solicitation for such a plan or account, shall state in a clear and conspicuous manner,

the amounts of any contributions and earnings thereon, subject to state and federal taxable income.

Approved November 10, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 10, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 687 of the Acts of 1975, entitled AN ACT AUTHORIZING CREDIT UNIONS TO ACT AS TRUSTEES OR CUSTODIANS UNDER CERTAIN RETIREMENT PLANS AND ACCOUNTS., and the enactment of which received my approval on November 10, 1975 should take effect forthwith.

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

In order to immediately permit credit unions to serve as trustees for certain retirement plans and accounts.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 10, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at one o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eighty-seven of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 688. AN ACT FURTHER REGULATING CERTAIN ACTIVITIES IN MOUNTAIN REGIONS OF BERKSHIRE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 131 of the General Laws is hereby amended by striking out section 39A, inserted by section 1 of chapter 842 of the acts of 1974, and inserting in place thereof the following section: —

Section 39A. The term "applicant" as used in this section shall mean the person giving notice of intention to conduct any regulated activity.

The term "base elevation" as used in this section shall mean the elevation of the watershed in which the activity is proposed. The mean elevation shall be determined relative to the portion of the watershed which is situated in said county by taking the highest and lowest elevation in each city and town within the watershed and finding the average of these elevations.

The base elevation for each of the watersheds in said county shall be as follows:

Farmington River watershed 1,500 feet above mean sea level
Housatonic River watershed 1,500 feet above mean sea level
Westfield River watershed 1,600 feet above mean sea level
Deerfield River watershed 1,700 feet above mean sea level
Hudson River watershed 1,700 feet above mean sea level
Hoosic River watershed 1,800 feet above mean sea level.

The term "department" as used in this section shall mean the department of environmental management in the executive office of environmental affairs.

The term "commissioner" as used in this section shall mean the commissioner of environmental management.

The term "hearing authority" as used in this section shall mean the conservation commission, or if none, the board of selectmen in a town, or the mayor of a city within the county of Berkshire which has accepted the provisions of this section.

The term "mountain regions" as used in this section shall mean those highland areas within any city or town within the county of Berkshire which are made subject to the provisions of this section.

The term "owner" as used in this section shall mean the person appearing as the owner in the most recent records of the tax assessor.

The term "person" as used in this section shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representative, agents or assigns.

The term "regulated activities" as used in this section shall mean the removal, filling, excavation or other alteration of land within mountain regions which is likely to have a significant ad-

verse effect on watershed resources or natural scenic qualities because of the pollution or diminution of ground or surface water supply, erosion, flooding, substantial changes in topographic features or substantial destruction of vegetation.

The term "regulations" as used in this section shall mean reasonable rules and regulations, adopted by the hearing authority pursuant to chapter thirty A, and approved by the commissioner in consultation with the office of state planning, to carry out the provisions of this section for the protection of watershed resources and the preservation of natural scenic qualities of mountain regions.

The hearing authority shall draft proposed boundaries for mountain regions. The mountain regions shall generally be those areas within the city or town which have an elevation greater than the base elevation as defined in this section. If the hearing authority determines that the regulation of certain areas which have elevations lower than the base elevation is necessary to accomplish the purposes of this section, the hearing authority may include those areas in the proposed mountain regions. If the hearing authority finds that regulation of certain areas above the base elevation would not accomplish the purposes of this section, the hearing authority may exempt those areas from the proposed mountain regions.

The hearing authority shall submit a map and text delineating the location of proposed boundaries to the city council or town meeting and to the planning board and the board of health, and to the department and office of state planning. After submission of the map and text the city council or town meeting may, after a hearing of which notice shall have been published at least seven days in advance in a newspaper of general circulation in the city or town, adopt, or amend and adopt, in each case by a two-thirds vote, final boundaries of the mountain regions. The hearing authority shall file the map and text delineating the location of final boundaries of mountain regions so adopted with the city or town clerk, and simultaneously shall send verified copies of such map and text to the commissioner and to the registrar of the registry of deeds for the district in which the land lies. The provisions of this section governing regulated activities shall take effect with respect to land within such boundaries upon such filing or upon approval of the regulations by the commissioner, whichever shall last occur. The location of such boundaries of mountain regions may be amended, changed, or repealed by a two-thirds vote of the city or town in the same manner as they were adopted. No regulated activities shall be conducted on land within any mountain region after the provisions of this section take effect with respect to such land except in accordance with the provisions of this section.

Any person who believes that any land is not within the boundaries of a mountain region or that any proposed work is subject to an exemption specifically provided for hereinafter in this section may file with the hearing authority by certified mail a request for an exemption determination. The hearing authority shall within twenty-one days make the determination requested and send a copy thereof to the person making the request and to the owner of the land in question if other than such person.

Any person who proposes to remove, fill, excavate, or alter any land within a mountain region and who believes such proposed work is not a regulated activity may request a preliminary determination as provided in this paragraph. Such person shall file by certified mail notice thereof with the hearing authority together with such information or plans as may be necessary to describe in general terms the nature and scope of the proposed activity and its effect upon the watershed and scenic resources sought to be protected by this section; provided, however, that any plans need not be detailed engineering or architectural plans so long as the nature and scope of the proposed activity is reasonably described. No such notice shall be sent before all permits, variances, and approvals required by by-law or ordinance with respect to the proposed activity have been applied for. Upon receipt of such notice the hearing authority shall designate a file number for such notice and within twenty-one days, shall make a preliminary determination whether or not the proposed work is a regulated activity. If the hearing authority finds that the activity is not a regulated activity, then it shall issue a written order which states that finding, and send a copy thereof to the applicant and to the owner of the land in question if other than the applicant. If the hearing authority finds that the activity is a regulated activity, then it shall hold a public hearing as provided in this section. Whether the hearing authority finds the proposed activity a regulated activity or not, it shall post a notice of its finding in its customary place of general public notice within one day of making its finding.

The hearing authority may rescind an order issued after a preliminary determination and hold a public hearing as provided in the following paragraph if any owner of land abutting the land upon which the proposed activity is to be conducted or any ten residents of the city or town where the land is located request by certified mail a hearing within ten days of the issuance of the order. If an applicant is not notified within fourteen days after an order issues that the hearing authority has rescinded its order, then the applicant may perform the proposed activity.

Before performing any regulated activities, or in the case of a public hearing ordered under the preceding paragraph, an applicant shall pay a filing fee of twenty-five dollars to the city or town and file notice of the regulated activities to be performed together with such information as may be reasonably required by regula-

tion to describe the nature and scope of the proposed activities and their effect on the watershed or scenic resources protected under the provisions of this section; provided, however, that any environmental impact statement filed with any state or federal agency shall be sufficient information with respect to such activity for purposes of complying with this section. The hearing authority shall hold a public hearing on the proposed activity within twenty-one days of receipt of such notice, and shall give notice of such hearing at the expense of the applicant at least five days prior thereto by publication in a newspaper of general circulation in the city or town where the activity is proposed and by mailing certified mail a copy of the published notice to the applicant, to the board of health, and to the planning board of said city or town, if any.

Within twenty-one days after the hearing, the hearing authority shall issue a written order which may impose such reasonable conditions as may be necessary on the proposed activity with respect to the pollution or diminution of water supply, erosion, flooding, substantial changes in topographic features or substantial destruction of vegetation in order to protect against any significant adverse effect on watershed resources or natural scenic qualities. The order shall be signed by a majority of the hearing authority and a copy thereof shall be sent by certified mail to the applicant and the owner if other than the applicant. The order shall be posted within one day of its issuance in the hearing authority's customary place of general public notice.

Upon issuance of an order, the applicant or any person aggrieved by the order, or any owner of land abutting the land upon which the proposed activity is to be conducted, or any ten residents of the city or town where such land is located, may request the department to determine if other reasonable conditions should be imposed or if conditions should be modified in order to protect against a significant adverse effect on watershed resources or natural scenic qualities, or if conditions can be modified or eliminated without any loss of protection against any significant adverse effect on watershed resources or scenic qualities. Such request may also be submitted if the hearing authority fails to hold a hearing within twenty-one days after receipt of the notice of intention, or if the hearing authority holds a hearing but fails to issue an order within twenty-one days after the hearing. The request shall be sent to the department by certified mail within ten days after the hearing authority has acted or failed to act. At the same time, the party making the request shall send copies thereof by certified mail to the hearing authority and, if the party is not the owner and applicant, to the owner and to the applicant. Upon receiving a copy of such request the hearing authority shall within seven days forward the file on the matter to the department. Within ten days after receipt of such file, the department shall notify the applicant if

the application is not in the proper form or is lacking information necessary to make the determination. Within twenty-one days after receipt of such request, the department shall make the determination requested and shall issue a written order, signed by the commissioner, imposing such reasonable conditions as may be necessary to protect the resources described herein, or modifying or eliminating conditions that may reasonably be so changed without any loss of protection of the resources described herein; provided, however, that if within such time the department finds the matter is of such size or complexity that additional time is needed, such twenty-one day period may by order be extended up to an additional sixty days. Any order of the department shall supersede any prior order of the hearing authority and all work shall be done in accordance therewith. A copy of the order shall be sent by certified mail to the applicant, to the owner, to the hearing authority, and to the party who requested the order if not the applicant. Any action by the department under this section shall not be considered an action subject to the provisions of sections sixty-one and sixty-two of chapter thirty.

If the applicant is not notified of a request of the department within fourteen days after the issuance of an order by the hearing authority, or upon the issuance of an order by the department, said applicant may conduct any regulated activities in accordance with the terms of the order, issued by the hearing authority.

Any person aggrieved by an order of the department issued under the provisions of this section may appeal under the provisions of chapter thirty A. Such right of appeal shall be exclusive.

Any order issued under the provisions of this section may be recorded in the registry of deeds for the district in which the land lies, and, upon completion of the activity in compliance with the order, the applicant may obtain a certificate of compliance from the agency which issued the order which may be recorded in like manner.

Any person except a bona fide purchaser for value without notice who purchases or otherwise acquires land upon which an activity has been done in violation of the provisions of this section or in violation of an order issued under this section shall forthwith comply with the order or restore the land to its condition prior to any violation.

If an applicant fails to commence the proposed activity within one year following the date of issuance of an order, and thereafter prosecute diligently such activity to completion, such inaction shall constitute an abandonment of the project and the hearing authority, after reasonable notice to the applicant, may revoke the order. The applicant may request an extension of the order prior to the expiration of the one-year period from the agency which issued the order. Said agency, in its discretion, may grant two extensions of the order for a period no longer than one year.

The agency which issued the order may suspend or revoke the order if it finds that the applicant has not complied with the conditions set forth in the order, or that the applicant has exceeded the scope of activity as set forth in the application. Such a finding shall be made only after giving notice to the applicant of the facts or conduct which warrant the intended action, and after a hearing at which the applicant is given an opportunity to show compliance with the conditions of the order.

The hearing authority, its agents, officers, and employees, and the commissioner, and his agents and employees, may enter upon privately owned land for the purpose of carrying out the provisions of this section.

Any court having equity jurisdiction may restrain a violation of this section and enter such orders as it deems necessary to remedy such violation, upon the petition of the attorney general, the commissioner, a city or town, an owner or occupant of property which may be affected by removal, filling, excavation, or altering, or ten residents of the commonwealth under the provisions of section seven A of chapter two hundred and fourteen.

Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or both. Each day or portion thereof of continuing violation shall constitute a separate offense. This section may be enforced by natural resources officers or deputy natural resources officers of the executive office of environmental affairs.

The provisions of this section shall not apply to owners of land who propose to cut forest products on land devoted to forest purposes and who have complied with the provisions of sections forty to forty-six, inclusive, of chapter one hundred and thirty-two.

This section shall not apply to any activity which is subject to the provisions of section forty of this chapter.

This section shall not apply to the maintenance, repair, reconstruction, replacement, enlargement which is not of a substantial nature, or change in use of any lawfully located and constructed structure, nor to any activity conducted in connection with the construction or maintenance of any electrical, transmission or distribution facilities or facilities used in the transmission of intelligence by electricity or by telephone or otherwise for which locations in the public ways have been approved by the selectmen or aldermen under the provisions of section twenty-two of chapter one hundred and sixty-six, nor to the construction or maintenance of any electric distribution facilities required to serve a building or structure whose construction has been approved hereunder.

SECTION 2. Chapter 842 of the acts of 1974 is hereby amended by striking out sections 2 and 3.

SECTION 3. Section thirty-nine A of chapter one hundred and thirty-one of the General Laws, as amended by section one of this act, shall not apply to any structure with respect to which construction was substantially commenced or for which permits, variances, approvals, including subdivision approvals pursuant to sections eighty-one K, to eighty-one GG, inclusive, of chapter forty-one of the General Laws, have been granted prior to the effective date of this act with respect to land within a mountain region.

Approved November 10, 1975.

Chap. 689. AN ACT EXEMPTING EMPLOYEES OF CERTAIN CONSTITUTIONAL OFFICES FROM PROVISIONS OF LAW RELATIVE TO THE EMPLOYMENT OF PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 9 of the General Laws is hereby amended by striking out the fifth sentence, as appearing in chapter 18 of the acts of 1962, and inserting in place thereof the following three sentences: — He may also employ such clerical assistance as he may deem necessary to carry out the laws relative to primaries and elections. The secretary shall establish the salaries, duties and personnel regulations of all officers and employees within the department of the state secretary; provided, however, that the salaries of said officers and employees shall not exceed the sum annually appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one and chapter one hundred and fifty E shall not apply to officers and employees within the department of the state secretary.

SECTION 2. Said chapter 9 is hereby further amended by inserting after section 2A, inserted by section 1 of chapter 711 of the acts of 1973, the following section: —

Section 2B. The secretary shall file an annual report not later than the first Wednesday in February with the senate and house committees on ways and means containing the job classification, duties and salary of each officer and employee within the department and all personnel regulations established pursuant to section two. The secretary shall file amendments to such report with the senate and house committees on ways and means whenever any changes become effective.

SECTION 3. Section 5 of chapter 10 of the General Laws, as most recently amended by chapter 776 of the acts of 1963, is hereby further amended by adding the following two sentences: — The treasurer shall establish the salaries, duties and personnel regulations of all officers and employees within the department of the state treasurer; provided, however, that the salaries of said officers and employees shall not exceed the sum

annually appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one and chapter one hundred and fifty E shall not apply to officers and employees within the department of the state treasurer.

SECTION 4. Said chapter 10 is hereby further amended by inserting after section 5 the following sentence:—

Section 5A. The state treasurer shall file an annual report not later than the first Wednesday in February with the senate and house committees on ways and means containing the job classification, duties and salary of each officer and employee within the department and all personnel regulations established pursuant to section five. The treasurer shall file amendments to such report with the senate and house committees on ways and means whenever any changes become effective.

SECTION 5. Section 6 of chapter 11 of the General Laws, as most recently amended by chapter 548 of the acts of 1973, is hereby further amended by adding the following two sentences: — The state auditor shall establish the salaries, duties and personnel regulations of all officers and employees within the department of the state auditor; provided, however, that the salaries of said officers and employees shall not exceed the sum annually appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one and chapter one hundred and fifty E shall not apply to officers and employees within the department of the state auditor.

SECTION 6. Said chapter 11 is hereby further amended by inserting after section 6 the following section: —

Section 6A. The state auditor shall file an annual report not later than the first Wednesday in February with the senate and house committees on ways and means containing the job classification, duties and salary of each officer and employee within the department and all personnel regulations established pursuant to section six. The auditor shall file amendments to such report with the senate and house committees on ways and means, whenever any changes become effective.

SECTION 7. Chapter 12 of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 476 of the acts of 1961, and inserting in place thereof the following section: —

Section 2. The attorney general shall appoint a first assistant attorney general and may appoint such other assistants and employees as the duties of the department require. The attorney general shall establish the salaries, duties and personnel regulations of all officers and employees within the department of the attorney general; provided, however, that the salaries of said officers and employees shall not exceed the sum annually appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-

one and chapter one hundred and fifty E shall not apply to officers and employees within the department of the attorney general. Persons appointed as assistant attorneys general shall, in the event of a vacancy in the office of attorney general, continue in the office until an attorney general is duly qualified.

SECTION 8. Said chapter 12 is hereby further amended by inserting after section 2A, inserted by section 2 of chapter 297 of the acts of 1959, the following section: —

Section 2B. The attorney general shall file an annual report not later than the first Wednesday in February with the senate and house committees on ways and means containing the job classification, duties and salary of each officer and employee within the department and all personnel regulations established pursuant to section two. The attorney general shall file amendments to such report with the senate and house committees on ways and means whenever any changes become effective.

SECTION 9. Paragraph (1) of section 45 of chapter 30 of the General Laws, as most recently amended by section 37 of chapter 835 of the acts of 1974, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — In pursuance of such responsibility as to the said classification plan, the said administrator shall classify all appointive offices and positions in the government of the commonwealth, excepting such offices and positions in the professional staffs serving under the governing boards of institutions of higher education, in the judicial and legislative branches, and in the departments of the state secretary, state treasurer, state auditor and attorney general, but including clerical assistants of registers of probate and employees employed by the commissioner of probation under section ninety-eight of chapter two hundred and seventy-six, and he may from time to time reclassify any such office or position.

SECTION 10. Section 5 of chapter 31 of the General Laws is hereby amended by striking out the tenth clause, as appearing in section 1 of chapter 115 of the acts of 1975, and inserting in place thereof the following clause: —

Officers, secretaries and employees of the office of the governor or of the executive council, the office of the lieutenant governor, officers and employees of the state secretary appointed under section two of chapter nine, officers and employees of the state treasurer appointed under section five of chapter ten, officers and employees of the state auditor appointed under section six of chapter eleven, officers and employees of the attorney general appointed under section two of chapter twelve, and employees of the commissioner of banks, except those expressly made subject to this chapter by statute.

SECTION 11. The first sentence of the definition of "Employee" or "public employee" in section 1 of chapter 150E of the General

Laws, as appearing in section 2 of chapter 1078 of the acts of 1973, is hereby amended by inserting after the word "commission", in lines 7 and 8, the words:— , and officers and employees within the departments of the state secretary, state treasurer, state auditor and attorney general.

SECTION 12. Nothing in this act shall be construed to impair the tenure, seniority or retirement rights of any permanent employee holding a position under chapter thirty-one of the General Laws or a veteran covered by section nine A of chapter thirty of the General Laws employed on the effective date of this act within the departments of the state secretary, state treasurer, state auditor and attorney general. If an employee serving in a position which is classified under said chapter thirty-one or in which he has tenure by reason of said section nine A of said chapter thirty shall be appointed to a position within his department which is not subject to the provisions of said chapter thirty-one, he shall upon termination of his service in such unclassified position be restored to the position which he held immediately prior to such appointment; provided, however, that his service in such unclassified position shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter thirty-one.

Approved November 10, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 10, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 689 of the Acts of 1975, entitled AN ACT EXEMPTING EMPLOYEES OF CERTAIN CONSTITUTIONAL OFFICES FROM PROVISIONS OF LAW RELATIVE TO THE EMPLOYMENT OF PUBLIC EMPLOYEES, and the enactment of which received my approval on November 10, 1975, should take effect forthwith.

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

In order to immediately exempt certain employees of certain constitutional offices from the provisions of the law relative to the employment of public employees.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 12, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and five minutes, A. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and eighty-nine of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 690. AN ACT RELATIVE TO THE EXERCISE OF A LICENSE ISSUED FOR BROKERS, SOLICITORS AND AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS OF ALCOHOLIC BEVERAGES AND INCREASING THE FEE THEREFOR.

Be it enacted, etc., as follows:

SECTION 1. Section 18A of chapter 138 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 17 of chapter 440 of the acts of 1935, and inserting in place thereof the following paragraph: —

The commission may issue to any individual who is both a citizen and resident of the commonwealth, or to any partnership composed solely of such individuals, or to any corporation organized under the laws of the commonwealth or organized under the laws of any other state of the United States or of any foreign country and admitted to do business in the commonwealth, a license which shall authorize the licensee to act as agent, broker or solicitor for any specified individual, corporation or partnership in another state or foreign country engaged in the business of manufacturing, importing or selling alcoholic beverages, hereinafter called the principal, and, on behalf of such principal, to solicit orders for such beverages from holders of licenses under section eighteen only. A license granted hereunder shall authorize representation of one principal only, but the licensee may also, in the discretion of the commission, be licensed hereunder to represent other principals. No licensee hereunder shall buy or sell alcoholic beverages for his own account, and no such beverages shall be brought into the commonwealth in pursuance of the exercise of such a license otherwise than through a licensee under said section eighteen.

SECTION 2. Said section 18A of said chapter 138 is hereby further amended by striking out the third paragraph, as appearing in chapter 312 of the acts of 1934, and inserting in place thereof the following paragraph: —

The annual license fee for each license issued under this section shall be one thousand dollars.

Approved November 12, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 21, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 690 of the Acts of 1975, entitled AN ACT RELATIVE TO THE EXERCISE OF A LICENSE ISSUED FOR BROKERS, SOLICITORS AND AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS OF ALCOHOLIC BEVERAGES AND INCREASING THE FEE THEREFOR., and the enactment of which received my approval on November 12, 1975, should take effect forthwith.

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

In order to allow for the immediate increase in license fees for brokers, solicitors and agents of foreign importers and manufacturers of alcoholic beverages.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 26, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and ninety of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 691. AN ACT AUTHORIZING THE CITY OF NORTH ADAMS TO BORROW MONEY FOR THE CONSTRUCTION OF A PUBLIC PARKING FACILITY IN SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing and equipping an off-street parking structure, including the acquisition of any real property or interest in real property therefor, the city of North Adams may borrow from time to time not exceeding, in the aggregate, three million dollars; and may issue bonds or notes therefor which bonds shall bear on their face the words, City of North Adams, Parking Facility Loan, Act of 1975. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their dates of issue. Indebtedness incurred under this act shall be outside the statutory limit, and shall, except as provided herein, be subject to the provisions of chapter forty-four of the General Laws.

SECTION 2. Said city may also issue temporary loans under the provisions of section seventeen of chapter forty-four of the General Laws in anticipation of the proceeds of the bonds or notes authorized by section one.

SECTION 3. Said city may lease for a period not exceeding ninety-nine years, as lessee, or purchase airspace above any real property within the boundaries of any urban renewal project located within said city and may construct said off-street parking structure within such airspace. Said city may also similarly lease or purchase such parts of the real property below such airspace as may be necessary for structural supports and means of ingress and egress to and from the off-street parking structure to be constructed within such airspace. The term of any such lease shall not be less than the expected useful life of said off-street parking structure plus the expected period needed to construct and put said structure into operation as determined by the mayor and city council.

SECTION 4. Any land acquired or off-street parking structure constructed by said city under the provisions of this act, shall be deemed to be acquired, constructed, maintained and operated by said city in its governmental capacity, and said city shall not be liable for any injury, loss or damage suffered by any person or property on or about any property so acquired, constructed, maintained or operated.

SECTION 5. This act shall take effect upon its passage.

Approved November 15, 1975.

Chap. 692. AN ACT FURTHER REGULATING THE TERMINATION OF MOBILE HOME PARK LEASES.

Be it enacted, etc., as follows:

The second paragraph of section 32J of chapter 140 of the General Laws, inserted by section 1 of chapter 1007 of the acts of 1973, is hereby amended by adding the following sub-paragraph: —

(4) a discontinuance in good faith by the licensee, of the use of part or all of the land owned by the licensee as a mobile home park subject to any existing contractual rights or agreements between the licensee and the tenants located in the mobile home park. No such discontinuance shall be valid for any mobile home sold by the licensee and for which a mobile home site was made available at the time of the said sale, by the licensee, for a period of five years from the date of said sale.

Approved November 15, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 21, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 692 of the Acts of 1975, entitled, AN ACT FURTHER REGULATING THE TERMINATION OF MOBILE HOME PARK LEASES., and the enactment of which received my approval on November 15, 1975, should take effect forthwith.

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

In order to prevent the termination of certain mobile home park tenancies.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 26, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and fifteen minutes, P. M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and ninety-two of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 693. AN ACT FURTHER REGULATING THE ISSUANCE OF LIFE INSURANCE FOR CERTAIN MENTALLY RETARDED PERSONS.

Be it enacted, etc., as follows:

The first sentence of section 120A of chapter 175 of the General Laws, as appearing in section 1 of chapter 804 of the acts of 1972, is hereby amended by striking out, in line 4, the word "minor". *Approved November 15, 1975.*

Chap. 694. AN ACT RELATIVE TO THE WESTOVER METROPOLITAN DEVELOPMENT CORPORATION.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to permit lands formerly used for Westover Air Force Base to be made available for the generation, transmission or transformation of electric power and energy, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 672 of the acts of 1974 is hereby amended by striking out section 1 and inserting in place thereof the following section: —

Section 1. Findings and Purpose. It is hereby found that there exists within the commonwealth substantial unemployment which is detrimental to the welfare of the people of the commonwealth, that the termination by the United States of certain activities at the Westover Air Force Base will, in the absence of a speedy and orderly conversion and redevelopment of lands formerly used for such activities to nonmilitary uses, result in blight, economic dislocation, and additional unemployment, all to the further detriment of the welfare of the people of the commonwealth, and that private, semipublic or public enterprise, unaided by the commonwealth, is unable to accomplish such a speedy and orderly conversion and redevelopment so as to prevent such further detriment. It is further found that there are opportunities presented by such termination to private, semipublic or public enterprise to alleviate such unemployment and that private, semipublic or public enterprise, unaided by the commonwealth, is unable fully to utilize such opportunities.

Therefore it is the purpose of the Westover metropolitan development corporation created by this act to aid private, semipublic or public enterprise in the speedy and orderly conversion and redevelopment of lands formerly used for certain activities at said base to nonmilitary uses, including, but not limited to, industrial, commercial or manufacturing uses, in order to prevent

blight, economic dislocation, and additional unemployment and to aid private, semipublic or public enterprise fully to utilize opportunities to alleviate unemployment.

SECTION 2. Said chapter 672 is hereby further amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. In this act the following words and phrases shall, unless the context requires otherwise, have the following meanings: —

"Corporation", the Westover metropolitan development corporation.

"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimated completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Economic development area", any part of the area formerly used by the United States for the Westover Air Force Base.

"Economic development plan", a detailed plan, as it may be approved from time to time by the municipality as herein provided, for one or more economic development projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; provided, however, that no economic development plan shall propose zoning changes, to or from business or residential uses, or provide for any office building other than one wholly incidental to a manufacturing, commercial or industrial use within the area without the specific approval of the city or town within which the project lies.

"Economic development project", a project to be undertaken in accordance with an economic development plan for acquisition

by the corporation of land and the improvements thereon, if any, within an economic development area and for clearance, if necessary, rehabilitation, improvement, and redevelopment for industrial, manufacturing, or commercial uses. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private, semipublic or public enterprise, including sale, initial leasing or retention by the corporation for industrial, manufacturing, or commercial uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial, manufacturing, or commercial uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan which, under such plan, are to be repaired, removed or rehabilitated.

"Lands", any real property, improvements thereon, and related personal property.

"Municipality", the town of Ludlow, with respect to any parcel of land lying wholly therein, the city of Chicopee, with respect to any parcel of land lying wholly therein, or the town of Ludlow and the city of Chicopee acting jointly, with respect to any parcel of land lying partly within said town and partly within said city.

"Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial, manufacturing, or commercial establishments by any means.

SECTION 3. Said chapter 672 is hereby further amended by inserting after section 5 the following section: —

Section 5A. The corporation may exercise any of its powers for the purpose of making lands formerly used for Westover Air Force Base available for development of facilities for the generation, transmission or transformation of electric power and energy by or for electric utilities primarily consisting of one or more political subdivisions of the commonwealth. Without limiting the generality of the foregoing, the corporation may borrow money to acquire such lands, or any interest therein, and lease, sell, or otherwise transfer the same for consideration to Massachusetts Municipal Wholesale Electric Company, Massachusetts Municipal Power Development Corporation or to electric utilities primarily consisting of one or more political subdivisions of the commonwealth or to another entity or entities for the purposes of this section. The uses of lands under this section may include, as an incident to the generation, transmission or transformation

of electric power and energy, headquarters or other office space for any corporate entity owning or operating the facilities referred to in this section. Lands subject to this section shall not constitute or be designated as "economic development areas", and the terms "economic development plan" and "economic development project" as used in this act shall not be deemed to include activities of the corporation under this section, nor shall such activities be subject to sections sixty-one and sixty-two of chapter thirty of the General Laws, but the foregoing shall not be deemed to exempt from any applicable environmental laws the construction or operation of facilities referred to in this section.

Approved November 17, 1975.

Chap. 695. AN ACT MAKING CHANGES IN THE LAW RELATIVE TO THE DISCLOSURE OF CONSUMER CREDIT COSTS AND TERMS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith that the laws of the commonwealth relative to the disclosure of consumer credit costs and terms continue to be in conformity with federal law and regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Subsection (*a*) of section 8 of chapter 140C of the General Laws, as amended by section 8A of chapter 592 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: —

Except as otherwise provided in this section, in any credit transaction in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer, the customer shall have the right to rescind that transaction until midnight of the third business day following the date of consummation of that transaction or the date of delivery of the disclosures required under this section and all other material disclosures required under this chapter, whichever is later, by notifying the creditor by mail, telegram or other writing of his intention suant to this subsection shall expire four years after the date of consummation or upon the date that the customer transfers title to the property, whichever occurs earlier, notwithstanding any failure of the creditor to deliver to the customer the disclosures required by this section or the other material disclosures required by this chapter. *Approved November 17, 1975.*

Chap. 696. AN ACT VALIDATING THE ACTS AND PROCEEDINGS OF THE ANNUAL TOWN MEETING AND THE ELECTION OF TOWN OFFICIALS IN THE TOWN OF ROCKLAND IN THE YEAR NINETEEN HUNDRED AND SEVENTY-FIVE.

Be it enacted, etc., as follows:

SECTION 1. The acts and proceedings of the town of Rockland taken at its annual town meeting held on April seventh, nineteen hundred and seventy-five, and its election of town officials held on March first, nineteen hundred and seventy-five, and all acts done in pursuance thereof are hereby ratified, validated, and confirmed to the same extent as if said meeting and election were held in accordance with the provisions of section nine A of chapter thirty-nine of the General Laws relative to the warrant requirements and the time for holding said meeting and election.

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

Approved November 17, 1975.

Chap. 697. AN ACT PERMITTING THE TRANSPORT OF CAROUSELS AND SIMILAR DEVICES DURING CERTAIN HOURS ON THE COMMON DAY OF REST AND LEGAL HOLIDAYS.

Be it enacted, etc., as follows:

Section 6 of chapter 136 of the General Laws is hereby amended by inserting after paragraph (48), inserted by chapter 219 of the acts of 1974, the following clause: —

(49) The transport of amusement devices, such as carousels, ferris wheels, inclined railways and other similar devices, concessions stands and tents from one location to the next between eight o'clock in the forenoon and one o'clock in the afternoon.

Approved November 17, 1975.

Chap. 698. AN ACT PROVIDING FOR AN IRRETRIEVABLE BREAKDOWN OF THE MARRIAGE AS A GROUND FOR AN ACTION FOR DIVORCE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 208 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 6 of chapter 400 of the acts of 1975, and inserting in place thereof the following section: —

Section 1. A divorce from the bond of matrimony may be adjudged for adultery, impotency, utter desertion continued for one year next prior to the filing of the complaint, gross and con-

firmed habits of intoxication caused by voluntary and excessive use of intoxicating liquor, opium, or other drugs, cruel and abusive treatment, or, on the complaint of the wife, if the husband being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable maintenance for her, or for an irretrievable breakdown of the marriage as provided in sections one A or one B; provided, however, that a divorce shall be adjudged although both parties have cause, and no defense upon recrimination shall be entertained by the court.

SECTION 2. Said chapter 208 is hereby further amended by inserting after section 1 the following two sections: —

Section 1A. An action for divorce on the ground of an irretrievable breakdown of the marriage may be commenced with the filing of: (*a*) the complaint; (*b*) a sworn affidavit by both parties that an irretrievable breakdown of the marriage exists; and (*c*) a notarized separation agreement executed by the parties, except as hereinafter set forth. After a hearing on a separation agreement which has been presented to the court, the court shall, within thirty days of said hearing, make a finding as to whether or not an irretrievable breakdown of the marriage exists and whether or not the agreement has made proper provisions for custody, for support and maintenance, for alimony and for the disposition of marital property. In making its finding, the court shall apply the provisions of section thirty-four, except that the court shall make no inquiry into, nor consider any evidence of the individual marital fault of the parties. In the event the notarized separation agreement has not been filed at the time of the commencement of the action, it shall in any event be filed with the court within ninety days following the commencement of said action.

If the finding is in the affirmative, the court shall approve the agreement and it shall have the full force and effect of an order of the court and shall be incorporated and merged into said order, and by agreement of the parties it may also remain as an independent contract. In the event that the court does not approve the agreement as executed, or modified by agreement of the parties, said agreement shall become null and void and of no further effect between the parties; and the action shall be treated as dismissed, but without prejudice. Following approval of an agreement by the court, but prior to the entry of judgment nisi, said agreement may be modified in accordance with the foregoing provisions at any time by agreement of the parties and with the approval of the court, or by the court upon the petition of one of the parties after a showing of a substantial change of circumstances; and the agreement, as modified, shall continue as the order of the court.

Ten months from the time that the court has given its initial approval to a dissolution agreement of the parties which makes

proper provisions for custody, for support and maintenance, for alimony and for the disposition of marital property, notwithstanding subsequent modification of said agreement, a judgment of divorce nisi shall be entered without further action by the parties.

Nothing in the foregoing shall prevent the court, at any time prior to the approval of the agreement by the court, from making temporary orders for custody, support and maintenance, or such other temporary orders as it deems appropriate, including referral of the parties and the children, if any, for marriage or family counseling.

Prior to the entry of judgment under this section, the complaint may be withdrawn by mutual agreement of the parties.

An action commenced under this section shall be placed by the register of probate for the county in which the action is so commenced on a hearing list separate from that for all other actions for divorce brought under this chapter, and shall be given a speedy hearing on the dissolution agreement insofar as that is consistent with the wishes of the parties.

Section 1B. An action for divorce on the ground of an irretrievable breakdown of the marriage may be commenced by the filing of the complaint unaccompanied by the signed statement and dissolution agreement of the parties required in section one A.

No earlier than twenty-four months after the filing of the complaint, there shall be a hearing and the court may enter a judgment of divorce nisi if the court finds that there has existed, for the period following the filing of the complaint and up to the date of the hearing, a continuing irretrievable breakdown of the marriage.

As part of the entry of the judgment of divorce nisi, appropriate orders shall be made by the court with respect to custody, support and maintenance of children, and, in accordance with the provisions of section thirty-four, for alimony and for the disposition of marital property.

Nothing in the foregoing shall prevent the court, at any time prior to judgment, from making temporary orders for custody, support and maintenance or such other temporary orders as it deems appropriate, including referral of the parties and the children, if any, for marriage or family counseling.

Prior to the entry of judgment under this section, in the event that the parties file the statement and dissolution agreement as required under section one A hereinabove, then said action for divorce shall proceed under said section one A.

SECTION 3. Said chapter 208 is hereby further amended by striking out section 3, as amended by section 8 of chapter 400 of the acts of 1975, and inserting in place thereof the following section: —

Section 3. A divorce may be adjudged for any of the causes allowed by sections one, one B, or two although the defendant

has been continuously absent for such time and under such circumstances as would raise a presumption of death.

SECTION 4. This act shall take effect on January first, nineteen hundred and seventy-six, and shall apply to actions for divorce commenced on or after said date.

Approved November 19, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 30, 1975.

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 698 of the Acts of 1975, entitled AN ACT PROVIDING FOR AN IRRETRIEVABLE BREAKDOWN OF THE MARRIAGE AS A GROUND FOR AN ACTION FOR DIVORCE., and the enactment of which received my approval on November 19, 1975, should take effect forthwith.

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

In order to allow for certain procedures contained in Chapter 698 of the Acts of 1975 immediately available to petitioners for divorce.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 30, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at three o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter six hundred and ninety-eight of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 699. AN ACT REGULATING THE BUSINESS OF PIPEFITTING.

Be it enacted, etc., as follows:

SECTION 1. Chapter 146 of the General Laws is hereby amended by adding, under the caption, LICENSING OF PIPEFITTING, the following five sections: —

Section 81. As used in this section and in sections eighty-two to eighty-five, inclusive, the following words shall have the following meanings: —

"Apprentice pipefitter", a person who is learning or working at the business of pipefitting under the direct supervision of a master or journeyman pipefitter.

"Journeyman pipefitter", a person who himself does any work in pipefitting subject to inspection under any law, ordinance, by-law, rule or regulation.

"Master pipefitter", a person having a regular place of business and who, by himself, or journeymen pipefitters in his employ, performs pipefitting work.

"Pipefitting", the installation, repair, replacement, maintenance, or alteration of any apparatus for piping appliances, devices or accessories for heating systems having a rating greater than three million British Thermal Units including apparatus and piping for the general use of conveyance of steam and associated pumping equipment but excluding sheet metal work, air conditioning and refrigeration systems and boilers, and plumbing as defined under the rules and regulations of the board of state examiners of plumbers promulgated under sections four and thirteen of chapter one hundred and forty-two.

Section 82. The district engineering inspectors of the division shall act as examiners of applicants for pipefitters. The division shall use the rules and regulations of the current sections I, II, III, IV, VIII, and IX of the American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, hereinafter referred to as the ASME Code, and the ANSI B-31 Codes, and rules and regulations formulated and adopted by the board pursuant to section two.

Section 83. No person shall engage in the business of a master pipefitter, or works as a journeyman or apprentice pipefitter unless he is lawfully registered or has been licensed under the provisions of section eighty-four.

Section 84. Each application for a license under this section shall be filed with the division on a blank furnished by the division. The division shall hold examinations in such cities and at such times as may be necessary.

The fee for the first license of a master pipefitter shall be twenty-five dollars; for any biennial renewal thereof twenty dollars; and for examination therefor twenty-five dollars. The fee for the first license of a journeyman pipefitter shall be fifteen dollars; for any biennial renewal thereof ten dollars; and for an examination therefor, fifteen dollars. The fee for the first license of an apprentice pipefitter shall be five dollars and for any re-

newal thereof three dollars. No examination shall be required for a renewal.

Section 85. The provisions of sections eighty-one to eighty-four, inclusive, shall not apply to the installation, replacement, maintenance or alteration, by a person regularly in the employ of an industrial plant, firm, corporation or college, of a gas company, of an electric company engaged in the generation, sale, transmission or distribution of electricity, of utility steam distribution systems, or of any apparatus for piping, appliance, devices or accessories for heating systems including apparatus for piping for the general use of conveyance of steam and associated plumbing equipment as may be required on the premises and property of such industrial plant, firm, corporation, hospital, school, college, gas company, electric company or utility steam distribution system, nor shall such provisions apply to such installation, replacement, maintenance, or alteration by an engineer or fireman, licensed under section forty-six, in a place where he is regularly employed.

SECTION 2. Any person employed as a pipefitter on the effective date of this act shall be granted a license as a master pipefitter or journeyman pipefitter, as the case may be, without being required to take an examination, upon his filing an application on a form prescribed by the department of public safety, and the payment of the fee prescribed under section eighty-four of chapter one hundred and forty-six of the General Laws; provided, that, if applying for a journeyman pipefitter's license, he shall have been working as a journeyman pipefitter for three years prior to the date of his application and if applying for a master pipefitter's license, he shall have been engaged in the business of pipefitting for four years prior to the date of his application. The provisions of this section shall expire one year from the effective date of this act.

Approved November 19, 1975.

Chap. 700. AN ACT AUTHORIZING THE TOWN OF WILBRAHAM TO BORROW MONEY TO REPAY CERTAIN FEDERAL AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of section three of chapter seventy-four of the acts of nineteen hundred and forty-five to the contrary, the treasurer of the town of Wilbraham with the approval of the selectmen of said town, is hereby authorized to issue two hundred thousand dollars federal aid anticipation notes of the town, payable in not more than one year from their dates in order to pay the two hundred thousand dollars federal aid anticipation notes of the town, dated January sixteenth, nineteen hundred and seventy-three, which were most recently

renewed on January sixteenth, nineteen hundred and seventy-five, and which are payable January sixteenth, nineteen hundred and seventy-six. Notes issued under this act for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed one year.

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

Approved November 20, 1975.

Chap. 701. AN ACT RELATIVE TO THE EXPIRATION DATE OF CERTAIN NUMBER PLATES ISSUED FOR MOTOR VEHICLES OF THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the expiration date of certain number plates issued for motor vehicles of the commonwealth or its political subdivisions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The seventh paragraph of section 2 of chapter 90 of the General Laws is hereby amended by striking out the last sentence, added by section 5 of chapter 736 of the acts of 1967, and inserting in place thereof the following sentence: — The registration of every motor vehicle and trailer registered under this chapter, except those motor vehicles and trailers owned by the commonwealth or any political subdivision thereof that are exempt from the payment of fees provided for by section thirty-three, shall expire at midnight of the expiration date appearing on said certificate of registration which date shall not be more than twenty-four months from the effective date appearing on said certificate.

Approved November 20, 1975.

Chap. 702. AN ACT RELATIVE TO THE FEES AND REGISTRATION PERIOD FOR SNOWMOBILES OR RECREATIONAL VEHICLES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 22 of chapter 90B of the General Laws, as appearing in section 2 of chapter 589 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sen-

tence: — Such registration shall be valid for a period ending two years from the date of issuance, unless surrendered, suspended or revoked.

SECTION 2. Said section 22 of said chapter 90B is hereby further amended by striking out the third paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The fee for initial registration of each such vehicle and for each renewal thereof, other than vehicles for which application is made by a manufacturer or dealer as hereinafter provided, shall be ten dollars, except that no fee shall be collected for the registration of any such vehicle owned by the commonwealth or any political subdivision thereof.

SECTION 3. The sixth paragraph of said section 22 of said chapter 90B is hereby amended by striking out the first sentence, as so appearing, and inserting in place thereof the following sentence: — The fee for initial registration of recreation vehicles or snow vehicles owned by or under the control of a manufacturer or dealer and for each renewal thereof shall be twenty-five dollars for one year and for each such number assigned and for the renewal thereof ten dollars for two years.

SECTION 4. Section 23 of said chapter 90B, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

A person who returns his said vehicle certificate to the director because of transfer of ownership shall be eligible for a new certificate upon application to the division for a new vehicle registration for the balance of the registration period for a fee of one dollar. *Approved November 20, 1975.*

Chap. 703. AN ACT AUTHORIZING THE CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF AN ADDITIONAL COUNTY MUTUAL AID BASE RADIO STATION IN THE COUNTY OF ESSEX TO AID IN FIRE PROTECTION.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Essex county are hereby authorized to expend, subject to appropriation, such sums as may be necessary to construct and equip an additional mutual aid base radio station to aid in the fire protection of said county. Said station shall be located in such area of Essex county as the county commissioners of said county may designate.

SECTION 2. Said county commissioners are hereby authorized to expend such other sums as may be necessary, subject to appropriation, for the maintenance and operation of the aforesaid mutual aid base radio station, and said expenses shall be assessed and collected against the cities and towns of said county

in the manner provided by law for the assessment and collection of the county tax.

SECTION 3. Notwithstanding the provisions of section one of this act, no expenditure of funds by the county of Essex for the purpose of this act shall be made unless prior approval of the said project is first obtained from the federal Office of Defense and Civil Preparedness Agency.

Approved November 20, 1975.

Chap. 704. AN ACT RELATIVE TO CHANGING THE DATE OF CERTAIN TOWN ELECTIONS FOR THE YEAR NINETEEN HUNDRED AND SEVENTY-SIX.

Be it enacted, etc., as follows:

Notwithstanding any provision of general or special law or of any town charter or by-law to the contrary, if the date prescribed for the holding of a town election falls within thirty days before or after the presidential primary to be held in the year nineteen hundred and seventy-six, or on the day of said presidential primary, the town council in a town having a town council and the selectmen in any other town, after consultation with the town clerk, may by majority vote prescribe a date between February first and May thirty-first, both dates inclusive, for the holding of such town election and may also prescribe by majority vote a date between February first and May thirty-first, both dates inclusive, in such year for the holding of the annual meeting of such town. Any such town election and any such town meeting shall be held on the date or dates prescribed and shall be called as provided in sections nine A and ten of chapter thirty-nine of the General Laws. *Approved November 20, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, November 20, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth. State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 704 of the Acts of 1975, entitled AN ACT RELATIVE TO CHANGING THE DATE OF CERTAIN TOWN ELECTIONS FOR THE YEAR NINETEEN HUNDRED AND SEVENTY-SIX., and the enactment of which received my approval on November 20, 1975, should take effect forthwith.

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

In order to permit town officials to change the dates of certain town elections.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, November 21, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and nine minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 705. AN ACT ESTABLISHING A DEPARTMENT OF PLANNING AND DEVELOPMENT IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the city of Newton, hereinafter called the city, a department of planning and development hereinafter called the department. The redevelopment authority, the housing authority, and the planning board of the city are hereby abolished. All powers, duties, property and functions thereof are transferred as provided for in this act. The department shall include the planning and development board created by this act, the conservation commission and the historical commission in the city and such other boards, committees, commissions, agencies or departments as may from time to time be authorized under municipal, state or federal law to undertake community development activities. The powers, duties, property, functions of, and appointments to, said commissions, boards, committees, agencies and departments shall continue in accordance with all applicable law now governing them unless otherwise provided in this act.

SECTION 2. There shall be a director of planning and development, hereinafter called the director, who shall be an executive officer of the city and, ex officio, the sole member of the community development authority. All provisions of law for the

appointment and removal of heads of departments shall be applicable to the position. The director shall be appointed by the mayor, have full charge and supervision of the work of the department and its personnel, and exercise such other duties, powers, and functions as may be established by ordinance.

SECTION 3. All salaried employees, appointed by, through, or under any authority or board which has been abolished by this act are hereby transferred to and made employees of the department except employees of the housing authority of the city who shall be similarly transferred to whatever municipal agency or department is designated under the provisions of clause (*e*) of section eight. Said employees shall not suffer reduction in their rank or compensation, or impairment of their retirement rights, or their vacation, holiday or sick leave rights, or their civil service seniority and other rights in the position held on the effective date of this act. All employees, except the respective department heads, shall be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 4. There is hereby established a planning and development board of which one member shall be appointed by the state secretary of communities and development, and all other members of the board shall be appointed by the mayor with the approval of the board of aldermen. One member shall be the director, ex officio. Said board shall have all the powers, duties and functions of a planning board under applicable law as well as other powers, duties or functions as may be established by ordinance. The appointment and terms of members may be established by ordinance. The member appointed by the state secretary of communities and development shall serve for a term of three years.

SECTION 5. There is hereby created a community development authority of the city, herein referred to as the authority, which shall be an operating agency and an urban renewal agency within the meaning of chapter one hundred and twenty-one B of the General Laws and to the extent provided in this act shall in addition have the powers of a housing authority within the meaning of said chapter one hundred and twenty-one B. The powers of the authority under said chapter one hundred and twenty-one B shall be exercised in conformity with the restrictions contained in the act. The authority shall be managed, controlled and governed by a single member who shall be the director of the department of planning and development, ex officio. After the qualification of such a director the city clerk shall forthwith file a certificate of that appointment with the department of community affairs and a duplicate thereof in the office of the state secretary. Thereupon the state secretary shall issue to the authority a certificate of organization as provided in said chapter one hundred and twenty-one B.

The director as sole member of the authority shall not receive additional compensation and the authority need not elect

officers. So far as practical, the authority shall make use of the services of the department for staff and administrative functions and the department may charge the authority for such services an amount agreed to by the department and the authority with the approval of the mayor.

SECTION 6. The powers, duties and functions of the department, while not expressly limited to, shall include the following powers subject to the limitations provided in this act:

(*a*) to conduct investigations, make studies, surveys, and plans and disseminate information relative to community development, including desirable patterns for land use and community growth, urban renewal, relocation, and any other matter deemed by it to be material in connection with any of its powers and duties, and to make such studies, plans, and information available to the federal government, to agencies and subdivisions of the commonwealth, and to interested persons.

(*b*) to develop, test, and report methods and techniques and carry out demonstrations relative to community development.

(*c*) to provide to the city auditor the data necessary to compute and the actual computations of relocation payments due to persons and businesses displaced as a result of carrying out any such project.

(*d*) to make studies and conduct investigations related to community development for all city departments which have or project capital expenditures or which contribute to the physical development of the city.

(*e*) to compile, analyze, and interpret data pertaining to municipal planning; initiate and conduct studies of the resources, possibilities, and needs of the city; prepare plans and drafts of recommendations for: (1) use of land for residential, commercial, industrial, recreational, and other purposes, (2) control of shifts of population, (3) situating public and private ways, bridges, parks, recreation facilities, public buildings, public utility services, public garages, and off-street parking facilities, and (4) affording further facilities for the housing, transportation, employment, health, safety, and general welfare of the population.

(*f*) to prepare and submit annually a long-range capital improvement program for the city, including data as to the cost of each project recommended relative priorities of projects from the standpoint of urgency and desirability, and the aid on loans, special revenue and trust funds, accumulated surplus, and funds obtained from the annual tax levy, together with the estimated amounts returnable to the city by betterment assessments.

(*g*) to act as a depository for the official records and as a clearinghouse for the historic and conservation commissions by providing coordination, communication, and resource data among said commission and the department of planning and development.

(*h*) to administer and coordinate, under the authority and direction of the city, the disposition of any funds received under clause (*b*) of section seven.

(*i*) the authority and responsibility for exercise of these powers by the various agencies within the department shall be subject to assignment by ordinance.

SECTION 7. The authority shall have in addition to the powers set forth in section five the following powers and duties, subject to the provisions of said chapter one hundred and twenty-one B and the approval of the planning and development board:

(*a*) to determine what areas within its jurisdiction constitute decadent, substandard, or blighted open areas;

(*b*) to prepare and execute plans subject to approval by the board of aldermen for the clearance, conservation, and rehabilitation of congested, substandard, or blighted open areas, including plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, plans for the enforcement of laws, codes, and regulations relating to the use of land and the use or occupancy of buildings and improvements, plans for the compulsory repair and rehabilitation of buildings and improvements, and plans for the demolition and removal of buildings and improvements;

(*c*) to clear and improve property acquired by it or the city;

(*d*) to prepare or cause to be prepared urban renewal plans, master or general plans, workable programs for development of the community, general neighborhood renewal plans, community renewal programs, and any plans or studies required or assisted under state or federal laws;

(*e*) to engage in urban renewal or community development projects, and to enforce restrictions and controls contained in any approved urban renewal or community development plan or any covenant or agreement contained in any contract, deed, or lease by the authority notwithstanding that the authority may no longer have any title to or interest in the property to which such restrictions and controls apply or to any neighboring property. The powers and duties created by this clause shall be exercised only after the procedures specified in section forty-eight of said chapter one hundred and twenty-one B have been complied with;

(*f*) to act as agent of the city or to cooperate under the authority and direction of the city with the federal government in any clearance, housing, relocation, urban renewal, rehabilitation, community development, or other projects which it is authorized to undertake by and within the city;

(*g*) to recommend to the city the taking by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or the purchasing or leasing, or the acquisition by gift, bequest, or grant, of any property, real or personal, or any interest therein, found by it to be the necessary or reasonably

required to carry out its purposes, and to recommend the sale, exchange, transfer, lease, or assignment of the same by the city to the authority or to any other person;

(*h*) to acquire, only from the city, by purchase, exchange, transfer, lease, gift, grant, or assignment and to hold any property, real or personal, or any interest therein, found by it to be reasonably required to carry out its purposes, and to sell, exchange, transfer, lease or assign such property to the city or to any other person;

(*i*) to make studies of housing needs and markets, including data with respect to population and family groups and their distribution according to income groups, the amount and quality of available housing and its distribution according to rentals and sales prices, employment, wages and other factors affecting housing needs and markets, and surveys and plans for housing related to community development, including those desirable for land use and community growth, and to make such studies, surveys, and plans available to the federal government, state agencies, the housing authority, and the public;

(*j*) to provide housing projects for families of low income as provided in said chapter one hundred and twenty-one B, including section thirty-four thereof, that shall, upon completion, be operated, managed and maintained in total by a municipal department of housing services established for that purpose in accordance with this act.

(*k*) to provide projects or parts thereof for elderly persons of low income as provided in said chapter one hundred and twenty-one B, including section forty-one thereof, that shall, upon completion, be operated, managed, and maintained in total by a municipal department of housing services established for that purpose in accordance with this act.

(*l*) to undertake and provide relocation projects as provided in said chapter one hundred and twenty-one B;

(*m*) to conduct investigations and disseminate information relative to housing and living conditions and any other matter deemed by it to be material in connection with any of its powers and duties.

(*n*) to exercise, upon a finding by the board of aldermen, that there exists in the city conditions of unemployment or threat of future unemployment resulting from obsolescent industrial and manufacturing facilities within the meaning of chapter one hundred and twenty-one C of the General Laws, all the powers of an economic development and industrial corporation established under said chapter one hundred and twenty-one C and not inconsistent with the powers of an operating agency under said chapter one hundred and twenty-one B.

SECTION 8. The powers, duties, and functions that shall be reserved to the city are as follows:

(*a*) to have with respect to the authority all of the powers and liabilities of a municipality with respect to an authority or

operating agency under said chapter one hundred and twenty-one B;

(*b*) upon recommendation of the authority, to take by eminent domain under said chapter seventy-nine or chapter eighty A with the approval of the board of aldermen, or to purchase or lease, or to acquire by gift, bequest or grant, any property, real or personal, or any interest therein, found by the authority to be necessary or reasonably required for the purposes of the authority, and to hold, sell, exchange, transfer, lease, or assign such property to the authority or to any other person;

(*c*) to enter into agreements with the federal government upon recommendation of the director and approval of the board of aldermen of the city, relative to the acceptance or borrowing of funds for any project it determines to undertake and containing such covenants, terms, and conditions as it may deem desirable; provided, however, that nothing shall be construed to require approval by said board of aldermen or the appropriate state agency of requisition agreements and similar contracts between an agency and the federal government which are entered into pursuant to an agreement approved by them; and

(*d*) to enter into, execute, and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted by this act.

(*e*) to delegate by ordinance the powers, functions and duties of a housing authority relative to: (1) the operation, management and maintenance of housing projects as specified in section thirty-two of said chapter one hundred and twenty-one B; (2) the rental or lease of dwelling units as specified in section forty-three of said chapter one hundred and twenty-one B, to existing or newly-created municipal department or departments established for that purpose; and (3) the housing services commission which is to be established by ordinance shall include one member appointed by the state secretary of communities and development who shall serve for a term of three years.

(*f*) to exercise all other powers delegated to the city under said chapter one hundred and twenty-one B.

SECTION 9. The city or the authority may obligate itself, in any contract with the federal government for a loan or the payment of annual contributions authorized by general law or this act, to convey to the federal government the project to which such contract relates, upon the occurrence of a substantial default with respect to the covenants, terms, and conditions of such contract to which the city or the authority is subject. Such contract may further provide that, in case of such conveyance, the federal government may complete, operate, manage, lease, convey, or otherwise deal with the project in accordance with the terms of such contract, provided that the contract shall require that, as soon as practicable, after the federal government is satisfied that all of the defaults on account of which it acquired

the project have been remedied, and that the project will thereafter be operated in compliance with the terms of the contract, the federal government shall reconvey to the city or the authority the project in the condition in which it then exists. The obligation of the city or the authority under such contract shall be subject to specific enforcement by any court having jurisdiction.

SECTION 10. The provisions of this act are hereby declared to be severable and if any such provision or application of such provision to any person or circumstances shall be held to be invalid or unconstitutional, such holding shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this act or the application of such provisions to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid or unconstitutional provisions not been included therein.

It is hereby declared to be the legislative intent that all rights and powers, given to housing authorities and redevelopment authorities under the provisions of any laws, which do not conflict with specific provisions of this act, shall be given to the community development authority of the city.

SECTION 11. Upon acceptance of this act, all moneys, real property, furniture, fixtures, supplies, equipment, contractual obligations and rights of the redevelopment authority of the city shall be assumed by the community development authority of the city. All contractual obligations of the housing authority of the city with respect to rental assistance programs and the maintenance and operation of housing projects shall be assumed by the city, but this provision shall not interfere with the ability of the community development authority of the city to mortgage such projects, to pledge the receipts therefrom or otherwise encumber said projects as security for the financing thereof as provided in said chapter one hundred and twenty-one B. All other contractual obligations and rights of the housing authority of the city and all moneys, real property, furniture, fixtures, supplies and equipment thereof shall, upon acceptance of this act, be assigned, transferred and delivered to the community development authority of the city and all indebtedness of the housing authority of the city shall be assumed by the community development authority of the city.

SECTION 12. This act shall take effect upon its acceptance by a majority of the board of aldermen of the city of those present and voting, and upon a date to be determined by said board of aldermen. *Approved November 24, 1975.*

Chap. 706. AN ACT RELATIVE TO THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in the general and special laws which shall take effect as of the effective date of the law establishing an executive office of environmental affairs, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 2 of the General Laws is hereby amended by striking out the third sentence, added by chapter 245 of the acts of 1953, and inserting in place thereof the following sentence:— The provisions of this section shall be enforced by all officers in the division of law enforcement in the office of the secretary of the executive office of environmental affairs.

SECTION 2. Clause Forty-sixth of section 7 of chapter 4 of the General Laws, inserted by chapter 322 of the acts of 1964, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 3. Section 17 of chapter 6 of the General Laws, as appearing in section 1 of chapter 535 of the acts of 1966, is hereby amended by striking out, in line 6, the words ", the milk regulation board".

SECTION 4. Section 42 of said chapter 6, as most recently amended by chapter 230 of the acts of 1967, is hereby amended by striking out the first three sentences and inserting in place thereof the following three sentences: — There shall be a milk regulation board, consisting of the commissioner of food and agriculture, the commissioner of public health, and the chairman of the milk control commission. The chairman of the milk control commission shall act as chairman of the milk regulation board. The commissioner of food and agriculture may delegate his authority as a member of this board to the director of dairying and animal husbandry.

SECTION 5. Clause 7 of the first paragraph of section 91 of said chapter 6, as appearing in section 2 of chapter 645 of the acts of 1956, is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 6. The third paragraph of section 179 of said chapter 6, as appearing in section 1 of chapter 989 of the acts of 1973, is hereby amended by striking out, in line 2, the words "public works" and inserting in place thereof the words: — environmental quality engineering.

SECTION 7. The first paragraph of section 181 of said chapter 6, as appearing in section 2 of chapter 833 of the acts of 1974, is hereby amended by striking out the first sentence and in-

serting in place thereof the following sentence: — There shall be in the executive office of human services a nutrition board, hereinafter referred to as the board, which shall consist of the commissioner of public health, who shall serve as chairman, the commissioner of public welfare, the director of the office for children, the commissioner of mental health, the commissioner of education, the commissioner of food and agriculture, the secretary of human services, the secretary of consumer affairs, the secretary of elder affairs, or their respective designees, and nine persons to be appointed for terms of three years by the governor, of whom one shall be a registered physician with expertise in nutritional science, one shall be a qualified practicing nutritionist or dietician with experience and knowledge in public and community nutrition, one shall be a representative of the food industry, one shall be a nutrition educator from an institution of higher education concerned with graduate education in the field of nutrition, and five shall be representatives of the general public who shall be consumers selected in a manner so as to reflect the population distribution of the commonwealth.

SECTION 8. Section 16 of chapter 6A of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 3 of said chapter 833, and inserting in place thereof the following paragraph: —

The following state agencies are hereby declared to be within the executive office of human services: the office for children, the department of public health and all other agencies within said department, including the commission on hypertension, the drug addiction rehabilitation board, and the several advisory councils established by section four D, four F and fifty-five of chapter one hundred and eleven, but excluding such divisions and personnel which relate to the areas of environmental health, including air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills; the department of public welfare and all other state agencies within said department; the commission on supplemental security income; the department of mental health, including the several advisory councils established by sections eleven, twelve and sixteen of chapter nineteen, the several institutions within said department and their boards of trustees, and all other state agencies within said department; the department of correction, including the parole board and all other state agencies within said department; the advisory council on home and family; the commissioner of veterans' services; the board of trustees of the Soldiers' Home in Massachusetts and the board of trustees of the Soldiers' Home in Holyoke; the youth service board; the advisory committee on service to youth; the division of youth service, including the several institutions within said division; the Massachusetts rehabilitation commission and

the advisory council, the boxers' fund board; the health and welfare commission; the nutrition board; the health facilities appeals board; the rate setting commission established by section thirty-two and the Massachusetts commission for the blind and its advisory board, and all other state agencies within said commission.

SECTION 9. The second sentence of section 26 of chapter 9 of the General Laws, as appearing in section 1 of chapter 1155 of the acts of 1973, is hereby amended by striking out, in line 4, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 10. Section 16 of chapter 10 of the General Laws, as most recently amended by chapter 879 of the acts of 1973, is hereby further amended by striking out, in line 6, the words "natural resources" and inserting in place thereof the words:— environmental management, — and by striking out, in line 10, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 11. The first sentence of the first paragraph of section 36 of chapter 13 of the General Laws, as most recently amended by section 12 of chapter 1099 of the acts of 1971, is hereby amended by inserting after the word "designee", in line 7, the words: — one shall be the commissioner of environmental quality engineering or his designee.

SECTION 12. Section 66B of said chapter 13, inserted by section 1 of chapter 942 of the acts of 1971, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The board shall consist of the commissioner of environmental quality engineering or his designee, the chairman of the water resources commission or his designee and four members to be appointed by the governor.

SECTION 13. The first sentence of section 20 of chapter 15 of the General Laws, as amended by chapter 725 of the acts of 1971, is hereby further amended by striking out, in line 3, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 14. Section 2 of chapter 16 of the General Laws, as appearing in section 1 of chapter 821 of the acts of 1963, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be in the department the following divisions: administrative services, highway engineering, highway construction and highway maintenance.

SECTION 15. The second paragraph of section 4 of said chapter 16, as amended by section 4 of chapter 736 of the acts of 1968, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The commissioner may appoint and remove without regard to chapter thirty-one, but with the approval of the governor, a chief engineer, an executive assistant, and a chief counsel to serve in the

office of the commissioner; three deputy chief engineers, each to serve in one of the three divisions of highway engineering, highway construction, and highway maintenance; and a director to serve in the division of administrative services.

SECTION 16. Said section 4 of said chapter 16 is hereby further amended by inserting after the second paragraph the following paragraph: —

The commissioner of environmental quality engineering may appoint and remove a deputy chief engineer and a professional geologist, who shall be the state geologist, and neither position shall be subject to chapter thirty-one or to section nine A of chapter thirty.

SECTION 17. The first paragraph of section 12 of said chapter 16 is hereby amended by striking out the first two sentences, as appearing in section 1 of chapter 103 of the acts of 1971, and inserting in place thereof the following two sentences: — There shall be within the department of fisheries, wildlife and recreational vehicles of the executive office of environmental affairs a division of marine and recreational vehicles. The commissioner of said department shall appoint and may remove, with the approval of the marine and recreational vehicles advisory board, a director of said division who shall be the executive and administrative head of the division.

SECTION 18. The first sentence of the second paragraph of said section 12 of said chapter 16, as appearing in section 1 of chapter 821 of the acts of 1963, is hereby amended by striking out, in line 1, the words "registrar of motor vehicles" and inserting in place thereof the words: — commissioner of the department of fisheries, wildlife and recreational vehicles.

SECTION 19 Said chapter 16 is hereby further amended by striking out section 13, as most recently amended by section 21 of chapter 704 of the acts of 1969, and inserting in place thereof the following section: —

Section 13. There shall be within the department of environmental quality engineering in the executive office of environmental affairs an outdoor advertising division, for the purpose of regulating and controlling, in the public interest, the erection and maintenance of billboards, signs or other advertising devices.

SECTION 20. Said chapter 16 is hereby further amended by striking out section 18, as most recently amended by section 1 of chapter 500 of the acts of 1975, and inserting in place thereof the following section: —

Section 18. As used in sections nineteen to twenty-four, inclusive, the following words shall have the following meanings: —

"Commissioner", the commissioner of the department of environmental management.

"Department", the department of environmental management.

"Resource recovery facility", a solid waste disposal facility utilizing processes for reclaiming the materials or energy values from solid wastes.

"Solid waste", garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

"Solid waste disposal facility", incinerator, sanitary landfill, transfer station, composting plant, sorting machine or plant, or other sanitary means of solid waste disposal approved by the department of environment quality engineering, recycling plant, or any combination of one or more of the above facilities and appurtenant facilities.

SECTION 21. Section 19 of said chapter 16 is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 834 of the acts of 1969, and inserting in place thereof the following sentence: — The department is hereby authorized to dispose of solid wastes, from whatever source, in any manner and at any site which is concurred in by the department of environmental quality engineering, provided that the provisions of section one hundred and fifty A of chapter one hundred and eleven shall not apply.

SECTION 22. Said section 19 of said chapter 16 is hereby further amended by striking out the sixth sentence, inserted by section 1 of chapter 1217 of the acts of 1973, and inserting in place thereof the following sentence: — The department of environmental quality engineering, on a continuing basis, shall review and make recommendations to the department on the manner of operation and adequacy from an environmental quality standpoint of any solid waste disposal facility planned, established or operated under the provisions of sections eighteen to twenty-four, inclusive, and the department shall implement such recommendations, subject to appropriations.

SECTION 23. Said section 19 of said chapter 16 is hereby further amended by striking out the seventh sentence and inserting in place thereof the following sentence: — Any land acquired under this section may be disposed of by the department upon termination of a solid waste disposal facility or completion of use of a site, with the concurrence of the department of environmental quality engineering in the best interests of the commonwealth and for a use compatible with local zoning by-laws or ordinances; provided, however, that in no event shall such land be so disposed of unless said department, with the concurrence of the department of environmental quality engineering,

first offers, in writing, to convey it to the city or town wherein such land lies for an amount of money not less than the principal amount remaining to be paid on bonds issued to meet the capital outlay expenditures relative to such land, and such offer is not accepted within two months after being made or is refused by the mayor or selectmen of the city or town wherein such land lies.

SECTION 23A. Said chapter 16 is hereby further amended by striking out the first sentence of section 20, and inserting in place thereof the following: — There shall be established within the department of environmental management a bureau of solid waste disposal.

SECTION 24. Said chapter 16 is hereby further amended by striking out section 21, as amended by section 3 of chapter 1217 of the acts of 1973, and inserting in place thereof the following section: —

Section 21. The department, with the cooperation of the department of environmental quality engineering, shall investigate and study the solid waste disposal needs of the commonwealth and, after a public hearing shall develop and submit to the appropriate regional planning agencies for their review and comment, proposed programs for solid waste disposal including plans for their implementation. The department, with the aforesaid cooperation, may designate regional solid waste disposal districts to carry out the purposes of sections eighteen to twenty-four, inclusive. The department shall, with the cooperation of the department of environmental quality engineering, develop and maintain a comprehensive statewide master plan for solid waste disposal subject to the approval of the governor, including any necessary provisions to meet eligibility requirements under any federal program for financial aid in solid waste disposal. A solid waste disposal district shall wherever practicable consist of a single town, or a part thereof, or two or more contiguous cities or towns, or cities and towns, or parts thereof, provided that no city or town, or part thereof, shall be included in more than one said district. Each district shall have an advisory committee comprised of one member from each city or town in such district, who shall be appointed by the city manager in a city having a city manager, by the mayor in any other city, by the selectmen in a town having selectmen, and by the town council in any other town. The members of such committee may be elected officials of such cities or towns and shall serve at the pleasure of their appointing authority. Unless otherwise approved by the governor, unburned solid waste shall not be disposed of in a landfill established under the provisions of sections eighteen to twenty-four, inclusive, unless such unburned solid waste was generated within the district where such landfill is located; provided, however, that solid waste or by-products thereof, may be freely transported throughout the commonwealth for the purposes of recycling, reclamation and resource industry.

SECTION 25. Section 9A of chapter 17 of the General Laws, as appearing in section 1 of chapter 874 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be in the department of environmental quality engineering a pesticide board, hereinafter referred to as the board, consisting of the commissioner of environmental quality engineering, who shall be chairman, the commissioners of public health, food and agriculture, fisheries, wildlife and recreational vehicles, the chairman of the state reclamation board, or their designees, and five members to be appointed by the governor.

SECTION 26. The fifth sentence of said section 7A of said chapter 17, as so appearing, is hereby amended by inserting after the word "commissioner", in line 3, the words: — of environmental quality engineering.

SECTION 27. Section 1 of chapter 20 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 674 of the acts of 1954, and inserting in place thereof the following sentence: — There shall be a department of food and agriculture under the supervision and control of a board of food and agriculture hereinafter called the board, consisting of seven members each of whom shall be from a different county, to be appointed by the governor.

SECTION 28. Said section 1 of said chapter 20 is hereby further amended by striking out the sixth sentence, as amended by section 13 of chapter 844 of the acts of 1967, and inserting in place thereof the following sentence: — The governor shall appoint a commissioner of food and agriculture who shall serve for a term coterminous with that of the governor.

SECTION 29. Section 2 of said chapter 20 is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 674 of the acts of 1954.

SECTION 30. Said chapter 20 is hereby further amended by striking out section 4, as so appearing, and inserting in place thereof the following section: —

Section 4. The commissioner, with the approval of the board of food and agriculture, may appoint an assistant commissioner and with like approval may remove him.

SECTION 31. Section 6 of said chapter 20 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence: — The commissioner shall with the approval of the board, appoint a director of each division to have charge of the work of the division, and may, with like approval, remove such director at any time.

SECTION 32. Section 11 of said chapter 20 is hereby amended by striking out the first paragraph, as most recently amended by section 1 of chapter 987 of the acts of 1971, and inserting in place thereof the following paragraph: —

The Massachusetts standardbred agricultural fair and breeding fund committee shall aid the commissioner and the board in the promotion, development and encouragement of the breeding of standardbred horses in the commonwealth and shall, subject to appropriation, distribute, under the supervision of the commissioner and the board the following funds: — .

SECTION 33. The first paragraph of section 1 of chapter 21 of the General Laws, as appearing in section 1 of chapter 631 of the acts of 1953, is hereby amended by striking out, in lines 1 and 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 34. The third paragraph of said section 1 of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 35. Said section 1 of said chapter 21 is hereby further amended by striking out the fourth paragraph, as most recently amended by section 1 of chapter 736 of the acts of 1968, and inserting in place thereof the following paragraph: —

The department shall consist of a division of forests and parks, a division of water resources and a bureau of solid waste disposal. Each such division shall be under the administrative supervision of a director.

SECTION 36. Section 2 of said chapter 21 is hereby amended by striking out the first sentence, as amended by section 2 of chapter 620 of the acts of 1956, and inserting in place thereof the following sentence: — The department of environmental management shall be under the control of a board of environmental management, which shall consist of five members appointed by the governor for terms of five years.

SECTION 37. Said section 2 of said chapter 21 is hereby further amended by striking out the second sentence, as appearing in section 1 of chapter 631 of the acts of 1953, and inserting in place thereof the following sentence: — The governor shall initially appoint the members of the board of environmental management for the respective terms of one, two, three, four and five years.

SECTION 38. Section 2A of said chapter 21, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 39. Section 2B of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 40. Said chapter 21 is hereby amended by striking out section 2C, as so appearing, and inserting in place thereof the following section: —

Section 2C. The board of environmental management shall meet within the commonwealth within thirty days after appointment and at least once a month thereafter. It shall elect, at least annually, its own chairman and secretary, and shall make the appointments required to be made by it in the manner herein provided. Three board members shall constitute a quorum for the transaction of business, except in the case of appointment or removal of any person appointed by the board, or the approval of the appointment or removal of a division director. No appointment or removal of any person appointed by the board of environmental management and no approval of the appointment or removal of a division director, shall be valid unless written notice of the meeting for such an appointment or removal or approval thereof, setting forth the business to be transacted thereat, shall have been sent by registered mail to each board member at least twenty-one days prior to such meeting, and then only by the affirmative vote of three or more members present and voting.

The board of environmental management and the fisheries, wildlife and recreational vehicles advisory board shall meet jointly at least twice each year and may establish such policies as appear to be in the general interest.

SECTION 41. Section 2D of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 42. Section 2E of said chapter 21, as so appearing, is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words:— environmental management.

SECTION 43. Section 3 of said chapter 21 is hereby amended by striking out the first three sentences, as amended by section 14 of chapter 844 of the acts of 1967, and inserting in place thereof the following sentence: — The commissioner of environmental management shall be the executive and administrative officer of the department, and he shall exercise supervision, direction and control over all the divisions of the department in accordance with such programs and policies as may from time to time be promulgated by the board of environmental management.

SECTION 44. Said chapter 21 is hereby further amended by striking out section 3A, as most recently amended by section 32 of chapter 422 of the acts of 1974, and inserting in place thereof the following section: —

Section 3A. The board of environmental management may designate an acting commissioner in the absence or disability of the commissioner, such acting commissioner to have the powers of the commissioner, the provisions of the general laws to the contrary notwithstanding. The commissioner shall receive

such salary, not exceeding twenty-four thousand eight hundred and sixty-four dollars as the board of environmental management may determine.

SECTION 45. Section 3B of said chapter 21, as appearing in section 1 of chapter 631 of the acts of 1953, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 46. Said chapter 21 is hereby amended by striking out section 3C, as so appearing, and inserting in place thereof the following section: —

Section 3C. The commissioner shall, with the approval of the board of environmental management, prepare an annual budget of the department, and shall file the same pursuant to section three of chapter twenty-nine. Within ninety days after the end of each fiscal year, the commissioner shall render a complete detailed report of all activities, revenue and expenditures of the department and each division thereof, to the board of environmental management, the general court and the governor and council.

SECTION 47. The first sentence of section 3D of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 48. The third paragraph of section 4A of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the words "of the department".

SECTION 49. The first sentence of section 5 of said chapter 21, as so appearing, is hereby amended by inserting after the word "fisheries", in line 1, the words: — shall be within the department of fisheries, wildlife and recreational vehicles in the executive office of environmental affairs and.

SECTION 50. Section 6 of said chapter 21, as amended by section 1 of chapter 524 of the acts of 1964, is hereby further amended by striking out the first two sentences and inserting in place thereof the following three sentences: — The division of law enforcement shall be within the office of the secretary of the executive office of environmental affairs and shall be under the administrative supervision of a director, called the director of law enforcement. The director shall be qualified by training, experience and executive ability, shall be appointed and may be removed by the secretary and shall not be subject to the provisions of chapter thirty-one. The director shall appoint, with the approval of the secretary of environmental affairs, subject to the provisions of chapter thirty-one, such assistants to the director, enforcement officers and administrative personnel as may be necessary to carry out the duties of the division.

SECTION 51. Section 6A of said chapter 21 is hereby amended by striking out the first paragraph, as most recently amended by

section 3 of chapter 779 of the acts of 1970, and inserting in place thereof the following paragraph: —

It shall be the duty of the division of law enforcement to enforce all penal laws which it is the duty of any agency within the executive office of environmental affairs to enforce, provisions of the general laws or any special laws to the contrary notwithstanding.

SECTION 52. Section 6B of said chapter 21, as amended by section 2 of chapter 524 of the acts of 1964, is hereby further amended by striking out the first two sentences and inserting in place thereof the following two sentences:— The secretary, undersecretary, director and his assistants, wardens, as defined in section one of chapter one hundred and thirty-one, and all natural resource officers and deputies shall have and exercise throughout the commonwealth, subject to such rules and regulations as the secretary may from time to time adopt, all the authority of police officers and constables, except the service of civil process. Such rules and regulations shall be filed with the state secretary in accordance with section thirty-seven of chapter thirty.

SECTION 53. The second paragraph of section 6C of said chapter 21, as appearing in section 3 of said chapter 524, is hereby amended by striking out, in line 1, the word "commissioner" and inserting in place thereof the word: — secretary.

SECTION 54. Section 6D of said chapter 21, as amended by section 4 of said chapter 524, is hereby further amended by striking out, in lines 1 and 7, the word "commissioner" and inserting in place thereof, in each instance, the word: — secretary.

SECTION 55. The first sentence of section 6E of said chapter 21, as appearing in section 29 of said chapter 524, is hereby amended by striking out, in lines 3 and 4, the words "commissioner with the approval of the board of natural resources" and inserting in place thereof the words: — director, with the approval of the secretary.

SECTION 56. Said chapter 21 is hereby amended by striking out section 7, as amended by section 26 of chapter 806 of the acts of 1974, and inserting in place thereof the following section: —

Section 7. The division of fisheries and wildlife shall be within the department of fisheries, wildlife and recreational vehicles in the executive office of environmental affairs and shall be under the supervision and control of the fisheries and wildlife board, hereinafter called the board, which shall consist of seven members to be appointed by the governor for terms of five years. Five board members shall be appointed from one of each of the five fish and game districts, shall hold and have held for at least five consecutive years a sporting license in the commonwealth, four of whom shall represent the fishing, hunting and trapping interests and at least one of whom shall have been actively en-

gaged in farming on land owned by him for a period of not less than five years. Two board members shall be appointed at large, shall be particularly interested in the propagation, protection, research and management of wild birds and mammals and any, so-called, endangered species and one of whom shall be a wildlife biologist.

SECTION 57. Said chapter 21 is hereby further amended by striking out section 7C, as appearing in section 1 of chapter 631 of the acts of 1953, and inserting in place thereof the following section:—

Section 7C. No board member shall hold any other position in the department of fisheries, wildlife and recreational vehicles while serving as such, nor for a period of one year thereafter.

SECTION 58. The third sentence of the first paragraph of section 7E of said chapter 21, as so appearing, is hereby amended by striking out, in line 8, the word "Three" and inserting in place thereof the word: — Four.

SECTION 59. The first sentence of the first paragraph of section 7H of said chapter 21, as so appearing, is hereby amended by striking out, in line 2, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 60. Section 8 of said chapter 21, as amended by section 1 of chapter 566 of the acts of 1969, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The division of water resources of the department of environmental management shall be under the supervision and control of the water resources commission which shall be within the department of environmental quality engineering, hereinafter in this section and in sections nine to fifteen, inclusive, called the commission, which shall consist of the commissioner of food and agriculture, the commissioner of commerce and development, the commissioner of the department of the metropolitan district commission, the commissioner of environmental management, the commissioner of environmental quality engineering, and the commissioner of fisheries, wildlife and recreational vehicles and four persons to be appointed by the governor.

SECTION 61. The first paragraph of section 9 of said chapter 21, as appearing in section 3 of chapter 620 of the acts of 1956, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The commissioner of environmental management and the commissioner of environmental quality engineering shall be co-chairmen of the commission.

SECTION 62. The second paragraph of section 14 of said chapter 21, as so appearing, is hereby amended by striking out, in line 12, the words "public works" and inserting in place thereof the words:— environmental quality engineering.

SECTION 63. Section 17 of said chapter 21 is hereby further amended by striking out the first sentence, as amended by

section 3 of chapter 589 of the acts of 1970, and inserting in place thereof the following sentence: — There is hereby established a fund to be known as the Public Access Fund to which shall be credited such sums as shall be determined under the provisions of section thirteen of chapter sixty-four A and section thirty-five of chapter ninety B.

SECTION 64. Section 17A of said chapter 21 is hereby amended by striking out the first sentence, as appearing in section 28 of chapter 806 of the acts of 1974, and inserting in place thereof the following sentence:— There shall be in the department of fisheries, wildlife and recreational vehicles a board to be known as the public access board composed of the director of the division of fisheries and wildlife, the director of the division of marine and recreational vehicles, the director of marine fisheries, the director of the division of forests and parks and the deputy chief engineer of the division of waterways or their respective designees and the chairmanship of said board shall rotate annually among said members.

SECTION 65. The fourth sentence of said section 17A of said chapter 21, as appearing in section 3 of chapter 589 of the acts of 1970, is hereby amended by striking out, in line 6, the words "public works" and inserting in place thereof the words: — environmental quality engineering.

SECTION 66. The first sentence of the first paragraph of section 17B of said chapter 21, as appearing in chapter 840 of the acts of 1971, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words:— environmental management.

SECTION 67. The second sentence of the sixth paragraph of said section 17B of said chapter 21, as so appearing, is hereby amended by inserting after the word "resources", in line 8, the words: — , the department of environmental management or the department of environmental quality engineering.

SECTION 68. Said chapter 21 is hereby amended by striking out section 18, as appearing in section 3 of chapter 664 of the acts of 1963, and inserting in place thereof the following section: —

Section 18. The division of conservation services within the office of the secretary of the executive office of environmental affairs shall be under the administrative supervision of a director who shall be called the director of conservation services. The director shall be qualified by training, experience and executive ability, shall be appointed and may be removed by the secretary and shall not be subject to the provisions of chapter thirty-one. The division shall administer the provisions of this chapter relating to conservation districts and such other programs and duties as may be assigned to it by the secretary from time to time. It may receive and expend or dispense without further authorization such federal funds, services, grants or subventions

as may be made available for the purposes of the division. The director shall appoint, with the approval of the secretary, subject to the provisions of chapter thirty-one, such experts, clerks and other employees from time to time, and for such periods, as he may determine to be necessary.

SECTION 69. The fourth sentence of section 19 of said chapter 21, as appearing in chapter 237 of the acts of 1966, is hereby amended by striking out, in lines 1 and 2, the word "agriculture" and inserting in place thereof the words:— food and agriculture.

SECTION 70. The sixth sentence of section 19 of said chapter 21, as so appearing, is hereby amended by striking out, in line 3, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 71. Section 26 of said chapter 21, as most recently amended by section 1 of chapter 546 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be in the department of environmental quality engineering, subject to the control of the water resources commission, a division of water pollution control hereinafter in this section and in sections twenty-seven to fifty-three, inclusive, called the division.

SECTION 72. The first paragraph of section 54 of said chapter 21 is hereby amended by striking out the first four sentences, as appearing in section 2 of chapter 736 of the acts of 1968, and inserting in place thereof the following four sentences: — The division of mineral resources shall be within the department of environmental quality engineering in this section and in section fifty-five called the department and shall be under the administrative supervision of a director who shall administer the laws, rules and regulations relating to the mineral resources of the commonwealth. The term "mineral resources", as used in this section and in sections fifty-two and fifty-three, shall mean oil, gas, fossil fuels, sulphur, metals, ores, minerals, rock, soil, sand and gravel, or in coastal waters, as defined in section one of chapter one hundred and thirty, or lands thereunder. Said director may appoint such employees, experts and consultants as he deems necessary to carry out his duties. He shall, with the approval of the department, (*a*) license orderly exploration for mineral resources; (*b*) lease exclusive rights for extraction of such mineral resources as have been discovered; (*c*) establish charges and fees for such licenses and leases which will permit a fair profit for the licensee and lessee; and (*d*) adopt, after a public hearing, such rules and regulations relating to such exploration and extraction of mineral resources, and the transportation thereof in or over the coastal waters of the commonwealth, as will insure the proper utilization of such resources consistent with the harvesting and propagation of other valuable natural resources and the general safety, welfare and convenience of the commonwealth.

SECTION 73. The eighth paragraph of said section 54 of said chapter 21, as appearing in chapter 567 of the acts of 1971, is hereby amended by striking out, in line 2, the words "commissioner and the public works commission" and inserting in place thereof the word:— department.

SECTION 74. Section 55 of said chapter 21, as appearing in section 2 of chapter 736 of the acts of 1968, is hereby amended by striking out, in lines 1 and 2, the words "commissioner and the public works commission" and inserting in place thereof the word: — department.

SECTION 75. Section 7 of chapter 21A of the General Laws, as appearing in section 1 of chapter 806 of the acts of 1974, is hereby amended by inserting after the fourth sentence the following sentence:— The commissioner of each department shall appoint all necessary employees within his department, except as may be otherwise provided by law.

SECTION 76. Section 8 of said chapter 21A is hereby amended by striking out the first paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The department of environmental quality engineering shall include the bureau of environmental sanitation and all the powers and duties assigned to said bureau which relate to environmental health, air pollution control, noise regulation, community sanitation, water supply and water quality, noisome trades and sanitary landfills, and including those set forth in sections two B, two C, five E, five F, five G, seventeen, twenty-three, twenty-four, thirty-one C, thirty-one D, one hundred and forty-two A to one hundred and forty-two E, inclusive, one hundred and forty-three, one hundred and forty-seven, one hundred and fifty A, one hundred and fifty-two, one hundred and fifty-nine, one hundred and sixty to one hundred and sixty-six, inclusive, and one hundred and seventy-five of chapter one hundred and eleven, the water resources commission, the division of water pollution control, the division of outdoor advertising, the outdoor advertising board, the division of mineral resources, the powers and duties of the department of natural resources contained in section forty of chapter one hundred and thirty-one, the pesticide board, and the division of waterways.

SECTION 77. Said section 8 of said chapter 21A is hereby further amended by striking out the eighth paragraph, as so appearing, and inserting in place thereof the following paragraph: —

The office of the secretary shall include the division of law enforcement and the division of conservation services, including the committee for conservation of soil, water and related resources.

SECTION 78. Chapter 21A of the General Laws is hereby amended by striking out section 12, inserted by section 1 of

chapter 806 of the acts of 1974, and inserting in place thereof the following section:—

Section 12. At least sixty days prior to the proposed promulgation by the secretary, the commissioner of the department of environmental quality engineering or the commissioner of food and agriculture of any rule or regulation which substantially affects the public health, the secretary shall submit such rule or regulation to the commissioner of the department of public health for review and comment. If said commissioner of environmental quality engineering or the department of public health determines that such proposed regulation would endanger the public health, he shall, within thirty days of his receipt of said proposed regulation, convey in writing to the secretary his reasons for such determination. If the secretary finds, after consultation with said commissioner of the department of public health, that such regulation would endanger the public health, such regulation shall not be promulgated. If, in accordance with the procedures set forth herein, said commissioner of the department of public health finds that such proposed regulation could reasonably result in the declaration of public health emergency pursuant to section two A of chapter seventeen, such regulation shall not be promulgated.

If the secretary, the commissioner of environmental quality engineering or the commissioner of food and agriculture finds that immediate adoption of such a regulation is necessary pursuant to the provisions of subsection three of section two of chapter thirty A, he may submit said regulation to the commissioner of public health upon its adoption. If said commissioner of the department of public health determines that such proposed regulation would endanger the public health he shall, within thirty days of his receipt of said regulation, convey in writing to the secretary his reasons for such determination. If the secretary finds, after consultation with said commissioner of the department of public health, that such regulation would endanger the public health, said regulation shall not remain in effect. If, in accordance with the procedures set forth herein, said commissioner of the department of public health finds that such regulation could reasonably result in the declaration of a public health emergency pursuant to section two A of chapter seventeen, said regulation shall not remain in effect.

The commissioner of public health may propose to the secretary, the commissioner of environmental quality engineering or the commissioner of food and agriculture amendments to the standards, rules and regulations of the department of environmental quality engineering or the department of food and agriculture or new standards, rules and regulations in areas over which said departments take cognizance when in his opinion such amendments or new regulations are necessary to protect the public health. If the commissioner of public health finds that

the failure of the department of environmental quality engineering or the department of food and agriculture to promulgate said amendments or new regulations could reasonably result in the declaration of a public health emergency pursuant to section two A of chapter seventeen, the department of public health may promulgate said standards, rules and regulations, if the department of environmental quality engineering or food and agriculture fails to do so. Such standard rules and regulations shall have the same force and effect as if they were promulgated by the departments of environmental quality engineering or food and agriculture.

SECTION 79. Said chapter 21A is hereby further amended by adding the following section:—

Section 13. The commissioner of the department of environmental quality engineering shall adopt, and from time to time amend, regulations to be known as the state environmental code, which may provide penalties for violations thereof not exceeding five hundred dollars for any one offense. Said code shall become effective and have the force of law as provided in section six of chapter thirty A. Said code shall deal with matters affecting the environment and the well being of the public of the commonwealth over which the department takes cognizance and responsibility including, but not limited to, standards for swimming pools, bathing beaches, family type camp grounds and the disposal of sewage. Nothing contained in this code shall be in conflict with any general or special law.

Local boards of health shall enforce said code in the same manner in which local health rules and regulations are enforced but, if any such local boards fail after the lapse of a reasonable length of time to enforce the same, the department may in like manner enforce said code against any violator. The superior court shall have jurisdiction to enforce the provisions of said code and any actions brought to enforce said provisions shall be advanced for speedy trial.

SECTION 80. The first paragraph of section 12H of chapter 25 of the General Laws, as amended by section 1 of chapter 312 of the acts of 1964, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — There shall be in the department a board consisting of the chairman of the commission or a representative from his department designated by him, the commissioner of public safety or a representative from his department designated by him, the commissioner of environmental quality engineering or a representative designated by him, and the commissioner of public health or a representative designated by him.

SECTION 81. Chapter 28 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 22 of chapter 844 of the acts of 1967, and inserting in place thereof the following section:—

Section 1. There shall be in the executive office of environmental affairs a department of the metropolitan district commission, consisting of a commissioner and four associate commissioners, who shall at the time of their appointment be resident within the district of which the commission has jurisdiction, and at least one shall be a resident of Boston. The commissioner and associate commissioners shall be appointed and may be removed by the secretary of environmental affairs with the approval of the governor.

SECTION 82. Section 4 of chapter 31 of the General Laws is hereby amended by striking out the last paragraph, added by chapter 599 of the acts of 1970, and inserting in place thereof the following paragraph:—

Tree climbers employed by the department of environmental management.

SECTION 83. Group 2 of paragraph (g) of subdivision 2 of section 3 of chapter 32 of the General Laws, as most recently amended by section 1 of chapter 626 of the acts of 1974, is hereby further amended by striking out, in line 5, the words "conservation officers paid as such; coastal wardens in the department of natural resources".

SECTION 84. Group 4 of said paragraph (*g*) of said subdivision 2 of said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 1, the words "department of natural resources" and inserting in place thereof the words: — office of the secretary of the executive office of environmental affairs.

SECTION 85. Said Group 4 of said paragraph (*g*) of said subdivision 2 of said section 3 of said chapter 32, as so appearing, is hereby further amended by striking out, in line 31, the words "department of natural resources" and inserting in place thereof the words: — executive office of environmental affairs.

SECTION 86. Section 25 of chapter 34 of the General Laws, inserted by chapter 698 of the acts of 1967, is hereby amended by striking out, in line 7, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 87. Clause (41) of section 5 of chapter 40 of the General Laws is hereby amended by striking out the third sentence, as amended by chapter 201 of the acts of 1965, and inserting in place thereof the following sentence: — The stocking of waters with fish and the liberation of game hereunder shall be subject to the written approval of the director of the division of fisheries and wildlife of the department of fisheries, wildlife and recreational vehicles.

SECTION 88. Section 11 of said chapter 40 is hereby amended by striking out the second sentence, as appearing in chapter 573 of the acts of 1956, and inserting in place thereof the following sentence: — Every such town with a valuation of one million

seven hundred and fifty thousand dollars or less which appropriates and expends money, with the approval of the director of the division of forests and parks in the department of environmental management, for apparatus to be used in preventing or extinguishing forest fires, or for making protective belts or zones and building or maintaining water holes or cisterns for fire protection pruposes as a defense against forest fires, shall, upon the recommendation of said director, approved by the governor, receive from the commonwealth a sum equal to one half of the said expenditure; but no town shall receive more than five hundred dollars.

SECTION 89. The first paragraph of section 15B of said chapter 40, as appearing in chapter 552 of the acts of 1957, is hereby amended by striking out, in line 3, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 90. The second paragraph of section 38 of said chapter 40, as appearing in section 2 of chapter 172 of the acts of 1938, is hereby amended by striking out, in line 10, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 91. Section 39B of said chapter 40, as appearing in section 3 of said chapter 172, is hereby amended by striking out, in line 20, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 92. Section 39C of said chapter 40, as so appearing, is hereby amended by striking out, in line 7, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 93. Said chapter 40 is hereby further amended by striking out section 40, as most recently amended by section 1 of chapter 331 of the acts of 1966, and inserting in place thereof the following section: —

Section 40. The metropolitan district commission in cities or towns using the metropolitan water supply, the city council in other cities, the selectmen or water commissioners in other towns, water commissioners of water supply and fire and water districts, officers having control of county institutions having water works, heads of state departments having control of state institutions having water works, hereinafter described as officers having control of such an institution, and water companies supplying any communities in the commonwealth, in cases of emergency, may, on behalf of their respective bodies politic or corporate, take by eminent domain under chapter seventy-nine the right to draw water from any stream, pond or reservoir or from ground sources of supply by means of driven, artesian or other wells not already appropriated to uses of a municipal or other public water supply, or may purchase water from the metropolitan district commission, subject to the pro-

visions of chapter ninety-two, any other water supply district, fire and water district or any city, town or water company, or county or state institution having water works, for a period of not more than six months in any year in quantities necessary to relieve the emergency; but no such taking or purchase shall be made until after the department of environmental quality engineering has approved the water as a proper source of water supply and unless and until, in the case of towns and water supply and fire and water districts, the selectmen or water commissioners have first been authorized so to take or purchase by a vote of the voters at a town meeting or a district meeting, as the case may be, or, in the case of water companies, said companies have first been authorized in writing by said department, and unless and until notice of such taking, including a copy of plans and specifications, has been given to the city council or to the board of selectmen, as the case may be, by certified mail at least ten days prior thereto. The proper authority as aforesaid may also take by eminent domain under said chapter seventy-nine the right to use any land for the time necessary to use such water; provided, that, in the case of such a taking by a water company, said department shall first prescribe the limits within which such rights shall be taken. The vote of a city council or of the voters of a town or of a water supply or fire and water district or the action of county or state officers as aforesaid or of the metropolitan district commission or the written authorization of said department of environmental quality engineering to a water company to make or authorize such taking or purchase as aforesaid shall be conclusive evidence of the existence of the emergency. The metropolitan district commission, subject to the provisions of chapter ninety-two, any other water supply district or fire and water district and any city, town or water company or the aforesaid officers having control of any county or state institution having water works may, for a period of not more than six months in any year, sell to the metropolitan district commission, to any city, town, water supply or fire and water district, or water company, or to any county or state institution having water works, such quantities of water as may be available at the time, and the approval of said department of environmental quality engineering shall be conclusive evidence that such quantities are safely available for sale. In such emergencies the said parties interested may agree to install for the purpose temporary pipes and other works in any city or town; provided, that the installation or repair of such pipes or other works in or along any highway shall be done with the least possible hindrance to public travel, and shall be subject to the direction and approval of the officers or departments having charge of the maintenance of said highways.

SECTION 94. The first sentence of section 41 of said chapter 40, as appearing in the Tercentenary Edition, is hereby amended

by striking out, in line 3, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 95. Section 41A of said chapter 40, inserted by chapter 793 of the acts of 1949, is hereby amended by striking out, in line 11, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 96. The sixth sentence of section 44B of said chapter 40, as appearing in chapter 149 of the acts of 1967, is hereby amended by striking out, in line 5, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 97. The second sentence of section 44C of said chapter 40, as appearing in section 1 of chapter 748 of the acts of 1965, is hereby amended by striking out, in line 11, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 98. The second sentence of the first paragraph of section 24 of chapter 40B of the General Laws, as appearing in section 3 of chapter 849 of the acts of 1970, is hereby amended by striking out, in line 16, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 99. The first paragraph of section 3 of chapter 40C of the General Laws is hereby amended by striking out the second sentence, as amended by section 14 of chapter 163 of the acts of 1975, and inserting in place thereof the following sentence: — The Massachusetts historical commission may consult with the commissioner of commerce and development, the secretary of communities and development and the commissioner of environmental management with respect to such reports, and may make guidelines for such reports, and, after public hearing, establish rules as to their form and manner of transmission.

SECTION 100. The second sentence of paragraph (*b*) of section 22 of chapter 40D of the General Laws, as appearing in section 2 of chapter 755 of the acts of 1972, is hereby amended by striking out, in line 8, the words "natural resources" and inserting in place thereof the words:— environmental quality engineering—, and by striking out, in line 9, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 101. The fourth sentence of section 69G of chapter 41 of the General Laws, inserted by chapter 233 of the acts of 1970, is hereby amended by striking out, in line 3, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 102. The sixth sentence of said section 69G of said chapter 41, as so appearing, is hereby amended by striking out,

in lines 1 and 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 103. The second paragraph of section 6A of chapter 44 of the General Laws, added by section 1 of chapter 598 of the acts of 1968, is hereby amended by striking out, in line 4, the words "natural resources" and inserting in place thereof the words: — environmental quality engineering.

SECTION 104. The first sentence of section 8 of chapter 48 of the General Laws, as most recently amended by chapter 104 of the acts of 1954, is hereby further amended by striking out, in lines 5 and 6, the words "director of forests and parks in the department of natural resources" and inserting in place thereof the words: — commissioner of environmental management.

SECTION 105. The first sentence of section 15 of said chapter 48, as most recently amended by section 11 of chapter 490 of the acts of 1941, is hereby further amended by striking out, in lines 5 and 6, the words "game, a conservation officer, a deputy conservation" and inserting in place thereof the words: — wildlife, a natural resource officer and a deputy natural resource.

SECTION 106. The fourth sentence of section 28 of said chapter 48, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the word "conservation" and inserting in place thereof the words: — environmental management.

SECTION 107. The second sentence of section 28C of said chapter 48, inserted by chapter 131 of the acts of 1948, is hereby amended by striking out, in lines 2 and 3, the words "conservation officer or deputy conservation" and inserting in place thereof the words:— natural resource officer or deputy natural resource.

SECTION 108. The first sentence of the first paragraph of section 13 of chapter 58 of the General Laws, as appearing in section 6 of chapter 492 of the acts of 1974, is hereby amended by striking out, in line 12, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 109. The fourth sentence of the third paragraph of said section 13 of said chapter 58, as so appearing, is hereby amended by striking out, in line 3, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 110. Section 15 of said chapter 58 is hereby amended by striking out, in lines 21 and 22, as appearing in section 14 of chapter 490 of the acts of 1941, the words "forestry in the department of conservation" and inserting in place thereof the words: — forests and parks in the department of environmental management.

SECTION 111. Section 15A of said chapter 58, as amended by section 3 of chapter 584 of the acts of 1963, is hereby further

amended by striking out, in line 6, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 112. Section 5 or chapter 59 of the General Laws is hereby amended by striking out clause Second, as amended by section 2 of chapter 667 of the acts of 1951, and inserting in place thereof the following clause: —

Second, Property of the commonwealth, except real estate of which the commonwealth is in possession under a mortgage for condition broken, lands in Boston known as the commonwealth flats, if leased for business purposes, lands and flats lying below high water mark in Provincetown harbor, belonging to the commonwealth and occupied by private persons by license of the department of environmental quality engineering together with all wharves, piers and other structures which have been built thereon subsequent to the twenty-second day of May, nineteen hundred and twenty, and those which may hereafter be built on said lands and flats, in conformity with permits or licenses, buildings erected by lessees under section twenty-six of chapter seventy-five, structures erected on land in state forests, parks and reservations by persons occupying such land under authority conferred by the commissioner of environmental management, property taxable under chapter five hundred and seventy-five of the acts of nineteen hundred and twenty, and real estate taxable under section three A.

SECTION 113. The third paragraph of clause Forty-fourth of said section 5 of said chapter 59, as appearing in section 2 of chapter 707 of the acts of 1972, is hereby amended by striking out, in lines 2 and 3, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 114. The last sentence of the fourth paragraph of section 1 of chapter 61 of the General Laws, as appearing in section 1 of chapter 873 of the acts of 1969, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 115. Clause (2) of paragraph (*b*) of section 38D of chapter 63 of the General Laws, as appearing in section 3 of chapter 707 of the acts of 1972, is hereby amended by striking out, in line 3, the words "natural resources" and inserting in place thereof the words: — environmental quality engineering.

SECTION 116. The first sentence of section 6 of chapter 83 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 1 and 2, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 117. The first sentence of section 7 of said chapter 83, as so appearing, is hereby amended by striking out, in line 1, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 118. The second sentence of section 7A of chapter 85 of the General Laws, inserted by section 1 of chapter 1208 of the acts of 1973, is hereby amended by striking out, in line 1, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 119. The first paragraph of section 18 of chapter 90 of the General Laws, as appearing in chapter 76 of the acts of 1970, is hereby amended by striking out, in line 21, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 120. The first sentence of section 12 of chapter 90B of the General Laws, as amended by chapter 547 of the acts of 1964, is hereby further amended by striking out, in lines 5 and 6, the words "department of natural resources" and inserting in place thereof the words: — office of the secretary of the executive office of environmental affairs.

SECTION 121. The definition of "Law enforcement officer" in section 20 of said chapter 90B, as amended by section 4 of chapter 103 of the acts of 1971, is hereby further amended by striking out, in line 3, the words "department of natural resources" and inserting in place thereof the words:— office of the secretary of the executive office of environmental affairs.

SECTION 122. The first sentence of section 32 of said chapter 90B, as appearing in section 2 of chapter 589 of the acts of 1970, is hereby amended by striking out, in line 5, the words "department of natural resources" and inserting in place thereof the words: — office of the secretary of the executive office of environmental affairs.

SECTION 123. Section 1 of chapter 91 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition: —

"Department", the department of environmental quality engineering.

SECTION 124. The second paragraph of section 10A of said chapter 91, as appearing in chapter 543 of the acts of 1967, is hereby amended by striking out, in lines 3 and 4, the words "of public works".

SECTION 125. Section 10B of said chapter 91, inserted by section 3 of chapter 878 of the acts of 1970, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — The department shall select sites for the disposal of dredged or excavated materials.

SECTION 126. The first sentence of section 14 of said chapter 91, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words "of public works".

SECTION 127. The first sentence of section 19A of said chapter 91, inserted by chapter 258 of the acts of 1954, is hereby amended by striking out, in line 12, the words "natural re-

sources" and inserting in place thereof the words: — environmental management.

SECTION 128. Section 24 of said chapter 91, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 5 and 6, the words "general fund or ordinary revenue" and inserting in place thereof the words: — environmental fund.

SECTION 129. The first sentence of section 34 of said chapter 91, as so appearing, is hereby amended by striking out, in line 1, the words "public works" and inserting in place thereof the words: — environmental quality engineering.

SECTION 130. The first sentence of section 49 of said chapter 91, as amended by section 2 of chapter 362 of the acts of 1935, is hereby further amended by striking out, in line 12, the words "of public works".

SECTION 131. The second sentence of the first paragraph of section 52 of said chapter 91, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 9, the words "general fund or ordinary revenue" and inserting in place thereof the words: —environmental fund.

SECTION 132. The first sentence of the first paragraph of section 17 of chapter 92 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 133. The fourth paragraph of section 32 of said chapter 92, as so appearing, is hereby amended by striking out, in line 6, the words "public works" and inserting in place thereof the words:— environmental quality engineering.

SECTION 134. Section 45 of said chapter 92, as so appearing, is hereby amended by striking out, in line 7, the words "and council".

SECTION 135. The first sentence of section 76A of said chapter 92, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words "state department of public health" and inserting in place thereof the words: — department of environmental quality engineering,— and by striking out, in lines 6 and 7, and in 29, the words "of public health".

SECTION 136. The fifth sentence of said section 76A of said chapter 92, as so appearing, is hereby amended by striking out, in line 2, the words "of public health".

SECTION 137. Section 1 of chapter 94 of the General Laws, as most recently amended by section 3 of chapter 607 of the acts of 1973, is hereby further amended by inserting after the definition of "Cold storage or refrigerating warehouse" the following definition: — "Commissioner", the commissioner of food and agriculture.

SECTION 138. The definition of "Director" in section 16 of said chapter 94, as appearing in section 3 of chapter 305 of the acts of 1932, is hereby amended by striking out, in line 2, the word

"agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 139. The first sentence of section 16K of said chapter 94, as amended by chapter 379 of the acts of 1947, is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words:— food and agriculture.

SECTION 140. Section 36 of said chapter 94, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 2 and 3, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 141. The first sentence of section 37 of said chapter 94, as so appearing, is hereby amended by striking out, in line 6, the word "agriculture" and inserting in place thereof the words:— food and agriculture.

SECTION 142. Section 42A of said chapter 94, as appearing in section 1 of chapter 690 of the acts of 1970, is hereby amended by striking out the definition of "Commissioner" and inserting in place thereof the following definition: — "Commissioner", the commissioner of food and agriculture.

SECTION 143. Section 90B of said chapter 94, as appearing in chapter 266 of the acts of 1951, is hereby amended by striking out the tenth paragraph and inserting in place thereof the following paragraph: —

The commissioner of food and agriculture is hereby authorized, after a hearing, due notice whereof shall have been given, to establish rules and regulations for the enforcement of this section, and the department of food and agriculture shall enforce said provisions.

SECTION 144. The first sentence of section 90C of said chapter 94, as appearing in section 1 of chapter 393 of the acts of 1962, is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 145. The seventh sentence of the first paragraph of section 90D of said chapter 94, as so appearing, is hereby amended by striking out, in lines 2, 15, and 16, the word "agriculture" and inserting in place thereof, in each instance, the words: — food and agriculture.

SECTION 146. Said section 90D of said chapter 94, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The department of food and agriculture shall enforce the provisions of this section. The commissioner may establish such rules and regulations as may be deemed necessary to carry out the purposes of section ninety C and this section.

SECTION 147. The second sentence of section 90E of said chapter 94, as so appearing, is hereby amended by striking out, in line 6, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 148. The first sentence of section 101 of said chapter 94, as appearing in section 3 of chapter 528 of the acts of 1959, is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words:— food and agriculture.

SECTION 149. Section 106 of said chapter 94, as so appearing, is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 150. The first sentence of section 107 of said chapter 94, as amended by chapter 217 of the acts of 1967, is hereby further amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 151. The second sentence of section 108 of said chapter 94, as appearing in section 3 of chapter 528 of the acts of 1959, is hereby amended by striking out, in line 17, the word "agriculture" and inserting in place thereof the words:—food and agriculture.

SECTION 152. The second sentence of section 109 of said chapter 94, as so appearing, is hereby amended by striking out, in line 9, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 153. The first sentence of section 117A of said chapter 94, as amended by section 1 of chapter 600 of the acts of 1951, is hereby further amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 154. The definition of "Grade" or "grades" in section 117G of said chapter 94, as appearing in section 2 of said chapter 600, is hereby amended by striking out, in line 3, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 155. The first sentence of section 117I of said chapter 94, as so appearing, is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 156. The first paragraph of section 146 of said chapter 94, as most recently amended by section 3 of chapter 508 of the acts of 1943, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — If said board seizes or condemns any such carcass or meat because infected with a contagious disease, it shall immediately give notice to the director of animal health stating the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.

SECTION 157. The second paragraph of section 148 of said chapter 94, as amended by section 6A of chapter 340 of the acts

of 1934, is hereby further amended by striking out, in line 3, the words "livestock disease control" and inserting in place thereof the words:— animal health.

SECTION 158. The first paragraph of section 152A of said chapter 94, as appearing in section 1 of chapter 446 of the acts of 1949, is hereby amended by striking out, in line 4, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 159. The first sentence of section 152D of said chapter 94, inserted by section 2 of said chapter 446, is hereby amended by striking out, in line 3, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 160. The first paragraph of section 2B of chapter 111 of the General Laws, as appearing in chapter 900 of the acts of 1967, is hereby amended by inserting after the word "commissioner", in line 1, the words: — of environmental quality engineering, in this section called the commissioner.

SECTION 161. The first sentence of the second paragraph of said section 2B of said chapter 111, as so appearing, is hereby amended by inserting after the word "department", in line 1, the words: — of environmental quality engineering, in this section called the department.

SECTION 162. Said chapter 111 is hereby further amended by striking out section 2C, inserted by chapter 806 of the acts of 1971, and inserting in place thereof the following section: —

Section 2C. The commissioner of environmental quality engineering or his designee may issue orders in the name of the department of environmental quality engineering upon witnessing or being presented proof of the violation of any statute, rule, regulation or code which the said department is authorized to enforce relative to pollution. Such orders shall have the same force and effect as any rule or regulation promulgated by said department and any such order may be revoked by said department.

SECTION 163. Section 5 of said chapter 111, as amended by section 1 of chapter 898 of the acts of 1965, is hereby further amended by striking out the third sentence.

SECTION 164. The first sentence of the first paragraph of section 5E of said chapter 111, as appearing in chapter 677 of the acts of 1960, is hereby amended by inserting after the word "department" in line 5, the words: — of environmental quality engineering in this section and sections five F and five G, called the department.

SECTION 165. The fourth paragraph of said section 5E of said chapter 111, as so appearing, is hereby amended by striking out, in line 2, the words "public health, public works, and natural resources" and inserting in place thereof the words: — environmental quality engineering, environmental management, and fisheries, wildlife, and recreational vehicles.

SECTION 166. The second sentence of the third paragraph of section 5F of said chapter 111, as appearing in section 2 of chapter 722 of the acts of 1969, is hereby amended by striking out, in lines 6 and 7, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 167. The first sentence of section 17 of said chapter 111, as most recently amended by chapter 340 of the acts of 1937, is hereby further amended by inserting after the word "department", in line 1, the words: — of environmental quality engineering, in this section called the department.

SECTION 168. The first sentence of section 23 of said chapter 111, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commissioner", in line 1, the words: — of environmental quality engineering.

SECTION 169. Said section 23 of said chapter 111 is hereby further amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence:— The commissioner of environmental quality engineering shall include in his annual report the number of prosecutions by the department of environmental quality engineering and an itemized account of the money expended by it in enforcement actions.

SECTION 170. The first sentence of the second paragraph of section 31C of said chapter 111, as appearing in section 4 of chapter 672 of the acts of 1954, is hereby amended by striking out, in line 2, the words "public health" and inserting in place thereof the words: — environmental quality engineering, in this section called the department.

SECTION 171. The first paragraph of section 31D of said chapter 111, as appearing in chapter 795 of the acts of 1969, is hereby amended by inserting after the word "department", in line 2, the words: — of environmental quality engineering.

SECTION 172. The first sentence of the second paragraph of said section 31D of said chapter 111, as so appearing, is hereby amended by inserting after the word "commissioner", in line 1, the words:— of environmental quality engineering.

SECTION 173. The third sentence of said second paragraph of said section 31D of said chapter 111, as so appearing, is hereby amended by inserting after the word "department", in line 4, the words: — of environmental quality engineering.

SECTION 174. The third sentence of the first paragraph of section 127A of said chapter 111, as appearing in section 3 of chapter 898 of the acts of 1965, is hereby amended by inserting after the word "responsibility", in line 9, the words:— , including, but not limited to, standards of fitness for human habitation, housing and sanitation standards for farm labor camps, standards for recreational camps for children, and sanitation standards for food service establishments.

SECTION 175. The first sentence of section 142A of said chapter 111, as amended by chapter 422 of the acts of 1959, is hereby further amended by inserting after the word "department", in line 1, the words: — of environmental quality engineering, in this section and in sections one hundred and forty-two B to one hundred and forty-two E, inclusive, called the department.

SECTION 176. The third sentence of the fifth paragraph of section 142B of said chapter 111, as amended by section 1 of chapter 359 of the acts of 1972, is hereby further amended by inserting after the word "commissioner", in line 3, the words: — of environmental quality engineering, in this section and section one hundred and forty-two E called the commissioner.

SECTION 177. The first paragraph of section 142E of said chapter 111, as appearing in chapter 838 of the acts of 1970, is hereby amended by striking out, in line 4, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 178. The second paragraph of said section 142E of said chapter 111 is hereby amended by striking out the third sentence, as amended by section 2 of chapter 359 of the acts of 1972, and inserting in place thereof the following sentence: — If objection to such order is made within ten days, the department, agency, commission, authority or political subdivision so objecting shall be entitled to a hearing before a person designated by the commissioner whose recommendations when adopted, or amended and adopted, by the department of environmental quality engineering shall be a final decision within the meaning of section fourteen of chapter thirty A, subject to judicial review as therein provided.

SECTION 179. Section 143 of said chapter 111 is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 275 of the acts of 1956, and inserting in place thereof the following paragraph: —

The department of environmental quality engineering shall advise, upon request, the board of health of a city or town previous to the assignment of places for the exercise of any trade or employment referred to in this section, and any person, including persons in control of any public land, aggrieved by the action of the board of health in assigning certain places for the exercise of any trade or employment referred to in this section may, within sixty days, appeal from the assignment of the board of health to the department and said department may, after a hearing rescind, modify or amend such assignment.

SECTION 180. The first sentence of section 147 of said chapter 111, as most recently amended by section 2 of chapter 480 of the acts of 1948, is hereby further amended by inserting after the word "department", in lines 5 and 7, in each instance, the words: — of environmental quality engineering.

SECTION 181. The first sentence of the second paragraph of section 150A of said chapter 111, as appearing in chapter 839 of the acts of 1970, is hereby amended by inserting after the word "department", in line 8, the words: — of environmental quality engineering, in this section called the department.

SECTION 182. The third paragraph of said section 150A of said chapter 111, inserted by section 6 of chapter 1217 of the acts of 1973, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — On or before the twentieth day of each month every such person shall file a return subscribed under the penalties of perjury with the board of health of the town in which such facility is located, on such form as the commissioner of environmental quality engineering, in this section called the commissioner, shall prescribe, giving such information as the commissioner shall require for determination of the fee imposed by this paragraph.

SECTION 183. The first sentence of section 152 of said chapter 111, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "department", in line 2, the words: — of environmental quality engineering.

SECTION 184. The first sentence of section 159 of said chapter 111, as amended by section 2 of chapter 448 of the acts of 1951, is hereby amended by inserting after the word "department", in line 2, the words: — of environmental quality engineering, in this section and sections one hundred and sixty to one hundred and sixty-six, inclusive, called the department.

SECTION 185. Said chapter 111 is hereby further amended by inserting after section 160A the following section: —

Section 160B. The department shall immediately report any violations of standards or regulations regulating the quality of water used for drinking, domestic or culinary purposes to the department of public health. If the department of public health ascertains from its own inspection or from the report of the department that there is a violation of those regulations or standards which may endanger the public health, it may order the appropriate party to cease violating the regulation and to take whatever steps are necessary to purify the water. If any such order of the department of public health conflicts with any order of the department the order of the department of public health shall take precedence. Such an order will be enforceable by the superior court sitting in equity upon the petition of the department of public health.

SECTION 186. The second sentence of section 174A of said chapter 111, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 4 and 5, the words "game of the department of conservation" and inserting in place thereof the words: — wildlife of the department of fisheries, wildlife and recreational vehicles.

SECTION 187. The first sentence of section 175 of said chapter 111, as most recently amended by chapter 453 of the acts of

1963, is hereby further amended by inserting after the word "department", in line 1, the words:— of environmental quality engineering, in this section called the department.

SECTION 188. Section 54A of chapter 112 of the General Laws is hereby amended by inserting after the definition of "Approved veterinary school" the following definition: —

"Approving authority", (*a*) Two members from the board of registration in veterinary medicine; (*b*) One veterinary officer from the division of animal health; and (*c*) One member representing the Massachusetts Veterinary Association.

SECTION 189. Section 6 of chapter 114 of the General Laws, as amended by section 2 of chapter 319 of the acts of 1936, is hereby further amended by striking out, in line 5, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 190. Section 35 of chapter 114, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 8, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 191. Section 36 of said chapter 114, as so appearing, is hereby amended by striking out, in line 5, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 192. The first sentence of section 43E of said chapter 114, as appearing in section 6 of chapter 319 of the acts of 1936, is hereby amended by striking out, in line 4, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 193. The first sentence of section 43F of said chapter 114, as so appearing, is hereby amended by striking out, in line 1, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 194. Section 11 of chapter 120 of the General Laws, as most recently amended by section 40 of chapter 838 of the acts of 1969, is hereby further amended by striking out, in lines 10, 11, and 17, the words "natural resources" and inserting in place thereof, in each instance, the words: — environmental management.

SECTION 195. The first sentence of section 83A of chapter 127 of the General Laws, as amended by section 1 of chapter 172 of the acts of 1972, is hereby further amended by striking out, in lines 3, 4, and 9, the words "natural resources" and inserting in place thereof, in each instance, the words: — environmental management.

SECTION 196. The second sentence of said section 83A of said chapter 127, as appearing in chapter 667 of the acts of 1956, is hereby amended by striking out, in lines 2 and 3, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 197. Section 83E of said chapter 127, as amended by chapter 363 of the acts of 1957, is hereby further amended by striking out, in lines 3 and 4, the words "natural resources" and inserting in place thereof, in each instance, the words:— environmental management.

SECTION 198. The first sentence of section 84 of said chapter 127, as amended by section 28 of chapter 490 of the acts of 1941, is hereby further amended by striking out, in line 10, the words "forestry in the department of conservation" and inserting in place thereof the words:— forests and parks in the department of environmental management.

SECTION 199. Section 1 of chapter 128 of the General Laws is hereby amended by striking out the definitions of "Commissioner" and "Department", as appearing in chapter 28 of the acts of 1967, and inserting in place thereof the following definitions: — "Commissioner", the commissioner of food and agriculture. "Department", the department of food and agriculture.

SECTION 200. Section 8B of said chapter 128, inserted by section 2 of chapter 37 of the acts of 1969, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Each mink ranch shall be listed with the department on or before February first of each year and the premises and the breeding records may be inspected by the commissioner of his agents at any reasonable time.

SECTION 201. The second sentence of section 23 of said chapter 128, as amended by section 34 of chapter 490 of the acts of 1941, is hereby further amended by striking out, in line 6, the words "forestry in the department of conservation" and inserting in place thereof the words:— forests and parks in the department of environmental management.

SECTION 202. The first sentence of the first paragraph of section 3 of chapter 128A of the General Laws, as most recently amended by chapter 76 of the acts of 1971, is hereby further amended by striking out, in lines 13 and 14, the word "agriculture" and inserting in place thereof, in each instance, the words:— food and agriculture.

SECTION 203. The second sentence of said first paragraph of said section 3 of said chapter 128A, as so appearing, is hereby amended by striking out, in line 3, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 204. Section 1 of chapter 129 of the General Laws is hereby amended by striking out the definition of "Agents", as amended by section 8 of chapter 347 of the acts of 1967, and inserting in place thereof the following definition: —

"Agents", employees of the division of animal health in the department of food and agriculture especially designated as agents by the director.

SECTION 205. Said section 1 of said chapter 129 is hereby further amended by striking out the definition of "Division", as amended by section 9 of said chapter 347, and inserting in place thereof the following definition:—

"Division", the division of animal health of the department of food and agriculture.

SECTION 206. Section 14C of said chapter 129 is hereby amended by striking out the first sentence, as appearing in chapter 510 of the acts of 1968, and inserting in place thereof the following sentence: — All hogs which are affected with, or have been exposed to, hog cholera, shall be quarantined and appraised by an appraiser of the division of animal health in the department of food and agriculture, hereinafter called the division, or an appraiser appointed by the United States Department of Agriculture, animal health division.

SECTION 207. Section 38 of said chapter 129, as amended by section 14 of chapter 340 of the acts of 1934, is hereby further amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 208. The second sentence of section 39 of said chapter 129, as amended by section 1 of chapter 312 of the acts of 1971, is hereby further amended by striking out, in line 2, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 209. Section 1 of chapter 130 of the General Laws is hereby amended by striking out the definition of "Commissioner", as appearing in section 1 of chapter 598 of the acts of 1941, and inserting in place thereof the following definition: —

"Commissioner", the commissioner of fisheries, wildlife and recreational vehicles.

SECTION 210. Said section 1 of said chapter 130 is hereby further amended by striking out the definition of "Department", as so appearing, and inserting in place thereof the following definition:—

"Department", the department of fisheries, wildlife and recreational vehicles.

SECTION 211. Section 15A of said chapter 130, inserted by chapter 281 of the acts of 1945, is hereby amended by striking out, in line 12, the words "conservation officers, coastal wardens" and inserting in place thereof the words: — natural resource officers, deputy natural resource officers.

SECTION 212. The second paragraph of section 19 of said chapter 130, as appearing in section 1 of chapter 598 of the acts of 1941, is hereby amended by striking out, in line 5, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 213. Section 25 of said chapter 130 is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 598 of the acts of 1941, and inserting in

place thereof the following sentence: — The entrance or discharge into the coastal waters, or the tributaries of such waters, of sewage or any other substance which might be injurious to the public health or might tend to contaminate any shellfish areas or shellfish therein which may be determined by the director to be of commercial value, or injuriously affect the fisheries therein, is hereby prohibited; provided, that this section shall not be deemed to interfere with the exercise of any right of drainage which had been approved by the department of public health prior to January first, nineteen hundred and forty-two, or in any drainage thereafter approved by said department or the department of environmental quality engineering; provided further, that before granting such new approval the commissioner of environmental quality engineering shall have consulted with the director as to the value of the marine fisheries involved.

SECTION 214. Section 28 of said chapter 130, as so appearing, is hereby amended by striking out, in line 14, the words "public works" and inserting in place thereof the words: — environmental quality engineering.

SECTION 215. Said chapter 130 is hereby further amended by striking out section 74, as most recently amended by chapter 51 of the acts of 1967, and inserting in place thereof the following section: —

Section 74. The department of environmental quality engineering shall examine from time to time as conditions may require, or upon the request of the director, the commissioner of public health, the mayor or city manager of a city, or the selectmen or town manager of a town, but not more frequently than once in two years, the coastal waters and flats of the commonwealth and samples of shellfish therein or thereon in order to determine what areas thereof are so contaminated that shellfish obtained therefrom are unfit for food and dangerous to the public health. The department of environmental quality engineering shall forward the results of all tests as directed by the commissioner of public health. If, after such examination, either department determines that such contamination exists, it shall, by written order, promulgate definite bounds of the area or areas so determined to be contaminated, and may specify the period of time during which such determination shall be in effect. Before such determination shall be in effect, the department making such a determination shall

(1) Publish the results of its determination thereof in a newspaper published in each city and town in which or adjacent to which any such contaminated area is situated.

(2) File in the office of the clerk of every such city and town the results of such determination.

(3) Cause to be posted at points on or near every such area

a description thereof, specifying said bounds and a statement that such area is contaminated.

(4) Notify the directors of the division of marine fisheries and the division of law enforcement of its determination by filing with them properly authenticated copies, certified by the secretary of state, of its determination, publication, filing and posting.

Whenever, as a result of a subsequent examination of an area or areas determined by said department to be contaminated, it determines that the shellfish in such area or areas are safe to use as food, notice of such determination shall be published immediately, and the directors notified thereof; provided, however, that if the said department has specified a period of time during which the determination of pollution shall be in effect, such publication and notice shall not be required if such period has expired. The record of any examination hereunder and the bacteriological counts made therein shall be subject to inspection upon request.

Personnel of the department of public health and the department of environmental quality engineering in the performance of their duties under this section, may enter upon and pass through or over private lands or property whether or not covered by water.

The presentation in evidence by any officer of the commonwealth empowered to enforce this chapter of a document attested by the commissioner of either department or his deputy to the effect that the provisions of this section have been complied with shall be prima facie evidence that an effective determination has been made.

This section shall not apply to scallops.

SECTION 216. Said chapter 130 is hereby further amended by striking out section 74A, inserted by section 1 of chapter 288 of the acts of 1956, and inserting in place thereof the following section: —

Section 74A. Both the department of public health and the department of environmental quality engineering shall have the authority immediately to designate shellfish areas as contaminated and that shellfish obtained therefrom are unfit for food and dangerous to the public health, in the event of an emergency as determined by either department. Such designation shall be reported to the director of the division of marine fisheries and to the division of law enforcement, who shall take the necessary action to prevent the taking of shellfish from such area for human consumption and so notify local authorities in each instance. Such determination shall be in effect until subsequent examination, initiated not more than thirty days after the emergency has been determined, shows the shellfish from such area to be safe for human consumption and

the department or departments which designated the emergency declare it to be over. In the event that the department of public health determines that there is an emergency, the commissioner of public health shall have the power to direct the activities of all employees of the department of environmental quality engineering who are regularly engaged in monitoring the condition of shellfish during that emergency.

SECTION 217. The first sentence of section 76 of said chapter 130, as most recently amended by section 1 of chapter 506 of the acts of 1961, is hereby further amended by striking out, in lines 2 and 3, the words "natural resources, with the approval of the board of natural resources" and inserting in place thereof the words: — the department of fisheries, wildlife and recreational vehicles.

SECTION 218. The third sentence of said section 76 of said chapter 130, as so appearing, is hereby amended by striking out, in line 4, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 219. The first sentence of section 77 of said chapter 130, as most recently amended by section 2 of chapter 506 of the acts of 1961, is hereby further amended by striking out, in lines 3 and 4, the words "commissioner of natural resources, with the approval of the board of natural resources", and inserting in place thereof the words: — the department of fisheries, wildlife and recreational vehicles.

SECTION 220. Said chapter 130 is hereby further amended by striking out section 105, as amended by chapter 351 of the acts of 1975, and inserting in place thereof the following section:—

Section 105. The commissioner of environmental management, with the approval of the board of environmental management, may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting, coastal wetlands. In this section the term "coastal wetlands" shall mean any bank, marsh, swamp, meadow, flat or other low land subject to tidal action or coastal storm flowage and such contiguous land as the commissioner of environmental management reasonably deems necessary to affect by any such order in carrying out the purposes of this section.

The commissioner of environmental management shall, before adopting, amending, modifying or repealing any such order, hold a public hearing thereon in the municipality in which the coastal wetlands to be affected are located, giving notice thereof to the state reclamation board, the department of public works and the department of environmental quality engineering and each assessed owner of such wetlands by mail at least twenty-one days prior thereto.

Upon the adoption of any such order or any order amending, modifying or repealing the same, the commissioner of environmental management shall cause a copy thereof, together with a plan of the lands affected and a list of the assessed owners of such lands, to be recorded in the proper registry of deeds or, if such lands are registered, in the registry district of the land court, and shall mail a copy of such order and plan to each assessed owner of such lands affected thereby. Such orders shall not be subject to the provisions of chapter one hundred and eighty-four. Any person who violates any such order shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment for not more than one month, or by both such fine and imprisonment.

The superior court shall have jurisdiction in equity to restrain violations of such orders.

Any person having a recorded interest in land affected by any such order, may, within ninety days after receiving notice thereof, petition the superior court to determine whether such order so restricts the use of his property as to deprive him of the practical uses thereof and is therefor an unreasonable exercise of the police power because the order constitutes the equivalent of a taking without compensation. If the court finds the order to be an unreasonable exercise of the police power, as aforesaid, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such finding shall not affect any other land than that of the petitioner. The commissioner of environmental management shall cause a copy of such finding to be recorded forthwith in the proper registry of deeds or, if the land is registered, in the registry district of the land court. The method provided in this paragraph for the determination of the issue of whether any such order constitutes a taking without compensation shall be exclusive, and such issue shall not be determined in any other proceeding, nor shall any person have a right to petition for the assessment of damages under chapter seventy-nine by reason of the adoption of any such order.

The department of environmental management may, after a finding has been entered that such order shall not apply to certain land as provided in the preceding paragraph, take the fee or any lesser interest in such land in the name of the commonwealth by eminent domain under the provisions of chapter seventy-nine and hold the same for the purposes set forth in this section.

No action by the commissioner of environmental management or the department of environmental management under this section shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law on the department of public works, the department of environmental quality engineering, the state reclamation board

or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two.

No order adopted hereunder shall apply to any area under the control of the metropolitan district commission. No order adopted hereunder shall permit the construction in coastal wetlands of access driveways to unrestricted land except in a manner which allows the flow of the tide.

SECTION 221. Section 1 of chapter 131 of the General Laws, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out the definitions of "Coastal waters", "Commissioner", "Department", "Director", and "Division" and inserting in place thereof the following definitions:—

"Coastal waters", all waters of the commonwealth within the rise and fall of the tide and the marine limits of the jurisdiction of the commonwealth, but not waters within or above any fishway or dam nor waters above any tidal bound established by the department of environmental quality engineering in streams flowing into the sea.

"Commissioner", the commissioner of fisheries, wildlife and recreational vehicles.

"Department", the department of fisheries, wildlife and recreational vehicles.

"Director", the director of fisheries and wildlife.

"Division", the division of fisheries and wildlife.

SECTION 222. Clause (10) of section 4 of said chapter 131, as so appearing, is hereby amended by striking out, in line 3, the words "public health" and inserting in place thereof the words:—environmental quality engineering.

SECTION 223. Clause (12) of said section 4 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words "public works" and inserting in place thereof, in each instance, the words:— environmental quality engineering.

SECTION 224. Section 5 of said chapter 131 is hereby amended by striking out the second and third paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:—

Rules and regulations made under authority of this section shall be subject to the approval of the fisheries and wildlife board as defined in section seven of chapter twenty-one, not less than three members of which, together with the director, shall hold a public hearing with regards thereto, and such rules and regulations shall be subject to the provisions of section thirty-seven of chapter thirty.

The director, without hearing, but with the approval of the fisheries and wildlife board, may adopt regulations declared by him to be emergency regulations necessary for the immediate management or control. Such emergency regulations may be

limited in time but shall not remain in effect for a period longer than ninety days.

SECTION 225. Section 6 of said chapter 131, as so appearing, is hereby amended by striking out, in line 1, the words "fish and game" and inserting in place thereof the words: — fisheries and wildlife.

SECTION 226. Section 12 of said chapter 131, as amended by section 2 of chapter 706 of the acts of 1972, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:— Upon the application of any person entitled to receive a sporting, hunting, fishing or trapping license and upon payment of the fee specified thereof in this chapter, the director, the clerk of any city or town, and person employed in the department of fisheries, wildlife and recreational vehicles, the department of commerce and development and the division of fisheries and wildlife and authorized by the director to issue such licenses, and any persons authorized by the director to issue such licenses at their place of business located outside the commonwealth provided such persons are duly bonded shall issue to such persons a sporting, hunting, fishing or trapping license, as the case may be, in such form as the director shall prescribe and furnish.

SECTION 227. The second paragraph of section 14 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words: — fisheries, wildlife and recreational vehicles.

SECTION 228. The second paragraph of section 19A of said chapter 131, as appearing in section 1 of chapter 223 of the acts of 1972, is hereby amended by striking out, in lines 3 and 10, the word "agriculture" and inserting in place thereof, in each instance, the words: — food and agriculture.

SECTION 229. The fourth sentence of section 20 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out, in line 5, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 230. Section 30 of said chapter 131, as so appearing, is hereby amended by striking out, in line 5, the words "fish and game" and inserting in place thereof the words: —fisheries and wildlife.

SECTION 231. The third sentence of section 32 of said chapter 131, as so appearing, is hereby amended by striking out, in line 9, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 232. The tenth paragraph of section 39A of said chapter 131, as appearing in section 1 of chapter 842 of the acts of 1974, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — In addition, the hearing authority shall submit a map or text

delineating the proposed boundaries to the board of health and the planning board of said city or town and to the department of environmental management, in this section called the department.

SECTION 233. Said section 39A of said chapter 131 is hereby amended by striking out the fifteenth and sixteenth paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:—

The notice required by this section shall be sent by certified mail to the hearing authority of the city or town in which the activity is proposed. Each notice shall be accompanied by a filing fee of twenty-five dollars payable to the city or town. Copies of such notice shall be sent at the same time by certified mail to the department and to the department of environmental quality engineering. No such notice shall be sent before all permits, variances, and approvals required by by-law or ordinance with respect to the proposed activity have been filed. Upon receipt of any notice the department shall designate a file number for such notice and shall send a notification of such number to the person giving notice, to the hearing authority to whom the notice was given, and to the department of environmental quality engineering. Said notification shall state the name of the owner of the land upon which the proposed work is to be done and the location of said land.

The hearing authority shall hold a public hearing on the proposed activity within twenty-one days after receipt of said notice. Notice of the time and place of the hearing shall be given by the hearing authority at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in the city or town where the activity is proposed and by mailing of the published notice to the applicant and to the board of health and the planning board of said city or town and to the department and to the department of environmental quality engineering.

SECTION 234. The seventeenth paragraph of said section 39A of said chapter 131, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:— The order shall be signed by a majority of the conservation commission, a majority of the selectmen, or by the mayor, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department and the department of environmental quality engineering.

SECTION 235. The eighteenth paragraph of said section 39A of said chapter 131, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Upon issuance of an order, the applicant or any person aggrieved by the order, or any owner of land abutting the land upon which the proposed activity would be done, or any ten residents of the city or town where such land

is located, or the commissioner, the commissioner of environmental management, in this section called the commissioner may request the department to determine if conditions should be imposed on the proposed activity to protect public or private water supply, to protect ground water supply, to prevent pollution and erosion, to control flooding, and to preserve the natural scenic qualities of the environment.

SECTION 236. Said eighteenth paragraph of said section 39A of said chapter 131, as so appearing, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following sentence:— A copy of the order shall be sent to the applicant, to the hearing authority, to the department of environmental quality engineering, and the party who requested the order if not the applicant.

SECTION 237. The first paragraph of section 40 of said chapter 131, as appearing in section 1 of chapter 818 of the acts of 1974, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Copies of such notice shall be sent at the same time by certified mail to the department of environmental quality engineering.

SECTION 238. Said first paragraph of said section 40 of said chapter 131, as so appearing, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence: — Upon receipt of any notice hereunder the department of environmental quality engineering, hereinafter called the department, shall designate a file number for such notice and shall send a notification of such number to the person giving notice to the conservation commission, selectmen or mayor to whom the notice was given.

SECTION 239. The second sentence of the eleventh paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "and to the department of natural resources and the department of public works,".

SECTION 240. The twelfth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:— Such order or notification shall be signed by the mayor or a majority of the conservation commission or board of selectmen, as the case may be, and a copy thereof shall be sent forthwith to the applicant and to the department.

SECTION 241. Said section 40 of said chapter 131 is hereby further amended by striking out the thirteen paragraph, as so appearing, and inserting in place thereof the following paragraph: —

If a conservation commission has failed to hold a hearing within the twenty-one day period as required, or if a commission, after holding such hearing, has failed within twenty-one days therefrom to issue an order, or if a commission, upon a written

request by any person to determine whether this section is applicable to any work, fails within ten days to make said determination, or where an order does issue from said commission, the applicant, any person aggrieved by said commission's order or failure to act, or any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, may, be certified mail and within ten days from said commission's order or failure to act, request the department to determine whether the area on which the proposed work is to be done is significant to public or private water supply, to the ground water supply, to flood control, to storm damage prevention, to prevention of pollution, to protection of land containing shellfish or to the protection of fisheries. The commissioner of environmental quality engineering also may request such a determination within said ten days. The party making any such request shall at the same time send a copy thereof by certified mail to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder. If such party is other than the applicant, a copy of such request shall also be sent at the same time by certified mail to the applicant. Upon receipt of such request the department shall make the determination requested and shall by written order issue within seventy days of receipt of such request, signed by the commissioner, impose such conditions as will contribute to the protection of the interests described herein; provided, however, that said department shall notify the applicant within thirty days of the receipt of such request if his application or request is not in proper form or is lacking information or documentation necessary to make the determination. Such order shall supersede the prior order of the conservation commission, board of selectmen or mayor, and all work shall be done in accordance therewith, but in no event shall any work commence until ten days have elapsed following the issuance of said order. At any time prior to a final order of determination by the department, any party requesting a determination may in writing withdraw the request, and such withdrawal shall be effective upon receipt by the department. Notwithstanding the withdrawal, the commissioner may continue the determination if he notifies all parties within ten days of receipt of the withdrawal. A copy of such order shall be sent to the applicant, to the conservation commission, board of selectmen or mayor which conducted the hearing hereunder.

SECTION 242. Said section 40 of said chapter 131 is hereby further amended by striking out the fifteenth and sixteenth paragraphs, as so appearing, and inserting in place thereof the following two paragraphs:—

Any site where work is being done which is subject to this section shall display a sign of not less than two square feet or more than three square feet bearing the words, "Massachusetts

Department of Environmental Quality Engineering File Number . . ." and the sign shall display the file number assigned to the project.

If the department of environmental quality engineering finds that any proposed work would violate the provisions of chapter ninety-one, it shall proceed immediately to enforce the provisions of said chapter.

SECTION 243. The nineteenth paragraph of said section 40 of said chapter 131, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Any court having equity jurisdiction may restrain a violation of this section and enter such orders as it deems necessary to remedy such violation, upon the petition of the attorney general, the commissioner, a city or town, an owner or occupant of property which may be affected by said removal, filling, dredging or altering, or ten residents of the commonwealth under the provisions of section ten A of chapter two hundred and fourteen.

SECTION 244. The first paragraph of section 40A of said chapter 131 is hereby amended by striking out the first sentence, as appearing in chapter 782 of the acts of 1972, and inserting in place thereof the following sentence: — The commissioner of environmental management, in this section called the commissioner, with the approval of the board of environmental management shall from time to time, for the purposes of preserving and promoting the public safety, private property, wildlife, fisheries, water resources, flood plain areas and agriculture, adopt, amend or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering or polluting inland wetlands.

SECTION 245. The third paragraph of said section 40A of said chapter 131, as so appearing, is hereby amended by striking out, in line 5, the words "public works, the department of public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 246. The first sentence of the sixth paragraph of said section 40A of said chapter 131, as so appearing, is hereby amended by inserting after the word "department", in line 1, the words:— of environmental management, in this section called the department.

SECTION 247. The third sentence of said sixth paragraph of said section 40A of said chapter 131, as so appearing, is hereby amended by striking out, in line 4, the words "public health, the department of public works" and inserting in place thereof the words: — environmental quality engineering.

SECTION 248. Said section 40A of said chapter 131 is hereby further amended by striking out the seventh paragraph, as so appearing, and inserting in place thereof the following paragraph:—

The exercise of the power of eminent domain under the provisions of this section shall be subject to the approval of the board of environmental management, the governor and the executive council.

SECTION 249. The first sentence of the third paragraph of section 42 of said chapter 131, as appearing in chapter 612 of the acts of 1970, is hereby amended by striking out, in line 7, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 250. The fourth sentence of said third paragraph of said section 42 of said chapter 131, as so appearing, is hereby amended by striking out, in line 6, the word "game" and inserting in place thereof the word: — wildlife.

SECTION 251. Section 45 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Any such rules and regulations shall, to the extent that they authorize hunting or fishing, or both, be subject to the approval of the director, and to the extent that they authorize any other use thereof, be subject to the approval of the commissioner of environmental quality engineering or the director of marine and recreational vehicles, as the case may be.

SECTION 252. Section 46 of said chapter 131, as appearing in section 1 of chapter 802 of the acts of 1967, is hereby amended by striking out, in line 1, the words "state department of public works" and inserting in place thereof the words:— department of environmental quality engineering.

SECTION 253. The first sentence of the second paragraph of section 59 of said chapter 131, as so appearing, is hereby amended by inserting after the word "department", in line 4, the words: — of environmental management.

SECTION 254. Chapter 132 of the General Laws is hereby amended by striking out section 1, as most recently amended by section 2 of chapter 660 of the acts of 1948, and inserting in place thereof the following section:—

Section 1. The director of the division of forests and parks, in this chapter called the forester, in the department of environmental management, in this chapter called the department, shall promote the perpetuation, extension and proper management of the public and private forest lands of the commonwealth; shall give such a course of instruction to the students of the University of Massachusetts on the art and science of forestry as may be arranged by the trustees of the university and the forester; and shall perform such other duties as may be imposed upon him by the governor.

SECTION 255. Section 2 of said chapter 132, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the word "conservation" and inserting in place thereof the words:— environmental management.

SECTION 256. The fourth sentence of section 13 of said chapter 132, as appearing in section 7 of chapter 657 of the acts of 1956,

is hereby amended by striking out, in line 1, the words "of natural resources".

SECTION 257. Section 30 of said chapter 132, as amended by chapter 514 of the acts of 1945, is hereby further amended by striking out, in line 2, the words "advisory council of the department of conservation" and inserting in place thereof the words: — board of environmental management.

SECTION 258. The third sentence of section 31 of said chapter 132, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 2 and 3, the words "advisory council of the department of conservation" and inserting in place thereof the words: — the board of environmental management.

SECTION 259. Section 32 of said chapter 132, as so appearing, is hereby amended by striking out, in line 2, the words "advisory council of the department of conservation" and inserting in place thereof the words: — the board of environmental management.

SECTION 260. Section 36A of said chapter 132, inserted by chapter 27 of the acts of 1945, is hereby amended by striking out, in line 4, the word "conservation" and inserting in place thereof the words:— environmental management.

SECTION 261. Said chapter 132 is hereby further amended by striking out section 38A, as amended by section 14 of chapter 806 of the acts of 1974, and inserting in place thereof the following section: —

Section 38A. The department of environmental management shall construct and maintain trails for horseback riding, hiking, ski touring, snowmobiling and other uses on land within its control in accordance with a plan for each area which will minimize conflicting uses. The department is authorized to prepare and publish trail maps and other informational material to inform the public of the location and nature of such trails. To the extent practicable, the voluntary services of trail-using organizations and individuals shall be utilized in carrying out the work authorized hereunder. Expenses authorized by this section and by section thirty-eight, including the acquisition of land or easements therein, surveying and mapping, and the cost of development and construction and expenses incidental thereto, may be paid out of funds theretofore or hereafter made available for the purpose of chapter one hundred and thirty-two A.

SECTION 262. The first sentence of section 1 of chapter 132A of the General Laws, as amended by section 2 of chapter 419 of the acts of 1954, is hereby further amended by striking out, in lines 1 and 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 263. Section 2 of said chapter 132A, as most recently amended by section 3 of said chapter 419, is hereby

further amended by striking out, in line 10, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 264. The first sentence of section 2A of said chapter 132A, inserted by section 1 of chapter 656 of the acts of 1958, is hereby amended by striking out, in line 5, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 265. The fifth sentence of section 3 of said chapter 132A, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "state treasury" and inserting in place thereof the words: — Environmental Fund.

SECTION 266. The first sentence of section 3A of said chapter 132A, inserted by section 3 of chapter 656 of the acts of 1958, is hereby amended by striking out, in line 3, the words "natural resources" and inserting in place thereof the words:— environmental management.

SECTION 267. Section 10 of said chapter 132A, as amended by section 4 of chapter 501 of the acts of 1968, is hereby amended by striking out, in lines 1 and 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 268. The first sentence of section 11 of said chapter 132A, as appearing in chapter 517 of the acts of 1960, is hereby amended by striking out, in line 1, the word "commissioner" and inserting in place thereof the words: — secretary of environmental affairs.

SECTION 269. The third sentence of said section 11 of said chapter 132A, as appearing in chapter 179 of the acts of 1966, is hereby amended by striking out, in lines 2, 3, and 8, the word "commissioner" and inserting in place thereof, in each instance, the word: — secretary.

SECTION 270. The third paragraph of section 13 of said chapter 132A, as appearing in chapter 542 of the acts of 1970, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 271. The sixth paragraph of said section 13 of said chapter 132A, as so appearing, is hereby amended by striking out, in line 6, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 272. The fourth sentence of the second paragraph of section 14 of said chapter 132A, as appearing in chapter 742 of the acts of 1971, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 273. Said section 14 of said chapter 132A is hereby amended by striking out the fourth paragraph, as amended by

section 1 of chapter 822 of the acts of 1974, and inserting in place thereof the following paragraph: —

This section is not intended to prohibit the laying of cables approved by the department of public utilities or channel and shore protection projects, navigation aids, projects authorized under chapter ninety-one, deemed to be of public necessity and convenience affected by municipalities, governmental districts and the federal government, contingent upon required approval wherever applicable by the United States Army Corps of Engineers, the division of water pollution control, the department of environmental quality engineering, the department of environmental management, or other improvements approved by appropriate federal and state agencies.

SECTION 274. The fifth paragraph of said section 14 of said chapter 132A, as appearing in chapter 742 of the acts of 1971, is hereby amended by striking out, in line 4, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 275. The sixth paragraph of said section 14 of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 2 and 5, the words "natural resources" and inserting in place thereof, in each instance, the words: — environmental management.

SECTION 276. The third paragraph of section 15 of said chapter 132A, as so appearing, is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 277. Said section 15 of said chapter 132A is hereby amended by striking out the fifth paragraph, as amended by section 2 of chapter 822 of the acts of 1974, and inserting in place thereof the following paragraph:—

This section is not intended to prohibit the laying of cables approved by the department of public utilities or channel and shore protection projects, navigation aids, projects authorized under chapter ninety-one, deemed to be of public necessity and convenience affected by municipalities, governmental districts and the federal government, contingent upon required approval wherever applicable by the United States Army Corps of Engineers, the division of water pollution control, the department of environmental quality engineering, and the department of environmental management, or other improvements approved by appropriate federal and state agencies.

SECTION 278. The fourth paragraph of section 16 of said chapter 132A, as appearing in chapter 130 of the acts of 1972, is hereby amended by striking out, in line 8, the words "public works and the department of natural resources" and inserting in place thereof the words:— environmental quality engineering, and the department of environmental management.

SECTION 279. The fifth paragraph of said section 16 of said chapter 132A, as so appearing, is hereby amended by striking out, in lines 2 and 3, and in line 5, the words "natural resources" and inserting in place thereof, in each instance, the words: — environmental management.

SECTION 280. Section 32B of chapter 140 of the General Laws is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Such board of health shall at once notify the department of environmental quality engineering of the granting or renewal of such a license, and said department shall have jurisdiction to inspect the premises so licensed to determine that the sources of water supply and the works for the disposition of the sewage of such premises are sanitary.

SECTION 281. The first sentence of section 32H of said chapter 140, as amended by section 11 of chapter 592 of the acts of 1964, is hereby amended by striking out, in line 9, the words "public health" and inserting in place thereof the words:— environmental quality engineering.

SECTION 282. The third paragraph of section 131H of said chapter 140, as appearing in section 3 of chapter 802 of the acts of 1967, is hereby amended by striking out, in lines 1 and 2, the words "department of natural resources" and inserting in place thereof the words: — office of the secretary of the executive office of environmental affairs.

SECTION 283. The definition of "Live stock or fowls" in section 136A of said chapter 140, as appearing in section 1 of chapter 320 of the acts of 1934, is hereby amended by striking out, in line 5, the word "conservation" and inserting in place thereof the words: — fisheries, wildlife and recreational vehicles.

SECTION 284. The sixth sentence of the second paragraph of section 137A of said chapter 140, as appearing in section 3 of chapter 111 of the acts of 1943, is hereby amended by striking out, in lines 5 and 6, the words "conservation officer, deputy conservation" and inserting in place thereof the words: — natural resource officer, deputy natural resource.

SECTION 285. The second sentence of section 161A of said chapter 140, inserted by section 25 of chapter 320 of the acts of 1934, is hereby amended by striking out, in line 5, the word "conservation" and inserting in place thereof the words: — fisheries, wildlife and recreational vehicles.

SECTION 286. The first sentence of section 13 of chapter 142 of the General Laws, as appearing in section 2 of chapter 604 of the acts of 1971, is hereby amended by striking out, in line 2, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 287. Section 30C of chapter 149 of the General Laws is hereby amended by striking out the first paragraph, as appearing in section 7 of chapter 1004 of the acts of 1971, and inserting in place thereof the following paragraph: —

The service of all members of the uniform branch of the state police, state police detectives, members of the metropolitan district police force, capitol police and land based natural resource officers shall consist of an average of forty hours per week over a period of one or more work weeks not in excess of eight, as determined by the commissioner of the department in which they are respectively serving, or the commissioner of administration in the case of the capitol police, or the secretary of the executive office of environmental affairs in the case of natural resource officers, and shall be restricted to not more than five normal work days, as so determined, in any consecutive seven-day period; provided, however, that all service in excess of the normal work day, as so determined, or in excess of forty hours per week, as so averaged, rendered by any such officer at the request of the commissioner of the department in which he is serving, or the commissioner of administration in the case of the capitol police, or the secretary of the executive office of environmental affairs in the case of natural resource officers, shall be compensated for at the rate of one and one half times the regular hourly rate of such officer for every hour or fraction thereof of such services rendered.

SECTION 288. Section 235A of chapter 160 of the General Laws, as appearing in section 1 of chapter 794 of the acts of 1963, is hereby amended by striking out, in lines 10 and 11, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 289. Section 3 of chapter 165 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 2, the words "public health" and inserting in place thereof the words: — environmental quality engineering.

SECTION 290. Section 4B of said chapter 165, inserted by chapter 353 of the acts of 1958, is hereby amended by striking out, in line 6, the words "public health" and inserting in place thereof the words: — environmental quality

SECTION 291. Section 6 of said chapter 165, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the words "public health" and inserting in place thereof the words: —environmental quality engineering.

SECTION 292. Section 32 of chapter 184 of the General Laws, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by striking out, in lines 13 and 14, 19, 37, and 40, the words "commissioner of natural resources" and inserting in place thereof, in each instance, the words: — secretary of environmental affairs.

SECTION 293. The third sentence of the second paragraph of said section 32 of said chapter 184, as so appearing, is hereby amended by striking out, in line 10, the words "commissioner of natural resources" and inserting in place thereof the words: — secretary of environmental affairs.

SECTION 294. The third paragraph of said section 32 of said chapter 184, as so appearing, is hereby amended by striking out, in line 2, the words "commissioner of natural resources" and inserting in place thereof the words:— secretary of environmental affairs.

SECTION 295. Section 33 of said chapter 184 is hereby amended by striking out the third paragraph, as appearing in section 5 of chapter 666 of the acts of 1969, and inserting in place thereof the following paragraph: —

The maps shall be in such form that they can be readily added to, changed, and reproduced, and shall be a public record, appropriately available for public inspection. If any governmental body, other than a city or town in which the land affected lies, holds a right to enforce a restriction or order or an interest entitled to be indexed in a public restriction tract index for any city or town which has not filed such an index, or if the secretary of environmental affairs or the Massachusetts historical commission approves a conservation or preservation restriction held by a charitable corporation or trust so entitled, and the city or town does not within one year after written request to the mayor or selectmen file a sufficient map or set of maps for the purpose, the holding governmental body or approving secretary or commission may do so.

SECTION 296. The fifth paragraph of said section 33 of said chapter 184 is hereby amended by striking out the second sentence, as so appearing, and inserting in place thereof the following sentence:— Such notices may be given by any official of a governmental body holding the restriction, by the secretary of environmental affairs in case of a restriction approved by him, by the chairman or acting chairman of the Massachusetts historical commission in case of a restriction approved by it, or by any official of any charitable corporation or trust holding the restriction or whose purposes include, in case of a conservation restriction, the conservation of land or water areas, or, in case of a preservation restriction, the preservation of buildings or sites of historical significance.

SECTION 297. Section 2 of chapter 252 of the General Laws is hereby amended by striking out the first sentence, as amended by section 2 of chapter 36 of the acts of 1972, and inserting in place thereof the following sentence:— One employee of the department of environmental quality engineering designated by it, one employee of the department of food and agriculture designated by it and a third member designated by the heads of said departments acting jointly and with the approval of the governor shall constitute the state reclamation board, in this chapter called the board.

SECTION 298. The third sentence of said section 2 of said chapter 252, as appearing in the Tercentenary Edition, is hereby

amended by striking out, in line 2, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 299. Chapter 253 of the General Laws is hereby amended by striking out section 33, as amended by section 1 of chapter 595 of the acts of 1970, and inserting in place thereof the following section: —

Section 33. If a person who owns, erects or maintains a water mill or a dam to raise water for working such mill upon or across a stream not navigable desires to raise, erect or maintain a dam at such a height or in such a manner as to overflow or otherwise injure an existing public way, he may apply by petition to the commissioner of environmental quality engineering, hereinafter called the commissioner, stating the height at which it is desired to maintain such dam and the ways which may be injured thereby, and asking for the alteration, change of grade or specific repairs of such ways.

SECTION 300. Section 105 of chapter 266 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Natural resource officers and deputy natural resource officers of the office of the secretary of the executive office of environmental affairs, may arrest without a warrant any person found violating this section.

SECTION 301. The first sentence of section 79B of chapter 272 of the General Laws, as amended by chapter 131 of the acts of 1946, is hereby further amended by striking out, in lines 12 and 13, the words "livestock disease control of the department of agriculture" and inserting in place thereof the words:— animal health of the department of food and agriculture.

SECTION 302. Clause (*a*) of section 3 of chapter 276 of the General Laws, as appearing in section 7 of chapter 1071 of the acts of 1971, is hereby amended by striking out, in line 11, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 303. Section 3 of chapter 692 of the acts of 1951, as amended by chapter 351 of the acts of 1958, is hereby further amended by striking out, in line 6, the words "director of the division of waterways in the department of public works" and inserting in place thereof the words: — commissioner of environmental quality engineering or his designated representative.

SECTION 304. Section 3 of chapter 608 of the acts of 1956 is hereby amended by striking out, in lines 5 to 7, inclusive, the words "director of the division of waterways in the department of public works" and inserting in place thereof the words: — commissioner of environmental quality engineering or his designated representative.

SECTION 305. Section 3 of chapter 616 of the acts of 1957 is hereby amended by striking out, in lines 5 to 7, inclusive, the

words "director of the division of public works" and inserting in place thereof the words: — commissioner of environmental quality engineering or his designated representative.

SECTION 306. The first sentence of chapter 623 of the acts of 1960 is hereby amended by striking out, in line 1, the word "agriculture" and inserting in place thereof the words: — food and agriculture.

SECTION 307. Section 2A of chapter 834 of the acts of 1969, inserted by section 2 of chapter 1023 of the acts of 1971, is hereby amended by striking out, in line 1, the words "public works" and inserting in place thereof the words: — environmental management.

SECTION 308. Section 1 of chapter 742 of the acts of 1970 is hereby amended by striking out, in line 1, the words "natural resources" and inserting in place thereof the words: — environmental management.

SECTION 309. The first sentence of section 1 of chapter 747 of the acts of 1970 is hereby amended by striking out, in line 2, the words "natural resources" and inserting in place thereof the words: —environmental quality engineering.

SECTION 310. Chapter 818 of the acts of 1974 is hereby amended by striking out section 3 and inserting in place thereof the following section: —

Section 3. Within ninety days of the effective date of this act the commissioner of environmental quality engineering shall promulgate the regulations required by section forty of chapter one hundred and thirty-one of the General Laws, as amended by section one of this act. Said regulations shall concern, but shall not be limited to, defining the terms in said section forty and establishing standard application forms setting forth the minimum information which is required for issuance of an order pursuant to said section forty.

SECTION 311. Chapter 842 of the acts of 1974 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The provisions of section thirty-nine A of chapter one hundred and thirty-one of the General Laws, inserted by section one of this act, which require a notice of and a public hearing and approval of certain activities in mountain regions in the county of Berkshire, shall not become effective until a map or text delineating the boundaries of the mountain regions has been filed with the city or town clerk and has been recorded in the registry of deeds for the county or district in which the city or town is located and the hearing authority has after notice and public hearing, adopted rules and regulations consistent with the provisions of this section which have been approved by the commissioner of environmental management.

SECTION 312. This act shall take effect as of July first, nineteen hundred and seventy-five. *Approved November 25, 1975.*

Chap. 707. AN ACT FURTHER REGULATING THE LAW RELATING TO COMPULSORY PROPERTY PROTECTION INSURANCE FOR ALL REGISTERED MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide immediate relief to owners of motor vehicles from the high costs of compulsory property protection insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 34 O, as most recently amended by sections 1 and 2 of chapter 503 of the acts of 1974, and inserting in place thereof the following section: —

Section 34 O. Every person having in force a motor vehicle liability policy or motor vehicle liability bond, as defined in section thirty-four A, shall also maintain in force either property protection insurance or a bond providing equivalent benefits; such a bond shall create the same rights, liabilities, waivers and exemptions as are provided with respect to property protection insurance coverage. Every insurer issuing or executing a motor vehicle liability policy or bond shall also provide property protection coverage for the policyholder or obligor. Property protection insurance is insurance containing provisions as prescribed in this section, among such other provisions, including conditions, exclusions, and limitations, as the commissioner of insurance may approve. Subject to such stated limits and conditions, exclusions, and limitations approved by the commissioner, the insurer shall offer additional coverage, optional to the policyholder, for resulting loss of use of the insured vehicle.

Every policy of property protection insurance shall provide that the insurer will pay on behalf of the insured all sums the insured shall become legally obligated to pay as damages because or injury to or destruction of property, including loss of use thereof, caused by accident and arising out of the ownership, maintenance or use, including loading and unloading of the insured motor vehicle, subject to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident. Under terms and conditions approved by the commissioner the insurer shall have the rights and duty to defend any suit against the insured seeking damages on account of such injury to or destruction of property even if any of the allegations of the suit are groundless, false or fraudulent. Property protection insurance shall also provide the protection described in whichever of the three following options the policyholder elects:

(1) *All Risk Coverage.* The insurer shall pay either to the insured or to a repair shop if the insured so indicates in writing to his insurance company for direct and accidental loss of or damage to the insured vehicle, subject to a deductible of two hundred dollars, up to a limit equal to the actual cash value of the vehicle less such deductible, caused by collision of the insured vehicle with another object or with a vehicle to which the insured vehicle is attached, or by upset of the insured vehicle. Benefits under this coverage are payable without regard to negligence, comparative negligence, gross negligence or fault of any kind, provided that a vehicle for which total damage has been previously paid must have passed a motor vehicle safety inspection test upon reinsurance if benefits are to be paid to the insurer of said vehicle for damages incurred on a subsequent collision.

(2) *Restricted Coverage.* In the following cases and no others the insurer will pay either to the insured or to a repair shop if the insured so indicates in writing to his insurance company for direct and accidental loss of or damage to the insured vehicle, subject to a deductible of two hundred dollars up to a limit equal to the actual cash value of the vehicle less such deductible:

(a) Cases in which the insured except for the exemption from liability granted by this section would have been entitled to recover in tort for such loss or damage against another identified person also insured by a policy of property protection insurance;

(b) Cases in which the insured is entitled to recover in tort for such loss or damage against another identified person who is not exempt from liability under the provisions of this section; the insured, in such a case, shall take all steps necessary to preserve the insurer's right of subrogation;

(c) Cases in which the loss or damage is incurred by the insured vehicle while the vehicle is lawfully parked and the loss or damage is the result of impact with another vehicle owned by another identified person;

(d) Cases in which the insured vehicle is struck in the rear by another vehicle owned by another identified person moving in the same direction;

(e) Cases in which the operator of the vehicle causing loss or damage to the insured vehicle is a result of his operation at the time the loss or damage was incurred, convicted of either operating under the influence of alcohol or a narcotic drug as defined in section one hundred and ninety-seven of chapter ninety-four, or of driving the wrong way on a one-way street or of operating at an excessive rate of speed as defined in section seventeen of chapter ninety, or of any similar violation of the law of any other state in which the loss or damage is sustained. No coverage is created under this clause, however, if the operator of the insured vehicle is himself convicted of any such violations as a result of his operation at the time said loss or damage was incurred.

The insured shall be entitled to payment in any of the cases described in clauses (c), (d), and (e) of option (2) whether or not the facts disclose that he is or would have been entitled to recover in tort for such loss or damage against another, and such payment shall not be reduced as a result of any facts showing comparative negligence.

In no event, however, shall payments due under clauses (a) and (b) of option (2) exceed the amount recoverable in tort for the loss or damage to the insured vehicle, taking into account comparative negligence as well as other applicable factors. In such cases the full amount of the deductible, if applicable, shall be subtracted from the amount that would otherwise have been recoverable in tort. In no event, however, shall payment due under clauses (a), (b), (c), (d) and (e) of option (2) be made if the vehicle for which damages are to be paid has been the subject of total recovery because of prior collision unless such vehicle has passed a motor vehicle safety inspection upon the placing of reinsurance on said vehicle.

(3) *No Coverage for Own Car.* Under this option the policyholder shall not be entitled to receive insurance payments under property protection insurance for accidental loss of or damage to his own vehicle as identified in the policy. The policyholder's election of this option shall bar all claims for loss of or damage to his vehicle he might otherwise have had against others insured under property protection insurance policies and the policyholder shall be exempt from liability to such persons as provided herein. This option shall be offered subject to such conditions as the commissioner of insurance may require in order to assure that each policyholder electing it has been fully informed of the results of absence of coverage for damage to his own vehicle.

Insurers shall also make available to option (1) and (2) insured additional coverage whereby the deductible of two hundred dollars under said option (1) and (2) is reduced to an amount, no less than one hundred dollars, except that an insurer may refuse to issue such additional coverage on the basis of accident frequency, claims paid, or conviction of violations of motor vehicle laws; provided, that no insurer may refuse to issue such optional additional coverage because of age, sex, race, occupation or principal place of garaging of the vehicle.

Insurers shall also make available additional coverage whereby an insured who has selected option (1) shall be entitled to full payment, without regard to comparative negligence or any deductible if any of the cases described in clauses (a) to (e), inclusive, of said option (2) occur; provided that the negligence attributable to such an insured is fifty per cent or less, except that an insurer may refuse to issue such optional additional coverage on the basis of accident frequency, claims paid, or conviction of violations of motor vehicle laws; and provided further, that no

insurer may refuse to issue such optional additional coverage because of age, sex, race, occupation, or principal place of garaging of the vehicle.

Insurers shall also make available additional coverage whereby an insured who has selected option (2) shall be entitled to payment, without regard to any deductible, if any of the cases described in clauses (a) to (e), inclusive, of option (2) occur.

Insurers shall also make available additional coverage whereby an insured who has selected option (2) shall be entitled to full payment without regard to comparative negligence or any deductible if any of the cases described in clauses (a) to (e) inclusive, of said option (2) occur, provided the negligence attributable to such an insured is fifty per cent or less.

Insurers shall also make available to all property protection policyholders at their option other deductible amounts in excess of two hundred dollars as are approved by the commissioner.

Payments under option (1) and under clauses (c), (d) and (e) of option (2) shall be due and payable to the insured within fifteen working days after receipt by the insurer of reasonable proof that the claimant is, in fact, a policyholder, that an accident occurred, and the amount of the loss or damage claimed. In any case where the insurer fails to make payment within fifteen working days of receipt of such reasonable proof, the insured may commence an action in contract for payments claimed to be due. If the court determines that the insurer was unreasonable in refusing to pay said insured's claim, the claimant shall be entitled to recover double the amount of damages claimed plus his costs and reasonable attorney fees fixed by the court.

Every owner, authorized operator or other person legally responsible for the operation of any vehicle to which this section applies, regardless of the coverage option or deductible option elected by the policyholder, shall be exempt from all liability every property protection insurance policyholder and his insurer might otherwise have been entitled to claim, by subrogation or otherwise, for accidental loss of or damage to any vehicle to which this section applies. This exemption from liability shall not affect tort rights and subrogation rights therein against persons not so exempted.

Any insurer making payments in accordance with the provisions of this section shall be subrogated to that extent to the rights of any party it pays and may bring an action in tort against any person liable for such damages who is not exempt from said liability as a result of the provisions of this section. Said insurer may also make claim for all expenses it incurs on account of such payment, including the net amount of payments made, costs of processing claims for any such payments and the expenses of enforcing this right, against any other insurer pro-

viding a motor vehicle liability policy or bond on a motor vehicle registered in the commonwealth, whose owner or operator would, except for the exemption from tort liability provided in this section, be liable for such damages. Determination as to whether any insurer is legally entitled to recover any such expense from another insurer shall be made by agreement between the involved insurers, or, if they fail to agree, by arbitration in accordance with the provisions of the General Laws. No insurer may make claim against or recover from any other insurer in accordance with the provisions of this paragraph for any amounts it pays pursuant to this section as a result of any voluntarily offered coverage or any optional coverage it may be required to offer insureds which eliminates in whole or in part the effect of any deductible or the application of the doctrine of comparative negligence applicable to any of the cases described in clauses (a) to (e), inclusive, of option (2).

Fire, theft and comprehensive coverage may be written as part of any policy of property protection insurance, or separately, as authorized by the commissioner.

Motor vehicle collision policies in effect on January first of any year may be cancelled on a pro rata basis or continued and new collision policies may be issued so long as any continuance or issuance of policies is done in connection with the issuance of a policy of property protection insurance in which the insured has elected option (3). There shall be no subrogation rights other than those described in this section for any insurer continuing or issuing such collision policies.

The commissioner shall fix, establish or approve classifications of risks and premium charges for property protection insurance and for property protection coverage under bonds, in accordance with the provisions of section one hundred and thirteen B of chapter one hundred and seventy-five except that classifications of risks and premium charges for optionally offered coverages which would eliminate in whole or in part the effect of any deductible provided in this section shall be governed by the provisions of chapter one hundred and seventy-five E.

SECTION 1A. Section 113B of chapter 175 of the General Laws is hereby amended by striking out the second paragraph, inserted by section 1A of chapter 977 of the acts of 1971.

SECTION 1B. Said section 113B of said chapter 175 is hereby amended by striking out the third paragraph, as amended by section 1 of chapter 472 of the acts of 1974, and inserting in place thereof the following paragraph: —

Each insurer shall use a merit rating plan to vary rates and premiums on the basis of accident frequency, claims paid, conviction of violations of motor vehicle laws, or any other similar and relevant factors; provided, however, that no such plan shall use any records or factors more than three years prior to the

policy year for which it varies such rates or premiums; and shall use records from the registry of motor vehicles to determine accident frequency and number of accidents of drivers. All such merit rating plans shall be filed with the commissioner not less than thirty days before the effective date of the merit rating plan. The commissioner shall, after due notice and a hearing, establish minimum standards for merit rating plans. The commissioner may on his own motion, and shall on motion of the attorney general, hold a hearing after at least fifteen days' notice on any merit rating plan of any insurer; the commissioner shall disapprove such a merit rating plan if he determines that it is unfairly discriminatory, tends to lessen competition, or is violative of public policy. The commissioner may suspend the operation of any proposed merit rating plan not more than ninety days after its effective date in order to complete the hearings and to make a decision on the merit rating plan.

SECTION 2. Said section 113B of said chapter 175 is hereby amended by inserting after the fourth paragraph the following paragraph: —

In fixing and establishing classifications of risks for comprehensive fire and theft coverage so-called to motor vehicles, the commissioner shall provide for appropriate reductions in the premium charges covering such vehicles if such vehicle is equipped with an anti-theft mechanism or device approved by the commissioner.

SECTION 3. The second paragraph of section 113C of said chapter 175 is hereby amended by striking out the first sentence, as appearing in section 9 of chapter 670 of the acts of 1970, and inserting in place, thereof, the following sentence: — No company shall issue such motor vehicle liability policies or act as surety upon such motor vehicle liability bonds unless it makes a mandatory offer to issue to any person purchasing such policy or bond, at his option, additional coverage, beyond that required by section thirty-four A of chapter ninety, of at least fifteen thousand dollars on account of injury to or death of one person and at least forty thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of the combination of bodily injury liability off the ways of the commonwealth and liability for guest occupants on and off the ways of the commonwealth, of medical coverage, so-called, to a limit of at least five thousand dollars, or fire and theft coverage and comprehensive coverage as limited by section one hundred and thirteen O, and of uninsured motor vehicle coverage, additional coverage beyond that required by section one hundred and thirteen L of at least fifteen thousand dollars on account of injury to or death of one person and forty thousand dollars on account of any one accident resulting in injury to or death of more than one person, provided that such additional amount of uninsured

motor vehicle coverage chosen shall not exceed the amount of additional bodily injury coverage chosen under this section.

SECTION 4. The first paragraph of section 113H of said chapter 175, as appearing in section 5 of chapter 551 of the acts of 1973, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Such a plan shall include at least the coverages required by sections thirty-four A and thirty-four O of chapter ninety and, at the option of the applicant the additional coverages described in section one hundred and thirteen C, except that the plan may provide for the refusal of those optionally offered coverages which would eliminate in whole or in part the effect of any deductible provided in section thirty-four O of chapter ninety and section one hundred and thirteen O.

SECTION 5. Said chapter 175 is hereby further amended by striking out section 113 O, inserted by section 1 of chapter 630 of the acts of 1973, and inserting in place thereof the following section: —

Section 113 O. All policies providing fire and theft coverage or comprehensive coverage, so-called, shall pay for loss or damage to the insured vehicle under the terms of the policy up to a limit equal to the actual cash value of the vehicle less a deductible of two hundred dollars. Insurers shall also make available additional coverage whereby the deductible of two hundred dollars is reduced to an amount not less than one hundred dollars, except that an insurer may refuse to issue such optional additional coverage on the basis of claims paid, or conviction of violations of motor vehicle laws; provided, that no insurer may refuse to issue such optional additional coverage because of age, sex, race, occupation or principal place of garaging of the vehicle. Notwithstanding the foregoing, any deductible pertaining to the comprehensive coverage, so-called, shall not be applicable to damage to glass of any motor vehicle so covered. Rates for such optional additional coverage shall be filed in accordance with the applicable provisions of chapter one hundred and seventy-five E. In determining actual cash value, no deduction for depreciation shall be allowed to reduce the value of the vehicle to less than the average retail value of that particular vehicle's year and model unless the policy was purchased at a reduced rate due to the mileage and condition of the insured vehicle.

SECTION 6. The General Laws are hereby amended by inserting after chapter 175D the following chapter: —

CHAPTER 175E.

REGULATION OF RATES FOR OPTIONAL MOTOR VEHICLE INSURANCE.

Section 1. The following words, as used in this chapter, unless the text otherwise requires or a different meaning is specifically required, shall mean—

"Commissioner", the commissioner of insurance.

"Company", all corporations, associations, partnerships or individuals engaged as principals in the business of insurance.

"Insurance Company" or "Insurer", the same meaning as company.

Section 2. This chapter shall apply only to those optional additional coverages which would eliminate in whole or in part the effect of any deductible provided and described in section thirty-four O of chapter ninety and section one hundred and thirteen O of chapter one hundred and seventy-five.

Section 3. Such provisions of chapter one hundred and seventy-five A as are not inconsistent with this chapter shall apply to rate regulation pursuant to this chapter.

Section 4. The following standards shall apply to the marking and use of rates pertaining to all insurance to which the provisions of this chapter are applicable: —

(*a*) Rates shall not be excessive or inadequate, as herein defined, nor shall they be unfairly discriminatory.

No rate shall be held to be excessive unless such rate is unreasonably high for the insurance provided. Evidence that a reasonable degree of competition exists in the area with respect to the classification to which such rate is applicable shall be considered as material, but not conclusive evidence, that such rate is not excessive.

No rate shall be held to be inadequate unless (1) such rate is unreasonably low for the insurance provided and (2) the continued use of such rate endangers the solvency of the insurer using the same, or unless (3) such rate is unreasonably low for the insurance provided and the use of such rate by the insurer using same has, or if continued will have, the effect of destroying competition or creating a monopoly.

(*b*) Consideration shall be given, to the extent applicable, to past and prospective loss experience within and outside the commonwealth, to catastrophe hazards, to a reasonable rate of return on capital after provision for investment income to past and prospective expenses both country-wide and those specially applicable to the commonwealth, and to all other factors, including judgment factors, deemed relevant within and outside the commonwealth.

Consideration may also be given in the making and use of rates to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(*c*) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof.

(*d*) Risks may be grouped by classification for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any difference among risks that have a probable effect upon losses or expenses. Such classifications and modifications shall apply to all risks under the same or substantially the same circumstances or conditions.

(*e*) On and after January first, nineteen hundred and seventy-seven, no insurer shall use rates developed on the basis of external loss and expense factors without making such modification of such rates as the credibility of its own loss and expense experience allows.

(*f*) On or after January first, nineteen hundred and seventy-seven, each insurer shall use a merit rating plan to vary rates and premiums on the basis of accident frequency according to fault, claims paid, conviction of violations of motor vehicle laws, or any other similar or relevant factors; provided, however, that no such plan shall use any records or factors more than three years prior to the policy year for which it varies such rates or premiums. The commissioner may in his discretion, and shall on motion of the attorney general, hold a hearing after at least fifteen days' notice on any merit rating plan of any insurer. The commissioner shall disapprove such a merit rating plan if he determines that it is unfairly discriminatory, tends to lessen competition, or is violative of public policy. The commissioner may suspend the operation of any proposed merit rating plan for up to ninety days after its effective date in order to complete the hearings and to make a decision on the merit rating plan.

Section 5. If the commissioner determines, after a hearing, at which representatives of consumers and other interested parties may participate, and on the basis of findings of fact and conclusions, that, with respect to any territory or to any kind, subdivision or class of insurance, competition is either (*i*) insufficient to assure that rates will not be excessive, or (*ii*) so conducted as to be destructive of competition or detrimental to the solvency of insurers, he shall, within sixty days after such determination, fix and establish the rates for such insurance or territory pursuant to the provisions of section one hundred and thirteen B of chapter one hundred and seventy-five. Such procedure shall have a specified duration of not more than one year but may be renewed by the commissioner upon appropriate findings of fact, conclusions and order. Within thirty days after the close of the hearing the commissioner shall make this determination in a report which shall be made public.

Section 6. (*a*) 1. No insurer or rating organization shall monopolize or attempt to monopolize, or combine or conspire with

any other person or persons to monopolize, in any territory, the business of insurance or any kind, subdivision or class thereof.

2. No insurer or rating organization shall agree with any other insurer or rating organization to charge or adhere to any rate, although insurers and rating organizations may continue to exchange statistical information and provided further a rating organization may establish advisory manuals of classifications, rules and rates, rating plans or modifications of any of the foregoing in any manner not prohibited by the commissioner.

3. No insurer or rating organization shall make any agreement with any other insurer, rating organization or other person to restrain trade.

4. No insurer or rating organization shall make any agreement with any other insurer, rating organization or other person the effect of which may be substantially to lessen competition in any territory or in any kind, subdivision or class of insurance.

5. No insurer may acquire or retain any captial stock or assets of, or have any common management with, any other insurer or insurers, if the effect of such acquisition, retention or common management may be substantially to lessen competition in any territory or in any kind, subdivision or class of insurance.

6. No insurer or rating organization shall make any agreement with any other insurer or rating organization to refuse to deal with any person in connection with the sale of insurance.

7. No rating organization or member or subscriber thereof shall interfere with the right of any insurer to make its rates independently of such rating organization or to charge rates different from the rates made by such rating organization.

8. No member of or subscriber to a rating organization shall refuse to do business with, or prohibit or prevent the payment of commission to any licensed agent or broker on the ground that such agent or broker does business with an insurer which makes its own rates, or any portion thereof, independently of such rating organizations.

9. Nothing contained in this chapter shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization, or as preventing any insurer, while a member of or subscriber to a rating organization, from making its own rates for any kind, subdivision or class of insurance, for which it does not elect to authorize the rating organization to act on its behalf.

10. Any insurer which is a member of or subscriber to a rating organization may make its own rates for any kind, subdivision or class of insurance. No rating organization shall have authority to act on behalf of any insurer which is a member of or subscriber to such rating organization except as authorized in writing by such member or subscriber, which authority may be supplemented, modified or revoked, in whole or in part, at any time by such member or subscriber at its option.

11. No rating organization shall have or adopt any rule or exact any agreement, or formulate or engage in any program, the effect of which would be to require any member, subscriber or other insurer to utilize some or all of its services, or to adhere to its rates, rating plans, rating systems, underwriting rules, or policy forms, or to prevent any insurer from acting independently.

(*b*) 1. Any rate made in violation of subdivision (*a*) of this section shall be disapproved by the commissioner pursuant to the procedures prescribed in section eight, and each violator shall be subject to the penalties provided in said section.

2. The commissioner, through the attorney general, and any person injured in his business or property by reason of anything forbidden in subdivision (*a*) may maintain an action to enjoin any violation of such subdivision.

3. Any person injured in his business or property by reason of anything forbidden in subdivision (*a*) may maintain an action and shall recover threefold the damages by him sustained.

(*c*) Subdivision (*a*) shall not prohibit two or more insurers who by virtue of their business associations in the United States represent themselves to be or are customarily known as an "insurance company group", or similar insurance trade designation, from having the right to exchange statistical information.

(*d*) The fact that two or more admitted insurers, whether or not members or subscribers of a rating or advisory organization, use, either consistently or intermittently, the manuals of classifications, rules and rates, rating plans, modifications of any of the foregoing or recommendations of such organizations, shall not be sufficient in itself to support a finding that an agreement to adhere exists, and may be used only for the purpose of supplementing or explaining direct evidence of the existence of any such agreement.

Section 7. Except as provided in subdivision (*f*) of section four, prior filing of manuals of classifications, rules, rates, rating plans and modifications of any of the foregoing with the commissioner or his prior approval thereof shall not be requires.

Every insurer or a rating organization authorized to file on behalf of such insurer shall file with the commissioner or his designated representative every manual of its classifications, rules and rates, rating plans and modifications of any of the foregoing within fifteen days after the effective date thereof. Every such filing shall state the effective date thereof, and such filing shall indicate the character and extent of the coverage contemplated. The commissioner may require such insurer or rating organization to furnish the information upon which it supports such filing.

Section 8. The commissioner may as often as he deems it expedient and in such manner as he deems it expedient examine any insurer or rating organization to ascertain whether its rating

and underwriting practices are in accordance with law. Filed reports on examinations shall be available for public inspection.

If the commissioner determines after a hearing that any classification, rule or rates, rating plan or modification of any of the foregoing used by an insurer does not comply with this chapter or is violative of public policy he shall order that such classification or rule or rate or rating plan or any modification thereof be disapproved, and with respect to any such rate, such order may include a provision for premium adjustment.

Pending a hearing, the commissioner may order the suspension, prospectively, of a rate used by an insurer and reimpose the last previous rate in effect, in which event he shall, unless the requirement is waived by the insurer, hold a hearing within fifteen days after such order. Within fifteen days after the close of the hearing the commissioner shall make his determination as to whether the rate should be disapproved.

At any such hearing, the insurer shall have the burden of justifying the rate in question. All such determinations of the commissioner shall be on the basis of findings of fact and conclusions of law. If the commissioner disapproves a rate, the disapproval shall take effect not less than fifteen days after his order and the last previous rate in effect for the insurer shall be thereupon reimposed for a period of six months unless, prior thereto, the commissioner shall approve a different rate.

Any insurer, rating organization or person that violates any provision of this chapter shall be punished by a fine of not more than ten thousand dollars for each offense or by imprisonment for not more than one year, or by both; or shall be subject to a civil penalty not to exceed one thousand dollars for each such offense which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction. The issuance, procurement or negotiation of a single policy of insurance shall be deemed a separate offense.

SECTION 6A. Chapter 175E of the General Laws is hereby amended by striking out section 7 and inserting in place thereof the following section: —

Section 7. Every insurer or rating organization authorized to file on behalf of such insurer shall file with the commissioner or his designated representative every manual of its classifications, rules and rates, rating plans and modifications of any of the foregoing not less than forty-five days before the effective date thereof. Every such filing shall state the effective date thereof, and such filing shall indicate the character and extent of the coverage contemplated. The commissioner may require such insurer or rating organization to furnish the information upon which it supports such filing.

The commissioner may in his discretion, and shall on the motion of the attorney general, hold a hearing on any such filing

prior to its effective date after at least ten days' notice. The commissioner shall disapprove any such filing to the extent that he determines that it does not comply with this chapter. The commissioner may suspend the operation of any such filing for not more than forty-five days after its effective date in order to complete the hearing and make a decision thereon. If the commissioner suspends the operation of any such filing, he shall, within forty-five days of the period of suspension, either approve the filing or order such modification thereof as he deems appropriate to bring such filing into compliance with this chapter.

Notwithstanding the provisions of the foregoing paragraph, any insurer may put any such suspended filing into effect on the effective date stated therein upon furnishing the commissioner with a written agreement secured by a sufficient bond satisfactory to the commissioner to adjust the premiums of all of its policies affected by the filing from their respective effective dates so as to comply with the final determination of the commissioner or the court, if an appeal is taken. Any such adjustment of premiums shall include interest at the rate of eight per cent per annum.

SECTION 7. The special commission established by chapter ninety-seven of the resolves of nineteen hundred and sixty-eight and most recently revived and continued by the provisions of chapter ten of the resolves of ninetenn hundred and seventy-five, shall in the course of its investigation and stucy consider among other matters it deems relevant, the modification or repeal of no-fault property protection insurance, so-called, the expansion of competitive rating under chapter one hundred and seventy-five E of the General Laws to other areas of motor vehicle insurance, the modification or repeal of subrogation in property protection insurance for private passenger vehicles, the reasons for the increase in automobile insurance claims, particularly in the area of property protection insurance and comprehensive insurance, the adoption of effective methods to reduce the high automobile theft rate, the further regulation of automobile repair shops, the feasibility of compelling a vehicle to pass a safety inspection in order to be insured, and the modification of the provisions of law which allow for the recovery of the book value of a motor vehicle under comprehensive coverages. Said commission shall report the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in May, nineteen hundred and seventy-six.

SECTION 7A. Notwithstanding the provisions of section one hundred and thirteen F of chapter one hundred and seventy-five of the General Laws, any insurance agent or broker who has received a notice from an insurance company that it does not intend to issue, extend or renew a motor vehicle liability policy or to

execute or act as surety on a motor vehicle liability policy or to execute or act as surety on a motor vehicle liability bond may send a copy of such notice to the insured or the principal on or before December ninth, nineteen hundred and seventy-five, and the sending of such copy shall be deemed to be full compliance with the provisions of said section one hundred and thirteen F.

SECTION 8. Section 22H of chapter 175 of the General Laws, as appearing in section 1 of chapter 744 of the acts of 1970, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

If any company refuses to issue motor vehicle liability policies or bonds as set forth in section thirty-four A and thirty-four O of chapter ninety, the commissioner shall hold a public hearing to determine whether the companies removal from the automobile insurance market is required because of insolvency and whether such removal would be contrary to the public interest by disrupting the insurance market in the commonwealth. If the commissioner determines that the evidence warrants removal from said market, he shall suspend such company's licenses to issue or sell any other form of insurance within the commonwealth until such company resumes the issuance or renewal of such motor vehicle liability policies or bonds in compliance with the laws and rules and regulations prescribed by the commissioner.

SECTION 9. Sections one, one B and two to six, inclusive, shall take effect on January first, nineteen hundred and seventy-six, and for the purpose of the issuance of motor vehicle liability policies or bonds for the calendar year nineteen hundred and seventy-six all things necessary to be done prior to said effective date may be done. Section six A shall take effect on January first, nineteen hundred and seventy-seven. Sections one A, seven A and eight shall take effect upon the passage of this act.

Approved November 26, 1975.

Chap. 708. AN ACT CHANGING THE NAME OF LOWELL TECHNOLOGICAL INSTITUTE BUILDING AUTHORITY TO UNIVERSITY OF LOWELL BUILDING AUTHORITY AND AUTHORIZING THE AUTHORITY TO PROVIDE FOR THE UNIVERSITY OF LOWELL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to change immediately the name of Lowell Technological Institute Building Authority to University of Lowell Building Authority and authorizing the authority to provide for the University of Lowell, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The name of the Lowell Technological Institute Building Authority is hereby changed to the University of Lowell Building Authority.

SECTION 2. Paragraph (*a*) of section 1 of chapter 557 of the acts of 1961 is hereby amended by striking out, in lines 1 and 2, the words "Lowell Technological Institute Building Authority" and inserting in place thereof the words:— University of Lowell Building Authority.

SECTION 3. Paragraph (*g*) of said section 1 of said chapter 557 is hereby amended by striking out, in lines 1 and 2, the words "Lowell Technological Institute of Massachusetts" and inserting in place thereof the words: — University of Lowell.

SECTION 4. Said section 1 of said chapter 557 is hereby amended by striking out paragraph (*h*) and inserting in place thereof the following paragraph: —

(*h*) The word "University" shall mean University of Lowell.

SECTION 5. The first paragraph of section 2 of said chapter 557 is hereby amended by striking out, in lines 2 and 3, the words "Lowell Technological Institute Building Authority" and inserting in place thereof the words:— University of Lowell Building Authority.

SECTION 6. The second paragraph of said section 2 of said chapter 557, as most recently amended by chapter 345 of the acts of 1968, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The Authority shall consist of nine members to be appointed by the governor, of whom three members shall be appointive members of the trustees of the University of Lowell and may, but need not, be graduates of Lowell Technological Institute, the State College at Lowell or the University of Lowell, and three other members shall be graduates of Lowell Technological Institute, the State College at Lowell or the University of Lowell.

SECTION 7. Section 3 of said chapter 557, as amended by section 4 of chapter 685 of the acts of 1963, is hereby further amended by striking out, in lines 3, 4, 8 and 10, the word "Institute" and inserting in place thereof, in each instance, the word: — University.

SECTION 8. Clause (*f*) of section 4 of said chapter 557, as appearing in section 5 of said chapter 685, is hereby amended by striking out, in line 6, the word "Institute" and inserting in place thereof the word: — University.

SECTION 9. Clause (*c*) of section 5 of said chapter 557 is hereby amended by striking out, in line 2, each time it appears, and in line 5, the word "Institute" and inserting in place thereof, in each instance, the word:— University.

SECTION 10. Section 9 of said chapter 557, as appearing in section 11 of chapter 685 of the acts of 1963, is hereby amended by striking out, in lines 26, 27 and 107, the word "Institute" and inserting in place thereof, in each instance, the word: — University.

SECTION 11. Section 19B of said chapter 557, inserted by section 15 of said chapter 685, is hereby amended by striking out, in line 4, the word "Institute" and inserting in place thereof the word: — University.

SECTION 12. Section 1 of chapter 32 of the General Laws is hereby amended by striking out the sentence inserted by section 1 of chapter 436 of the acts of 1972, and inserting in place thereof the following sentence: — "Employee", as applied to persons whose regular compensation is paid by the Massachusetts State College Building Authority or by the University of Lowell Building Authority, shall mean any person who is engaged in duties which require that his time be devoted to the service of the authority in each year during the ordinary working hours of regular and permanent employees.

SECTION 13. Said section 1 of said chapter 32 is hereby further amended by striking out the paragraph defining "Political subdivision", as most recently amended by section 3 of chapter 1003 of the acts of 1973, and inserting in place thereof the following paragraph: —

"Political subdivision", the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation Authority, the Massachusetts State College Building Authority, the University of Lowell Building Authority, the Massachusetts Housing Finance Agency or any other public unit in the commonwealth.

SECTION 14. The fourth sentence of section 2 of said chapter 32, as most recently amended by section 5 of said chapter 1003, is hereby further amended by striking out, in line 4, the words "Lowell Technological Institute Building Authority" and inserting in place thereof the words: — University of Lowell Building Authority.

SECTION 15. The University of Lowell Building Authority shall be a continuation of and the same body politic and corporate as Lowell Technological Institute Building Authority. Nothing in this act shall be deemed to rescind or invalidate any action heretofore taken, or any agreement, contract, lease or other instrument entered into by the Lowell Technological Institute Building Authority or by the trustees of Lowell Technological Institute, or any borrowing made by said Authority under the provisions of chapter five hundred and fifty-seven of

the acts of nineteen hundred and sixty-one, as most recently amended by chapter seven hundred and thirty-eight of the acts of nineteen hundred and seventy-four, as in effect immediately prior to the effective date of this act, and each such action, agreement, contract, lease, other instrument and borrowing is hereby confirmed and ratified.

SECTION 16. This act shall take effect on the date of the completion of the merger of the Lowell Technological Institute of Massachusetts and the State College at Lowell. After such effective date the phrase "Lowell Technological Institute Building Authority" or any words connoting the same when used in any statute, ordinance, by-law, rule or regulation shall mean the University of Lowell Building Authority unless the contrary intent clearly appears. All members of the Lowell Technological Institute Building Authority in office on such effective date, except the members appointed from the appointive members of the trustees of the Lowell Technological Institute, shall continue in office until their respective terms of office expire or they earlier die, resign or are removed.

Approved December 1, 1975.

Chap. 709. AN ACT AUTHORIZING CERTAIN CITIES AND TOWNS TO EXPEND MONEY FOR MASS TRANSPORTATION SERVICES.

Be it enacted, etc., as follows:

Section 4 of chapter 825 of the acts of 1974 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

The sum payable to each city and town as provided in this section shall be used only to reimburse such city or town for funds expended for the purpose of reconstruction, maintenance and repair of public highways and bridges, for mass transportation services, and for the enforcement of traffic laws, and shall not exceed the amount so expended by such city or town on or before June thirtieth, nineteen hundred and seventy-seven.

Approved December 1, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 1, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY:— I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby

declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 709 of the Acts of 1975, entitled, AN ACT AUTHORIZING CERTAIN CITIES AND TOWNS TO EXPEND MONEY FOR MASS TRANSPORTATION SERVICES., and the enactment of which received my approval on December 1, 1975, should take effect forthwith.

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

In order to allow the immediate expenditures of certain funds for mass transportation services.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 2, 1975.

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

PAUL F. PIMENTEL,
Deputy Secretary of the Commonwealth.

Chap. 710. AN ACT REQUIRING THE INSTALLATION OF AUTOMATIC SMOKE OR HEAT DETECTORS IN HOTELS, BOARDING OR LODGING HOUSES OR FAMILY HOTELS.

Be it enacted, etc., as follows:

Chapter 148 of the General Laws is hereby amended by inserting after section 26B, inserted by section 1 of chapter 214 of the acts of 1974, the following section: —

Section 26C. In any city or town which accepts this section, hotels, boarding or lodging houses, or family hotels which are not regulated by sections twenty-six A and twenty-six B shall be equipped with an automatic smoke or heat detector in each dwelling unit and each hallway floor.

The head of the fire department as defined in section one shall enforce the provisions of this section.

Approved December 1, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 1, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 710 of the Acts of 1975, entitled, AN ACT REQUIRING THE INSTALLATION OF AUTOMATIC SMOKE OR HEAT DETECTORS IN HOTELS, BOARDING OR LODGING HOUSES OR FAMILY HOTELS., and the enactment of which received my approval on December 1, 1975, should take effect forthwith.

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

In order to allow the immediate acceptance of certain health and safety provisions.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 2, 1975.

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

PAUL F. PIMENTEL,
Deputy Secretary of the Commonwealth.

Chap. 711. AN ACT DIRECTING THE CITY OF QUINCY TO APPROPRIATE AND PAY CERTAIN EMPLOYEES OF THE QUINCY CITY HOSPITAL A RETROACTIVE PAY RAISE.

Be it enacted, etc., as follows:

The city of Quincy is hereby authorized to appropriate money for the payment of, and after such appropriation to pay to the telephone operators at the Quincy city hospital a retroactive pay

raise for the period from January first, nineteen hundred and seventy-four, to June thirtieth, nineteen hundred and seventy-four, said pay raise being the result of a collective bargaining agreement. *Approved December 1, 1975.*

Chap. 712. AN ACT AUTHORIZING TOWN CLERKS TO RECEIVE ADOPTION DECREES OF CHILDREN ADOPTED OUT OF STATE.

Be it enacted, etc., as follows:

Chapter 46 of the General Laws is hereby amended by striking out section 1B, as amended by section 1 of chapter 12 of the acts of 1965, and inserting in place thereof the following section: —

Section 1B. Any resident of the commonwealth who is the parent of a child born outside the commonwealth may personally present to the town clerk of the town where such parent was domiciled at the time of such birth, or in the case of an adopted child, at the time of such adoption, an original certificate or other written evidence of the birth, and a certified copy of the adoption decree if adopted, or a duly authenticated photostatic copy thereof. The town clerk may file such documents as evidence establishing such birth or adoption, or may make a copy thereof, which he shall attest as a true copy, and which he may then file as such evidence.

If such evidence is not, in the opinion of the town clerk, sufficient to establish such birth or adoption, and he refuses to file the same, a judge of probate in the county where such town lies may, on petition and after a hearing at which the clerk shall have an opportunity to be heard, order him to receive such certificate, written evidence or photostatic copy as sufficient evidence to establish such birth or adoption, whereupon such clerk shall file the same. *Approved December 1, 1975.*

Chap. 713. AN ACT REGULATING THE SERVICE OF SUMMONSES ON CERTAIN PERSONS LISTED AS QUALIFIED FOR JURY SERVICE.

Be it enacted, etc., as follows:

The fourth sentence of the first paragraph of section 4 of chapter 234 of the General Laws, inserted by chapter 283 of the acts of 1969, is hereby amended by striking out, in line 2, the words "thereof by certified mail".

Approved December 1, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 1, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 713 of the Acts of 1975, entitled, AN ACT REGULATING THE SERVICE OF SUMMONSES ON CERTAIN PERSONS LISTED AS QUALIFIED FOR JURY SERVICE., and the enactment of which received my approval on December 1, 1975, should take effect forthwith.

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

In order to immediately allow the use of regular mail to serve certain summonses.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 2, 1975.

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

PAUL F. PIMENTEL,
Deputy Secretary of the Commonwealth.

Chap. 714. AN ACT PROVIDING TENURE OF OFFICE TO JAMES KELLY INCUMBENT OF THE POSITION OF COORDINATING SAFETY OFFICER IN THE SCHOOL DEPARTMENT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The tenure of office of James Kelly, incumbent of the position of coordinating safety officer in the school department of the city of Boston, shall be unlimited during good behavior until he attains age seventy, unless incapacitated by physical or mental

disability from performing the duties thereof, but he may be removed for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

(The foregoing was laid before the Governor on the nineteenth day of November, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 715. AN ACT PROVIDING AN ADDITIONAL JUSTICE IN THE BRISTOL COUNTY JUVENILE COURT.

Be it enacted, etc., as follows:

The first paragraph of section 58 of chapter 218 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 16 of chapter 731 of the acts of 1972, and inserting in place thereof the following sentence: — The Boston juvenile court, the Worcester juvenile court and the Springfield juvenile court shall each consist of one justice, and the Bristol county juvenile court shall consist of two justices, all of whom shall be members of the bar and shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. *Approved December 2, 1975.*

Chap. 716. AN ACT AUTHORIZING THE CITY OF BOSTON TO APPROPRIATE FUNDS FOR THE PAYMENT OF AND TO PAY LEGAL COUNSEL TO THE BOSTON HOME AND SCHOOL ASSOCIATION.

Be it enacted, etc., as follows:

The city of Boston is hereby authorized to appropriate funds for the payment of and to pay legal counsel to the Boston Home and School Association, an agency within the school department of said city, in matters solely relative to the desegregation of the public schools in said city.

(The foregoing was laid before the Governor on the twenty-fourth day of November, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 717. AN ACT INCREASING THE AMOUNT OF REVENUE THAT MAY BE SET ASIDE BY THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY TO MAINTAIN ITS RESERVE FUND.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 9 of chapter 701 of the acts of 1960 is hereby amended by striking out clause Fourth and inserting in place thereof the following clause: —

Fourth: to the reserve fund, an amount sufficient to maintain said fund at the amount of six hundred thousand dollars; and.

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

Approved December 6, 1975.

Chap. 718. AN ACT DIRECTING THE COUNTY TREASURER OF THE COUNTY OF NORFOLK TO PAY A CERTAIN SUM OF MONEY TO WILLIAM D. NESTI, A FORMER TEMPORARY CORRECTION OFFICER IN SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of Norfolk county, with the approval of the county commissioners of said county, is hereby authorized and directed to pay from any available funds to William D. Nesti, a former temporary correction officer in said county, the sum of eleven hundred twenty-five dollars and seventy-eight cents as compensation for salary he lost when he was suspended from his position on a charge of which he was later cleared.

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

Approved December 6, 1975.

Chap. 719. AN ACT CLARIFYING PROCEDURES FOR APPLYING FOR ABSENT VOTING BALLOTS BY DISABLED VOTERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to clarify procedures for applying for absent voting ballots by disabled voters, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter 54 of the General Laws is hereby amended by striking out section 86, as most recently amended by section 1 of chapter 260 of the acts of 1975, and inserting in place thereof the following section: —

Section 86. Any voter who during the hours that polling places are open on the day of a special state election or the biennial state election or of any special or regular state primary or of a presidential primary is absent from the city or town where he is a voter by reason of his employment in another community or for any other reason or who will be unable by reason of

physical disability to cast his vote in person at the polling place, and whose application for an official absent voting ballot has been filed with the city or town clerk as provided in section eighty-nine, or with the state secretary, and certified under section ninety-one, may vote in accordance with sections eighty-seven to one hundred and three, inclusive; provided, that a voter who is in a penal institution under sentence shall not be entitled or permitted to avail himself of the provisions of this and the seventeen following sections; and provided further, that a voter who will be unable by reason of temporary physical disability to cast his vote in person at the polling place shall file with the city or town clerk an application attesting to that fact under the pains and penalties of perjury as provided in subsection (*b*) of section eighty-seven. A voter who will be unable by reason of permanent physical disability to cast his vote in person at the polling place may file once with the city or town clerk a certificate executed by a registered physician who is personally acquainted with the voter and aware of his permanent physical disability, stating that it is reasonably certain because of permanent physical disability that the voter will be unable to cast his vote in person at the polling place on the day of the election. The city or town clerk shall maintain a list of such permanently disabled voters and such voters shall not be required to file any such certification thereafter with his application for an absent voting ballot. Persons who are listed on the permanently disabled voters' list shall be sent an affidavit as provided in subsection (*c*) of section eighty-seven and shall not be required to have their absent voting ballots notarized. Registrars and assistant registrars of all colleges and universities shall be authorized to act in place of a notary public for purposes of absent voting ballots and the notarization thereof for students who are enrolled in the college or university with which they are affiliated. Said registrars and assistant registrars, when acting in place of a notary public, shall do so by personally signing their name and shall not use a facsimile or stamp or any other device.

Approved December 6, 1975.

Chap. 720. AN ACT MAKING CERTAIN CHANGES IN THE MEALS EXCISE LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to ensure the constitutionality of the meals excise law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 64B of the General Laws is hereby amended by striking out the definition of "Restau-

rant", inserted by section 57 of chapter 684 of the acts of 1975, and inserting in place thereof the following definition: — "Restaurant", any eating establishment where food, food products, or beverages are provided and for which a charge is made, including but not limited to, a cafe, lunch counter, private or social club, cocktail lounge, hotel dining room, catering business, tavern, diner, snack bar, dining room, vending machine, and any other place or establishment where food or beverages are provided, whether stationary or mobile, temporary or permanent; provided, however, that delicatessen, grocery, market or bakery stores shall not be considered eating establishments within the meaning of this chapter except for any part of such a store which engages, in the sale of dinners, luncheons, barbecued chicken, other than barbecued chicken sold whole and unsliced, sandwiches, snacks, pizzas, and other similar items which are commonly sold at snack bars, coffee shops or luncheon counters; provided, further, that such stores shall not be deemed to be restaurants under this chapter based solely on the preparation and sale of prepared meat, poultry and fish items if such sales constitute less than a major portion of the total sale of such stores; and provided, further, that a vending machine shall not be considered an eating establishment within the meaning of this chapter in the instance in which it sells candy only.

SECTION 2. Chapter 64B of the General Laws is hereby amended by inserting after section 2A the following section: —

Section 2B. The following food or beverages sold by a restaurant for consumption off the restaurant premises shall not be deemed to be a meal for the purposes of this chapter:— (*a*) Food sold by weight, liquid or dry measure, count, or in unopened original containers or packages, including, but not limited to, meat, bread, milk, specialty foods, cream and ice cream; provided, that such foods are commonly sold in such manner in a retail food store which is not a restaurant; (*b*) Beverages in unopened original containers or packages when sold as a unit having a capacity of at least twenty-six fluid ounces; and (*c*) Bakery products including but not limited to doughnuts, muffins, bagels, and similar items sold in units of six or more. Prepared meals, snacks, sandwiches, food platters, poultry, fish or meat items, or other food combinations, to the extent that such items are sold by a restaurant whose principal business is the preparation or sale of such items in such form as to be available for immediate consumption without further significant preparation, whether for on or off premise consumption, shall not be excluded under clause (*a*), (*b*), or (*c*).

SECTION 3. The provisions of this act shall take effect as of November nineteenth, nineteen hundred and seventy-five.

Approved December 6, 1975.

Chap. 721. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE TOWN OF WEST NEWBURY FOR HIGHWAY PURPOSES.

Be it enacted, etc., as follows:

Subject to the provisions of chapter six hundred and ninety-three of the acts of one thousand nine hundred and fifty-five, as amended, the department of public works, acting for and on behalf of the commonwealth, is hereby authorized to acquire by eminent domain under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, the public lands hereinafter described, or such portions thereof as said department may determine and to divert said lands from their present public uses to highway use, as hereinafter provided.

The lands to be so transferred and diverted as shown on a map entitled "Commonwealth of Massachusetts Department of Public Works — Rte. I-95 Environmental Statement Middleton-Newburyport," which is available for review through the administrative office of the department of public works.

Said lands are described as follows:

In the town of West Newbury approximately 0.43 acres of town owned land held by the West Newbury Conservation Commission to be used by the department for the reconstruction of a portion of Rte. I-95.

Said department, as compensation for the land so diverted, shall, at the request of the conservation commission of said town, convey to said commission lands of equal value for conservation purposes owned by the commonwealth in said town and under the control of said department.

Approved December 6, 1975.

Chap. 722. AN ACT INCREASING THE PENALTIES FOR DEFACING OR DESTROYING STATE, COUNTY OR MUNICIPAL PROPERTY.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out sections 95, 96 and 97, as appearing in the Tercentenary Edition, and inserting in place thereof the following three sections: —

Section 95. Whoever wilfully or maliciously removes, displaces, destroys, defaces, mars or injures any monument, tablet or other device erected to mark an historic place or to commemorate an historic event shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years. Any person convicted under the provisions of this section shall, in addition to any fine assessed, re-

imburse the commonwealth for the total amount of damage incurred.

Section 96. Whoever wilfully, intentionally and without right defaces, mars or injures the walls, wainscoting or any other part of any building belonging to the commonwealth, or the appurtenances thereof, by cutting, writing or otherwise, shall be punished by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than two years. Any person convicted under the provisions of this section shall, in addition to any fine assessed, reimburse the commonwealth for the total amount of damages incurred.

Section 97. Whoever wilfully mars or injures the walls, wainscoting or any other part of a court house, jail or house of correction, or of any other building or room used for county business, or the appurtenances thereof, by cutting, writing or otherwise, shall be punished by imprisonment for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars. Any person convicted under the provisions of this section shall, in addition to any fine assessed, reimburse the county for the total amount of damage incurred.

Approved December 6, 1975.

Chap. 723. AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE LAND IN THE TOWN OF MIDDLETON FOR A RADIO TOWER.

Be it enacted, etc., as follows:

The department of public works is hereby authorized to acquire by eminent domain a certain parcel of land containing approximately fifty-nine hundred square feet located at the Essex County Industrial Farm in the town of Middleton, together with an easement to use a right of way approximately 0.47 miles in length leading from said parcel of land to state highway route 62 for the operation and maintenance of a radio tower by said department. Said land and easement is shown on a plan entitled "Plan of Land in Middleton, Mass. owned by the County of Essex dated December 12, 1973, compiled from County Plan by R. R. Evans dated June 1938" and on file with the right of way bureau in the department of public works.

Approved December 6, 1975.

Chap. 724. AN ACT AUTHORIZING THE APPOINTMENT OF PAUL A. MORRISON AS A PERMANENT RESERVE PATROLMAN IN THE POLICE DEPARTMENT OF THE TOWN OF WESTON.

Be it enacted, etc., as follows:

Notwithstanding the provisions of the civil service law and

rules, the town of Weston is hereby authorized to appoint Paul A. Morrison of said town to the position of permanent reserve patrolman in the police department of said town, provided that prior to such appointment a physician designated by the appointing authority shall certify that the said Paul A. Morrison is in good health and physically qualified to perform the duties of said position. Upon notice in writing given by the appointing authority to the division of personnel administration that the said Paul A. Morrison has been appointed a permanent reserve patrolman under authorization provided herein, he shall be deemed to have been permanently appointed to said position without being required to serve any probationary period, and shall not be involuntarily separated from such position except subject to and in accordance with the provisions of sections forty-three and forty-five of chapter thirty-one of the General Laws to the same extent as if said position were classified under said chapter. *Approved December 6, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 6, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 724 of the Acts of 1975, entitled, AN ACT AUTHORIZING THE APPOINTMENT OF PAUL A. MORRISON AS A PERMANENT PATROLMAN IN THE POLICE DEPARTMENT OF THE TOWN OF WESTON, and the enactment of which received my approval on December 6, 1975, should take effect forthwith.

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

In order to allow for the immediate appointment of Paul A. Morrison to the position of patrolman.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 8, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at ten o'clock and fifteen minutes, A. M., on the above date,

and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and twenty-four of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 725. AN ACT RELATIVE TO THE DETERMINATION OF THE COST OF CERTAIN COMBINED WATER TREATMENT FACILITIES BY THE DIVISION OF WATER POLLUTION CONTROL.

Be it enacted, etc., as follows:

Section 14 of chapter 546 of the acts of 1973 is hereby amended by adding the following paragraph: —

In determining the costs of projects approved between October eighteenth, nineteen hundred and seventy-two and March first, nineteen hundred and seventy-three which will have a combined sludge-solid waste incineration system, said division shall include in the eligible costs of the project an amount equal to the estimated cost of a separate sludge incinerator. Said estimated cost shall be prepared and certified by a registered professional engineer, and approved by the director of said division. *Approved December 6, 1975.*

Chap. 726. AN ACT RELATIVE TO TRUSTEES OF THE BERKSHIRE ATHENAEUM.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 129 of the acts of 1871 is hereby amended by striking out the last sentence, added by section 1 of chapter 163 of the acts of 1897.

SECTION 2. Said chapter 129 is hereby further amended by striking out section 4, as amended by section 2 of said chapter 163, and inserting in place thereof the following section: —

Section 4. There shall be nine trustees, consisting of the mayor, the president of the city council, the member of the school committee selected to serve as chairman in the absence of the mayor, and the treasurer of the city of Pittsfield, and their successors, who shall be ex officiis trustees of the Berkshire Athenaeum during their terms of office, with the same power of voting and of participating in the management of said corporation as the other trustees, who shall be five persons to be appointed by the mayor of said city subject to confirmation by said city council, who shall be appointed for terms of one, two, three, four, and five years respectively and their successors for a term of five years.

SECTION 3. This act shall be submitted to the voters of the city of Pittsfield at the next regular municipal election in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: — "Shall an act passed by the General Court in the year nineteen hundred and seventy-five, entitled 'An Act relative to Trustees of the Berkshire Athenaeum', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take full effect, but not otherwise.

Approved December 6, 1975.

Chap. 727. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY TO THE CITY OF NEWTON AND CERTAIN OTHER PERSONS CERTAIN LAND AND RIGHTS AFFECTING SUCH LAND, IN SAID CITY.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to execute and deliver an instrument or instruments conveying to the city of Newton and to such owner or owners of land in that part of said city called Newton Lower Falls as it may determine upon, in furtherance of said city's redevelopment plans for said area, an easement or easements for passage, placing and maintaining fill, and installing and maintaining driveways, walkways, and footbridge structures affecting, and a portion or portions of the fee of, the land held by said commission for park and recreation purposes in said city more fully described as follows:

A certain parcel of land situated off Washington Street in Newton, Middlesex County, Massachusetts shown as land of the Metropolitan District Commission on a plan entitled "Plan of Land in Newton, Mass." dated October 21, 1974, revised to September 25, 1975, by Gale Engineering Company, Inc., to be recorded with Middlesex South District Registry of Deeds, bounded and described as follows:

NORTHWESTERLY by Washington Street, twelve and 31/100 (12.31) feet;

SOUTHWESTERLY by land of the City of Newton, as shown on said plan, seventy-four and 38/100 (74.38) feet;

NORTHWESTERLY by the same, ten and 35/100 (10.35) feet;

SOUTHWESTERLY by land of G. Arnold Haynes, as shown on said plan, ten and 98/100 (10.98) feet;

SOUTHEASTERLY by the same, eleven (11) feet;

SOUTHWESTERLY again by the same and by a line in the Charles River, as shown on said plan, seven (7) feet;

SOUTHEASTERLY by a line in the Charles River, as shown on said plan, twenty and 94/100 (20.94) feet;

SOUTHWESTERLY again by a line in the Charles River,

seventy-nine and 79/100 (79.79) feet, more or less;

SOUTHEASTERLY by the center line of the Charles River, as shown on said plan, one hundred thirty-eight and 70/100 (138.70) feet, more or less;

NORTHEASTERLY by other land of the Metropolitan District Commission, seventy (70) feet, more or less;

NORTHWESTERLY by land of the Newton Redevelopment Authority, as shown on said plan, twenty-eight and 60/100 (28.60) feet;

SOUTHWESTERLY by the same, six and 50/100 (6.50) feet;

NORTHWESTERLY again by the same, thirteen and 65/100 (13.65) feet;

WESTERLY by the same, twenty-seven and 70/100 (27.70) feet, more or less;

NORTHWESTERLY again by the same and by land of Arthur T. Gregorian, as shown on said plan, by two lines measuring, respectively, forty-seven (47) feet, more or less, and seventy-six (76) feet, more or less; and

NORTHEASTERLY by said Gregorian land, by two lines measuring, respectively, twenty-five (25) feet, more or less, and fifty (50) feet.

Each such instrument shall be in such form, to be given for a consideration to be determined by agreement between said commission and the grantee or grantees named therein and to contain such descriptions, terms, conditions and provisions as said commission shall deem necessary or advisable, as conclusively evidenced by its execution and delivery thereof.

Approved December 6, 1975.

Chap. 728. AN ACT CREATING A STATE RATING BUREAU TO ASSIST IN THE FIXING AND ESTABLISHING OF REASONABLE JUST AND NONDISCRIMINATORY PREMIUM CHARGES FOR ALL LINES OF MOTOR VEHICLE INSURANCE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 26 of the General Laws is hereby amended by inserting after section 8D, inserted by section 29 of chapter 684 of the acts of 1975, the following section: —

Section 8E. There shall be in the division of insurance a rating bureau which shall make an investigation and study of all insurance companies authorized to issue motor vehicle liability insurance as described by sections thirty-four A and thirty-four O of chapter ninety, or authorized to issue policies for the purposes as set forth in the first clause of section forty-seven of chapter one hundred and seventy-five as set forth in subdivisions (*d*), (*e*) and (*f*) of the second clause of said section forty-seven, as set forth in the third, fourth and fifth clauses of

said section forty-seven, as set forth in subdivision (*b*), (*c*) and (*e*) of the sixth clause of said section forty-seven or set forth in the seventh, eighth, ninth, tenth, eleventh, twelfth and seventeenth clauses of said section forty-seven pertaining to such data, statistics, schedules, or other information as it may deem necessary to assist in the determination of adequate, reasonable, just and nondiscriminatory premium charges for such policies, for the purpose of assisting the commissioner of insurance in the annual fixing and establishment or approving of fair and reasonable classifications of risks, and adequate, just and reasonable and nondiscriminatory premium charges for such insurance. Said rating bureau shall annually report the results of its investigation and study, and its recommendations to the commissioner of insurance who shall thereafter fix and establish said classifications and charges, as provided in section one hundred and thirteen B of chapter one hundred and seventy-five and approve or disapprove premium charges in accordance with chapter one hundred and seventy-five A.

The commissioner shall appoint all the employees of the bureau. The bureau may expend for expenses and for such legal, investigative, clerical and other assistance such sums as may be appropriated therefor; provided, however, that all costs of administration and operation of said board shall be borne by liability insurance companies doing business within the commonwealth. The commissioner shall apportion such costs among all such companies and shall assess them for the same on a fair and reasonable basis. Accountants, attorneys and actuary-statisticians employed by the board shall have access to all records kept by the registry of motor vehicles and to such records kept by insurance companies as may be pertinent to premium charges. The bureau shall consist of at least the following employees who shall devote their full time to the duties of their office and shall be exempt from the provisions of chapter thirty and chapter thirty-one and shall serve at the pleasure of the commissioner:— two certified public accountants, two attorneys and six actuary-statisticians. The actuary-statisticians shall be associates of the Casualty Actuarial Society or the Society of Actuaries or shall have attained a doctorial degree in a related discipline.

SECTION 2. The two certified public accountants employed under the provisions of section eight E of chapter twenty-six of the General Laws, inserted by section one of this act shall receive a salary of not less than twenty-five thousand dollars nor more than thirty thousand dollars, the two attorneys so employed under the provisions of this act shall receive a salary of not less than twenty-five thousand dollars nor more than thirty-five thousand dollars and the six actuary-statisticians so employed shall receive a salary as follows: two at thirty thousand

dollars, two at thirty-two thousand dollars and two at thirty-six thousand dollars.

SECTION 3. The provisions of section two of this act shall cease to be effective on December thirty-first, nineteen hundred and seventy-eight. *Approved December 6, 1975.*

Chap. 729. AN ACT FURTHER REGULATING THE ISSUANCE OF COMMERCIAL FISHERMAN PERMITS FOR THE TAKING OF LOBSTERS IN COASTAL WATERS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately safeguards for the preservation of an endangered food species, namely lobster, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 38B of chapter 130 of the General Laws, inserted by section 1 of chapter 484 of the acts of 1975, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Notwithstanding the provisions of section thirty-eight, the director shall not issue more than thirteen hundred commercial fisherman permits for the taking of lobsters in coastal waters annually. The director may give priority in the issuance of such permits for a new calendar year, consistent with the provisions of this section, to applicants who have held such a permit and fished for lobsters during the preceding year. Subject to the approval of the marine advisory commission, the director may issue up to one hundred and thirty additional permits if the applicant had been issued a commercial fisherman's permit for the taking of lobsters in coastal waters for any year since nineteen hundred and seventy or if he finds that the applicant would suffer a substantial hardship if the permit were not granted.

Approved December 8, 1975.

Chap. 730. AN ACT AUTHORIZING THE CITY OF MEDFORD TO USE CERTAIN PARK LAND FOR ANY MUNICIPAL PURPOSE.

Be it enacted, etc., as follows:

The city of Medford is hereby authorized to use for any municipal purpose a certain parcel of park land in said city bounded and described as follows:—

Beginning at a point near the intersection of Aquavia road and Elm street, said point being one hundred and twenty feet more or

less (120 ±) northeasterly of the easterly sideline of Aquavia road and forty feet more or less (40±) northerly of the northerly sideline of Elm street. Thence:

WESTERLY By land of the city of Medford a distance of three hundred and eighty feet more or less (380±). Thence:

SOUTHWESTERLY By land of the city of Medford a distance of four hundred and ten feet more or less (410±). Thence:

WESTERLY By land of the city of Medford a distance of one hundred and thirty feet more or less (130±). Thence:

NORTHWESTERLY By land of the city of Medford a distance of two hundred and five feet more or less (205±). Thence:

NORTHERLY By land of the city of Medford a distance of three hundred feet more or less (300±). Thence:

EASTERLY By land of the city of Medford and over Wright's Pond a distance of eight hundred and thirty feet more or less (830±). Thence:

EASTERLY By land of the city of Medford a distance of four hundred and forty feet more or less (440±) to a stone bound. Thence:

SOUTHWESTERLY By land of city of Medford along an arc a distance of five hundred and thirty and fifty seven one hundredths feet (530.57) to the point of beginning.

Above described area contains ten acres more or less.

All as more particularly shown of Plan #18209 entitled "Topographic Map Wright's Pond", Scale: one inch equals eighty feet, Date October 28, 1964, on file at the office of the city engineer of the city of Medford.

Approved December 8, 1975.

Chap. 731. AN ACT AUTHORIZING THE TOWN OF WILLIAMSBURG TO PAY CERTAIN MEMBERS OF THE HIGHWAY DEPARTMENT A CERTAIN SUM OF MONEY FOR OVERTIME WORK.

Be it enacted, etc., as follows:

SECTION 1. The town of Williamsburg is hereby authorized to pay, from any available funds, to certain members of the highway department of said town the sum of two thousand two hundred and thirteen dollars and eighty-eight cents for overtime work performed by them from May, nineteen hundred and seventy-four, through May, nineteen hundred and seventy-five as set forth on a list on file with the United States department of labor, employment standards administration, office of fair labor standards.

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

Approved December 9, 1975.

Chap. 732. AN ACT EXTENDING THE RENEWAL OF CERTAIN REAL ESTATE BROKER LICENSES FOR A PERIOD OF TWO YEARS.

Be it enacted, etc., as follows:

Section 87XX of chapter 112 of the General Laws is hereby amended by striking out, in line 17, as appearing in section 2 of chapter 726 of the acts of 1957, the word "annually" and inserting in place thereof the word: — biennially.

Approved December 9, 1975.

Chap. 733. AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX FOR THE MAINTENANCE OF BRISTOL COUNTY, ITS DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, FOR CERTAIN PERMANENT IMPROVEMENTS, FOR INTEREST AND DEBT REQUIREMENTS, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A COUNTY TAX FOR SAID COUNTY.

Be it enacted, etc., as follows:

SECTION 1. To provide for the maintenance of Bristol county, its departments, boards, commissions and institutions, of sundry other services, for certain permanent improvements, for interest and debt requirements, and to meet certain requirements of law, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year from July first, nineteen hundred and seventy-five, to June thirtieth, nineteen hundred and seventy-six.

BRISTOL COUNTY

Item	Subtotal	Total
1. For interest on county debt		$ 51,750 00
2. For reduction of county debt		335,000 00
3. For county commissioners, salaries and expenses		59,407 31
1. Personal services	$52,397 91	
2. Contractual services	3,000 00	
3. Supplies and materials	2,000 00	
4. Current charges and obligations	884 40	
5. Equipment	1,125 00	
4. For transportation and expenses of county and acting commissioners		3,750 00
5. For clerk of courts, salaries and expenses		310,153 70
1. Personal services	275,403 70	
2. Contractual services	22,000 00	
3. Supplies and materials	7,500 00	

Item	Subtotal	Total
4. Current charges and obligations	$1,200 00	
5. Equipment	4,050 00	
6. For county treasurer, salaries and expenses		$138,727 20
1. Personal services	116,905 60	
2. Contractual services	11,000 00	
3. Supplies and materials	5,000 00	
4. Current charges and obligations	1,121 60	
5. Equipment	4,700 00	
7. For sheriff, salary and expenses		30,923 20
1. Personal services	28,223 20	
2. Contractual services	1,900 00	
3. Supplies and materials	350 00	
4. Current charges and obligations	275 00	
5. Equipment	175 00	
8. For registry of deeds, salaries and expenses		
Northern District		193,684 82
1. Personal services	160,619 82	
2. Contractual services	24,000 00	
3. Supplies and materials	6,980 00	
4. Current charges and obligations	1,260 00	
5. Equipment	825 00	
Southern District		216,948 12
1. Personal services	166,560 77	
2. Contractual services	14,000 00	
3. Supplies and materials	28,000 00	
4. Current charges and obligations	555 00	
5. Equipment	7,832 35	
Fall River District		185,266 45
1. Personal services	158,991 45	
2. Contractual services	12,750 00	
3. Supplies and materials	4,750 00	
4. Current charges and obligations	960 00	
5. Equipment	7,815 00	
8a. For registry of probate, salaries and expenses		40,900 00
1. Personal services	5,000 00	
2. Contractual services	15,000 00	
3. Supplies and materials	10,000 00	
4. Current charges and obligations	6,000 00	
5. Equipment	4,900 00	
9. For law library, salaries and expenses		
Taunton		27,041 95
1. Personal services	11,185 35	
2. Contractual services	480 00	
3. Supplies and materials	150 00	
4. Current charges and obligations	14,351 60	
5. Equipment	875 00	
New Bedford		30,673 90
1. Personal services	11,188 90	
2. Contractual services	510 00	
3. Supplies and materials	775 00	
4. Current charges and obligations	18,200 00	
Fall River		26,617 90

Item		Subtotal	Total
	1. Personal services	$10,297 90	
	2. Contractual services	1,125 00	
	3. Supplies and materials	220 00	
	4. Current charges and obligations	14,975 00	
10.	For highways, including state highways, bridges and land damages		$142,207 88
	6. All other	92,207 88	
	7. 709 Information Center	50,000 00	
12.	For superior court costs		1,119,967 49
	1. Personal services	306,086 49	
	2. Contractual services	799,575 00	
	3. Supplies and materials	9,650 00	
	4. Current charges and obligations	2,356 00	
	5. Equipment	2,300 00	
13.	For civil expenses in probate court		47,964 40
	1. Personal services	25,769 40	
	2. Contractual services	17,700 00	
	3. Supplies and materials	1,125 00	
	4. Current charges and obligations	136 00	
	5. Equipment	3,234 00	
14.	For district courts, salaries and expenses		
	First District Court of Bristol		249,331 34
	1. Personal services	227,985 94	
	2. Contractual services	13,500 00	
	3. Supplies and materials	5,290 00	
	4. Current charges and obligations	1,735 40	
	5. Equipment	820 00	
	Second District Court of Bristol		505,290 25
	1. Personal services	407,365 85	
	2. Contractual services	31,518 40	
	3. Supplies and materials	12,695 00	
	4. Current charges and obligations	41,975 00	
	5. Equipment	11,736 00	
	Third District Court of Bristol		672,684 45
	1. Personal services	607,481 45	
	2. Contractual services	26,900 00	
	3. Supplies and materials	10,350 00	
	4. Current charges and obligations	12,498 00	
	5. Equipment	15,455 00	
	Fourth District Court of Bristol		271,861 10
	1. Personal services	234,259 85	
	2. Contractual services	18,602 00	
	3. Supplies and materials	5,865 00	
	4. Current charges and obligations	5,902 00	
	5. Equipment	7,232 25	
	Bristol County Juvenile Court		349,118 45
	1. Personal services	309,090 45	
	2. Contractual services	24,900 00	
	3. Supplies and materials	6,400 00	
	4. Current charges and obligations	7,168 00	
	5. Equipment	1,560 00	
15.	For medical examiners and commitments of insane		54,875 00
16.	For jail and house of correction, maintenance and operation		302,101 00

Item		Subtotal	Total
	1. Personal services	$15,000 00	
	2. Contractual services	65,000 00	
	3. Supplies and materials	213,400 00	
	4. Current charges and obligations	8,251 00	
	5. Equipment	450 00	
18.	For court houses and registry buildings, maintenance and operation		$478,451 00
	1. Personal services	336,136 00	
	2. Contractual services	83,875 00	
	3. Supplies and materials	55,100 00	
	4. Current charges and obligations	2,540 00	
	5. Equipment	800 00	
20.	For agricultural school or county cooperative extension service		1,030,367 17
	1. Personal services	742,794 17	
	2. Contractual services	106,700 00	
	3. Supplies and materials	140,100 00	
	4. Current charges and obligations	23,060 00	
	5. Equipment	5,713 00	
	6. All other	12,000 00	
24.	For noncontributory pensions		100,000 00
25.	For contributory retirement system and supervisory expenses		365,145 00
26.	For miscellaneous and contingent expenses		55,662 22
27.	For unpaid bills of previous years		45,000 00
28.	For reserve fund		100,000 00
28d.	For reserve for counsel for indigent defendants		200,000 00
29.	For advertising recreational, industrial and agricultural advantages of the county		150,000 00
34.	For soil conservation district		25,000 00
36.	For Dutch elm disease		20,000 00
39.	For group insurance		300,000 00
40.	For Bi-centennial promotion		25,000 00
	Total amount of appropriations		$8,260,871 30
	Less estimated amount available for reduction of county tax		1,835,287 25
	And the county commissioners of Bristol County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of		$6,425,584 05

The following sums are hereby appropriated for said fiscal year from federal revenue sharing funds subject to the provisions of law regulating the disbursement of county funds and the approval thereof.

Item		
16.	For jail and house of correction	
	1. Personal services	$646,697 51

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-five. *Approved December 9, 1975.*

Chap. 734. AN ACT PROVIDING FOR A REAL ESTATE TAX EXEMPTION FOR THE UTILIZATION OF SOLAR OR WIND POWERED SYSTEMS.

Be it enacted, etc., as follows:

SECTION 1. The introductory clause of section 5 of chapter 59 of the General Laws, as appearing in section 1 of chapter 831 of the acts of 1974, is hereby amended by inserting after the word "Eighteenth" the words: — or Forty-fifth.

SECTION 2. Said section 5 of said chapter 59 is hereby further amended by adding the following clause: —

Forty-fifth, Any solar or wind powered system or device which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying the energy needs of property taxable under this chapter; provided, however, that the exemption under this clause shall be allowed only for a period of ten years from the date of the installation of such system or device.

SECTION 3. The provisions of this act shall apply to taxes levied for the fiscal years commencing July first, nineteen hundred and seventy-six and thereafter.

Approved December 11, 1975.

Chap. 735. AN ACT INCREASING THE AMOUNT OF MONEY THE CITIES OF SALEM AND BEVERLY MAY BORROW FOR THE CONTINUED OPERATION OF THE SALEM AND BEVERLY WATER SUPPLY BOARD.

Be it enacted, etc., as follows:

SECTION 1. Section 15A of chapter 700 of the acts of 1913, as most recently amended by section 3 of chapter 67 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — In addition to the authority conferred by sections twelve to fifteen, inclusive, the cities of Salem and Beverly may, from time to time, at the request of the board, issue bonds or notes for the purposes of and in amounts sufficient for paying their respective shares of the costs of construction and other works and facilities, of damages and of costs of engineering, legal, appraisal and other professional services in connection with the same, all of which shall not exceed the sum of fifteen million dollars, exclusive of interest on bonds and notes issued hereunder.

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

Approved December 12, 1975.

Chap. 736. AN ACT FURTHER REGULATING THE CERTIFICATION OF OPERATORS OF WASTE WATER TREATMENT FACILITIES.

Be it enacted, etc., as follows:

Chapter 112 of the General Laws is hereby amended by striking out section 87AAAA and inserting in place thereof the following section: —

Section 87AAAA. A person who desires to be certified as an operator of a waste water treatment facility shall file with the board of certification of operators of waste water treatment facilities established by section sixty-six A of chapter thirteen, an application upon a form to be furnished by said board. He shall include in such application under oath his qualifications. If the qualifications of the applicant meet or exceed the minimum qualifications established by said board and if he passes an examination satisfactory to the board, the board shall issue him either a certificate as an operator or a certificate as an operator in training which shall expire at the end of the calendar year and may be renewed from year to year thereafter. The fee for the original certificate shall be ten dollars and for any renewal thereof five dollars. Said board may provide for the issuance for good cause shown of temporary emergency certification to be effective for a period of no longer than six months. The fee for said temporary emergency certification shall be ten dollars.

Approved December 12, 1975.

Chap. 737. AN ACT IMPOSING AN ADDITIONAL SURTAX ON DOMESTIC LIFE INSURANCE COMPANIES AND EXEMPTING FOREIGN LIFE INSURANCE COMPANIES FROM PAYMENT OF ANY SURTAX.

Be it enacted, etc., as follows:

SECTION 1. In addition to the taxes levied under the provisions of sections twenty and twenty-two of chapter sixty-three of the General Laws, taxes levied under the provisions of chapter five hundred and thirty-one of the acts of nineteen hundred and forty-three and the surtax levied under the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, every domestic life insurance company, as defined by section one hundred and eighteen of chapter one hundred and seventy-five of the General Laws, authorized to transact business in the commonwealth, shall pay annually an additional tax equal to forty-six per cent of the taxes levied under the provisions of said sections twenty and twenty-two of said chapter sixty-three upon premiums, other than considerations for annuity contracts, and the taxes levied under

the provisions of said chapter five hundred and thirty-one. All provisions of said chapters, acts and sections relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, shall, so far as pertinent, be applicable to the taxes imposed by this section.

The additional taxes imposed by this section shall not apply in the case of any domestic life insurance company if forty per cent or more of its premiums, other than annuity considerations, are allocable to the commonwealth, as shown on Schedule T of the National Association of Insurance Commissioners' Annual Statement for such company for the applicable calendar year.

SECTION 2. Notwithstanding the provisions of section eighteen of chapter five hundred and forty-six of the acts of nineteen hundred and sixty-nine, the surtax imposed by said section shall not apply to taxes imposed upon foreign life insurance companies by sections twenty and twenty-three of chapter sixty-three of the General Laws so long as section one of this act is in effect.

SECTION 3. This act shall apply with respect to taxable years commencing after December thirty-first, nineteen hundred and seventy-four and before January first, nineteen hundred and seventy-seven.

Approved December 12, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 11, 1975.

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 737 of the Acts of 1975, entitled, AN ACT IMPOSING AN ADDITIONAL SURTAX ON DOMESTIC LIFE INSURANCE COMPANIES AND EXEMPTING FOREIGN LIFE INSURANCE COMPANIES FROM PAYMENT OF ANY SURTAX., and the enactment of which received my approval on December 12, 1975, should take effect forthwith.

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

In order to permit the immediate determination of certain tax payments for the current year.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 12, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 738. AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY A CERTAIN PARCEL OF LAND TO THE CITY OF NORTH ADAMS FOR CEMETERY PURPOSES.

Be it enacted, etc., as follows:

The department of environmental management is hereby authorized and directed to convey to the city of North Adams, a certain parcel of land being shown as lot B on a map entitled "City of North Adams, Church Street; Plan of State Owned Land, November 1972, Genesio A. Breda, City Engineer", a copy of which is on file in the office of the city engineer in said city. Said land is to be used by said city for enlarging the Southview cemetery in said city. *Approved December 12, 1975.*

Chap. 739. AN ACT AUTHORIZING THE TOWN OF LEXINGTON TO RESCIND ITS ACCEPTANCE OF THE LAW RELATIVE TO THE PAYMENT OF CERTAIN COSTS FOR GROUP LIFE AND HEALTH INSURANCE COVERAGE FOR RETIRED TEACHERS.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the town of Lexington is hereby authorized to rescind its acceptance of section eleven E of chapter thirty-two B of the General Laws by vote of its board of selectmen.

Approved December 12, 1975.

Chap. 740. AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC UTILITIES MAY ACT AS A LICENSING AUTHORITY OF COMMON CARRIERS OF PASSENGERS IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section 1 of chapter 159A of the General Laws is hereby amended by adding the following paragraph:—

If any application for a license under this section is not favorably acted upon within a period of sixty days after the filing thereof, the applicant may appeal to the department of public utilities within five days following the expiration of said period or, if notice of unfavorable action is sooner given, within five days of said notice, upon a petition in writing setting forth all the material facts in the case. The commission shall hold a hearing on each such appeal, requiring due notice to be given to all interested parties. If the commission approves the action of the licensing authority, it shall issue notice to that effect, but if the commission disapproves of said action, it shall act as a licensing authority and may issue a license which shall specify the route or routes on which a motor vehicle subject to this section may be operated and the number of vehicles which may be operated under such license.

Approved December 12, 1975.

Chap. 741. AN ACT EXTENDING THE HISTORIC BEACON HILL DISTRICT.

Be it enacted, etc., as follows:

Chapter 616 of the acts of 1955, as amended by chapter 622 of the acts of 1963, is hereby further amended by inserting after section 1C the following three sections: —

Section 1D. The Historic Beacon Hill District, created by section one and enlarged and extended by sections one A, one B and one C, is hereby further enlarged and extended to include an area contiguous thereto bounded by a line described as follows: — starting from the intersection of the westerly side line of Bowdoin street and the northerly side line of Derne street; thence running westerly along the northerly side line of Derne street to the intersection of the westerly side line of Hancock street; thence running southerly along the westerly side line of Hancock street to the intersection of the northerly side line of Mount Vernon street; thence running westerly along the northerly side line of Mount Vernon street to the intersection of the westerly side line of Joy street; thence running southerly along the westerly side line of Joy street to the intersection of the northerly side line of Beacon street; thence running north-

easterly along the northerly side line of Beacon street to the intersection of the projection of the westerly side line of Park street; thence running southeasterly along the westerly side line of Park street to the intersection of the northerly side line of Tremont street; thence running northeasterly along the northerly side line of Tremont street to the furthermost point of the Granary Burial Ground on the Tremont street side of the Granary Burail Ground; thence running along the several courses of the northeasterly boundary of the Granary Burial Ground to the intersection of the southerly boundary line of the Boston Athenaeum Library; thence running northeasterly along the southerly boundary line of the Boston Athenaeum Library and its curve to the north; thence running northerly along the easterly boundary line of the Boston Athenaeum Library to the intersection of the southerly side line of Beacon street; thence running southwesterly along the southerly side line of Beacon street to the intersection of the projection of the westerly side line of Bowdoin street, thence running northerly to the point of origin.

Section 1E. The Historic Beacon Hill District created by section one and enlarged and extended by sections one A, one B, one C and one D is hereby further enlarged and extended to include an area contiguous thereto bounded as follows: — westerly by Embankment road; northerly by Revere street; southerly by Pinckney street and easterly by a line parallel with and eighty feet distant westerly from the westerly line of Charles street.

Section 1F. Lands of the commonwealth within the Historic Beacon Hill District as created by section one and enlarged and extended by sections one A, one B, one C, one D and one E shall be exempt from the provisions of this act.

Approved December 12, 1975.

Chap. 742. AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY CERTAIN PARCELS OF LAND TO THE COUNTY OF WORCESTER.

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized to convey to the county of Worcester for highway purposes certain easements located on Manning street in the town of Holden as shown on a plan of land entitled "Plan of Manning Street in the town of Holden proposed highway easements from Commonwealth of Massachusetts, Metropolitan District Commission", dated June 24, 1975 and recorded in the Worcester District Registry of Deeds in plan Book 413, Plan 45, bounded and described as follows:

PARCEL No. 1. Beginning at a point in the southeasterly location line of the proposed 1975 County layout at land of Commonwealth of Massachusetts Metropolitan District Commission,

THENCE south 64°27'00" west, 26.82 feet,

THENCE by a curve to the right of 3030.00 feet radius 333.55 feet,

THENCE south 70°43'10" west, 347.34 feet,

THENCE by a curve to the left of 770.00 feet radius 213.20 feet,

THENCE south 54°51'20" west, 140.55 feet,

THENCE by a curve to the right of 830.00 feet radius 80.56 feet to land now or formerly of Fred W. Holt, Sally Holt Tamblyn and Franklin W. Holt,

THENCE north 31°15'00" west, 3 feet, by said Holt land to the southerly location line of Manning Street,

THENCE northeasterly 108 feet, by said Street,

THENCE northeasterly 190 feet, by said Street,

THENCE easterly 661 feet, by said Street,

THENCE northeasterly 183 feet, by said Street,

THENCE south 25°33'00" east, 10 feet to the point of beginning.

Said parcel No. 1 containing approximately 9,700 sq. ft.

PARCEL No. 2. Beginning at a point in the northerly location line of Manning Street.

THENCE southwesterly 165 feet, by said Street,

THENCE westerly 684 feet, by said Street,

THENCE southwesterly 200 feet, by said Street,

THENCE southwesterly 98 feet, by said Street, to land now or formerly of Sigmund A. and John H. Matis,

THENCE north 31°15'00" west, 16 feet, by land of said Matis,

THENCE in a general northeasterly direction by a curve to the left of 770.00 feet radius 76.48 feet to a point in the northwesterly location line of the proposed 1975 County layout,

THENCE north 54°51'20" east, 140.55 feet,

THENCE by a curve to the right of 830.00 feet radius 229.81 feet,

THENCE north 70°43'10" east, 347.34 feet,

THENCE by a curve to the left of 2970.00 feet radius 324.98 feet,

THENCE north 64°27'00" east, 26.82 feet,

THENCE north 25°33'00" west, 9 feet to the point of beginning.

Said parcel No. 2 containing approximately 12,000 sq. ft.

Said commission is also authorized to convey to said county of Worcester easements referred to as TS—1 through TS—7, inclusive, as shown on said plan of Manning street, bounded and described as follows:

TS—1 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the northwesterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 65+65 and about 270 feet distant therefrom, and a point thereon about opposite Station 68+40.

TS—2 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the southeasterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 67+17 and about 127 feet distant therefrom, and a point thereon about opposite Station 68+43.

TS—3 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the northwesterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 68+55 and about 155 feet distant therefrom, and a point thereon about opposite Station 70+10.

TS—4 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the southeasterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 71+72 and about 325 feet distant therefrom, and a point thereon about opposite Station 74+94.

TS—5 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the northwesterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 72+02 and about 235 feet distant therefrom, and a point thereon about opposite Station 74+30.

TS—6 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the southeasterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 75+10 and about 135 feet distant therefrom, and a point thereon about opposite Station 76+43.

TS—7 A parcel of land supposed to be owned by the Metropolitan District Commission, adjoining the northwesterly location line of the proposed 1975 County layout, between a point thereon about opposite Station 74+48 and about 102 feet distant therefrom, and a point thereon about opposite Station 76+43.

Said easements are conveyed for the purpose of constructing slopes of excavating or embankment and consist of the right to enter upon said land at any time to construct thereon and maintain slopes of excavation or embankment. These easements shall expire two years after completion of such work.

Said commission is also authorized to convey to said county easements D—1 and D—2 as shown on said plan and described as follows:

D—1 The right to install and maintain a 12 inch pipe with headwall and discharge the flow thereof on land of Commonwealth of Massachusetts about opposite station 66—00.

D—2 The right to install and maintain a 12 inch pipe with headwall and discharge the flow thereof on land of Commonwealth of Massachusetts about opposite station 68—40.

Said easements are conveyed for the purpose of constructing and maintaining drainage structures and discharging the flow on land of the commonwealth and consist of the right to enter upon said land any time to construct thereon and maintain the drainage structures. These easements are permanent.

Approved December 12, 1975.

Chap. 743. AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO THE ESTABLISHMENT OF BRANCH OFFICES OR DEPOTS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Section 5 of chapter 168 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by sections 7 and 8 of chapter 1149 of the acts of 1973, and inserting in place thereof the following paragraph: —

After such notice and hearing as the commissioner may require and with his written permission and under such conditions as he may approve, such corporation may establish and maintain one or more branch offices or depots (*a*) in the city or town wherein its main office is located, or (*b*) in other cities or towns within the same county, or within fifteen miles from the premises of the main office, having no main office or branch office of a savings bank or which, in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional savings bank facilities. Every application to establish and maintain one or more such branch offices or depots shall be accompanied by payment of an investigation fee of five hundred dollars for each branch office or depot applied for. Not more than one application by a savings bank to establish a branch office or depot under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year.

Approved December 12, 1975.

Chap. 744. AN ACT AUTHORIZING THE TRUSTEES OF THE TEWKSBURY HOSPITAL TO LEASE CERTAIN WATER RIGHTS TO THE TOWN OF TEWKSBURY.

Be it enacted, etc., as follows:

For the purpose of developing the water supply of the town of Tewksbury, the trustees of Tewksbury hospital, on behalf of the commonwealth, are hereby authorized to lease to said town, on such terms as said trustees and said town may agree upon, water rights of the number two well field located on the easterly side of Pond street in said town.

Approved December 12, 1975.

Chap. 745. AN ACT PROVIDING TENURE OF OFFICE UNTIL AGE SEVENTY FOR DAWN FOURNIER, INCUMBENT OF THE OFFICE OF LABORATORY TECHNICIAN IN THE DEPARTMENT OF PUBLIC WORKS IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the tenure of office of Dawn Fournier, incumbent of the office of laboratory technician in the department of public works in the city of New Bedford shall be unlimited until she reaches age seventy; provided, that she passes a qualifying examination for said position; and provided, further, that she may be removed for cause after hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

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

(The foregoing was laid before the Governor on the first day of December, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 746. AN ACT PROVIDING FOR THE REIMBURSEMENT OF CERTAIN CITIES AND TOWNS FOR PART OF THE COST OF A CONTRACT ENTERED INTO FOR THE PURPOSE OF PROVIDING MASS TRANSPORTATION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the reimbursement of certain cities and towns for part of the cost of a contract entered into by such cities and towns for the purpose of maintaining local transportation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 1017 of the acts of 1973 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. Upon the certification of the department of public utilities as provided in section one, the secretary of administration and finance shall determine the amount payable under this act to certain cities and towns in the commonwealth and shall certify the same to the state tax commission and the state treasurer; provided, however, that notwithstanding the provisions of section one of this act, cities and towns outside the areas of the Massachusetts Bay Transportation Authority shall be eligible for assistance under this act only with respect to contracts for services between such cities and towns and private carriers which are applicable for all or a part of the period from November eighth, nineteen hundred and seventy-three to November eighth, nineteen hundred and seventy-four. The state treasurer shall pay such amount from that portion of the excise on cigarettes authorized by paragraph (b) of section twenty-eight of chapter sixty-four C of the General Laws.

SECTION 2. Said chapter 1017 is hereby further amended by striking out section 3 and inserting in place thereof the following section: —

Section 3. This act shall become inoperative on December thirty-first, nineteen hundred and seventy-five.

SECTION 3. The first paragraph of section 16 of chapter 1140 of the acts of 1973 is hereby amended by striking out, in lines 6 and 7, the words "December fifteen, nineteen hundred and seventy-three" and inserting in place thereof the words:— December thirty-first, nineteen hundred and seventy-five.

SECTION 4. Sections one and two of this act shall take effect as of November seventh, nineteen hundred and seventy-four. Section three of this act shall take effect as of December fourteenth, nineteen hundred and seventy-three.

Approved December 13, 1975.

Chap. 747. AN ACT AUTHORIZING THE TOWN OF SOUTHBRIDGE TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM TAG ASSOCIATES.

Be it enacted, etc., as follows:

SECTION 1. The town of Southbridge is hereby authorized to refund to Tag Associates, a Massachusetts limited partnership, the general partner of which is Albert Bishop, the sum of five thousand seven hundred and ninety-two dollars, the same being an amount collected by said town from said Tag Associates in the years nineteen hundred and seventy-four and nineteen

hundred and seventy-five upon certain real property in said town, which amount was erroneously assumed by the assessors of said town to have been due from said Tag Associates.

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

Approved December 15, 1975.

Chap. 748. AN ACT RELATIVE TO AMUSEMENT DEVICES.

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

Be it enacted, etc., as follows:

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 205A, inserted by chapter 807 of the acts of 1974, and inserting in place thereof the following section: —

Section 205A. No person shall, by himself or through an agent, operate or cause to be operated a ferris wheel, carousel, inclined railway or similar amusement device, except in an amusement park of a permanent nature, unless such person has obtained a license from the commissioner of public safety, hereinafter called the commissioner. The commissioner, upon the receipt of proof that a person has obtained liability insurance as required by this section and upon certification by the liability insurance carrier that an amusement device hereinbefore described has met the safety standards of mechanical strength, rigidity and control established by the commissioner, shall issue a license for the operation of said device. A certificate of examination by a person who possesses a certificate of competency to examine amusement devices, issued under section sixty-two of chapter one hundred and forty-six, and a certificate of liability insurance shall be furnished to the commissioner ten days prior to the opening of any such device. The fee for a license under this section shall be twenty-five dollars. Such license shall expire one year from the date of issue thereof, unless revoked for cause, and shall be valid throughout the commonwealth. A travelling carnival shall notify the commissioner at least one month in advance as to the location and dates such carnival will be in the commonwealth.

If an injury requiring hospitalization has occurred on such an amusement device due to a defect or malfunction in such device, or if such device constitutes a hazard to life, limb, or property, as determined by the commissioner or his designee or by an agent of the insurance carrier, such amusement device shall be closed immediately; and within forty-eight hours, the

owner or operator shall notify the commissioner or his designee and the insurance carrier. Such amusement device shall remain closed until all necessary repairs have been completed to the satisfaction of the commissioner or his designee and the insurance carrier. All such injuries shall be investigated by inspectors in the division of inspection in the department of public safety. The licensee shall pay to the commissioner a fee of fifteen dollars for each hour or fraction thereof spent by each inspector while engaged in such investigation.

If the insurance contract expires or is cancelled, notice shall be furnished by the insurance carrier to the commissioner at least ten days prior to termination and such amusement device shall be closed no later than said date of termination and remain closed until insurance is obtained.

Every ferris wheel, carousel, inclined railway, or similar amusement device shall have embossed on the control unit and prominently displayed on at least three areas of the amusement device procedures for braking and allowing the amusement device to come to a safe stop.

No minor shall operate any such amusement device.

Subject to the provisions of chapter thirty A, the commissioner or his designee shall adopt and may, from time to time, amend rules and regulations relating to the safety and construction of such amusement device, and the amount and type of liability insurance to be carried before such a device may be operated within the commonwealth. The commissioner shall regulate the fee which may be charged for a safety certification by an insurance carrier.

All insurance examiners authorized by this section to conduct said examinations shall be certified by the department of public safety.

The provisions of this section shall not apply to amusement parks of a permanent nature, recreational tramways, as defined in section seventy-one I of chapter one hundred and forty-three, or manually operated amusement rides with coin devices; provided, however, that the operator of any such park or ride shall furnish to the commissioner a certificate by a liability insurer carrier that all amusement devices in such park meet the rules and regulations established by the commissioner under this section.

Whoever violates any provision of this section shall for each such violation be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SECTION 2. Chapter 146 of the General Laws is hereby amended by striking out section 60, as most recently amended by section 66 of chapter 684 of the acts of 1972, and inserting in place thereof the following section: —

Section 60. The application of a person desiring to act as inspector of boilers or an inspector of amusement devices for an insurance company shall be accompanied by a written request of said company for an examination of such person, together with a fee of twenty-five dollars.

SECTION 3. Said chapter 146 is hereby further amended by striking out section 61, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 61. Three inspectors of the division shall act as a board of examiners. The applicant shall be examined as to the construction, installation, maintenance and repair of steam boilers and their appurtenances in the case of an applicant for a certificate of competency to inspect steam boilers, and, in the case of an applicant for a certificate of competency to inspect amusement devices, shall be examined in such matters as the inspectors shall deem relevant.

SECTION 4. Said chapter 146 is hereby further amended by striking out section 62, as most recently amended by chapter 523 of the acts of 1975, and inserting in place thereof the following section: —

Section 62. If the applicant is found competent he shall receive a certificate of competency to inspect steam boilers or to inspect amusement devices, as the case may be; provided, however, that if the holder of a certificate ceases to be employed as an inspector for a period of one year or more his certificate shall lapse and he shall be required to submit to reexamination for a new certificate. The fee for such reexamination shall be twenty dollars. Said certificate shall continue in force until the date of birth of the holder of the certificate occurring more than twelve months but not more than twenty-four months after the effective date of such certificate unless sooner revoked.

If any such certificate of competency to inspect steam boilers or amusement devices or the renewal thereof expires in any even year, any subsequent renewal shall expire on the next anniversary of the holder's date of birth occurring in an even year.

If any such certificate of competency to inspect steam boilers or to inspect amusement devices or renewal thereof expires in an odd year, any subsequent renewal shall expire on the next anniversary of the holder's date of birth occurring in an odd year. A certificate of competency to inspect steam boilers or to inspect amusement devices issued to a person born on February twenty-ninth shall, for the purposes of this section, expire on March first. The fee for the renewal of the certificate of competency shall be ten dollars. Certificates not renewed at expiration date shall become void, and shall after one year be reinstated only by reexamination of the former holder of the certificate. A notice of the date of expiration of a certificate of competency to inspect steam boilers

or to inspect amusement devices shall, at least thirty days prior to such date, be sent to the holder of the certificate. The inspector of the division for the town where a holder of the certificate resides may issue a renewal certificate. A person whose certificate of competency is suspended or revoked shall surrender his certificate to the chief or an inspector of the division.

Approved December 15, 1975.

Chap. 749. AN ACT RELATIVE TO THE QUALIFICATIONS FOR SUPERINTENDENTS OF RESIDENTIAL FACILITIES OF THE DEPARTMENT OF MENTAL HEALTH.

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

Be it enacted, etc., as follows:

Section 14C of chapter 19 of the General Laws, as appearing in section 2 of chapter 888 of the acts of 1970, is hereby amended by striking out the first two sentences and inserting in place thereof the following two sentences: — When a vacancy occurs in the position of superintendent of a state hospital or state school or director or other head of any residential mental health or mental retardation facility of the department, the commissioner shall appoint to such a vacancy a person who holds an earned doctoral degree or master's degree from an accredited college or university in a discipline appropriate to the care, treatment or education of the mentally ill or mentally retarded. Any person receiving such appointment shall have had at least four years of administrative or clinical experience in the field of mental illness or mental retardation or equivalent experience as determined by the commissioner.

Approved December 15, 1975.

Chap. 750. AN ACT AMENDING CERTAIN MOTOR VEHICLE INSURANCE LAWS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is to provide immediate relief to owners of motor vehicles therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 22H of chapter 175 of the General Laws is hereby amended by striking out the first paragraph, as amended by section 8 of chapter 707 of the acts of 1975, and inserting in place thereof the following paragraph: —

If any company refuses to issue motor vehicle liability policies or bonds as set forth in sections thirty-four A and thirty-four O of chapter ninety without a written determination by the commissioner that such refusal, which may be a refusal in whole or in part, is justifiably required to protect the solvency of the refusing company, the commissioner shall hold a public hearing at which the company may appeal the commissioner's initial determination concerning solvency and at which shall be considered whether the company's refusal to write motor vehicle liability policies or bonds is contrary to the public interest by disrupting the market for said insurance in the commonwealth. If the commissioner finds, on the basis of said public hearing, that the company's refusal is not justified by the protection of solvency and is contrary to the public interest, he shall suspend such company's licenses to issue or sell any other form of insurance within the commonwealth until such company resumes the issuance or renewal of motor vehicle liability policies or bonds in compliance with the laws and rules and regulations prescribed by the commissioner. For purposes of this section, a refusal to issue motor vehicle liability policies or bonds shall be sufficiently evidenced by a single notice of cancellation or non-renewal for grounds other than those specifically permitted in the general laws. For purposes of this section, the commissioner may at his discretion treat all insurers who by virtue of their business associations or common ownerships represent themselves to be or are customarily known as an "insurance company group", or similar insurance trade designation, as a single insurer.

SECTION 2. Section 9 of chapter 707 of the acts of 1975 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — Section six A shall take effect on September 1, 1976 and shall be applicable for all policies issued on or after January 1, 1977.

Approved December 15, 1975.

Chap. 751. AN ACT FURTHER CLARIFYING THE REDUCTION OF OPTIONAL MEDICAID SERVICES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to promptly clarify the obligation of the department of public welfare with respect to optional Medicaid services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 6 of chapter 118E of the General Laws is hereby amended by striking out the first paragraph, as amended by section 25F of chapter 684 of the acts of 1975, and inserting in place thereof the following paragraph: —

The department shall provide financial assistance for such medical care or services as said Title XIX and regulations adopted thereunder by the secretary of health, education and welfare require; provided, that required hospital out-patient services may be performed in a clinic. The department may provide financial assistance for such additional medical care or services as said Title XIX and said regulations permit; provided, that the department shall provide financial assistance for at least intermediate care facility services, podiatrists' services, eye glasses for persons sixty-five years of age or older, and care for patients in mental or tuberculosis hospitals who are sixty-five years of age or older.

Approved December 15, 1975.

Chap. 752. AN ACT FURTHER REGULATING THE SERVICES PROVIDED BY CERTAIN PUBLIC HEALTH HOSPITALS.

Be it enacted, etc., as follows:

SECTION 1. Section 62J of chapter 111 of the General Laws, as most recently amended by chapter 619 of the acts of 1969, is hereby amended by adding the following paragraph: —

Subject to appropriation and subject to the provisions of sections twenty-five B to twenty-five G, inclusive, the department shall also be authorized to establish at the Massachusetts hospital school any inpatient or outpatient services, including but not limited to medical, surgical, restorative, rehabilitative or chronic services, mental health and mental retardation services, extended care services, dental services, rehabilitative therapy services, family planning services, services for treatment of alcoholism and drug addiction, skilled nursing care services, intermediate care facility services, and residency care services.

SECTION 2. Section 62Q of said chapter 111 is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 508 of the acts of 1954, and inserting in place thereof the following sentence: — No state ward shall be admitted to or received at the said hospital without the approval of the trustees and the written order of an authorized agent of the department, nor released from said hospital without notice to the said department.

SECTION 3. Said chapter 111 is hereby further amended by inserting after section 63 the following section:—

Section 63A. Subject to such rules and regulations as the department may provide, the superintendent of any hospital

administered by the department shall be authorized to admit to any such hospital any person, including any person who is mentally ill, mentally retarded or suffering from any other mental disability, providing the admitting hospital is suitable for the care and treatment of such person.

SECTION 4. Said chapter 111 is hereby further amended by striking out section 69E and inserting in place thereof the following section: —

Section 69E. The commissioner shall have general supervision and control of the Lemuel Shattuck hospital, the Rutland hospital, the Lakeville hospital, the Pondville hospital, and the Western Massachusetts hospital. Subject to appropriation and subject to the provisions of sections twenty-five B to twenty-five G, inclusive, the department shall be authorized to establish at these hospitals any inpatient or outpatient health services, including but not limited to medical, surgical, restorative, rehabilitative or chronic services, mental health and mental retardation services, extended care services, dental services, rehabilitative therapy services, family planning services, services for treatment of alcoholism and drug addiction, skilled nursing care services, intermediate care facility services, and residency care services. Subject to appropriation, the commissioner shall establish a diagnostic evaluation and treatment center for emphysema which is to include professional education and training at the Lemuel Shattuck hospital.

The department may admit patients to any of the services provided at the above hospitals subject to such rules and regulations as the department may prescribe; provided, however, that preference shall be given to residents of the commonwealth. Any such patient shall be discharged from said hospital either upon his own request or upon determination of the department but not otherwise.

SECTION 5. Section 1 of chapter 122 of the General Laws, as appearing in section 8 of chapter 613 of the acts of 1958, is hereby amended by adding the following paragraph:—

Subject to appropriation and subject to the provisions of sections twenty-five B to twenty-five G, inclusive, of chapter one hundred and eleven, the department shall be authorized to establish at the Tewksbury hospital, with the approval of the superintendent and the trustees, any inpatient or outpatient services, including but not limited to medical, surgical, restorative, rehabilitative or chronic services, mental health and mental retardation services, extended care services, dental services, rehabilitative therapy services, family planning services, services for treatment of alcoholism and drug addiction, skilled nursing care services, intermediate care facility services, and residency care services.

SECTION 6. The first paragraph of section 14 of said chapter 122 is hereby amended by striking out the first sentence, as most recently amended by section 22 of chapter 260 of the acts of

1974, and inserting in place thereof the following sentence:— Subject to such rules and regulations as the department may prescribe, any person who is a resident of the commonwealth and is affected with any disease, mental illness, mental retardation or suffers any other mental disability, or smallpox, or other diseases dangerous to the public health, or whose health would be injured or endangered by removal, may be admitted to the Tewksbury Hospital, with the approval of the superintendent and the trustees, providing the hospital is suitable for the care and treatment of such person.

Approved December 15, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 18, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Thomas P. O'Neill, III, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 752 of the Acts of 1975., entitled AN ACT FURTHER REGULATING THE SERVICES PROVIDED BY CERTAIN PUBLIC HEALTH HOSPITALS, and the enactment of which received the Governor's approval on December 12, 1975, should take effect forthwith.

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

In order to immediately permit the maximum utilization of certain public hospital.

Sincerely,
THOMAS P. O'NEILL, III,
Lieutenant Governor, Acting Governor.

OFFICE OF THE SECRETARY, BOSTON, December 18, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 753. AN ACT RELATIVE TO THE INDEMNIFICATION OF MUNICIPAL OFFICERS BY CITIES AND TOWNS FOR CERTAIN CLAIMS, DEMANDS, SUITS OR JUDGMENTS BROUGHT OR RENDERED AGAINST SUCH OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Section 100E of chapter 41 of the General Laws is hereby amended by striking out the first paragraph, as amended by chapter 217 of the acts of 1971, and inserting in place thereof the following paragraph: —

A city or town may, subject to appropriation, indemnify any municipal officer for expenses or damages incurred by him in the defense or settlement of a claim against him in an amount not to exceed one million dollars, which claim arose out of acts performed by such officer while acting within the scope of his official duties or employment; provided, that the defense or settlement of such claim shall have been made by the city solicitor or town counsel, or by an attorney legally employed for the purpose by a city or town, or by an attorney furnished by an insurer obligated under the terms of a policy of insurance to defend the city or town against such claim.

SECTION 2. Said section 100E of said chapter 41 is hereby further amended by adding the following paragraph:—

The provisions of this section shall not apply to any city or town which has accepted section one hundred I.

SECTION 3. Said chapter 41 is hereby further amended by inserting after section 100H the following two sections: —

Section 100I. Any city which accepts this section according to its charter or any town which accepts this section in the manner provided by section one hundred J shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judgment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment. No such municipal officer shall be indemnified under this section if he acted in a grossly negligent, wilful or malicious manner.

Section 100J. If the question of accepting section one hundred I is to be submitted to a town meeting it shall be placed upon the warrant for said meeting in the following form: — To see if the town will vote to accept section 100I of chapter 41 of the General Laws which provides that the town shall indemnify and save harmless municipal officers, elected or appointed, from personal financial loss and expense including reasonable legal fees and costs, if any, in an amount not to exceed one million dollars, arising out of any claim, demand, suit or judg-

ment by reason of any act or omission including a violation of the civil rights of any person under any federal law, if the official at the time of such act or omission was acting within the scope of his official duties or employment.

Approved December 15, 1975.

Chap. 754. AN ACT RELATIVE TO THE PROTECTION OF FIREFIGHTERS WHILE PERFORMING MUTUAL AID FUNCTIONS.

Be it enacted, etc., as follows:

Section 59A of chapter 48 of the General Laws, as most recently amended by chapter 14 of the acts of 1960, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

During the course of rendering such aid to another municipality, the municipality rendering aid shall be responsible for the operation of its equipment and for any damage thereto, and, subject to the limitations of municipal liability, for personal injury sustained or caused by a member of its fire department, and for any payments which it is required to make a member of said department or to his widow or other dependents on account of injuries or death, notwithstanding paragraph (*b*) of subdivision (4) of section seven of chapter thirty-two, unless such municipalities have a written agreement to the contrary.

Approved December 15, 1975.

Chap. 755. AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATIVE TO THE ESTABLISHMENT OF BRANCH OFFICES OR DEPOTS OF CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

Section 12 of chapter 170 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by chapter 11 of the acts of 1974, and inserting in place thereof the following paragraph:—

Such corporation shall carry on its principal business at its main banking office, which shall not be changed except with the approval of the commissioner. The corporation, after such notice and hearing as the commissioner may require and with his written permission and under such regulations as he may approve, may establish and maintain one or more depots where moneys due the bank may be collected by the treasurer or other persons duly empowered by the directors upon such days as may be designated by vote of the board of directors; or may establish and maintain one or more branch offices (*a*) in the town

wherein its main office is located, or (*b*) in other towns within the same county, or within fifteen miles from the premises of the main office, having no main office or branch office of a co-operative bank or in which in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional co-operative bank facilities. Every application to establish and maintain one or more depots or branch offices shall be accompanied by payment of an investigation fee of five hundred dollars for each depot or branch office applied for. Not more than one application by a co-operative bank to establish a branch office under this paragraph outside of the county wherein its principal office is located shall be approved in any calendar year. Such corporation, upon the vote of two-thirds of the members present at a meeting called for that purpose and with the approval of the board of bank incorporation, may change the location of its main office to another town within the commonwealth by appropriate amendment of its agreement of association, a copy of which shall be filed forthwith with the state secretary. With the written consent of the commissioner, a branch office or depot may be closed, or the location thereof may be changed subject to the requirements and restrictions contained in this paragraph for the establishment of such branch or depot.

Approved December 15, 1975.

Chap. 756. AN ACT RELATIVE TO CERTAIN APPOINTMENTS IN THE DEPARTMENT OF MENTAL HEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 19 of the General Laws is hereby amended by striking out section 4, as most recently amended by section 1 of chapter 798 of the acts of 1974, and inserting in place thereof the following section: —

Section 4. The commissioner shall appoint such assistant commissioners, not to exceed eight in number, as the commissioner may determine to be necessary or desirable to carry out the work of the department. Assistant commissioners shall be assigned areas of responsibility to be specified by the commissioner; provided, however, that at least one such assistant commissioner shall work exclusively in the area of mental retardation. At the time of appointment, they shall possess such qualifications as the commissioner shall determine. Persons appointed to the positions of assistant commissioner shall serve at the pleasure of the commissioner. Chapter thirty-one and section nine A of chapter thirty shall not apply to said positions.

SECTION 2. Sections five, six, six A, six B, eight and eight A of said chapter nineteen are hereby repealed.

Approved December 15, 1975.

Chap. 757. AN ACT RELATIVE TO THE TERMS OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH TO FINANCE CERTAIN PAYMENTS TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

Be it enacted, etc., as follows:

Notwithstanding any provision of law to the contrary, the notes which the state treasurer is authorized to issue under section twelve of chapter one hundred and sixty-one A of the General Laws, authorizing temporary borrowings by the commonwealth to finance certain payments required to be made to the Massachusetts Bay Transportation Authority, shall be issued for terms not exceeding two years in each of the calendar years nineteen hundred and seventy-six, nineteen hundred and seventy-seven, nineteen hundred and seventy-eight, nineteen hundred and seventy-nine and nineteen hundred and eighty, as recommended by the governor, in a message to the general court, dated December first, nineteen hundred and seventy-five, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth.

Approved December 15, 1975.

Chap. 758. AN ACT AUTHORIZING AND FURTHER REGULATING CERTAIN PAYMENTS BY THE COMMONWEALTH FOR CERTAIN SUPPORT AND ASSISTANCE.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 1 of chapter 117 of the General Laws, as most recently amended by section 25D of chapter 684 of the acts of 1975, is hereby further amended by adding the following sentence: — Such assistance shall include payment for such drugs and medication as are necessary to sustain life, in accordance with regulations adopted by the department, provided that the departments shall require the use of such generic drugs as are available and appropriate.

SECTION 2. Section 25G of chapter 684 of the acts of 1975 is hereby amended by striking out the second and third sentences.

SECTION 3. Section 20 of chapter 118E of the General Laws, as amended by section 2 of chapter 701 of the acts of 1970, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences: — Providers shall submit a bill for goods sold and services rendered to the department not later than ninety days after the goods are sold or the service is rendered. The department shall require that the provider maintain proof, subject to audit, of the actual deliverance of services and goods to recipients for which bills are submitted.

SECTION 4. Section 24D of chapter 90 of the General Laws, as amended by section 1 of chapter 505 of the acts of 1975, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph: —

A fee of two hundred dollars shall be paid to the chief probation officer of each court by each person placed in a program of driver alcohol education and, if deemed necessary by the court, a program of alcohol treatment, rehabilitation, or alcohol treatment and rehabilitation pursuant to this section, and beginning December first, nineteen hundred and seventy-five all such fees shall be deposited with the state treasurer to be kept in a separate fund in the treasury for expenditure by the division of alcoholism subject to appropriation for the support of said program, provided further that from the fees received an amount not in excess of three hundred thousand dollars may be expended in fiscal year nineteen hundred and seventy-six without further appropriation. Until such date, the program fees which are paid to the chief probation officer of each court under this section shall be used in the determination of a court under contract or agreement with a public or private agency or facility or person to purchase the services of such agency, facility, or person for a program of driver alcohol education and alcohol treatment, rehabilitation pursuant to this section. No person may be excluded from said program for inability to pay the stated fee, provided that such person files an affidavit of indigency or inability to pay with the court within ten days of the date of disposition, that investigation by the probation officer confirms such indigency or establishes that the payment of such fee would cause a grave and serious hardship to such individual or to the family of such individual, and that the court enters a written finding thereof. Any facility or organization with a treatment or rehabilitation program or a treatment and rehabilitation program used hereunder shall be subrogated to any public or private third-party payments which may be due for the cost of alcohol treatment, rehabilitation, or both. *Approved December 15, 1975.*

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 15, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 758 of the Acts of 1975, entitled AN ACT AUTHORIZING AND FURTHER REGULATING

CERTAIN PAYMENTS BY THE COMMONWEALTH FOR CERTAIN SUPPORT AND ASSISTANCE., and the enactment of which received my approval on December 15, 1975, should take effect forthwith.

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

In order to immediately permit the provision of vital medication to certain recipients of public assistance.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 16, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 759. AN ACT FURTHER REGULATING CERTAIN AGREEMENTS BETWEEN CERTAIN INSURERS AND THEIR AGENTS.

Be it enacted, etc., as follows:

Chapter 175 of the General Laws is hereby amended by inserting after section 162B the following section:—

Section 162C. No insurer issuing or delivering in the commonwealth either motor vehicle policies as defined in sections thirty-four A and thirty-four O of chapter ninety or homeowner insurance policies insuring individuals against risks of loss to personal dwellings or the contents thereof or the personal liability pertaining thereto, shall demand or make mandatory upon any agent licensed in the commonwealth any system of direct billing to the insured by the insurer with respect to such policies unless such system shall be approved, accepted and endorsed by any such agent in writing on a form prescribed by the commissioner.

No insurer issuing or delivering in the commonwealth either motor vehicle policies as defined in sections thirty-four A and thirty-four O of chapter ninety or homeowner insurance policies insuring individuals against risks of loss to personal dwellings or

the contents thereof or the personal liability pertaining thereto shall, with respect to such policies, cancel an agent's book of business with such insurer in its entirety or in part following decision by said agent not to accept a direct billing proposal advanced by such insurer, if such cancellation is attributable to said decision not to accept a system of direct billing to the insured.

(This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, December 10, 1975, and, in concurrence, by the House of Representatives, December 11, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 760. AN ACT PROVIDING FOR A REDIVISION OF THE WARD LINES IN THE CITY OF WESTFIELD.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of chapter ten of the acts of nineteen hundred and seventy-five and sections one to four, inclusive, of chapter fifty-four of the General Laws, the city of Westfield by vote of its city council may, during the year nineteen hundred and seventy-five, prior to the next redivision, if any, of its ward lines under the provision of section one of chapter fifty-four, make a new division of its ward lines, said new division to take effect, to the extent hereinafter provided, on December thirty-first, nineteen hundred and seventy-five. The boundaries of such wards shall be so arranged that the wards shall contain, as nearly as can be ascertained and as may be consistent with well defined limits to each ward, an equal number of voters. The provisions of sections two and three of chapter fifty-four of the General Laws shall apply to any such redivision.

Notwithstanding the provisions of any general or special law to the contrary, for all elections and primaries held in said city after new wards and precincts have been established under the provisions of this act and prior to any antecedent primary of the first biennial state election at which senators and representatives are to be elected from new senatorial and representative districts established upon the basis of the next special enumeration of the legal voters in each ward of said city required by the Constitution of the Commonwealth, the wards as existing previous to said redivision under the provisions of this act shall continue and for all such purposes the election officers shall be appointed and hold office and voting lists shall be prepared and all other things required by law shall be done as if there had been no such redivision; provided, that the new wards shall be in effect for the purposes of any municipal election and its antecedent primary of preliminary election, if any,

and the mayor of said city shall make such adjustments in the personnel and assignments of election officers as may be necessary. In the establishment of wards and voting precincts under this act, no voting precinct shall be so formed that it will be partly in one congressional district and partly in another congressional district.

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

Approved December 16, 1975.

Chap. 761. AN ACT CHANGING AND ESTABLISHING THE BOUNDARY LINE BETWEEN THE TOWNS OF ARLINGTON AND BELMONT.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the following described line shall hereafter be in part the boundary line between the towns of Arlington and Belmont: Beginning at the three town corner, A-B-C (Arlington-Belmont-Cambridge), established in Chapter 371 Acts of 1938, having coordinates X = 693,795.42 and Y = 510,-610.85; thence N68-00-49W a distance of 276.88 feet to a point of curve, having coordinates X = 693,538.68 and Y = 510,714.51; thence along a curve to the right, having a radius of 2800 feet, a distance of 731.57 feet to a point of tangency; having coordinates X=692,903.58 and Y=511,073.41; thence N53-02-37W a distance of 264.86 feet to an angle point on the southerly side-line of Lake Street, having coordinates X = 692,691.94 and Y = 511,232.65; thence S81-27-29W a distance of 263.55 feet, along the southerly side-line of Lake Street to a point of curve, having coordinates X = 692,431.31 and Y = 511,193.50; thence along the southwesterly side-line of Lake Street on a curve to the right, having a radius of 309.48 feet, a distance of 225.64 feet to a point of tangency having coordinates X = 692,215.73 and Y = 511,240.68; thence N56-46-04W a distance of 595.38 feet along the westerly side-line of Lake Street to an angle point, having coordinates X = 691,717.72 and Y = 511,566.97; thence N38-52-54E a distance of 50.42 feet to an angle point on the easterly side-line of Lake Street, having coordinates X = 691,749.37 and Y = 511,606.22; thence N56-28-19W a distance of 266.71 feet along the easterly side-line of Lake Street to an angle point, having coordinates X = 691,527.04 and Y = 511,753.54; thence N67-19-15W a distance of 359.48 feet along the easterly side-line of Lake Street to an angle point, having coordinates X = 691,195.35 and Y = 511,892.14, thence N79-10-11W a distance of 114.53 feet along the easterly side-line of Lake Street to a point of curve, having coordinates X = 691,082.86 and Y = 511,913.66; thence along the easterly side-line of Lake Street on a curve to

the right, having a radius of 293.00 feet, a distance of 157.10 feet to a point of tangency, having coordinates X = 690,943.56 and Y = 511,982.16; thence N48-27-08W along the easterly side-line of Lake Street a distance of 493.69 feet to a point of intersection with the 1966, as built, Pleasant Street baseline at station 14+40.27 Pleasant Street, having coordinates X = 690,574.08 and Y = 512,309.60, this point having as a witness mark a stone bound in a manhole, on a bearing of N48-27-08W and a distance of 20.63 feet from said point of intersection, said witness mark having coordinates X = 690,558.64 and Y = 512,323.28; thence along the baseline of Pleasant Street, from the point of intersection, on a curve to the left, having a radius of 4000 feet, a distance of 131.79 feet to a point of intersection with the 1966 Route 2 baseline, as built, at station 15+72.06 Pleasant Street = station 46+34.79 Route 2, having coordinates X = 690,669.01 and Y = 512,401.00; thence N69-25-16W on said 1966 Route 2 baseline to a point of curve at station 50+44.10, having coordinates X = 690,285.81 and Y = 512,544.87; thence along said baseline on a curve to the right, having a radius of 4600 feet, to a point of tangency at station 55+32.70, having coordinates X = 689,838.36 and Y = 512,740.56; thence N63-20-07W on said baseline to a point of curve at station 67+38.33, having coordinates X = 688,760.95 and Y = 513,281.61; thence along said baseline on a curve to the left, having a radius of 9000 feet, to a point of compound curve at station 69+58.24, having coordinates X = 688,563.24 and Y = 513,377.89; thence along said baseline on the curve to the left, having a radius of 12,000 feet, to a point of compound curve at station 84+71.33, having coordinates X = 687,157.85 and Y = 513,935.81; thence along said baseline on a curve to the left, having a radius of 4600 feet, to a point of tangency at station 89+43.83, having coordinates X = 686,701.86 and Y = 514,058.83; thence N77-50-42W along said baseline to a point of curve at station 96+58.22, having coordinates X = 686,003.49 and Y = 514,209.25; thence along said baseline on a curve to the right, having a radius of 4600 feet, to a point of tangency at station 106+71.91, having coordinates X = 685,043.95 and Y = 514,529.71; thence N65-13-08W along said baseline to a point of curve at station 114+59.14, having coordinates X = 684,329.21 and Y = 514,859.68; thence along said baseline on a curve to the right, having a radius of 10,000 feet, to a point of tangency at station 122+78.52, having coordinates X = 683,600.18 and Y = 515,233.20; thence N60-31-27W along said baseline to a point of curve at station 129+12.67, having coordinates X = 683,048.11 and Y = 515,545.24; thence along said baseline on a curve to the left, having a radius of 6000 feet, to station 136+12.62 at the point of intersection with the center-line of DOW Avenue underpass at station 8+42.62 Dow Avenue, having coordinates X = 682,420.08 and Y = 515,853.37; thence S23-13-30W on said center-line of Dow Avenue underpass to station 9+95.86 Dow Avenue, at the point of

intersection with the southerly side-line of the east-bound service road at station 98+17.94, having coordinates X =682,359.65 and Y = 515,712.55; thence northwesterly on said southerly side-line of the east-bound service road on a curve to the left, having a radius of 5974 feet, to station 100+46.10, having coordinates X = 682,148.31 and Y = 515,798.50, at the point of intersection of said southerly side-line of the east-bound service road and the present Arlington-Belmont town line, substantially as shown on plans entitled "Plan Showing Change in Arlington-Belmont Town Line, Scale 1" = 80' October, 1967, W. H. Roby, Town Engineer" and "Plan Showing Redefined Town Line Between Arlington & Belmont, Scale 1" = 40' March, 1972, R. L. Higgins, Town Engineer", a copy of which is on file in the office of the town engineer of each town.

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

Approved December 16, 1975.

Chap. 762. AN ACT VALIDATING CERTAIN PROCEEDINGS OF THE CITY OF TAUNTON AND AUTHORIZING THE CITY TO ACQUIRE CERTAIN LAND AND BUILDINGS FOR SCHOOL PURPOSES, TO REMODEL AND EQUIP SAID BUILDINGS AND TO BORROW MONEY FOR SAID PURPOSES, AND ALSO PROVIDING FOR STATE AID IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton is hereby authorized to acquire by purchase for school purposes certain land and buildings in said city known as the St. Joseph's school on Sheridan street and the Sacred Heart school on Second street, and after such acquisition said city may remodel, reconstruct, rehabilitate, modernize, equip and furnish said buildings. For said purposes said city may appropriate and expend such sums as may be necessary, not exceeding, in the aggregate, six hundred and fifty thousand dollars.

SECTION 2. For the purpose of raising said appropriation the treasurer of said city, with the approval of its mayor, is hereby authorized to borrow on behalf of said city from time to time such sums as may be necessary, not exceeding, in the aggregate, six hundred and fifty thousand dollars, any may issue bonds or notes therefor which shall bear on their face the words, Taunton School Acquisition Loan, Act of 1975. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 3. Said treasurer with the approval of the mayor of said city may also make temporary loans under the provisions of section seventeen of chapter forty-four of the General Laws in anticipation of the proceeds of the bonds or notes authorized by section two.

SECTION 4. Upon acquisition of the land and buildings referred to in section one, said city shall be entitled, subject to the approval of the state board of education, to receive a state school construction grant, provided the school buildings, after remodeling, meet the standards required for an approved school project under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended. The estimated approved cost and the final approved cost of said project shall be determined by the state board of education and shall include the actual costs to said city of acquiring the aforesaid land and buildings and the cost of remodeling, reconstructing, rehabilitating, modernizing, equipping and furnishing said buildings, together with the interest on the bonds or notes issued by said city to finance the foregoing.

SECTION 5. The order passed by the city council of the city of Taunton and approved by its mayor on October twenty-ninth, nineteen hundred and seventy-four, appropriating and authorizing the borrowing of the sum of six hundred and fifty thousand dollars for the purposes set forth in section one, is hereby validated, ratified and confirmed in all respects.

SECTION 6. This act shall take effect upon its passage.

Approved December 16, 1975.

Chap. 763. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO UNDERTAKE STUDIES FOR THE RENOVATION AND RENEWAL OF THE NEW STATE FISH PIER IN GLOUCESTER.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the expenditure of funds in order to undertake studies for the renovation and renewal of the New State Fish Pier in Gloucester, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Notwithstanding the provisions of section ten B of chapter ninety-one of the General Laws or any other general or special law to the contrary, the commissioner of the department of environmental quality engineering shall enter into an agreement with the Gloucester Community Pier Association, Inc. for the performance of necessary preliminary, economic feasibility and other studies, and the drafting of architectural and en-

gineering plans for the renovation, improvement, and expansion of the New State Fish Pier at Gloucester, including the construction of a freezer and cold storage facility, a dockage facility for small and intermediate size commercial fishing vessels, and an ancillary and supportive services building; the renovation of the stall buildings, and the construction of stall building cooler rooms, including the relocation of fish conveying systems, and the construction of a building with self-contained refrigeration units; and the construction of a dockage facility for intermediate and large size commercial fishing vessels. Said department may without further appropriation expend therefor a sum not exceeding one hundred and fifty thousand dollars from item number 2270—0500 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five. Said funds shall not be expended without prior certification by said commissioner that a grant has been approved under the Federal Public Works and Economic Development Act, Public Law 89—136, for the improvement and renovation of said New State Fish Pier.

Approved December 16, 1975.

Chap. 764. AN ACT PROVIDING THAT ORDINANCES AND BY-LAWS ESTABLISHING RULES AND REGULATIONS RELATIVE TO EXPLOSIVES AND INFLAMMABLE MATERIALS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF THE BOARD OF FIRE PREVENTION REGULATIONS.

Be it enacted, etc., as follows:

Section 9 of Chapter 148 of the General Laws, as amended by section 3 of chapter 710 of the acts of 1945, is hereby further amended by adding the following two sentences: — Each city or town shall submit a copy of each such ordinance or by-law to the board within ten days after the passage thereof. Any ordinance or by-law regulating blasting operations, or the use, handling, transportation or storage of dynamite or gunpowder, shall not take effect until such ordinance or by-law is approved by the board, except that any such ordinance or by-law that has not been approved or disapproved by the board within ninety days after the receipt thereof shall be deemed to have been approved.

Approved December 16, 1975

Chap. 765. AN ACT PROVIDING FOR A FURTHER REDUCTION IN SENTENCE AND PAROLE ELIGIBILITY STATUS FOR PRISONERS DONATING BLOOD FOR CERTAIN PURPOSES.

Be it enacted, etc. as follows:

Chapter 127 of the General Laws is hereby amended by striking out section 129A, as most recently amended by chapter 205 of the acts of 1968, and inserting thereof the following section: —

Section 129A. A prisoner of any correctional institution of the commonwealth or of any jail or house of correction whose term of imprisonment is at least thirty days and not more than three hundred and sixty-four days may have his sentence reduced by five days, and a prisoner whose term of imprisonment is three hundred and sixty-ive days or more may have his sentence reduced by ten days for each pint of blood donated by him to a veterans' organization, civil defense unit, hospital or other public health institution, or to the armed forces of the United States, or the Red Cross. The blood so donated shall not be used in any way commercially or for a profit. Any reduction of sentence earned under this section shall not be subject to forfeiture. Such reduction of sentence shall be applicable to the minimum sentence of the prisoner. Each prisoner shall be limited to one donation every eight weeks. A list of all such blood donors and the amounts of blood donated by each prisoner shall be kept by the superintendent of the correctional institution, or the keeper or master of the jail or house of correction. The superintendent of a state correctional institution shall forward such list to the commissioner of corrections; the keeper of a jail or house of correction in Suffolk county shall forward such list to the penal institutions commissioner of the city of Boston; the keeper of a jail or house of correction in any other county shall forward such list to the county commissioners.

Approved December 16, 1975.

Chap. 766. AN ACT AUTHORIZING THE CENTERVILLE-OSTERVILLE FIRE DISTRICT TO TAKE LAND BY EMINENT DOMAIN FOR THE PURPOSE OF FIRE PROTECTION.

Be it enacted, etc., as follows:

The Centerville-Osterville Fire District is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws any land, easement or right therein within said district not already allocated for a public purpose for the purpose of fire protection and activities incidental thereto, but no land, easement or right therein shall be taken unless the taking thereof has previously been authorized by a vote of said district.

Approved December 16, 1975.

Chap. 767. AN ACT RELATIVE TO DEPUTIES AND CERTAIN OTHER EMPLOYEES IN THE DEPARTMENT OF THE STATE TREASURER.

Be it enacted, etc., as follows:

Chapter 10 of the General Laws is hereby amended by striking out section 5, as most recently amended by chapter 776 of the acts of 1963, and inserting in place thereof the following section: —

Section 5. The state treasurer, with the consent of the governor and council, may appoint, and, with such consent, may for cause remove, a first, second, third, fourth and fifth deputy treasurer and shall prescribe their respective duties. During the illness, absence or other disability of the treasurer, his official duties shall be performed by the said deputies in the order of seniority. The treasurer may employ in his department the necessary personnel to assist him in the performance of his duties and expend for other assistance such sums as may be appropriated therefor. Said treasurer may, however, employ a retirement administrator to assist him in the performance of his duties in connection with the board of retirement. He may employ a suitable person whom, upon his written recommendation, the governor may appoint as a special state police officer for a term of three years unless sooner removed; in employing said person preference shall be given to persons who have served in the military or naval forces of the United States in time of war and have been honorably discharged from such service or released from active duty therein. All said employees shall give bond to the commonwealth, with sureties to be approved by the treasurer, for the faithful performance of their duties.

Approved December 16, 1975.

Chap. 768. AN ACT AUTHORIZING THE INVESTMENT OF RETIREMENT FUNDS IN COMBINED INVESTMENT FUNDS ESTABLISHED BY THE STATE TREASURER.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (*b*) of subdivision (1) of section 23 of chapter 32 of the General Laws is hereby amended by striking out the third sentence, as appearing in section 1 of chapter 658 of the acts of 1945, and inserting in place thereof the following sentence: — The funds of each such system shall be invested separately or in one or more combined investment funds established by the state treasurer.

SECTION 2. Paragraph (*b*) of subdivision (2) of said section 23 of said chapter 32 is hereby amended by striking out lines 1 to 3, inclusive, and inserting in place thereof the following: —

(*b*) The board of each such system shall invest and reinvest the funds of such system, to the extent not required for current disbursements in one or more combined investment funds established by the state treasurer, or as follows: —

Approved December 16, 1975.

Chap. 769. AN ACT RELATIVE TO THE RIGHTS OF ADOPTED CHILDREN.

Be it enacted, etc., as follows:

SECTION 1. The fourth sentence of section 7 of chapter 210 of the General Laws, as appearing in chapter 114 of the acts of 1967, is hereby amended by adding the words: —, except when one of the natural parents of a minor child has died and the surviving parent has remarried subsequent to such parent's death, subsequent adoption of such child by the person with whom such remarriage is contracted shall not affect the rights of such child to inherit from or through the deceased parent or kindred thereof.

SECTION 2. Section one of this act shall not apply to adoptions which have been decreed before the effective date of said section one.

SECTION 3. Chapter 27 of the acts of 1969 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The provisions of section eight of chapter two hundred and ten of the General Laws, as amended by section one of this act, shall be applicable only to grants, trust settlements, entails, devises or bequests executed after the effective date of this act.

SECTION 4. Section three of this act shall take effect as of September first, nineteen hundred and sixty-nine.

Approved December 16, 1975.

Chap. 770. AN ACT ESTABLISHING THE SOUTH ESSEX SOLID WASTE DISPOSAL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. In order to eliminate the nuisances attendant upon the disposal of solid waste in the cities of Beverly, Gloucester, Peabody and Salem and the towns of Danvers, Essex, Hamilton, Lynnfield, Manchester, Marblehead, Middleton, Nahant, Rockport and Swampscott, there is hereby created a body politic and corporate to be known as the South Essex Saolid Waste Disposal District, herinafter called the district. Said district shall

be composed of the cities and towns which accept the provisions of this act as herein provided.

Said district is hereby constituted a public instrumentality; and the performance by it of the duties imposed and the exercise by it of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions. Said district shall be deemed to be an instrumentality within the meaning of chapter one hundred and eighteen C of the General Laws but chapter thirty-one of the General Laws and rules made thereunder shall not apply to any officer, agent or employee of said district.

SECTION 2. Any of the foregoing municipalities whether contiguous on noncontiguous shall become a member of the district, provided that it accepts the provisions of this act prior to June first, nineteen hundred and seventy-six by a vote of the town meeting in a town or by a vote of the city council in a city, and provided further that such vote of acceptance specifies the minimum number of tons of solid waste for the processing of which such city or town will be obligated to pay, whether such amount is delivered or not, which amount shall not be less than six tenths of one ton per inhabitant of such city or town per year according to the most recent federal or state census. The district shall not be deemed to be in existence unless cities and towns certifying at least two hundred thousand tons per year accept this act as above provided. The vote of acceptance of this act and the amount of tons certified by each city and town shall be certified to the state secretary by the town clerk or city clerk, as the case may be, forthwith after the acceptance of this act. By the procedure set forth above, any other municipality in Essex, Middlesex or Suffolk county, except the city of Boston, may become a member of the district prior to June first, nineteen hundred and seventy-six provided that no such other municipality may be admitted to membership during such period after the state secretary has received certification from any such other municipality which when added to previously received certifications from such other municipalities, but excluding those received from any of the cities and towns listed above, makes the total tonnage in excess of one hundred and fifty thousand tons. After June first, nineteen hundred and seventy-six any municipality in either of the two categories named above may become a member of the district under the procedure set forth above provided that no municipality may be admitted to the district after the state secretary has received certification from a municipality which when added to previously received certifications of municipalities makes the total tonnage in excess of three hundred and twelve thousand tons per year. Said state secretary shall issue a certificate of organization stating the member cities and towns which shall be conclusive as to the lawful and valid creation of the district.

SECTION 3. As used in this act the following words and terms shall, unless the context otherwise requires, have the following meanings:

(*a*) "District", the South Essex Solid Waste Disposal District created pursuant to this act.

(*b*) "Private operator" or "operator", a person, firm, association, partnership, corporation or the like which contracts with the district to operate a solid waste facility for the district.

(*c*) "Cost", as applied to a facility or any portion thereof financed under the provisions of this act, all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a facility including all lands, structures, real or personal property, rights, rights of way, air rights, franchises, easements and interest acquired or used for or in connection with a facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and of revenues, administrative expenses, expenses necessary or incident to determine the feasibility of practicability of constructing a facility and any other expenses as may be necessary or incident to the construction and acquisition of the facility, financing of such construction and acquisition and placing of the facility in operation; provided, that as used in clause (*m*) of section six the word "cost" shall not include any cost incurred prior to the date of execution of the contract between the district and the private entity to whom a loan is made unless expressly so provided by the contract.

(*d*) "Solid waste facility" or "facility", incinerators, waste processing facilities, resource recovery and recycling facilities, volume reduction facilities or any other facilities for the processing of solid waste, transfer stations, dumping grounds and sanitary land fills or any other facilities as may be necessary or desirable for collecting, weighing, transporting, storing, processing and disposing of solid waste and any structures or facilities related to any of the foregoing and useful or convenient in the operation of a solid waste disposal system including, maintenance, storage or utility facilities and structures, and parking facilities, and shall also include landscaping, site preparation, furniture, equipment, machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which it is intended.

Facility may also include boilers, furnaces and similar mechanisms which are designed for burning refuse-derived fuel produced by a solid waste facility.

(*e*) "Solid waste and waste", garbage, junk, trash, rubbish, refuse, offal or any part thereof from commercial, municipal, industrial, domestic and other sources.

(*f*) "Construction", acquisition, construction, alteration, enlargement, reconstruction, remodeling, furnishing and equipping of a facility.

(*g*) "Mayor", the mayor of a city which does not have a city manager.

(*h*) "Person", natural persons, corporations, societies, associations and partnerships.

(*i*) "Municipality", a city or town.

SECTION 4. The powers, duties and liabilities of the district shall be vested in and exercised by a district council, hereinafter called the council. The council shall consist of one member from and representing each city and town which has become a member of the district. Voting shall be determined on the basis of population as follows: each council member shall be entitled to cast two votes plus another vote for each five thousand inhabitants or part thereof over three thousand inhabitants of the municipality which such member represents, according to the most recent federal or state census. The members of the council shall be appointed by the town manager in towns having a town manager or the board of selectmen in other towns and by the city manager with the approval of the city council in cities having a city manager or the mayor with the approval of the city council in other cities. Members of the council shall be appointed by the legal appointing authorities for terms of three years. All such terms shall expire on July first, except that each member shall serve until the qualification of a successor.

Members of the council may be officials or employees of member municipalities. No vacancy in the membership of the council shall impair the right of the majority to exercise all rights and perform all duties of the district.

Members of the council shall serve without compensation but may be reimbursed for expenses necessarily incurred in the performance of their duties. The presence of members of the council representing a majority of all votes shall constitute a quorum. Unless otherwise provided herein, official action of the district shall require the affirmative vote of council members having a majority of all votes. Any action taken by the council under the provisions of this act may be authorized by resolution at any regular or special meeting and each such resolution shall take effect immediately unless otherwise provided and need not be published or posted. The council may prepare and adopt by-laws prescribing and stipulating its organizations and operations. The

council shall annually elect one of its members as chairman, one as vice chairman, and one as secretary. The chairman, vice chairman and secretary of the council may each receive compensation from the district, which shall not exceed five hundred dollars per year.

Notice of the time and place of meetings of the council shall be published in a newspaper circulated in the district as least five days, excluding Sundays and holidays, before the date set for such meeting. Except as above provided, the provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine of the General Laws shall apply to all meetings of the council. The notice shall include a general description of the subjects thereunder to be acted upon at such meeting.

SECTION 5. The council shall from time to time appoint and determine the compensation of an executive director, who shall not be a member of the council and who shall serve at the pleasure of the council. The executive director shall administer the affairs and direct the work of the district as authorized or approved by the council provided that he shall not execute any contract, lease or other agreement in behalf of the district without the prior approval of the council of the specific agreement, and shall be custodian of all books, documents and papers filed with the council, the minute book or journal of the council and the official seal of the district. The executive director or any assistant executive director appointed by the council may cause copies to be made of all minutes and other records and documents of the council and may give certificates under the official seal of the district to the effect that such copies are true copies, and all persons dealing with the district may rely upon such certificates. The executive director shall perform the duties of treasurer of the district, and shall give to the council a bond payable to the district with a surety company authorized to transact business within the commonwealth and satisfactory to the council as surety in such terms as the council may prescribe and conditioned on the faithful performance of his duties. The duties of the executive director shall be those appertaining to such office and the office of treasurer and in addition such as may from time to time be prescribed by the council.

The council may retain legal counsel for any and all appropriate purposes. The executive director, with the approval of the council, may from time to time appoint or employ such other experts, engineers, agents, officers, clerks and other employees as he deems necessary and shall determine their full duties. The salaries or compensation of all persons appointed or employed under the authority of this section shall be determined by the council and together with other expenses shall be paid by the district and shall be considered a part of the expense of

maintenance of the district. The premium on any surety bonds required by this act or by the council shall be paid by the district.

The district shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities which shall be open at all times to inspection by the cities or towns who are members of the district or by any officer or duly appointed agent of the commonwealth. The district shall operate on a July first through June thirtieth fiscal year and shall make a report each year of its activities for the preceding year and shall, prior to February first, submit a copy to the state auditor, the members of the council and the treasurer of each member city and town.

SECTION 6. The purpose of the district shall be to provide for the disposal of solid waste from within and without the district by (1) aiding in financing the cost of solid waste disposal facilities by the issue of bonds or notes the proceeds of which may be used either: (a) to acquire or construct such facilities for lease or license to private operators or (b) to make loans to private operators to enable such operators to acquire or construct such facilities; (2) contracting with private operators by which the district agrees to pay for disposal services and the operators agree to supply such services; and, at the option of the district; and (3) acquiring, constructing, and contracting for the operating and maintaining of a collection system or systems and a transfer system or systems, and to carry out its purpose the district is authorized and empowered:

(*a*) to adopt by-laws for the regulation of its affairs and the conduct of its business;

(*b*) to adopt an official seal and alter the same at pleasure;

(*c*) to sue and be sued, and to plead and be impleaded in its own name;

(*d*) to maintain an office at such place or places as it may designate;

(*e*) to determine the location and character of any facility to be financed under the provisions of this act and to construct, reconstruct, remodel, maintain, enlarge, alter, add to, repair, lease as lessee or lessor and regulate the same, to enter into contracts for any or all such purposes, to enter into contracts for the management and operation of the facility;

(*f*) to acquire, purchase, hold, lease as lessee or lessor and use any facility or property real, personal or mixed, tangible or intangible, wherever located within the district necessary or desirable for carrying out the purposes of the district and to sell, mortgage, lease, transfer and dispose of any property or interest therein at any time;

(*g*) to enter onto any land within the district to make surveys and borings thereon, and to acquire in the name of the district by purchase, gift, lease or otherwise by the exercise of the power of

eminent domain in accordance with the provisions of chapter seventy-nine of the General Laws or any alternative method now or hereafter provided by general law, insofar as such provisions may be applicable, any property within the district; provided that the taking of any land by the district in any member city or town has been approved within five years prior to such taking, by a vote of the town meeting in the case of a town or by a vote of the city council in the case of a city, which approval, for specified parcels and purposes, cannot be rescinded;

(*h*) to receive at any facility, solid waste originating within or without the district and brought to said facilities by private parties or by member and nonmember cities, towns or their agents or others and to fix and revise from time to time and charge and collect fees for such reception;

(*i*) to contract for, receive and accept grants-in-aid or other contributions of money, property, labor and other things of value from the federal or state governments or from any other source for any of the purposes of the district;

(*j*) to issue bonds, bond anticipation notes and other obligations of the district for any of its purposes and to fund or refund the same as provided in this act;

(*k*) to make contracts of every name and nature for such terms as the council deems proper and to execute all instruments necessary or convenient for the carrying on of its business;

(*l*) to pledge, hypothocate or otherwise encumber all or any of the revenue or receipts of the district or any property, real or personal, tangible or intangible, of the district as security for bonds, bond anticipation notes or other obligations of the district;

(*m*) to make loans to private parties, corporations, associations and the like for the cost of a solid waste disposal facility;

(*n*) to charge to and apportion among member cities and towns its administrative costs and other expenses incurred in the exercise of the powers and duties conferred by this act;

(*o*) to contract for the collection, transfer and transportation of solid waste, provided however that to the extent that the district does not provide collection, transportation, processing and disposal of solid waste each member city and town shall continue to have the power to provide for the collection, transportation, processing and disposal of its own waste as if the district had not been created by this act;

(*p*) to provide for the locating of any facility in any city or town in the district provided that the location of such facility therein shall be subject to approval by the town meeting of any town or by the city council with the approval of the city manager or mayor, as the case may be, of any city in any city or town where such facility is to be located or in any city or town which is within one quarter mile from such facility; provided that once such approval is given, such approval may not be withdrawn without the approval of the

state department of public health and provided, further, that no facilities shall be constructed until plans have been approved by the local board of public health, under the provisions of section one hundred and fifty A of chapter one hundred and eleven of the General Laws; except that no such approvals shall be required with respect to facilities designed only to burn refuse-derived fuel;

(*q*) to incur temporary debt in anticipation of revenue and payments for services to be received from member cities and towns;

(*r*) to adopt an annual operating budget not later than March first for the fiscal year commencing the following July first;

(*s*) to enter into contracts to provide waste disposal services to nonmember cities and towns, other bodies politic, the government of the United States and other persons, and such contracts may provide for different rates of payment and different conditions upon the delivery and acceptance of solid waste;

(*t*) to contract with one or more private operators for the disposal of the waste of the district which contracts may provide for payment to the district by such operators of a share of the revenues generated by the sale of recovered resources and which contracts shall run for a period not to exceed ten years from the date such services are being regularly provided, but such contracts may be renewable at the option of the district for additional ten-year periods;

(*u*) to issue general obligation bonds or notes of the district, for the purpose of acquiring land and for constructing and reconstructing roadways, sidewalks, parking areas, water, sewer, gas and electric service as authorized by section fourteen, for a term not exceeding twenty years; provided however that the authorization of such general obligation bonds and notes shall require the affirmative vote of members of the council having two-thirds of all votes.

SECTION 7. The district shall not have the power itself to operate any solid waste facility, except that in an emergency situation, including but not limited to the failure of a private operator to fulfill his obligations under contract with the district, the district may operate a solid waste facility for a temporary period until it is able to contract with another private operator on reasonable terms. Municipalities which are members of the district may continue to provide for the disposal of solid waste which is not accepted by the district facilities. No other solid waste disposal facility may be created or maintained within the district except those authorized by this act and those facilities which are owned and operated by private operators under a license from the department of public health prior to the effective

date of this act. This prohibition is not to be construed to restrict private industry from constructing and operating waste processing equipment for disposal and reuse of their own byproduct. In addition this section shall not be construed to prohibit cities or towns from building and operating collection facilities or contracting for collection services.

SECTION 8. The provisions of sections twenty-five, twenty-six to twenty-seven D, inclusive, twenty-nine, thirty-four, thirty-four A and thirty-four B, forty-four A to forty-four K, inclusive, and one hundred and seventy-nine A of chapter one hundred and forty-nine of the General Laws shall apply to construction by the district of any roads, water, sewer, gas or electric service facilities pursuant to section fourteen, but shall not apply to construction by any private person, corporation, association and the like, regardless of whether such construction is financed by the district.

SECTION 9. The district council shall annually determine the amounts necessary to be raised to maintain and operate the district, not including payments due from member municipalities for services rendered by operators of district facilities, during the ensuing fiscal year, and the amounts then required for payment of principal and interest on the general obligation bonds and notes issued by the district, and shall apportion the total so determined among the several member cities and towns so that each member city or town shall be assessed for its share of expenses in the proportion which the number of inhabitants of such city or town bears to the total number of inhabitants of the district as determined by the latest available federal or state census. The amounts so apportioned for each city and town shall, prior to March thirtieth in each year, be certified by the district executive director to the treasurers of the member cities and towns. The obligation of each member city or town to pay apportionments pursuant to this act shall be included in the amounts to be assessed annually in such city or town under section twenty-three of chapter fifty-nine of the General Laws without appropriation and the city or town treasurer shall pay to the district the amounts so apportioned at the times specified by a vote of the district council, and if there has been no such vote of the district council then quarterly on the first day of January, April, July and October of each year. The amounts apportioned or to be apportioned pursuant to this act shall not be included in the statutory limit of indebtedness of any city or town.

If the district enters into any contract with any private operator of a disposal facility under which such operator agrees to provide disposal services for the district, the district may either agree to pay for such services and assess the member cities and towns for the cost thereof through any billing procedure which it deems appropriate, or the district and such operator may agree that the

operator will render bills directly to the member cities and towns for the services rendered to each city and town. The cost of any disposal services provided by an operator whether billed directly to any city or town or through the district shall be included in the budget of any city or town which has become a member of the district or which has contracted with the district to receive such services. The cost of such services may be charged on the basis of the tonnage of solid waste delivered to any facility by any city or town or other party and may provide for the payment for a minimum amount of tonnage whether or not an amount of waste less than such minimum is actually delivered. The district may commit each member city or town to such a minimum as the council deems reasonable which shall not exceed the amount certified under section two hereof.

SECTION 10. Any member city or town is hereby authorized to sell, lease or license to the district any refuse disposal facility and any land appurtenant thereto or used in connection therewith or any other property useful for the purposes of the district, and any such city or town may authorize such sale, lease or license accordingly, notwithstanding the provisions of section three of chapter forty of the Genera Laws or any other provisions of law to the contrary. In the case of a sale, the price and time or times of payment, not to exceed a period of twenty years, shall be determined by agreement between the city acting by its city council and mayor, or by the town acting its town meeting and by the district council. In the case of a lease or license, the rental or license fee and terms of payment and assessment shall be as set forth in an agreement between the district and the city or town approved as above set forth; provided that the lease or license may not be for a term in excess of twenty years although it may contain provisions for the extension of the lease or license for additional terms not in excess of twenty years at the option of the council. The member cities and towns of the district shall be assessed as if the cost of purchase, lease, or license of such land were an administrative expense of the district as provided for in section nine, unless they are billed an additional amount to reflect such cost based on the tonnage of solid waste which each delivers to such facility. The vote of the town meeting or city council may authorize an agreement, lease or license in general terms and delegate the power to determine details to the officer authorized to execute such agreement, lease or license.

SECTION 11. The provisions of section sixteen to twenty-eight, inclusive, of chapter forty-four of the General Laws shall, so far as apt, apply to the issue of general obligation bonds or notes of the district, but the provisions of section sixteen of said chapter forty-four relative to the countersigning of bonds and notes and the provisions of section twenty-four of said chapter forty-four relative to the countersigning and approval of notes and the

certificates of the clerk relating thereto shall not apply to the district.

SECTION 12. The district may from time to time contract for the operation by one or more private operators of one or more solid waste facilities and may lease, license or sell the same to private operators for operation by them as a solid waste facility and may contract with any such operator for the disposal of solid waste or for the sale or use of by-products or residue resulting from the operation of the facility. Without limiting the generality of the foregoing, contracts under this act may include provisions for the delivery of minimum amounts of waste and payments for the use of such facility to be based thereon, unit prices, which may be graduated, adjustments thereof and for the arbitration of disputes thereunder and shall provide that the private operator may make a fair, not excessive profit from the operation of the facility.

SECTION 13. Neither the district nor any private operator operating a solid waste facility under a contract or lease with the district shall be required to pay any property taxes or assessments on any real or personal property included in such facility in the district or any sales, use or similar tax on the sale, use, storage or consumption of any personal property in such operations in the district; provided however that notwithstanding any provision of chapter sixteen of the General Laws to the contrary the district may agree to make payments to the city or town in which such facility is located in lieu of taxes and assessments which payments may be based upon valuation of the property, gross or net receipts, a combination of these factors or any other similar basis. Any in lieu of tax payments to be made by the district may be assessed against users of such facility on the basis of the tonnage of solid waste which such user delivers to the facility or some other reasonable basis.

SECTION 14. The district and any member city or town shall have the power to construct roads and water, sewer, gas and electric service facilities to any solid waste facility owned by or financed by the district and the district and any city or town where such solid waste facility is located may agree to share the cost of construction of such roads and utility service facilities. The district may provide for the filling, capping, grading and landscaping of land fill areas. The district may also construct, reconstruct, enlarge, and maintain roads and utility service facilities to serve areas of land filled with real property to prepare such property for resale purposes and to add to the tax base of the city or town where such property is located. The cost of constructing such roads and utility service facilities may be and the cost of maintaining them shall be treated as an administrative expense to be assessed to the member cities and towns under the provisions of section nine above. The district may dispose of any property which it has acquired by negotiated sale

with any purchaser, provided that the district must first offer such property for sale to the city or town in which such property is located. Any sale of property must be for its fair market value as reasonably determined by the district. The district may lease or sublease land to others until such land is needed by the district for waste disposal purposes. Proceeds from the sale of property acquired with the proceeds of general obligation bonds or notes of the district, after deducting the costs of sale, shall be paid over to the member cities and towns in the proportion which said cities and towns are obligated to pay principal and interest on such bonds or notes at the time of sale or, if such bonds or notes are not outstanding at the time of sale of such property, in the proportion which such cities and towns would be obligated if such bonds or notes were outstanding, whether or not such cities and towns are members or have withdrawn from the district.

SECTION 15. The city or town in the district in which a solid waste facility is located or to be located by the district is hereby authorized to contract with the district to provide for the payment by the district of moneys in lieu of taxes with respect to the facility or any property owned by the district or used by the district or a private operator of a solid waste facility or land fill, to set forth what routes through such city or town will be used for the delivery of solid waste to the facility and for the removal of recovered products and by-products from the facility, to provide for the employment by the district or by a private operator of a facility of persons currently employed by such city or town, and to provide for special rates to be paid by such city or town in recognition of its unique relationship with the district. Any city or town in the district is authorized to sell, lease or license property to the district for any of its purposes and to acquire property for sale, lease or license to the district as if the acquisition of such property were for the municipal purposes of such city or town.

SECTION 16. In order to make loans to any private party for the cost of a solid waste facility the district may from time to time issue revenue bonds and notes in anticipation of such bonds. Such loans may be made to refinance prior debt incurred or internal advances made by such private party for such cost, and the cost of a facility may include reimbursement to such private party for expenditures made for the facility prior to the time of the loan by the district. In anticipation of the sale of its revenue bonds, the district may issue bond anticipation notes and renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of the original note. Such notes shall be paid from any revenues of the district available therefor and not otherwise pledged or from the proceeds of the sale of revenue bonds of the district in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes

and the resolutions authorizing the same may contain any provisions, conditions or limitations which a bond resolution of the district may contain.

The revenue bonds and notes of every issue shall be payable solely out of the revenues of the district subject only to any agreements with any operator of the solid waste facility. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be for all purposes negotiable instruments subject only to the provisions of the revenue bonds and notes for registration.

A sufficient amount of revenues received by the district or by a trustee for the account of the district, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements, as may be provided for in the resolution authorizing the issuance of any revenue bonds of the district or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the district shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the district, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the district. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement.

Revenue bonds may be issued as serial bonds or as term bonds or the district in its discretion may issue bonds of both types. Revenue bonds shall be authorized by a resolution of the district council and shall bear such date or dates, mature at such time or times not exceeding fifty years from their respective dates, bear interest at such rate or rates, be payable at such time or times, be in such denominations, be in such form either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of

redemption as such resolution or resolutions may provide. Such resolution or resolutions may delegate to the executive director, assistant executive director or any member of the district council or any combination of them, the power to determine any of the matters set forth in this paragraph and the power to award the bonds to a purchaser or purchasers at public or private sale for such price or prices as the council or the officer to whom such decision is delegated may determine. Pending preparation of definitive bonds, the district may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions which shall be a part of the contract with the holders of the revenue bonds to be authorized as to:

a. What security interest, if any, the district shall have in the facility, whether by ownership, lease or mortgage.

b. Pledging all or any part of the revenues of the facility or the receipts of the operator of such facility from service contracts.

c. The establishment and setting aside of reserves or sinking funds and the regulation and disposition thereof.

d. The rental fees and other charges to be charged or limitations on the right of the district or its agents to restrict and regulate the use of the facility.

e. Limitations of the purposes to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied.

f. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds.

g. The procedure, if any, by which the terms of any contract by the bondholders may be amended or abrogated.

h. Limitation of the amount of money derived from the project to be expended for operating, administrative or other expenses of the district.

i. Defining the acts or omissions to act which will constitute a default in the duties of the district to holders of its obligations and providing the rights and remedies of such holders in the event of such default.

j. The duties, obligations and liabilities of any trustee or paying agent with respect to the bonds.

k. The mortgaging of a facility or the site thereof by the district for the purpose of securing bondholders.

Neither the members of the district council nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be suject to any personal liability or accountability by reason of the issuance thereof.

The district hsall have power out of any funds available therefor to purchase its own bonds or notes and the district may

hold, pledge, cancel or resell such bonds or notes subject to and in accordance with agreements with bondholder.

Any bank or trust company incorporated under the laws of the commonwealth may act as trustee or paying agent for revenue bonds issued by the district in the discretion of the district council. Any revenue bonds or notes issued under the provisions of this act may be secured by a trust agreement between the district and such trustee. Such trust agreement or the resolution providing for the issuance of such revenue bonds or notes may pledge or assign the rents and revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the facility or any portion thereof. In addition to the foregoing any such trust agreement or resolution may contain such other provisions as the district may deem reasonable and proper for the security of the bondholders or noteholders.

SECTION 17. The exercise of the powers granted by this act will be in all respects for the benefit of the people of the district, for the increase of their welfare, commerce and prosperity and for the improvement of their health and living conditions, and as the financing of a solid waste facility by the district and its operation by a private operator will constitute the performance of an essential public function, neither the district nor such private operator shall be required to pay any taxes or assessments upon or in respect of a facility or any property acquired or used by the district or such private operator under the provisions of this act so long as the property is being used primarily to provide service to the district and is located in the district, nor shall the district be taxed on any income earned by it, and any bonds or notes issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the commonwealth and by the municipalities and other political subdivisions of the commonwealth. The district shall not be required to pay any fee or charge for any permit or license issued to it by the commonwealth or by any department, board or officer thereof or by any political subdivision of the commonwealth or by any department, board or officer of such political subdivision, provided however that it shall be liable as an employer under chapter one hundred and fifty-two of the General Laws and may insure against such liabilities.

SECTION 18. The district is hereby authorized to provide for the issuance of revenue notes or bonds of the district for the purpose of refunding any revenue bonds or notes of the district then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of such revenue bonds or notes and if deemed advisable by the district, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a facility or any portion thereof.

SECTION 19. Any moneys received by the district as proceeds of bonds or notes, revenues, lease payments, mortgage payments or any other form of income from the ownership or operation of the solid waste facility, and any payments from member cities and towns may, pending their use, be invested and reinvested in direct obligations of the United States of America or its agencies, or obligations guaranteed by the United States of America or its agencies or in certificates of deposit or time deposits of any bank or trust company or national bank having a capital and surplus of over ten million dollars and having its principal office in the commonwealth.

SECTION 20. Bonds and notes issued by the district under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies, savings banks, cooperative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any commonwealth or municipal officer or any agencies or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 21. The foregoing sections shall be deemed to provide a complete additional alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other law; provided that the issuance of revenue bonds and notes and revenue refunding bonds and notes under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds including particularly chapter one hundred and six of the General Laws. The construction of any facility by or on behalf of the district shall not be subject to the provision of any zoning code enacted by any political subdivision of the commonwealth provided, however, that any and all facilities constructed or acquired by or on the behalf of the district shall be on land zoned for industrial purposes and shall comply with all zoning code provisions, if any, relating to incinerators or smoke stacks.

SECTION 22. Any member city or town may withdraw from the district as provided in this section. A town which by a two-thirds vote of its town meeting or a city which by a two-thirds vote of all members of its city council with the approval of its city manager or mayor, as the case may be, votes to withdraw from the district may withdraw after giving notice to the district council at least three years prior to the termination of any contract between the district and a private operator under which such city or town is receiving waste disposal service such withdrawal to take effect at

the time of termination of such contract. A municipality which withdraws shall continue to be liable to pay its share of the principal and interest on any general obligation bonds or notes of the district outstanding on the date of its withdrawal as if it had not withdrawn, and it shall share in the proceeds of the sale of any property acquired with the proceeds of such general obligation bonds or notes as if it had not withdrawn.

SECTION 23. The action of any town in posting a warrant prior to the effective date of this act referring to the acceptance by such town of this act is hereby validated notwithstanding such premature posting.

SECTION 24. This act, being necessary for the health and welfare of the inhabitants of the district, shall be liberally construed to effect the purposes hereof.

SECTION 25. The provisions of this act shall be deemed to be severable, and any holding by any court of competent jurisdiction that any provisions hereof is invalid shall not invalidate any of the other provisions hereof.

Approved December 16, 1975.

Chap. 771. AN ACT REQUIRING A REFUND OF ALL PREPAID PREMIUMS UPON CANCELLATION OF A LIFE INSURANCE POLICY BY THE INSURED AND UPON THE DEATH OF THE INSURED.

Be it enacted, etc., as follows:

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 119A, as appearing in the Tercentenary Edition, the following section: —

Section 119B. Upon the death of an insured, the proceeds payable under any policy of individual life insurance, other than a single-premium life insurance policy, delivered or issued for delivery in the commonwealth which is in force on a premium-paying basis on the date of death, shall include premiums paid for any period beyond the end of the policy month in which death occured, unless such refund or premiums is due some other person pursuant to contract provisions.

SECTION 2. Said chapter 175 is hereby further amended by inserting after section 187G, inserted by chapter 454 of the acts of 1973, the following section:—

Section 187H. No policy of individual life insurance with a face amount of less than twenty-five thousand dollars shall be delivered or issued for delivery in the commonwealth unless it shall have printed thereon or attached thereto a notice stating in substance that the owner of the policy shall be permitted to cancel said policy within ten days of its delivery by the insurer if, after

examination of the policy, the owner is not satisfied with it for any reason. If the owner, pursuant to such notice, surrenders the policy to the insurer by delivering it to the home office or branch office of said insurer, or to the agent through whom it was purchased, any premium paid shall be refunded and the policy shall upon such delivery be deemed void from the beginning.

SECTION 3. The provisions of sections one hundred and nineteen B and one hundred eighty-seven H of chapter one hundred and seventy-five of the General Laws, inserted by sections one and two of this act, shall apply to policies delivered or issued for delivery on or after July first, nineteen hundred and seventy-six.

Approved December 16, 1975.

Chap. 772. AN ACT ESTABLISHING THE BOSTON LANDMARKS COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. *Purposes.* The purposes of this act are: (a) to protect the beauty of the city of Boston and improve the quality of its environment through identification, recognition, conservation, maintenance and enhancement of areas, sites, structures and fixtures which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the city; (b) to foster appropriate use and wider public knowledge and appreciation of such features, areas, sites, structures, and fixtures; (c) to resist and restrain environmental influences adverse to such purposes; and (d) to encourage private efforts in support of such purposes; and (e) by furthering such purposes, to promote the public welfare, to strengthen the cultural and educational life of the city and the commonwealth and to make the city a more attractive and desirable place in which to live and work.

SECTION 2. *Definitions.* As used in this act, the following words shall have the following meanings: —

"Architectural conservation district", any area designated by the commission in accordance with section four as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the city and cause such area to constitute a distinctive section of the city.

"Back Bay Residential District", the district created by section two of chapter six hundred and twenty-five of the acts of nineteen hundred and sixty-six, as it now is or hereafter may be constituted.

"Boston Redevelopment Authority", a public body, politic and

corporate created pursuant to chapter one hundred and twenty-one B of the General Laws and any successor as planning agency of the city, whether by operation of law or otherwise.

"Building commissioner", the building commissioner of the city.

"City", the city of Boston.

"City clerk", the city clerk of the city.

"Commission", the commission provided for by section three.

"Council", the city council of the city.

"Demolition", the razing of any exterior architectural feature or structure, including its ruin by neglect of necessary maintenance and repairs, or either.

"Exterior architectural features", the site topography and general architectural arrangement, or either, of such portion of the exterior of any structure as is designed to be open to view from any street or way open to public travel, including but not limited to (a) the kind, color and texture of the building material of such portion so open to view, (b) the type and design of all windows, doors, lights, signs and other fixtures appurtenant to such portion, (c) the location, adequacy and treatment of any vehicular access to such structure, and (d) the location and treatment of any motor vehicle parking space appurtenant to such structure and so open to view.

"Historic Beacon Hill District", the district created by section one of chapter six hundred and sixteen of the acts of nineteen hundred and fifty-five, as amended by chapter three hundred and fifteen of the acts of nineteen hundred and fifty-eight and by chpater six hundred and twenty-two of the acts of nineteen hundred and sixty-three, as it now is or may hereafter be constituted.

"Improvement", any place, structure, building, fixture, object or landscape or topographic feature which in whole or part constitutes an exterior or interior betterment, adornment or enhancement of any real property.

"Landmark", any physical feature or improvement designated by the commission in accordance with section four as a physical feature or improvement which in whole or part has historical, social, cultural, architectural or aesthetic significance to the city and the commonwealth, the New England region or the nation.

"Landmark district", any area designated by the commission in accordance with section four as an area containing any physical features or improvements or both which are of historical, social, cultural, architectural or aesthetic significance to the city and the commonwealth, the New England region or the nation and cause such area to constitute a distinctive section of the city.

"Mayor", the mayor of the city.

"Physical feature", any natural topographic feature or landscape element, including plants or trees, water courses, shores, promontories and rock outcroppings.

"Privately owned", all property which is not owned by the city, the commonwealth, or the federal government or by any department, board, agency or authority thereof.

"Protection area", any area designated by the commission in accordance with section four as an area which is contiguous to and constitutes an essential part of the physical environment of any architectural conservation district, landmark or landmark district.

"Site topography", all or any of the topography, planting, paving, steps, fencing and masonry walls of the site of any structure.

"Structure", a structure as defined in the Boston building code and the site topography of any structure.

SECTION 3. *Boston Landmarks Commission.* There shall be in the Boston Redevelopment Authority a Boston Landmarks Commission, hereinafter called the commission. The commission shall consist of nine members and nine alternates residing in the city and appointed by the mayor for a term of three years, except, however, that of the initial appointments three members and alternates shall be for a term expiring June thirtieth, nineteen hundred and seventy-six, three members and alternates for a term expiring June thirtieth, nineteen hundred and seventy-seven, and three members and alternates for a term expiring June thirtieth, nineteen hundred and seventy-eight, as follows: — two commissioners from four candidates, and two alternates from four other candidates, who shall be registered architects in the commonwealth, nominated by the Boston Society of Architects; one commissioner from two candidates, and one alternate from two other candidates, who shall be architectural historians, nominated by the Society for the Preservation of New England Antiquities; one commissioner from two candidates and one alternate from two other candidates, who shall be experienced as city planners, nominated by the Regional Chapter of the American Institute of Planners; one commissioner from two candidates, and one alternate from two other candidates, who shall be landscape architects registered in the commonwealth, nominated by the Boston Society of Landscape Architects; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Real Estate Board; one commissioner from two candidates, and one alternate from two other candidates, nominated by the Greater Boston Chamber of Commerce; and two commissioners, and two alternates, selected at large by the mayor and who by reasons of

experience or education have demonstrated knowledge and concern for conservation and enhancement of those physical features of the city which are important to its distinctive character. Any vacancy in the office of any member of the commission shall be filled in like manner for the unexpired term of such office. As the term of any member of the commission expires, his successor shall be appointed in like manner as such member. Nominations for all initial appointments to the commission shall be submitted to the mayor not later than ninety days after the date of approval hereof by the governor of the commonwealth. Whenever a commissioner is absent or unable for any cause to perform his duties, the alternate appointed in the same manner as such commissioner shall exercise the powers and perform the duties of such commissioner, or if neither a commissioner nor his alternate shall be present, any other alternate present shall perform his duties; but an alternate shall not be otherwise deemed to be, or act as, a member of the commission. All references to members herein shall be deemed to include alternates unless the context indicates otherwise. Upon designation of any landmark district, architectural conservation district or protection area and unless the designation so provides that the commission itself shall exercise regulatory functions, the mayor shall appoint a district commission to consist of two residents of such district or area or owners of property therein and two alternates and three members of the commission who shall act for the commission in the exercise of those regulatory functions described in section five which pertain exclusively to said district or area. All appointments to the commission or the district commission shall be confirmed by the city council.

Every member of the commission shall continue in office after expiration of his term until his successor shall have been duly appointed. The mayor may remove any member in accordance with section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. No member shall receive compensation for his service on the commission but shall be reimbursed for his actual expenses reasonably and necessarily incurred in performance of his official duties.

For the purposes of chapter two hundred and sixty-eight A of the General Laws, every member of the commission, and every person who shall, on a part-time and consultative basis, perform any professional services for the commission, such as the services of architect, attorney, engineer, planner, environmentalist or expert in construction, finance, real estate or traffic, shall be deemed to be a special municipal employee.

Without regard to chapter thirty-one of the General Laws, the Boston Redevelopment Authority shall provide the commission with an administrative staff acceptable to the commission and

adequate to carry on the functions of the commission as provided for in this act. Such staff shall be employees of the Boston Redevelopment Authority. Notwithstanding the foregoing the commission may contract directly for such professional and expert technical assistance as such business shall require.

The commission shall adopt, and may from time to time amend, by-laws concerning its internal management and, after public hearing, may adopt and from time to time amend regulations for the purpose of interpreting this act and of implementing its administration and enforcement, which regulations shall be in addition to those required by section four. A copy of every such by-law and amendment thereof and every regulation and amendment thereof adopted pursuant to this section shall be filed in the office of the city clerk; and no such regulation or amendment thereof shall become effective until it shall have been so filed.

Annually on the first day of May or as soon thereafter as may be convenient, the commission shall elect one of its members as chairman and another as vice chairman. The commission shall designate from time to time one of its staff to serve as its secretary. Whenever the secretary shall not attend a meeting of the commission, the commission shall elect a secretary pro tempore who shall take the minutes of the meeting. The records of the commission shall set forth every determination made by the commission, the vote of every member participating in such determination and the absence or failure to vote of every other member.

The commission shall be deemed a department of the city for the purposes of section fifty-three A of chapter forty-four of the General Laws.

SECTION 4. *Designations by Commission.* Subject to the conditions hereafter specified in this section, the commission by a two-thirds vote of all members of the commission may designate any landmark, landmark district, architectural conservation district or protection area, or by such vote, may amend or rescind in whole or part any such designation.

The commission may designate any improvement or physical feature as a landmark, and may designate any area in the city as a landmark district, or architectural conservation district and may amend any such designation as herein provided upon a finding by the commission that the designation or amendment meets any of the following criteria: — (a) inclusion in National Register of Historic Places as provided in the National Historic Preservation Act of 1966; (b) structures, sites, objects, man-made or natural, at which events occurred that have made an outstanding contribution to, and are identified prominently with, or which best represent some important aspect of the cultural, political, economic, military, or social history of the city, the com-

monwealth, the New England region or the nation; (c) structures, sites, objects, man-made or natural, associated significantly with the lives of outstanding historical personages; (d) structures, sites, objects, man-made or natural, representative of elements of architectural or landscape design or craftmenship which embody distinctive characteristics of a type inherently valuable for study of a period, style or method of construction or development, or a notable work of an architect, landscape architect, designer, or builder whose work influenced the development of the city, the commonwealth, the New England region, or the nation.

The commission may designate any area in the city as a protection area as herein provided upon a finding by the commission that the area to be designated is visually related to the landmark, landmark district or architectural conservation district but is not necessarily of sufficient historical, social, cultural, architectural or aesthetic significance to warrant designation as such. In determining the boundaries of a protection area, the commission shall consider the following elements:— (a) major views and vistas of and from the landmark, landmark district, or architectural conservation district as determined by the topographical characteristics and the siting of existing buildings in the area contiguous to the landmark, landmark district or architectural conservation district; (b) pattern of roads, paths and alleys which determine the size and shape of land parcels and which control vehicular and non-vehicular movement to and from the landmark, landmark district or architectural conservation district; (c) contrasts between the scale and density of the landmark, landmark district or architectural conservation district and the improvements under consideration for designation as a protection area; (d) contrasts between the arrangement of structures and landscape and open space features of the landmark, in the landmark district or architectural conservation district and the improvements under consideration for designation as a protection area. In no case shall the protection area extend more than twelve hundred feet from a boundary of the landmark, landmark district or architectural conservation district.

Prior to the designation or amendment of designation of any landmark, landmark district, architectural conservation district or protection area, an investigation and report on the historical and architectural significance of the structure, sites or objects to be designated shall be made. Such report will also attempt to provide an indication of the economic status of the property or properties under consideration for designation by providing such information as assessed value, recent real estate transactions or other appropriate data. The report shall also recommend the boundaries of any proposed landmark, landmark district, architectural conservation district or protection area and recom-

mend standards to be adopted by the commission in carrying out its regulatory functions provided under section five of this act. All recommendations shall be made in consideration of any master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the section of the city to be affected by the designation or amendment of designation.

In the case of a landmark which is under consideration for designation, the report shall be prepared by the commission with the assistance of its staff or consultants or in the case of a landmark district, architectural conservation district or protection area, the report shall be prepared by a study committee consisting of five members of the commission and six persons who have demonstrated interest in the district or area under consideration and who shall be appointed by the mayor and confirmed by the city council, with the assistance of the commission staff or consultants.

The mayor, any ten registered voters of the city or any commission member may petition the commission to designate a landmark, landmark district, architectural conservation district or protection area or to amend or rescind such a designation, and the commission shall within thirty days next following the filing of such petition hold a preliminary hearing on such petition with the petitioners and arrange for the preparation of a report and, if required, request the appointment of a study committee. The commission shall not reconsider a proposed designation, amendment or rescission of designation within one year of its previous hearing thereon, unless two-thirds of all its members vote to do so. Within twenty-one days after the completion of a report by the commission pertaining to the proposed designation of a landmark or within sixty days after the transmittal of a report of a study committee to the commission pertaining to a proposed designation of a landmark district, architectural conservation district or protection area, the commission shall hold a public hearing. The commission shall give notice of such public hearing by an appropriate advertisement published in a newspaper of general circulation in the city and, if possible, in at least one periodical, if any exist, circulated in the vicinity of the proposed landmark, landmark district, architectural conservation district or protection area at least three weeks prior to the date of the hearing and by mailing a copy of such advertisement to the owner of the proposed landmark and to every owner as appearing on the then most recent tax list of property abutting the proposed landmark or within the proposed landmark district, architectural conservation district or protection area as determined from the records of the assessing department and to the mayor, the Boston Redevelopment Authority, the city clerk, the Office of Public Service, and any other person that may have filed a written

request for such notice with the commission. Such request may be made annually in December. Notice of such hearing will announce the availability of a report on the proposed designation. Whenever feasible in the judgement of the commission, such hearing shall be held in the vicinity of such landmark, landmark district architectural conservation district or protection area.

Prior to the public hearing, the commission shall transmit copies of the report to the Boston Redevelopment Authority and the Massachusetts Historical Commission for their respective consideration and recommendations.

Every designation or amendment of designation of any landmark district, architectural conservation district or protection area shall state its location, describe its general characteristics and specify its boundaries, and every designation of any landmark shall state its location, describe its general characteristics and specify the boundaries of its site. Designation of interior portions of improvements shall further specify which rooms, spaces and surfaces are included in such designation.

As part of every such designation or amendment of designation, the commission shall adopt regulations which shall specify general standards and other appropriate criteria consistent with the purposes of this act and the provisions of section five which shall be applied by the commission in making any determination under section six with respect to the designated landmark or within the designated landmark district, architectural conservation district or protection area. Such standards and criteria shall be adopted by the commission after it has considered the study report as provided for in this section. Such standards and criteria shall take account of the differences in significance and purpose of designation among a landmark, landmark district, architectural conservation district or protection area; provided, however, that the standards and criteria applicable within any protection area shall relate only to demolition, land coverage, height of structure, landscape or topography.

The commission may designate as a landmark any property located within the city however owned and may include, in any landmark district, architectural conservation district or protection area, any such property, provided that the commission shall not designate as a landmark district, architectural conservation district or protection area that portion of the city bounded and described as follows: — beginning at a point at the intersection of the center line of Massachusetts avenue with the Massachusetts Turnpike Extension, continuing northwesterly along the center line of said Massachusetts avenue to the city boundary with the city of Cambridge in the Charles river, thence turning northeasterly and continuing along the said city boundary to the pierhead line, thence turning southeasterly and continuing along

the said pierhead line toward Fort Point channel, continuing southwardly along the middle of said Fort Point Channel to Dorchester avenue, continuing along the center line of said Dorchester avenue to the Broadway bridge, thence turning northwesterly along the center line of the Broadway bridge crossing the John Fitzgerald expressway, continuing along a straight line to the Massachusetts Turnpike Extension, along the center of said Turnpike Extension to the point of origin, except that the foregoing shall not prevent the adoption of historic districts pursuant to the provisions of chapter forty C of the General Laws within the area described herein.

Notwithstanding anything to the contrary herein, no designation of the interior portion of any improvement shall be made unless the notice pursuant to this section and the designation specifically indicates that said interior shall be designated.

Within the historic Beacon Hill District or Back Bay Residential District, the commission may designate interior portions of structures, and landscape features individually as landmarks in the manner provided herein. The commission may not designate as a landmark district, architectural conservation district or protection area any portion of the Historic Beacon Hill District or Back Bay Residential District, or any portion or any other historic district hereinafter established pursuant to any general or special law.

Every designation, amendment and rescission of designation approved by the commission shall be presented to the mayor for his approval. If he approves it, he shall sign it. If he disapproves it, he shall file it with the city clerk with his objections thereto in writing. Every such designation, amendment or rescission of designation which within fifteen days after its presentation to the mayor is neither signed by him nor filed with his written objections shall be deemed approved by the mayor after the sixteenth day following such presentation.

Within thirty days of the mayor's approval of a designation, amendment or rescission of designation of a landmark, landmark district, architectural conservation district or protection area pursuant to this section, the city council may override such designation, amendment or rescission of designation of such landmark, landmark district, architectural conservation district or protection area by a two-thirds vote of the council. In the absence of such override or express approval thereof, any such designation, amendment or rescission of designation of any such landmark, landmark district, architectural conservation district or protection area shall be deemed approved by the council after the thirty-first day following such action by the mayor pursuant to this section.

Any designation, amendment of designation and rescission of designation shall become effective upon determination of a designation by the commission provided however that such designation shall be filed promptly thereafter by the commission with the city clerk, the Public Improvement Commission and the building commissioner. No designation of or amendment of such a designation shall be effective as to any person without actual notice thereof or as to any parcel of property until recorded in the Suffolk county registry of deeds and indexed in the grantor index under the name of the record owner or owners thereof and, with respect to registered land, filed in said registry and noted on the certificate of title of the owner or owners. The commission may at any time after notice of a public hearing to consider designation of a landmark under this section, record as above provided, a notice that a designation is under consideration relating to the property, in which case for the period of ninety days after such recording or until the proposed designation is rejected, if such action occurs sooner such property shall be treated as and entitled to all the protection of a landmark hereunder.

SECTION 5. *Regulatory Function of the Commission.* Except as may otherwise be provided by regulations of the commission duly adopted and effective in accordance with section four or section three and section four: —

(*a*) No permit shall be issued by the building commissioner for any reconstruction, restoration, exterior or interior replacement or alteration or demolition of any landmark or for the construction, reconstruction, exterior replacement or alteration or demolition of any improvement not a landmark in any landmark district, architectural conservation district or protection area, unless the application for such a permit shall be accompanied by a certificate issued and effective in accordance with sections six, seven and eight;

(*b*) No permit shall be issued by the Public Improvement Commission or such other agency, if any, of the city as shall have authority to issue such permit for the erection or replacement of any sign, marquee, awning, or other exterior architectural feature to be attached or appurtenant to any landmark or to any improvement not a landmark in any landmark district, architectural conservation district or protection area, unless the application for such permit shall be accompanied by such a certificate;

(*c*) No reconstruction, restoration, exterior erection, exterior or interior replacement or alteration or demolition not requiring such a building permit or sign permit shall be undertaken by any person or by any officer, department, agency, authority, or board of the city or commonwealth with respect to any landmark, unless such person, officer, department, agency, authority, or board shall first have applied for and received such a certificate;

(*d*) No construction, reconstruction, exterior erection, replacement or alteration or demolition not requiring such a building permit or sign permit shall be undertaken by any person or by an officer, department, agency, authority or board of the city or commonwealth with respect to any improvement or exterior architectural feature in any landmark district or architectural conservation district or any improvement in any protection area, unless such person, officer, department, agency, authority or board shall first have applied for and received such a certificate;

(*e*) The regulatory functions of the commission as described in this section shall extend to any property however owned and designated as a landmark or located in or to be constructed in any landmark district, architectural conservation district or protection area and to plans, projects or work to be executed or assisted by any governmental body or its officers, departments, agencies, authorities or boards and affecting any landmark or any improvement or exterior architectural feature located in or to be constructed in any landmark district, architectural conservation district or protection area.

SECTION 6. *Application for Certificates from Commission.* Every application for any certificate required by section five shall be filed with the secretary of the commission and shall include as appendices a copy of the application, if any, for the building permit or sign permit to be accompanied by such certificate and such plans, specifications and other information as shall be prescribed by the commission in its regulations then in effect.

Within the eight days next following the date of such filing, excluding any Saturday, Sunday, or legal holiday, the commission or such person as the commission shall have duly authorized so to act on its behalf shall determine whether the application shall be acted on as an application for a certificate of design approval to be issued in accordance with section seven or a certificate of exemption to be issued in accordance with section eight; and if eight days shall expire without any such determination, the commission or authorized person shall thereupon issue a certificate of exemption, provided that no certificate of exemption pursuant to section eight may be issued until a public hearing has been held as provided hereunder.

Except as otherwise provided in this section, the commission shall hold a public hearing on every application determined, in accordance with section six and eight to require a certificate or design approval or a certificate of exemption.

The commission shall give at least ten days' prior notice to every hearing provided for in this section by posting notice thereof in the office of the city clerk and mailing copy of such notice to the applicants and to every owner as appearing on the then most recent tax list of property abutting the landmark or

improvement which is the subject of the application, the mayor, the Boston Redevelopment Authority and any other person that shall have requested notice of such hearing. Such requests may be made annually in December.

Any such hearing may be conducted by any member or members or employee or employees of the commission duly authorized by the commission so to act on its behalf, in which event such person or persons shall, promptly following conclusion of the hearing, file with the commission a written report on the hearing with recommendations for action by the commission.

As soon as may be convenient following such hearing but not later than the thirtieth day next following the date of filing of the application or such further time as the applicant in writing may allow the commission, the commission shall determine whether or not the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto is consistent with the purposes of this act. Forthwith upon making such determination, the commission shall issue a certificate of design approval or a certificate of exemption or shall state in writing its reasons including such recommendations, if any, as the commission may deem appropriate for not issuing such certificate and shall by certified mail give notice of such determination to the applicant and, whenever a public hearing shall have been held, give notice by regular mail to every person who shall have requested at the public hearing notice of such decision. If the commission shall fail to make such a determination within the said period of time, such application shall be considered approved by operation of law and the commission shall, upon demand of the applicant following expiration of such period, forthwith issue a certificate of exemption.

In making such determination the commission shall consider: (*i*) the regulations adopted by the commission under section four as part of the designation to which the application is subject; (*ii*) the relationship of the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto to the entirety of the landmark, improvement or exterior architectural feature which is the subject of the application, to other physical features or improvements in the landmark district, architectural conservation district or protection area, if any, where such landmark, improvement, or exterior architectural feature is located, and to the historical, social, cultural, architectural or aesthetic significance to the city, the commonwealth, the New England region or the nation of such landmark, improvement, or exterior architectural feature; and (*iii*) such historical, social, cultural, architectural or aesthetic consideration or considerations, if any, as the commission shall deem significant and directly related to effecting the purposes of this act.

SECTION 7. *Certificate of Design Approval.* The commission may incorporate in any certificate of design approval such condition or conditions, if any, as the commission may find necessary or desirable to effect the purposes of this act and may specify that certain of such conditions shall be covenants running with the land. Prior to any such incorporation, the commission may advise the applicant of the proposed condition or conditions and invite his comments thereon and, in accordance with the procedures and criteria of this section, may at any time and from time to time modify or remove any condition so incorporated.

No certificate of design approval issued by the commission subject to any condition which has been specified as a covenant running with the land, nor any action by the commission modifying or removing any such condition, shall take effect until notice thereof shall have been recorded in the Suffolk county registry of deeds. Such notice shall contain the name and address of the owner as appearing on the then most recent tax list of the property which is the subject of the application, shall identify such property, shall state the date and docket number of the commission's determination on the application and shall summarize every such condition. Such notice shall be indexed in the grantor index under the name of such owner, and the fee for such recording shall be paid by the applicant.

SECTION 8. *Certificate of Exemption.* A certificate of exemption shall be issued by the commission in response to every application determined, in accordance with section six, to delineate: (*i*) only ordinary maintenance and repair involving no change in design, material, color and outward appearance, or any of them; or (*ii*) any construction, reconstruction, restoration, alteration, erection, replacement or demolition which the building commissioner shall have certified as being required to remove or rectify a condition dangerous to the public safety; or (*iii*) any construction, reconstruction, restoration, alteration, erection, replacement or demolition authorized under any building permit or sign permit duly issued prior to the effective date of this act.

Such a certificate may be issued by the commission in response to any application whenever, in accordance with section six, it shall be determined: (*i*) that the construction, reconstruction, restoration, alteration, erection, replacement or demolition delineated in the application and appendices thereto would not materially impair the historical, social, cultural, architectural or aesthetic significance of the landmark or improvement which is the subject of the application and the landmark district or architectural conservation district, if any, in which such landmark or improvement is located; and (*ii*) that failure to issue such certificate would impose substantial hardship on the applicant. The applicant shall be required to produce evidence of substantial hardship, which may include evidence that the

property which is the subject of the application is not capable of earning a reasonable return. The commission shall review such evidence and make a finding as to whether substantial hardship would result from failure to issue a certificate of exemption. Notwithstanding any other provisions hereunder, the commission may postpone a final determination on the application for up to ninety days from the date of the hearing held pursuant to section six, during which time it shall endeavor to devise, in consultation with the applicant, a plan whereby, through such actions as are necessary or appropriate, the landmark or improvement may be preserved.

SECTION 9. *Appeals.* Any person aggrieved by a designation of the commission or any applicant for a certificate aggrieved by a determination pertaining to that certificate of the commission may, within thirty days next following date of such designation or determination, appeal the designation or determination to the superior court for Suffolk county.

Upon every such appeal, the court shall hear all pertinent evidence and, on the basis thereof, shall affirm the designation or determination of the commission or, if it finds the decision of the commission to be unwarranted by the evidence or to exceed the authority of the commission, or to damage the owner of the property unreasonably in comparison to the benefit conferred on the public, shall annul the designation or determination of the commission in whole or in part or remand the case for further action by the commission or make such other decree as justice and equity may require, including requiring that notice of such decision be recorded. The remedy provided by this section shall be exclusive, but the parties shall have all rights of exception and appeal as in other cases. Costs shall not be allowed against the commission or any appellant unless the court shall find that the commission's determination shall have been made, or the appellant's appeal shall have been taken in bad faith.

SECTION 10. *Enforcement.* Whoever, without the certificate required by and effective in accordance with this act, shall undertake any (*i*) reconstruction, restoration, exterior erection, exterior or interior replacement or alteration or demolition of any landmark or any (*ii*) construction, reconstruction, exterior erection, replacement or alteration or demolition with respect to any exterior architectural feature in any landmark district, architectural conservation district or protection area shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars; and whoever, after having received from the commission appropriate notice to desist, shall, in violation of this act, permit any exterior architectural feature of any landmark or in any such district or area to continue to exist shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. A separate offense shall occur every day during any portion of which any such violation shall transpire.

Upon petition of the commission, the superior court for Suffolk county may restrain any construction, reconstruction, restoration, erection, replacement, alteration, or demolition in violation of this act and may order the removal in whole or part of any exterior architectural feature permitted to exist in violation of this act and may order such reconstruction or restoration as may be necessary or desirable to redress any alteration or demolition undertaken in violation of this act.

SECTION 11. *Other Functions of Commission.* The commission may conduct and direct continuing studies of areas, physical features and improvements in the city which are known to or shall be brought to the attention of the commission as possible landmarks, landmark districts, architectural conservation districts or protection areas, may from time to time make appropriate reports on such studies, may carry on educational activities in furtherance of the purposes of this act and shall advise such other officials of the city as the mayor may from time to time specify and may advise any official of the city, the commonwealth, the New England region or the nation who may request such advice.

The commission or its members shall be deemed for all purposes to be an historic district study committee as provided under chapter forty C of the General Laws, but if in case the provisions of said chapter forty C shall conflict with this act, the provisions of this act shall govern.

The commission shall be deemed for all purposes to be the historical commission of the city and shall have all the powers of a historical commission under section eight D of chapter forty and under chapter forty C of the General Laws; but if in any case the provisions of said section eight D of chapter forty or chapter forty C shall conflict with this act, the provisions of this act shall govern.

In the name of the city and in order to effect the purposes of this act, the commission may, with the consent of the mayor and council, apply for any gift or grant of any property and any form of subvention and subject to the consent of the mayor and council, may receive any such gift, grant, or subvention and acquire by gift, purchase, grant, bequest, devise, lease, or otherwise the fee, any lesser interest, development right, easement, including any scenic easement, covenant, or other contractual right, including conveyances on conditions or with limitations or reversions, in any property in the city. The commission may, with the consent of the mayor and council, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this act, and with consent of the mayor and council, may notwithstanding any provision of low or ordinance to the contrary, for the purpose of matching or qualifying for such a grant, grant-in-aid, gift or bequest, obligate the expenditure of funds which the commission may have, or have

appropriated to it, whether or not the same is to be spent within the then current municipal or fiscal year.

Upon written request by the commission of the mayor, the city, by a two-thirds vote of the council and the consent of the mayor, may, in order to effect the purposes of this act, take by eminent domain under chapter seventy-nine of the General Laws any real estate or interest therein located in the city; and, by such vote and such consent, the city may appropriate and expend money for the purpose of paying, in whole or part, any damages for which the city may be liable by reason of any such taking.

All property so received, acquired, or taken shall be under the care, custody and control of the commission in the name of the city.

In the name of the city, in order to effect the purposes of this act, and subject to the consent of the mayor and council, the commission may, by sale, barter, or other exchange, convey with or without deed restrictions or other protective encumbrances or otherwise transfer any property managed and controlled by it.

SECTION 12. *Severability.* The provisions of this act are severable; and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of this act.

Approved December 16, 1975.

Chap. 773. AN ACT ESTABLISHING THE MASSACHUSETTS CENTRAL RAILROAD CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Peter M. Dearness, Louis O. Hebert, Daniel P. Moscato, Alfred M. Randall and Richard E. Towle, their associates and successors, are hereby made a corporation by the name of the Massachusetts Central Railroad Corporation; with all the powers and privileges, and subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force relating to railroad companies, except as otherwise provided herein.

SECTION 2. Said corporation is hereby authorized, subject to the approval of the department of public utilities, and subject to such other provisions of law as may be applicable, to acquire, by purchase, gift, devise, transfer, lease or otherwise, and to hold, lease, pledge or otherwise deal with, transfer, sell or otherwise dispose of railroad rights-of-way or related facilities.

SECTION 3. Subject to the approval of the department of public utilities, said corporation may locate, construct, maintain and operate an extension of the railroad commencing at Canal

junction in the town of Belchertown, thence running in a northerly direction generally following the abandoned location of the Boston and Maine Corporation Central Mass. Branch to such a convenient point as it may select on, in connecting with, the Central Vermont Railway in said town, thence running in a north, northwesterly direction to Norwottuck junction in the town of Amherst; further, it may extend the railroad, commencing at the eastern terminus in the town of Barre, then running in a east, southeasterly direction generally following the abandoned location of said Central Mass. Branch through the towns of Oakham, Rutland, and Holden, and connecting with the Providence & Worcester Railroad by the most direct and feasible route as it may select in the town of Holden or the town of Princeton.

SECTION 4. The affairs of said corporation shall be managed by a board of not less than five nor more than nine directors, the number to be fixed by the by-laws. Its first board shall be chosen by the above named incorporators or a majority of them, who shall also adopt by-laws, which may provide as to the election and qualification of directors, and as to the classification of directors and their terms of office, and may provide that only a minority shall be elected annually. The said incorporators or a majority of them shall also make provision as to filling vacancies in the board, and otherwise as to the management of the affairs of the corporation and may adopt any other by-laws which shall be consistent with the general laws and with the provisions hereof.

SECTION 5. The capital stock of said corporation shall be two million dollars and shall be divided into shares of one hundred dollars each. Said corporation may issue bonds for its corporate purposes, secured by mortgage of its property and franchise. The said stock and bonds shall be issued in accordance with the laws of this commonwealth relating to the issue of stock and bonds by railroad corporations, in force at the time when such issue is made.

SECTION 6. Said corporation may begin business upon filing with the secretary of the commonwealth a list of its board of directors and a copy of its by-laws.

Approved December 16, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 30, 1975.

The Honorable Paul H. Guzzi, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitu-

tion, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 773 of the Acts of 1975, entitled AN ACT ESTABLISHING THE MASSACHUSETTS CENTRAL RAILROAD CORPORATION., and the enactment of which received my approval on December 16, 1975, should take effect forthwith.

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

In order to allow for the immediate establishment and operation of such corporation.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 30, 1975.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 774. AN ACT AUTHORIZING THE CONTRIBUTION OF ONE ADDITIONAL DOLLAR OVER AN INDIVIDUAL'S INCOME TAX LIABILITY TO A STATE ELECTION CAMPAIGN FUND TO PROVIDE LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.

Be it enacted, etc., as follows:

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 41 the following four sections: —

Section 42. There shall be established on the books of the commonwealth a separate fund to be known as the state election campaign fund, consisting of all revenues received under the provisions of section six C of chapter sixty-two, and all other monies credited or transferred thereto from any other fund or source pursuant to law.

The state treasurer shall deposit the fund in accordance with the provisions of sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will secure the highest interest rate available consistent with safety of the fund and with the

requirement that all amounts on deposit be available for immediate withdrawal at any time after June thirtieth in any year in which elections are held for statewide elective office.

The state election campaign fund shall be expended only for the payment to eligible candidates, as determined under chapter fifty-five A, of amounts due on account of public financing on campaigns for statewide elective office and any unexpended balances shall be redeposited, as herein provided, pending the next year in which elections are held for statewide elective office.

Section 43. On or before the eighth Tuesday before the primary election in any year in which elections are held for statewide elective office, the balance of the state election campaign fund shall be determined by the comptroller as of June thirtieth of that year and the state election campaign fund shall thereupon be divided by the comptroller into primary and state election accounts as follows:

(*a*) Sixty per cent of the fund shall be allocated to the primary election account which shall be further subdivided into as many primary candidate accounts as there are candidates for statewide elective office who both qualify for the primary ballot and have primary opposition as certified by the state secretary under section two of chapter fifty-five A. Each primary candidate account shall be credited with an amount determined by dividing the primary election account by a number equal to the sum of five times the number of certified candidates for governor, two and one half times the number of certified candidates for attorney general and one times the number of certified candidates for the other statewide elective offices; provided that each candidate account for the office of governor shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.

(*b*) Forty per cent of the fund shall be allocated to the state election account.

On or before the fifth Tuesday preceding such state election the state election account shall be further subdivided into as many state election candidate accounts as there are candidates for statewide elective office who both qualify for the state election ballot and have opposition in the state election as certified by the state secretary under section two of chapter fifty-five A, provided that one candidate account only shall be established for each governor and lieutenant governor team of candidates. Each state election account shall be credited with an amount determined by dividing the state election account by a number equal to the sum of five times the number of certified candidate teams for governor and lieutenant governor, two and one half times the number of certified candidates for attorney general and one times the

number of certified candidates for the other statewide elective offices; provided, that each governor and lieutenant governor candidate account shall be credited with five times the amount so determined and each candidate account for the office of attorney general shall be credited with two and one half times the amount so determined.

Section 44. On or before the eighth, sixth, fourth and second Tuesday before the primary election in any year in which elections for statewide elective office are held the state treasurer shall without further appropriation distribute from each primary candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by such candidates under section nineteen of chapter fifty-five. Immediately following the second Tuesday before the primary election all primary candidate accounts established under section forty-three shall be closed and any balances remaining shall be allocated to the general election account and shall be available for distribution as herein provided.

On or before the fourth and second Tuesday before the state election in any year in which elections are held for statewide elective office, the state treasurer shall without further appropriation distribute from each state election candidate account the amounts then certified by the director of campaign and political finance to be due to each eligible candidate. All distributions shall be made by direct deposit to the depository accounts designated by such candidates under section nineteen of chapter fifty-five. Immediately following the second Tuesday before the state election all state election candidate accounts established under section forty-three shall be closed and any balances remaining shall be redeposited as provided in section forty-one pending the next year in which statewide elections are held.

Section 45. The state auditor shall conduct a post-audit of all accounts and transactions involving the state election campaign fund for any year in which elections are held for statewide elective office and shall conduct such other special audits and post-audits as he may deem necessary. The state auditor shall publish a report of any post-audit required by this section on or before April first of the year following any year in which elections are held for statewide elective office. The comptroller shall conduct a post-audit of the accounts and transactions of any candidate for state auditor.

SECTION 2. Chapter 55 of the General Laws is hereby amended by striking out section 6, as appearing in section 1 of chapter 151 of the acts of 1975, and inserting in place thereof the following section: —

Section 6. A political committee organized or operating on behalf of a candidate for the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor may receive pay and expend money or other things of value for reasonable and necessary expenses directly related to the campaign of the candidate but shall not make any expenditure that is primarily for the candidate's or any other person's personal use, provided however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that no such committee, other than the state committee of a political party, may contribute to any other political committee or to the campaign fund of any other candidate.

Any other political committee, duly organized, may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate or the principle, for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees and may contribute to the campaign fund of a candidate; and provided, further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to another nonelected political committee organized on behalf of a candidate shall not exceed in any one calendar year the sum of one hundred dollars; and provided further, that the aggregate of all such contributions made by such a committee organized on behalf of a candidate to other nonelected political committees organized on behalf of candidates shall not exceed in any one calendar year the sum of fifteen hundred dollars.

Such committee may place surplus funds in a savings account and may earn interest thereon but it may not invent its funds or other things of value in any other manner.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

SECTION 3. The General Laws are hereby amended by adding after chapter 55 the following chapter: —

CHAPTER 55A.

LIMITED PUBLIC FINANCING OF CAMPAIGNS FOR STATEWIDE ELECTIVE OFFICE.

Section 1. Unless a contrary intention clearly appears, the words and phrases used in this chapter shall have the following meanings:

"Director", the director of campaign and political finance as established by chapter fifty-five.

"Candidate", any candidate as defined by chapter fifty-five.

"Statewide elective office", the office of governor, lieutenant governor, attorney general, secretary, treasurer and receiver general, and auditor.

"Contribution", any contribution as defined by chapter fifty-five.

"Qualifying contribution", any contribution made by an individual and deposited in a candidate's depository account as required by section nineteen of chapter fifty-five during the calendar year in which elections are held for statewide elective office or the next preceding calendar year except as follows: (*a*) no contribution shall be considered a qualifying contribution unless the name and address of the individual making the contribution can be determined from statements required to be filed with the director; (*b*) no contribution shall be considered a qualifying contribution to the extent that it exceeds two hundred and fifty dollars or would exceed two hundred and fifty dollars when added to any such contribution previously made by the same individual during the calendar year in which elections are held for statewide elective office or the next preceding calendar year.

The same contribution may be a qualifying contribution for both the primary election and the state election in a year in which elections are held for statewide elective office but no contribution shall remain a qualified contribution after the end of any such year.

Section 2. On or before the ninth Tuesday before the primary election in any year in which elections are held for statewide elective office the state secretary shall determine and certify to the director and the state treasurer the names and addresses of all candidates for statewide elective office who qualify for the primary ballot and are opposed by one or more candidates who have qualified for the same ballot in the primary election. For purposes of this chapter any candidate for statewide elective office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur following the filing of such certificates of nominations and nomination papers other than a vacancy caused by withdrawal of a candidate within the time allowed by law. On or before the fifth Tuesday before the state election in any such year the state secretary shall determine and certify to the director and to the state treasurer the names and addresses of all candidates for statewide elective office who qualify for the state election ballot and are opposed by one or more candidates

who have qualified for the state election ballot. For purposes of this chapter any candidate for statewide elective office for whom certificates of nomination and nomination papers have been filed in apparent conformity with law shall be considered qualified for the ballot, as provided with respect to candidates for the primary election, and any such candidates nominated at the primary election shall be considered qualified for the ballot notwithstanding any objections thereto that may be filed and notwithstanding any vacancy that may occur other than a vacancy caused by withdrawal of a candidate within the time allowed by law. The state secretary shall promptly determine and certify to the director and state treasurer the name and address of any candidate that no longer qualifies for the primary or state election ballot or no longer has opposition because of death or withdrawal or ineligibility for office or because objections to certificates of nomination and nomination papers have been sustained or because of a recount or for any other like reason.

Section 3. The director shall determine and certify to the state treasurer those candidates for statewide elective office that are eligible for limited public financing as provided in sections four and six and shall determine and certify to the state treasurer the amounts due to each eligible candidate as provided in sections five and seven.

Said director shall prescribe and make available forms on which statements of qualifying contributions shall be filed by candidates, which statements shall contain the name and address of each individual making a contribution, the amount of the contribution and date of deposit, the cumulative total of all contributions made by that individual during the calendar year in which elections are held for statewide elective office and the next preceding calendar year and shall contain such other information and shall be organized in such a manner as the director may reasonably require to expedite the determinations required to be made by the director by this chapter. The director shall notify candidates of any amounts determined by the director to be due from candidates under section nine and shall direct that such amounts be paid to the state election campaign fund. On or before January thirtieth of any year next following a year in which elections are held for statewide elective office the director shall prepare and submit a report relating to the matters entrusted to him under this chapter to the clerk of the senate and to the commission established by section three of chapter fifty-five and shall make copies of such report available to any person upon payment of the reasonable cost of copying or reproduction.

Section 4. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the primary election shall be

eligible to receive limited public financing of his primary election campaign, to the extent provided by section five, on determination and certification by the director that the candidate (*a*) has filed a request for public financing with the director together with the bond required by section eight and (*b*) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor	$75,000
Lieutenant Governor	15,000
Attorney General	37,500
Secretary	15,000
Treasurer and Receiver General	15,000
Auditor	15,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determination and certification of the eligibility of candidates shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

Section 5. Any candidate eligible to receive limited public financing of his primary election campaign shall, on determination and certification by the director, be entitled to an amount equal to one dollar for each one dollar of qualifying contributions as defined by section one, subject to the following limitations: (*a*) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the primary candidate account established for that candidate under section forty-two of chapter ten; (*b*) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor	$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer and Receiver General	50,000
Auditor	50,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the eighth, sixth, fourth and second Tuesday before the primary election and shall be based solely

upon information contained in such statements as have been filed prior to such dates.

Section 6. Any candidate for statewide elective office certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election shall be eligible to receive limited public financing of his state election campaign, to the extent provided by section seven, on determination and certification by the director that the candidate (*a*) has filed a request for public financing with the director together with the bond required by section eight and (*b*) has received qualifying contributions as defined by section one in at least the following minimum amounts for the following statewide elective offices:

Governor and Lieutenant Governor	$125,000
Attorney General	62,500
Secretary	25,000
Treasurer and Receiver General	25,000
Auditor	25,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining whether any such minimum amount has been met. Determinations and certifications of the eligibility of candidates shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining eligibility for public financing of such candidate's state election campaign.

Section 7. Any candidate eligible to receive limited public financing of his state election campaign shall, on determination and certification by the director, be entitled to an amount equal to one dollar for each one dollar of qualifying contributions as defined by section one subject to section nine and subject to the following limitations: (*a*) no candidate shall be entitled to receive any amount in excess of the balance then remaining in the state election candidate account established for that candidate under section forty-three of chapter ten; (*b*) nor shall any candidate be entitled to receive any amount in excess of the following maximum amounts for the following statewide elective offices:

Governor and Lieutenant Governor	$250,000
Attorney General	125,000
Secretary	50,000
Treasurer and Receiver General	50,000
Auditor	50,000

Only amounts appearing in statements of qualifying contributions filed with the director, in such form as he shall prescribe, shall be considered in determining amounts to which candidates are entitled. Determinations and certifications of the amounts to which eligible candidates are entitled shall be made by the director on or before the fourth and second Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed prior to such dates.

The fact that a qualifying contribution has previously been considered in determining eligibility for, or the extent of, public financing of a candidate's primary election campaign shall not prevent consideration of the same contribution in determining the extent of public financing of such candidate's state election campaign.

Section 8. No candidate shall be eligible to receive public financing under this chapter unless and until the candidate deposits with the director a bond for the faithful compliance by such candidate and any political committee organized on his behalf with the provisions of this chapter. Such bond shall be in a form approved by the director, shall be signed by such candidate and the chairman and treasurer of any such committee, shall run to the commonwealth, shall be in force during the year in which elections for statewide elective office are held and shall be in the following sums for the following statewide elective offices:

Governor	$250,000
Lieutenant Governor	50,000
Attorney General	125,000
Secretary	50,000
Treasurer	50,000
Auditor	50,000

On determination by the director that a candidate has failed to make the payments to the state treasurer required by section nine the director may request the attorney general to bring an action in the name of the state treasurer upon the bond of such candidate and his political committee and may recover for the benefit of the state election campaign fund, up to the sum of such bond, any such payments so required. Any such action shall be in addition to remedies otherwise available by law and no action on any such bond shall preclude the director from bringing such other civil or criminal proceedings as may otherwise be provided by law.

Section 9. Within two weeks following any primary or state election for statewide elective office any candidate who has received public financing under this chapter shall file a statement with the director showing the balance remaining in the candidate's depository account as of the primary or state

election less any reserve necessary to cover debts incurred to defray campaign expenditures incurred during such primary or state election. Except as herein provided, any candidate having a surplus balance following any such primary or state election shall thereupon pay to the state treasurer for deposit to the state election campaign fund an amount determined by multiplying such surplus balance by a fraction the numerator of which is the total amount of public financing received on account of such primary or state election campaign and the denominator of which is the sum of such public financing received and all contributions received by such candidate. No candidate having a surplus balance following the primary election shall be required to make any payment on account of such surplus if such candidate is certified by the state secretary under section two as qualifying for the ballot and having opposition in the state election and is certified by the director of campaign and political finance as eligible for public financing for the state election within three weeks following such primary election; provided, however, that in determining and certifying the amount to which any such candidate is entitled under section seven the director shall reduce the amount that would otherwise be determined thereunder by an amount equal to the amount that such candidate would be required to pay to the state treasurer under this section but for this sentence.

If the director determines that any portion of the payments made to an eligible candidate under this chapter was in excess of the aggregate amount of the payments to which the candidate was entitled he shall so notify the candidate and he shall thereupon pay to the state treasurer an amount equal to the excess amount.

If the director determines that any portion of the payments made to a candidate under this chapter for use in his primary election campaign or his state election campaign was used for any purpose other than to defray campaign expenditures in that campaign, or to repay loans the proceeds of which were used to defray campaign expenditures in that campaign, the director shall so notify the candidate and he shall thereupon pay an amount equal to the full amount so used to the state treasurer without regard to the source of the funds so used.

Any candidate who fails to pay an amount determined by the director to be due within ten days of notice thereof shall be subject to a penalty of fifty dollars per day for every day that such amount remains unpaid.

Section 10. No candidate shall be required to accept public financing nor shall any candidate otherwise eligible for public financing be denied such financing solely because an opposing candidate declines to accept such financing.

Section 11. The director shall promulgate such rules and regulations as are necessary to effectuate the purposes of this chapter.

The director shall have the same power and authority to investigate the legality, validity, completeness and accuracy of all reports and actions required to be filed and taken by candidates pursuant to this chapter as is provided by section three of chapter fifty-five pertaining to campaign contributions and expenditures.

Section 12. Violation by any person of any provision of this chapter shall, in addition to any civil liabilities established by this chapter, be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars or both.

SECTION 4. Chapter 62 of the General Laws is hereby amended by inserting after section 6B the following section: —

Section 6C. Every individual who files a separate return and whose income tax liability for any taxable year is one dollar or more may voluntarily contribute one additional dollar over his income tax liability to be paid over to the state election campaign fund for the account of candidates for statewide elective office in accordance with the provisions of chapter fifty-five A.

In the case of a joint return of husband and wife having an income tax liability of two dollars or more, each spouse may voluntarily contribute one dollar to the fund.

A contribution made under this section may be made with respect to any taxable year at the time of filing the return of the tax imposed by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section twenty-two.

The provisions of this section shall apply only to residents required to file a return under this chapter.

For purposes of this section the phrase "income tax liability for any taxable year" shall mean the amount of tax imposed by this chapter reduced by sum of the credits allowed by clauses (*a*) and (*b*) of section six and the words "statewide elective office", and "candidates" shall have the same meaning as in chapter fifty-five A.

SECTION 5. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved December 16, 1975.

Chap. 775. AN ACT MAKING THE MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY A PUBLIC CORPORATION AND DEFINING ITS POWERS AND DUTIES.

Whereas, The deferred operation of this act would tend to defeat

its purpose, which is to permit the Massachusetts Municipal Wholesale Electric Company immediately to pursue opportunities to finance electric power facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The following words as used in this act shall, unless the context otherwise requires, have the following meanings:

"Bonds" or "bond", bonds, notes and other evidence of indebtedness of the corporation issued under the provisions of this act.

"Corporation", the Massachusetts Municipal Wholesale Electric Company, heretofore organized under chapter one hundred and sixty-four of the General Laws.

"Department", the department of public utilities.

"Electric power facilities", or "electric power facility", any system or facilities for the generation, transmission or transformation of electric power and energy by any means whatsoever, including, without limiting the generality of the foregoing, facilities for processing refuse or other materials into fuel, with or without other by-products.

"Majority vote", majority vote as defined in section one of chapter forty-four of the General Laws.

"Municipal light board", the municipal light board or commission, municipal gas and electric commission or similar body of a city or town having a municipal electric department established under chapter one hundred and sixty-four of the General Laws or a special act; the mayor or city manager, as the case may be, of such a city having no such body; or the selectmen of such a town having no such body. Such a city or town may exercise any of its power or authority contained in this act through its municipal light board.

SECTION 2. The corporation is hereby made a body politic and corporate and a political subdivision of the commonwealth. Said corporation is constituted a public instrumentality and the exercise of the powers conferred by this act shall be deemed and held to the performance of an essential public function.

SECTION 3. (*a*) Each city or town which is entitled to nominate a director of the corporation immediately prior to the effective date of this act and which is authorized to become a member of the corporation by majority vote of such city or town shall be a member of the corporation. Any other city or town having a municipal electric department, established under the provisions of chapter one hundred and sixty-four of the General Laws or a special act, and which is authorized to become a member by

majority vote of such city or town may become a member by applying for admission to the corporation and agreeing to comply with such reasonable terms and conditions of membership as the by-laws may fix from time to time. Membership may be terminated pursuant to such reasonable terms and conditions as the by-laws may fix from time to time, provided that liabilities under contracts in force at the time of such termination shall not be affected except as provided in such contracts.

(*b*) The member cities and towns, voting at a meeting or by written instrument, shall have the power to adopt, amend or repeal the by-laws and to elect directors of the corporation. Each member city or town shall from time to time designate, by a writing filed with the corporation, its manager of municipal lighting or a member of its municipal light board to vote and execute such written instruments on its behalf. Each member city or town shall have one equal vote, except that the election of the directors of the corporation shall be carried out according to the procedure set forth in clause (*a*) of section four. A majority of the votes shall be necessary for action by the member cities and towns.

(*c*) The general expenses of the corporation which are not provided from other sources may be provided by the member cities and towns as may be agreed upon with the corporation.

SECTION 4. (*a*) Except as otherwise provided in this act, the powers of the corporation shall be exercised by a board of nine directors. The governor shall appoint two directors who shall serve at the pleasure of the governor. The member cities and towns shall elect seven directors from among their respective managers of municipal lighting and members of their municipal light boards, who shall serve for a term of one year and until their successors are chosen and qualified. Three of the seven elected directors shall be elected by the member cities and towns each of whom shall have one equal vote. The remaining four of the seven elected directors shall be elected by the member cities and towns each of whom shall have a vote which shall be given weight in the same proportion which its annual kilowatt-hour sales as most recently reported to the department under chapter one hundred and sixty-four of the General Laws or as otherwise determined or estimated in accordance with the by-laws bears to the total of such sales by all member cities and towns. Such an elected director may be removed at any time by the member cities and towns with or without cause or for cause by the board. The member cities and towns shall elect a successor to fill any vacancy among the elected directors for the unexpired term. No vacancy in the membership of the board shall impair the right of a quorum to exercise the powers of the board. A majority of the full membership of the board shall constitute a quorum and a majority of such quorum shall be necessary for any action by the board. The directors shall

not be entitled to compensation for their services as such, but they shall be reimbursed for actual expenses necessarily incurred in the performance of their duties.

(*b*) The board shall annually choose a chairman, a secretary and a treasurer, and such other officers as the board may determine. Two or more offices may be held by the same person, and except in the case of the chairman, an officer need not be a director. Each officer shall serve until his successor is chosen and qualified unless sooner removed by the board, with or without cause. In the event of a vacancy in any office, the board shall fill the vacancy for the unexpired term. If a director serves as secretary or treasurer or both, he may be compensated by the corporation for his services as such, otherwise a director shall not be compensated by the corporation for his services as an officer, but he shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

(*c*) A director or officer of the corporation who is also an officer or employee of the commonwealth or of a member city or town or other public body shall not thereby be precluded from voting or acting on behalf of the corporation on a matter involving the commonwealth or the city or town or other public body.

SECTION 5. The corporation shall have all the rights and powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but without limiting the generality of the foregoing, the rights and powers:

(*a*) to adopt by-laws for the regulation of the affairs and the conduct of its business, and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(*b*) to adopt an official seal and alter the same at pleasure;

(*c*) to maintain an office at such place or places as it may determine;

(*d*) to adopt a fiscal year and alter the same at pleasure;

(*e*) to sue and be sued;

(*f*) to receive, administer and comply with the conditions and requirements respecting any gift, grant, donation or appropriation of any property or money;

(*g*) to acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, tangible or intangible, including an interest in land less than the fee thereof;

(*h*) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to any real or personal property or interest therein;

(*i*) to pledge or assign any money, fees, charges, or other revenues of the agency and any proceeds derived by the corporation from the sale of property, insurance or condemnation awards;

(*j*) to employ personnel who shall serve at the pleasure of the directors, provided, however, that the corporation may bind itself by contract to employ a general manager for a period not exceeding five years;

(*k*) to borrow money and issue its bonds as hereinafter provided;

(*l*) to purchase electric power and energy, including, without limiting the generality of the foregoing, all or a portion of the capacity and output of one or more specific electric power facilities and steam whether or not produced by an electric power facility;

(*m*) to sell electric power and energy and other products of electric power facilities to member and non-member cities and towns having municipal electric departments established under chapter one hundred and sixty-four of the General Laws or a special act and to other utilities, public and private, within and without the commonwealth; such cities and towns are hereby authorized to purchase electric power and energy sold by the corporation, provided, however, that nothing in this act shall be construed to authorize resale of electric power and energy so purchased except as otherwise authorized by law;

(*n*) to contract for the use of transmission and distribution facilities owned by others for the delivery to purchasers of electric power and energy sold by the corporation, any such owner is hereby authorized to enter into such contracts with the corporation;

(*o*) to contract with respect to the purchase, sale, delivery, exchange, interchange, wheeling, pooling, transmission or use of electric power and energy and to otherwise participate in intrastate, interstate and international arrangements with respect thereto, including a New England power pool as defined by section one of chapter one hundred and sixty-four A of the General Laws;

(*p*) jointly or separately to plan, finance, acquire, construct, improve, purchase, operate, maintain, use, share costs of, own, lease, sell, dispose of or otherwise participate in electric power facilities or portions thereof or research and development relating thereto within or without the commonwealth and to enter into and perform contracts with respect thereto if the corporation acquires or owns an interest as a tenant in common with others in any electric power facilities within the commonwealth, the surrender or waiver by any such owner of such property of its right to partition such property for a period not exceeding the period for which the property is used or useful for electric utility purposes shall not be invalid and unenforceable by reason of length of such period, or as unduly restricting the alienation of such property;

(*q*) to apply to the appropriate agencies of the commonwealth, other states, the United States, and to any other proper agency for

such permits, licenses, certificates or approvals as may be necessary, and to construct, maintain and operate electric power facilities in accordance with such licenses, permits, certificates or approvals;

(*r*) to apply and contract for and to expend assistance from the United States or other sources, whether in form of a grant or loan or otherwise;

(*s*) to make and execute all contracts and agreements and other instruments necessary or convenient in the exercise of the powers and fanctions of the corporation under this act;

(*t*) to do all things necessary, convenient or desirable to carry out the purposes of this act or the powers expressly granted or necessarily implied in this act.

Contracts entered into by the corporation pursuant to this section (*i*) may be for the life of a facility or other term or for an indefinite period, (*ii*) may provide for the payment of unconditional obligations imposed without regard to whether a facility is undertaken, completed, operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the output of a facility and (*iii*) may contain provisions for prepayment, non-unanimous amendment, arbitration, delegation and other matters deemed necessary or desirable to carry out their purposes.

SECTION 6. (*a*) The corporation may contract to sell, and member and non-member cities and towns having municipal electric departments established under chapter one hundred and sixty-four of the General Laws or by a special act and other utilities, public or private, may contract to purchase all or a portion of the capacity and output of one or more specific electric power facilities including, without limiting the generality of the foregoing, contracts providing for planning, engineering, design, acquiring sites or options for sites and expenses preliminary or incidental to such facilities. Any such contract (*i*) may be for the life of a facility or other term or for an indefinite period, (*ii*) may provide for the payment of unconditional obligations imposed without regard to whether a facility is undertaken, completed, operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the output of a facility and (*iii*) may contain provisions for prepayment, non-unanimous amendment, arbitration, delegation and other matters deemed necessary or desirable to carry out its purposes. Any such contract may also provide, in the event of default by any party thereto in the performance of its obligations thereunder, for other parties to assume the obligations and succeed to the rights and interests of the defaulting party, pro rata or otherwise as may be agreed upon in the contract.

(*b*) Neither the obligations of the corporation nor the obligations of such member or non-member cities and towns under capacity and output contracts hereunder shall be included in computing the borrowing capacities of the cities and towns. Such obligation of cities and towns having municipal electric departments established under chapter one hundred and sixty-four of the General Laws or a special act shall be treated as expenses of operating their electric plants and shall constitute special obligations of such cities and towns, payable solely from the revenues and other moneys derived by the cities and towns from other funds being limited to obligations undertaken by them to pay for the electric power and energy used by them.

(*c*) A city or town shall be obligated to fix, revise and collect fees and charges for electric power and energy and other services, facilities and commodities furnished or supplied through its electric department or system at least sufficient to provide revenues adequate to meet its obligations under any such output and capacity contract and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on all bonds issued by the city or town for electric purposes.

SECTION 7. Subject to those provisions of chapter one hundred and sixty-four of the General Laws which are made applicable by section nineteen hereof, the corporation may acquire real property, or any interest therein, by eminent domain in accordance with the provisions of chapter seventy-nine or chapter eighty A; provided, however, that (*i*) no property already appropriated to public use shall be so taken except to the extent and for the purposes permitted by said provisions of said chapter one hundred and sixty-four and (*ii*) no facility for the generation, transmission or distribution of electric power and energy owned by any person shall be so taken for the purpose of acquiring property or rights therein to permit the crossing of existing transmission or distribution facilities. Any taking under chapter seventy-nine of the General Laws shall be governed by the provisions of said chapter which are applicable to public corporations or authorities. Before a taking is made or injury inflicted by the corporation for which damages may be recovered under chapters seventy-nine or eighty A of the General Laws, the corporation shall file with the department of public utilities security to the satisfaction of the department for the payment of all damages and costs which may be awarded for the property taken or injured; and if, upon petition of the owner and notice to the corporation, any security taken appears to the department to have become insufficient, the department shall require the corporation to give further security to the satisfaction of the department.

SECTION 8. (*a*) The corporation shall not be required to pay any taxes upon its income, existence or franchise, and the bonds issued by the corporation, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation within the commonwealth.

(*b*) Real and personal property, situated within the commonwealth and owned by the corporation shall be exempt from property taxation, provided, however, that the corporation shall, in lieu of property taxes, pay to any governmental body authorized to levy local property taxes the amount which would be assessable as local property taxes on the real and tangible personal property if such property were the property of a corporation defined as an "electric company" in section one of chapter one hundred and sixty-four of the General Laws. Such payments shall be due, and bear interest if unpaid, as in the case of taxes on the property of such an "electric company". For purposes of such payments in lieu of taxes, the assessors of the taxing authority shall make a valuation and assessment of the property and determine the tax that would be assessable if such property were owned by a corporation as defined as an "electric company". Payments in lieu of taxes made hereunder shall be treated in the same manner as taxes for the purposes of all procedural and substantive provisions of law, including appeals, now and hereinafter in effect applicable to assessment and taxation of real and personal property, collection and abatement of such taxes and the raising of public revenues.

SECTION 9. (*a*) The corporation may, subject to the approval of the department under this act, borrow money by the issue of its bonds for any of its corporate purposes. Bonds may be issued hereunder as general obligations of the corporation or as special obligations payable solely from particular funds. Without limiting the generality of the foregoing, such bonds may be issued for project costs, or the corporation's share of project costs of electric power facilities which may include interest prior to and during the carrying out of any project and for a reasonable period thereafter and prepayments under contracts for the purchase of capacity and output, such reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

(*b*) The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times, as may be determined by the corporation, and may be made redeemable before maturity at the option of the corporation at such price or prices and under such terms and conditions as may be fixed by the corporation prior to the issue of the bonds. The corporation shall determine the form of the bonds, including interest coupons to be

attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the commonwealth.

(*c*) In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until after such delivery. The corporation may also provide for authentication of bonds by a trustee or fiscal agent.

(*d*) The bonds may be issued in coupon or in registered form, or both, as the corporation may determine and provision be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The corporation may sell its bonds in such manner, either at public or private sale, and for such price, as it may determine will best effect the purposes of this act.

(*e*) The corporation may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall have become mutilated or shall have been destroyed or lost.

SECTION 10. (*a*) In the discretion of the corporation, but subject to the terms of the department's approval, any bonds issued hereunder may be secured by a resolution of the board or by a trust agreement between the corporation and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the commonwealth and such trust agreement shall be in such form and executed in such manner as may be determined by the corporation. Such trust agreement or resolution may pledge or assign, in whole or in part, the revenues and other moneys held or to be received by the corporation, including the revenues from any facilities already existing when the pledge or assignment is made, and any contract or other rights to receive the same, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the corporation, and the proceeds thereof, but shall not convey or mortgage its generating units, transmission lines or transformers. Such trust agreement or resolution may contain such provisions for protecting and enforcing the rights, security and remedies of the bondholders as may be reasonable and proper and not in violation of law,

including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event thereof which may include (*i*) the acceleration of maturities and covenants setting forth duties of, and limitations on, the corporation in relation to the acquisition, construction, improvement, enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of property, the custody, safeguarding, investment and application of moneys, the issue of additional bonds, the fixing, revision and collection of fees and charges, the use of any surplus bond proceeds, the establishment of reserves, and the making and amending of contracts and (*ii*) provision for the trustee under such a trust agreement to take possession and control of the business and properties of the corporation, to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof, and to fix, revise and collect fees and charges.

(*b*) The corporation is authorized to fix, revise and collect fees and charges for electric power and energy and other services, facilities and commodities furnished or supplied by it. Such fees and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the commonwealth or any municipality or other political subdivision of the commonwealth, but such fees and charges shall be subject to the terms of any applicable contracts. For as long as any bonds of the corporation are outstanding and unpaid, such fees and charges shall be so fixed as to provide revenues at least sufficient to pay all costs and expenses in connection with the operation and maintenance of electric power facilities and all necessary repairs, replacements and renewals thereof, to pay when due the principal of, premium if any, and interest on all bonds of the corporation, to create and maintain reserves as may be required by any trust agreement or resolution securing bonds, and to pay any and all amounts which the corporation may be obligated to pay by law or contract.

(*c*) It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds or of revenues or other moneys under any such trust agreement or resolution and to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the corporation may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution

may be treated as current operating expenses. The pledge by any such trust agreement or resolution shall be valid and binding and shall be deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then held or thereafter acquired or received by the corporation shall immediately be subject to the lien of such pledge without any physical delivery or segregation thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the corporation, and no filing need be made under the Uniform Commercial Code.

SECTION 11. The corporation may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption, subject to the approval of the department under this act. The refunding bonds may be issued at such time prior to the maturity or redemption of the refunded bonds as the corporation deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the corporation in respect of the same shall be governed by the provisions of this act relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

SECTION 12. Bonds issued under the provisions of this act shall not be deemed to be a debt of the commonwealth or of any city or town or a pledge of the faith and credit of the commonwealth or of any city or town. All bonds shall contain on the face thereof that neither the commonwealth nor any city or town shall be obligated to pay the same and that neither the faith and credit nor the taxing power of the commonwealth or of any city or town is pledged to the payment of the principal of or interest on the bonds. Every bond shall also recite whether it is a general obligation of the corporation or a special obligation thereof payable solely from particular funds pledged to its payment.

SECTION 13. All moneys received pursuant to the provisions of this act, whether as proceeds from the sale of bonds or notes or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this act.

SECTION 14. Any holder of bonds issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee under a trust agreement or resolution securing the same, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may bring suit upon the bonds or coupons and may, either at law or in equity, by suit, action, mandamus, or other proceedings which may include appointment of a receiver to take possession and control of the business and properties of the corporation, to operate and maintain the same, to make any necessary repairs, renewals and replacements in respect thereof, and to fix, revise and collect fees and charges, protect and enforce any and all rights under the laws of the commonwealth or granted hereunder or under such trust agreement or resolution, and may enforce and compel the performance of all duties required by this act or by such trust agreement or resolution to be performed by the corporation or by any officer thereof.

SECTION 15. Bonds issued under the provisions of this act are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, co-operative banks, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 16. Notwithstanding any of the provisions of this act or any recitals in any bonds issued under this act, all such bonds shall be deemed to be investment securities under the Uniform Commercial Code.

SECTION 17. The corporation shall issue only such amount of bonds as the department may from time to time vote is reasonably necessary for the proposed purpose of such issue, and such approval shall be subject to such reasonable terms and conditions as the department may determine to be in the public interest. The department shall render a decision upon an application for such issue, after notice and hearing, within thirty days after the final

hearing thereon. The decision shall be in writing, shall assign the reasons therefor, shall, if approving such issue, specify the principal amount of bonds which are approved to be issued and shall, within seven days after it has been rendered, be filed in the office of the department.

SECTION 18. Bonds may be issued under this act without obtaining the consent of any department, division, commission, board, bureau or agency of the state, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required therefor by this act, and the validity of and security for any bonds issued by the corporation shall not be affected by the existence of non-existence of any such consent or other proceedings, conditions or things.

SECTION 19. (*a*) Section eleven B of chapter thirty A and section twenty-three C of chapter thirty-nine of the General Laws, relating to meetings of public boards, and section ten of chapter sixty-six relating to the availability of public records as defined in clause twenty-sixth of section seven of chapter four of the General Laws shall apply to the corporation, provided, however, that the corporation shall not be obligated to disclose trade secrets or commercial or financial information if the corporation determines that such disclosure would adversely affect its ability to conduct business in relation to other suppliers of electric power and energy.

(*b*) Sections sixty-one and sixty-two of chapter thirty of the General Laws relating to the environmental impact of works, projects or activities conducted by authorities of the commonwealth shall apply to the corporation.

(*c*) Sections sixty-nine G to sixty-nine R, inclusive, seventy-one to seventy-five, inclusive, seventy-nine, one hundred and twenty-five A and one hundred and twenty-seven of chapter one hundred and sixty-four and sections twenty-one to twenty-two N, inclusive, and twenty-five to forty-one, inclusive, of chapter one hundred and sixty-six of the General Laws shall apply to the corporation, to the extent the provisions of the same are apt, in the same manner and to the same extent as if it were a corporation defined as an "electric company" in section one of chapter one hundred and sixty-four of the General Laws. Sections fifty-six D and ninety-four A of said chapter one hundred and sixty-four shall not apply to the contracts for the purchase of electric power and energy or capacity and output of one or more specific electric power facilities entered into with the corporation by a city or town having a municipal electric department established under said chapter one hundred and sixty-four or a special act or by an "electric company" as defined in section one of said chapter one hundred and sixty-four. Except as otherwise expressly provided

in this act, the provisions of said chapter one hundred and sixty-four shall not apply to the corporation.

(*d*) The corporation may take such action as it deems appropriate to enable its employees to come within the provisions and obtain the benefits of the federal social security act. If the employees of the corporation shall come within the provisions of said social security act, their employment shall be included in the term "employment" as used in sections one to seven, inclusive, of chapter one hundred and fifty-one A of the General Laws.

(*e*) The corporation shall have the authority to bargain collectively with labor organizations representing employees of the corporation and to enter into agreements with such organizations relative to wages, salaries, hours, working conditions, health benefits, pensions and retirement allowances, and the submission of grievances and disputes to arbitration. Chapters one hundred and fifty A, one hundred and fifty B and one hundred and fifty C of the General Laws shall apply to the corporation, to the extent the provisions of the same are apt, in the same manner and to the same extent as a private corporation. The employees of the corporation shall be exempt from the operation of chapter thirty-one of the General Laws.

(*f*) Wherever the corporation has primary responsibility for the construction or operation of any electric power facility within the commonwealth, no contract for construction, reconstruction, alteration, remodeling repair or demolition of the facility or equipment, supplies or materials for the facility, except in cases of special emergency involving the health, safety or welfare of the people or their property, shall be awarded unless proposals for the same have been invited by advertisement in a newspaper published in the city of Boston, such publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place for opening the proposals in answer to said advertisement, and shall reserve to the corporation the right to reject any and all such proposals. All such proposals shall be opened in public. No bid or contract shall be split or divided for the purpose of evading these requirements.

Sections twenty-six to twenty-nine, inclusive, and sections forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine and sections thirty-nine F to thirty-nine N, inclusive, of chapter thirty of the General Laws shall not apply to the corporation.

(*g*) Legislative consent is hereby given to the application to the corporation of the laws of other states with respect to taxation, payments in lieu of taxes, and the assessment thereof and to the application of regulatory and other laws of other states and of the United States in relation to the acquisition, ownership and

operation by the corporation of electric power facilities situated without the commonwealth pursuant to the authority granted in this act.

SECTION 20. The corporation shall submit an annual report in writing concerning its operation to the member cities and towns, the department, the governor and the general court within ninety days following the close of its fiscal year.

SECTION 21. Upon termination or dissolution of the corporation, the title to all funds and other properties owned by it which remain after payment or the making of provision for payment of all bonds and other obligations of the corporation shall vest in the member cities and towns as provided in this act and the by-laws of the corporation.

SECTION 22. The provisions of this act shall be deemed to provide an additional, alternative and complete method for the doing of the things authorized hereby and shall be deemed and construed to be supplemental and additional to, and not in derogation of, powers conferred upon the corporation, member and non-member cities and towns and others by law, provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any general or special law, administrative order or regulation or any limitation imposed by a corporate or municipal charter, the provisions of this act shall be controlling.

SECTION 23. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

SECTION 24. The provisions of this act are severable, and if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 25. The Massachusetts Municipal Wholesale Electric Company shall continue its existance as organized under the provisions of chapter one hundred and sixty-four of the General Laws until the board of nine directors are elected and appointed as provided in section four (*a*) of this act, and thereupon, upon acceptance of this act by the trustees of the Massachusetts Municipal Wholesale Electric Company Trust and by vote of the then board of directors of the corporation elected in accordance with the provisions of chapter one hundred and sixty-four of the General Laws, the trust shall terminate and all shares of capital sotck in the corporation shall be deemed to have been redeemed and cancelled, and no shares shall thereafter be issued or reissued by the corporation.

Approved December 17, 1975.

Chap. 776. AN ACT REGULATING PUBLIC AND QUASI-PUBLIC DEPARTMENTS, BOARDS, AUTHORITIES AND COMMISSIONS RELATIVE TO RECORDS CONTAINING PERSONAL DATA AND CREATING RESPONSIBILITIES RELATIVE THERETO.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 66 the following chapter: —

CHAPTER 66A.

FAIR INFORMATION PRACTICES.

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

"Agency", the commonwealth or any of its departments, authorities established by the general court to serve a public purpose having either state-wide or local jurisdiction, boards, and commissions or other public or quasi-public entities.

"Automated personal data system", a personal data system in which personal data is stored, in whole or in part, in a computer or in electronically controlled or accessible files.

"Computer accessible", recorded or magnetic tape, magnetic film, magnetic disc, magnetic drum, punched card, or optically scannable paper or film.

"Data subject", an individual whose name or identity is added to or maintained in a personal data system.

"Holder", an agency which maintains personal data or any facility which contracts with such agency to hold personal data.

"Manual personal data system", a personal data system which is not an automated or other electronically accessible or controlled personal data system.

"Personal data", any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual.

"Personal data system", a collection of records containing personal data except criminal offender record information as defined in section one hundred and sixty-seven of chapter six.

Section 2. Every agency maintaining a personal data system shall: —

(*a*) identify one individual immediately responsible for the personal data system who shall insure that the requirements of this chapter for preventing access to or dissemination of personal data are followed;

(*b*) inform each of its employees having any responsibility or function in the design, development, operation, or maintenance of the personal data system, or the use of any personal data contained therein, of each safeguard required by this chapter, of each rule and regulation promulgated pursuant to section three

which pertains to the operation of the personal data system, and of the civil remedies described in section three B of chapter two hundred and fourteen available to individuals whose rights under chapter sixty-six A are allegedly violated;

(*c*) not allow any other agency or individual not employed by the holding agency to have access to personal data unless such access is authorized by statute or regulation, or is approved by the holding agency and by the data subject whose personal data is sought. Medical or psychiatric data may be made available to a physician treating a data subject, upon the request of said physician, if a medical or psychiatric emergency arises which precludes the data subject's giving approval for the release of such data; provided, however, that the data subject shall be given notice of such access upon termination of the emergency;

(*d*) take reasonable precautions to protect personal data from dangers of fire, theft, flood, natural disaster, or other physical threat;

(*e*) comply with the notice requirements set forth in section sixty-three of chapter thirty;

(f) in the case of automated personal data systems, and to the maximum extent feasible with manual personal data systems, maintain a complete and accurate record of every access to and every access of any personal data in any personal data system, including the identity of all persons and organizations who have gained access to personal data and their intended use of such data;

(*g*) to the extent that such material is maintained pursuant to this section, make available to a data subject upon his request in a form comprehensible to him, a list of the uses made of his personal data, including the identity of all persons and organizations which have gained access to the data;

(*h*) maintain personal data with such accuracy, completeness, timeliness, pertinence and relevance as is necessary to assure fair determination of a data subject's qualifications, character, rights, opportunities, or benefits when such determinations are based upon such data;

(*i*) inform in writing an individual, upon his request, whether he is a data subject in the personal data system, and, if so, make such data fully available to him, upon his request, in a form comprehensible to him, unless doing so is prohibited by statute;

(*j*) eastablish procedures that (1) allow each data subject or his duly authorized representative to contest the accuracy, completeness, pertinence, timeliness, relevance or dissemination of his personal data or the denial of access to such data maintained in the personal data system and (2) permit personal data to be corrected or amended when the data subject or his duly authorized representative so requests and there is no disagreement concerning the change to be made or, when there is disagreement with the data subject as to whether a change

should be made, assure that the data subject's claim is noted and included as part of the data subject's personal data and included in any subsequent disclosure or dissemination of the disputed data;

(*k*) maintain procedures to ensure that no personal data are made available from its personal data systems in response to a demand for data made by means of compulsory legal process, unless the data subject has been notified of such demand in reasonable time that he may seek to have the process quashed.

Section 3. The secretary of each executive office shall promulgate rules and regulations to carry out the purposes of this chapter which shall be applicable to all agencies, departments, boards, commissions, authorities, and instrumentalities within each of said executive offices subject to the approval of the commissioner of administration. The department of community affairs shall promulgate rules and regulations to carry out the purposes of this chapter which shall be applicable to local housing and redevelopment authorities of the cities and towns.

SECTION 2. Chapter 30 of the General Laws is hereby amended by inserting after section 62 the following section: —

Section 63. Every agency which operates automated or manual personal data systems, as those terms are defined in section one of chapter sixty-six A, shall, on or before September first, nineteen hundred and seventy-six, or upon the subsequent establishment, termination, or change in the character of such personal data system, file with the state secretary a notice which shall specify: —

(*a*) the name of the system;

(*b*) the nature and purpose of the system;

(*c*) the number of persons on whom data are or are expected to be maintained;

(*d*) the categories of data maintained, or to be maintained, indicating which categories are or will be stored in an automated personal data system;

(*e*) the agency's policies and practices regarding data storage, retention of data, and disposal thereof;

(*f*) the categories of data sources;

(*g*) a description of types of uses made or to be made of data, including a description of all classes of users of such data;

(*h*) a description of the actions taken to comply with chapter sixty-six A; and

(*i*) the name, title, and business address of the individual immediately responsible for the system.

The state secretary shall, at least once annually, publish a report containing all of the notices filed pursuant to this section during said year. Such report and the separate notices shall be a public record as defined in paragraph twenty-six of section seven of chapter four.

SECTION 3. Chapter 214 of the General Laws, as appearing in section 62 of chapter 1114 of the acts of 1973, is hereby amended by inserting after section 3A the following section:—

Section 3B. Any agency, as that term is defined in chapter sixty-six A, which violates any provision of said chapter sixty-six A, shall be liable to any individual who suffers any damage as a result of such violations, and the individual damaged may bring an action against such agency to recover any damages sustained. Notwithstanding any liability for actual damages as may be shown, such agency shall be liable for exemplary damages of not less than one hundred dollars for each violation together with such costs and reasonable attorney's fees as may be incurred in said action.

Any agency which violates or proposes to violate any of the provisions of chapter sixty-six A shall be subject to an action for injunction, declaratory judgment, or mandamus issued by any court of competent jurisdiction. The court may make such order or judgement as may be necessary to prevent any agency from employing practices which violate chapter sixty-six A. Actions for injunction or mandamus under this section may be prosecuted by an individual or by the attorney general in the name of the commonwealth upon his own complaint or upon the complaint of any individual.

An action to enforce any liability created under chapter sixty-six A, may be brought in any court of competent jurisdication within three years from the date in which the liability arises; provided, however, that where a defendant had materially or willfully misused any personal data required to be disclosed to a data subject according to the provisions of chapter sixty-six A, and said personal data so misused is material to the establishment of the defendant's liability to the data subject, the action may be brought at any time within three years after such misuse is discovered.

SECTION 4. The provisions of this act are severable and if any such provision or the application of such provision to any person or circumstances shall be held to be invalid or unconstitutional such invalidity or unconstitutionality shall not effect the validity or constitutionality of any of the remaining provisions of this act to the application of such provision to said person or circumstances.

SECTION 5. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved, December 17, 1975.

Chap. 777. AN ACT AUTHORIZING THE CITY OF REVERE TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Revere is hereby authorized to use for the erection of a public school building and for other school purposes all or any portion of Frederick's park in said city, now owned by said city and used for park and playground purposes, said park consisting of approximately fourteen acres in the Beachmont section of said city and bordered by Bennington street formerly called Atlantic avenue, Pearl avenue now called Everard street, Everard street, Belle Isle avenue, Pike street formerly called Orchard avenue and the Belle Isle inlet except for such parcels of land conveyed by Mary E. Caraher, Jr. to the city of Revere by deed dated August 26, 1908, and described as follows:

Two certain parcels of land situated in said Revere in that part thereof called "Beachmont"; — First Parcel: — Being a part of Orchard Avenue shown on plan of Berkeley Park, Beachmont, Revere, Mass., drawn by H. T. Whitman, Surveyor, dated December 1888, and recorded with Suffolk Deeds, Book 1864, Page 135, bounded and described as follows, viz: — Beginning at a point on the Southerly corner of Lot No. 17 on said plan at the intersection of said Orchard Avenue and Orchard Street; thence running Southwesterly by said Orchard Street Thirty (30) feet more or less to the Northeasterly corner of Lot No. 45 on said plan; thence turning and running Northwesterly by said Lot No. 45 One Hundred and Ten (110) feet more or less to the Northwesterly corner of said Lot No. 45; thence turning and running Northeasterly across said Orchard Avenue Thirty (30) feet more or less to the Southwesterly corner of said Lot No. 17; and thence turning and running Southeasterly by said Lot No. 17 One Hundred and Twenty-Three and 55/100 (123.55) feet, more or less, to the point of beginning. — Second Parcel: — Being lot shown as No. 45 on said plan bounded as follows, viz: — Beginning at a point on the Southwesterly side of Orchard Avenue shown on said plan at its intersection with Orchard Street and distant (60) feet Southwesterly from the Westerly corner of said Orchard Street and Montfern Avenue; thence running Southwesterly twenty-two (22) feet more or less to Belle Isle Inlet (so-called); thence by said Inlet to the Southerly corner of Lot Forty-four (44) on said plan; thence Northeasterly by said Lot Forty-four (44) Eighty-two (82) feet more or less to said Orchard Avenue; and thence Southeasterly by said Avenue One Hundred and Ten (110) feet more or less to the point of beginning. Also all right, title and interest in the flats and waters of the said Belle Isle Inlet appurtenant to the above described land, being the same premises conveyed by deed of Francis L. Caraher, dated September 26th, 1902, and recorded with Suffolk Deeds, Book 2894, Page 570.

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

Approved, December 18, 1975.

Chap. 778. AN ACT AUTHORIZING THE TOWN OF NORTHBRIDGE TO REFUND A CERTAIN SUM OF MONEY COLLECTED BY SAID TOWN ON PERSONAL PROPERTY EXEMPT FROM LOCAL TAXATION.

Be it enacted, etc., as follows:

SECTION 1. The town of Northbridge is hereby authorized to pay from any available funds to Peter Koopman the sum of one thousand four hundred and two dollars and eighty cents, the same being the amount collected by said town from said Peter Koopman as taxes in the year nineteen hundred and seventy-three upon certain personal property in said town which was exempt from local taxation.

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

Approved, December 18, 1975.

Chap. 779. AN ACT RELATIVE TO THE APPROVAL BY THE VOTERS OF A CITY OR TOWN PRIOR TO THE ISSUANCE OF A LICENSE TO PLAY THE GAME COMMONLY CALLED BEANO.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide forthwith additional revenue for charitable organizations and the commonwealth, therefore it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 4 of chapter 486 of the acts of 1971 is hereby amended by striking out the second paragraph, as amended by section 2 of chapter 244 of the acts of 1974, and inserting in place thereof the following paragraph: —

If a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections thirty-eight and thirty-nine of chapter ten of the General Laws, for the period ending December the thirty-first, nineteen hundred and seventy-five. In the year nineteen hundred and seventy-five, said question shall again be submitted to the qualified voters of the cities and towns at city or town elections in the same manner, and, if a majority of the votes cast in a city or town in answer to said question is in the affirmative, such city or town shall be taken to have authorized the operation, holding or conducting of a game commonly called beano in accordance with the provisions of sections thirty-eight and thirty-nine of chapter ten of the General Laws. In the event a

city or town fails to place the required question upon its official ballot as required herein, it shall be placed on the official ballot for the next regular city or annual town election and such city or town shall be taken to have authorized the operation, holding or conducting of the game commonly called beano until such time as the required question appears, provided that a majority of the votes cast in such city or town in answer to said question was in the affirmative the last time the question appeared on said official ballot.

Approved, December 18, 1975.

Chap. 780. AN ACT FURTHER PROVIDING FOR CONSTRUCTION BY THE METROPOLITAN DISTRICT COMMISSION OF A MARGINAL CONDUIT OR CONDUITS WITH APPURTENANT PUMPING STATION AND CHLORINATION AND DETENTION FACILITY IN THE CITIES OF BOSTON AND CAMBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of further carrying out the construction of a marginal conduit or conduits with appurtenant pumping station and chlorination and detention facility and the construction of facilities for maintenance and operation in the cities of Boston and Cambridge as authorized and directed by chapter eight hundred and eighty-one of the acts of nineteen hundred and seventy-one, a sum not to exceed seventeen million dollars; to be in addition to the amount authorized by said chapter eight hundred and eighty-one.

Engineering and administrative expenses, including, but not limited to, materials, supplies, and transportation costs, incurred under this act shall be considered as part of the direct cost of the projects and works for which they are incurred.

Any federal funds or other funds of the commonwealth made available for such projects and works as are further authorized by this act shall, if the bonds herein authorized have not been sold, be used to reduce the amount of bonds so authorized, and, if the bonds have been sold, said federal funds or other funds of the commonwealth when received shall be used to meet the payment of maturities and interest on the bonds issued under this act.

SECTION 2. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of seventeen million dollars. Such bonds

shall be designated on their face, Metropolitan District Commission, Charles River Marginal Conduit Loan, Act of 1975 and shall be on the serial payment plan for such maximum term of years, not to exceed forty years, as may be recommended by the governor to the general court in accordance with Section 3 of Artilcle LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization other than the final year shall be as nearly equal as in the opinion of the state treasurer it is practible to make them. Such bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than a year from the date of issue thereof and the entire issue not later than June the thirtieth, two thousand and twenty. All interest payments and payments on account of principal of such bonds shall be assessed and paid as provided in sections five, five A and five B of chapter ninety-two of the General Laws.

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

Approved December 18, 1975.

Chap. 781. AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO TRANSFER A CERTAIN PARCEL OF LAND IN THE TOWN OF FOXBOROUGH IN EXCHANGE FOR ANOTHER CERTAIN PARCEL OF LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The department of mental health in the name and on behalf of the commonwealth, is hereby authorized to convey to Garrett H. Spillane, Jr. a certain parcel of land in the town of Foxborough, hereinafter described as parcel one, in exchange for the conveyance by said Garrett H. Spillane, Jr. to the commonwealth of a certain parcel of land in said town, hereinafter described as parcel two.

Parcel One. The land in Foxborough, Norfolk county, Massachusetts off the Westerly side of Central street shown as lot 41 on a plan entitled "Plan of Land in Foxborough, Mass. Scale 1" = 100' Dec. 19, 1973 Bay Colony Surveying Company 4 Carmine Avenue Foxborough, Mass." recorded in Norfolk Deeds as Plan No. 5 of 1974, Plan Book 24 and bounded and described as follows:

EASTERLY by Lot 2 as shown on said plan, 227.34 feet;

SOUTHERLY by Lot 1 as shown on said plan, 187.0 feet;

WESTERLY by Lot 1 as shown on said plan, 53.70 feet; and

NORTHERLY by Interstate Route 95 as shown on said plan, 237.09 feet.

Conveyance is made together with any right of way which the grantor may have to the said Lot 41.

Parcel Two. Land in Foxborough, Norfolk county, Massachusetts on the northwesterly side of Interstate Route 95 shown on plan entitled "Foxborough — 1962".

Layout Sheet 10 of 17 Sheets being Plan No. 442 of 1962 Plan Book 212 and more particularly bounded and described as follows:

SOUTHEASTERLY by Interstate Route 95, five hundred fifty-five (555) feet, more or less;

NORTHERLY by land of the commonwealth of Massachusetts, Dept. of Mental Health, three hundred sixty-eight (368) feet;

SOUTHWESTERLY in three courses by land of commonwealth of Massachusetts Dept. of Mental Health a total distance of three hundred six (306) feet.

Containing 1.19 acres more or less.

Being a portion of the premises conveyed by O'Donnell's Express to Garrett H. Spillane, Jr. by deed dated April tenth, nineteen hundred and seventy-three, and recorded with the registry of deeds in Norfolk county, Book 5172, Page 148.

Said parcel two shall be under the care and control of the department of mental health.

Approved December 18, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, DECEMBER 30, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 781 of the Acts of 1975, entitled AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO TRANSFER A CERTAIN PARCEL OF LAND IN THE TOWN OF FOXBOROUGH IN EXCHANGE FOR ANOTHER CERTAIN PARCEL OF LAND IN SAID TOWN., and the enactment of which received my approval on December 18, 1975, should take effect forthwith.

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

In order to allow for the immediate exchange of land in the town of Foxborough.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 30, 1975.

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

PAUL GUZZI.
Secretary of the Commonwealth.

Chap. 782. AN ACT INCREASING THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF NEWBURYPORT AND PROVIDING THAT HE SHALL DEVOTE FULL TIME TO HIS OFFICIAL DUTIES.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 77A of chapter 218 of the General Laws, as most recently amended by section 1 of chapter 760 of the acts of 1974, is hereby further amended by inserting after the line reading "district court of Peabody," the following line: —

district court of Newburyport,.

SECTION 2. The first paragraph of section 78 of said chapter 218, as most recently amended by section 2 of said chapter 760, is hereby further amended by striking out the line reading "district court of Newburyport,".

SECTION 3. This act shall take effect on July first, nineteen hundred and seventy-six. *Approved December 18, 1975.*

Chap. 783. AN ACT RELATIVE TO THE CONVEYANCE OF A CERTAIN PARCEL OF LAND TO THE TOWN OF RAYNHAM BY THE TRUSTEES OF THE TAUNTON STATE HOSPITAL.

Be it enacted, etc., as follows:

Chapter 700 of the acts of 1972 is hereby amended by inserting after the word "authorized", in line 2, the words: — and directed-, by striking out, in line 4, the words "town dump" and inserting in place thereof the words: — sanitary landfill site- and by striking out the last paragraph and inserting in place thereof the following paragraph: —

This conveyance shall be subject to a provision that title to the aforesaid premises shall revert to the commonwealth if the property is ever used for purposes other than a sanitary landfill site. *Approved December 18, 1975.*

Chap. 784 AN ACT REGULATING MONIES DEPOSITED BY THE STATE TREASURER IN SAVINGS BANKS.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby amended by striking out section 34A, as most recently amended by chapter 139 of the acts of 1966, and inserting in place thereof the following section: —

Section 34A. The state treasurer may deposit any portion of the public monies in his possession and funds over which the commonwealth has exclusive control in savings banks lawfully doing business in the commonwealth for one year or more, subject, however, to the limitations set forth in subdivision 2 of section twenty-one of chapter one hundred and sixty-eight, in co-operative banks lawfully doing business in the commonwealth for one year or more, subject, however, to the limitations set forth in section sixteen of chapter one hundred and seventy and in federal savings and loan associations lawfully doing business in the commonwealth for one year or more which shares and accounts are insured by the Federal Savings and Loan Insurance Corporation, but the amount so invested in any one association shall not exceed the amount covered by such insurance. *Approved December 18, 1975.*

Chap. 785. AN ACT AUTHORIZING THE BOARD OF REGIONAL COMMUNITY COLLEGES TO CONVEY CERTAIN LAND IN THE TOWN OF GREENFIELD TO GEORGE J. MYERS IN EXCHANGE FOR CERTAIN OTHER LAND IN SAID TOWN.

Be it enacted, etc., as follows:

The Massachusetts board of regional community colleges, in the name and on behalf of the commonwealth, is hereby authorized to convey to George J. Myers of the town of Greenfield, a certain parcel of land in said town, bounded and described as follows: —

"Beginning at an iron pin on the west line of Colrain Road, said iron pin being S 13° - 43′ - 20″ West 300.0 feet from the northeast corner of land of said Myers and running thence S 13° - 43′ - 20″ West 102.49 feet along said road to an iron pin; thence

North 63° - 36′ - 40″ West 1595.74 feet along other land of said Myers to an iron pin; thence North 23° - 06′ - 20″ East 100.16 feet along land of Philadore Jacques et ux to an iron pin; thence South 63° - 36′ - 40″ East 1579.0 feet along other land of said Myers to the place of beginning.

Containing 3.64 acres of land more or less."

Being a portion of the premises conveyed to said colleges by the inhabitants of the town of Greenfield dated October 4, 1968, and recorded in the registry of deeds in the county of Franklin, Book 1231, Page 546.

In consideration of such conveyance, said George J. Myers, shall convey to the commonwealth a certain parcel of land in the town of Greenfield bounded and described as follows: —

"Beginning at an iron pin at the southwest corner of land conveyed to George J. Myers and Ira R. Myers by deed dated September 27, 1945, and recorded in the Franklin County Registry of Deeds, Book 884, Page 226, thence N 23° - 06′ - 20″ E along other land of said College a distance of 202.80 to a point, thence southeasterly along the southerly side of College Drive, so called, with a radius of 554.52 feet and a length of 342.15 feet to a point, thence N 65° - 53′ - 40″ W along land now or formerly of Philadore Jacques et ux a distance of 223 feet more or less to the place of beginning.

Containing 27,500 square feet."

Reference may be had to a plan filed in the Greenfield Massachusetts Department of Public Works, Town Clerk Plan TCC-285. *Approved December 18, 1975.*

Chap. 786 AN ACT ESTABLISHING THE INVESTMENT ADVISORY COUNCIL IN THE DEPARTMENT OF THE STATE TREASURY AND REGULATING THE ESTABLISHMENT OF COMBINED INVESTMENT FUNDS BY THE STATE TREASURER.

Be it enacted, etc., as follows:

SECTION 1. Section 98 of chapter 6 of the General Laws, as appearing in section 2 of chapter 708 of the acts of 1956, is hereby amended by striking out, in lines 17 to 19, inclusive, the words "; and (*c*) to furnish the state treasurer with advice and recommendations as to the investment of funds of the commonwealth".

SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after section 5A the following two sections: —

Section 5B. There shall be within the department of the state treasurer an investment advisory council, in this section and in section five C called the council, to consist of the state treasurer

who shall be a member ex officio and who shall serve as chairman, two members appointed by the governor to serve at his pleasure, two members appointed by the state treasurer for two year terms; provided, however, that initial appointments by the state treasurer shall be for terms of one year and two years, respectively, the executive secretary of the state board of retirement and the executive secretary of the teachers retirement board. Said executive secretaries, however, shall be restricted to voting on matters affecting their respective funds only. All appointed members of the council shall be experienced in one of the fields of financial management, investment or accounting. Members shall serve without compensation but shall be reimbursed for their necessary expenses incurred in the discharge of their official duties.

At such times as it may determine, but, in no event less than annually, the council shall review and evaluate the investment practices of the state treasurer and the investment division. The council shall make such recommendations to the state treasurer as to investment policies and cash management practices and such other related matters as it finds necessary to further the best interests of the commonwealth. The state treasurer shall provide to the council such information, documents, records, and reports as are necessary, in the opinion of the council, for the formulation of said recommendations. The state treasurer shall provide such clerical and other assistance as the council may require.

No public member of the council or his business organization or affiliate shall directly or indirectly contract with or provide any services to the office of the state treasurer for the investment of funds, the issuance of state debt on any terms other than competitive bidding, or the consulting on or auditing of management practices during such member's term on the council or for one year thereafter.

Section 5C. The state treasurer shall establish with the advice of the council an investment division under the direction of a deputy state treasurer for investments, who shall be responsible for the investment of all state funds under the custody of the state treasurer, including without limitation temporary cash investment, the investment of other state funds and upon request of the teachers and retirement boards the funds of their retirement systems.

The state treasurer may, with the advice of the council, retain such professional investment counsel or other counsel to evaluate and recommend policies for cash and investment management for the commonwealth or its subdivisions.

SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after section 38 the following section: —

Section 38A. Notwithstanding any contrary provision of law, the state treasurer may establish, with the advice of the

investment advisory council, one or more combined investment funds for the purpose of investing funds of the commonwealth, trust funds, and funds under the custody of agencies, authorities, commissions, boards, political subdivisions and other public units within the commonwealth; provided, that the state treasurer shall adopt appropriate accounting procedures from which the exact interest of such funds so combined for investment can be determined. The state treasurer may adopt such rules and regulations as may be necessary to administer the provisions of this act.

The state treasurer is authorized to sell to all agencies, authorities, commissions, boards, political subdivisions and other public units within the commonwealth, participation units in any such combined investment fund. Such participation units issued by the treasurer are made legal investments for all the funds under the custody of such agencies, authorities, commissions, boards, political subdivisions and other public units within the commonwealth. With the advice of the investment advisory council, the state treasurer shall adopt rules and regulations as may be necessary to administer the provisions of this section.

The state treasurer may invest in only those instruments permitted within this chapter or chapter thirty-two.

Approved, December 18, 1975.

Chap. 787. AN ACT PROVIDING THAT CERTAIN RESTAURANTS HAVE ON THEIR PREMISES DEVICES FOR USE IN REMOVING FOOD LODGED IN PERSONS' THROATS.

Be it enacted, etc., as follows:

Chapter 94 of the General Laws is hereby amended by inserting after section 305C the following section:—

Section 305D. Each restaurant, having a dining seating capacity of twenty-five persons or more, shall have upon its premises a device approved by the department of public health that is designed and intended for use in removing food which may become lodged in a person's throat. Said department shall adopt regulations listing all such approved devices that it determines may be used effectively to remove food so lodged. Each such restaurant shall keep such a device in a readily accessible conspicuous location, together with diagrams and illustrations which have been approved by said department, demonstrating the use thereof.

Any person, or employee of any person who, in good faith, volunteers to remove or attempts to remove such food in an emergency shall not be liable for any civil damages as a result of any acts or omissions by such person or employee in rendering such emergency assistance.

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

Approved December 18, 1975.

Chap. 788. AN ACT EXEMPTING THE OFFICE OF SHELLFISH CONSTABLE OF THE CITY OF GLOUCESTER FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provision of law or regulation to the contrary, the office of shellfish constable in the city of Gloucester shall not be subject to the provisions of chapter thirty-one of the General Laws.

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

Approved December 20, 1975.

Chap. 789. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE CORPORATE EXCISE LAW.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to levy constitutionally a corporate income tax with equity to all corporations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The second paragraph of section 97 of chapter 684 of the acts of 1975 is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences: — Sections forty-nine and fifty shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-six. Sections thirty-three, sixty-four, sixty-five, seventy to seventy-two, inclusive, eighty-four to eighty-six, inclusive, eighty-eight to ninety-one, inclusive, and ninety-five shall take effect upon passage.

Approved December 20, 1975.

Chap. 790. AN ACT CLARIFYING THE CHARTER OF THE TOWN OF SOUTHBRIDGE.

Be it enacted, etc., as follows:

SECTION 1. The town of Southbridge shall be governed by a charter known as the Southbridge Home Rule Charter which was approved by the voters of the town of Southbridge at an election held March second, nineteen hundred and seventy-three.

SECTION 2. Except as otherwise provided in said charter, the town council created thereby shall have all the powers and duties conferred on town meetings, and the town manager shall have all the powers and duties conferred on a board of selectmen.

SECTION 3. Except where inconsistent with said charter, all provisions of law applicable to towns shall be applicable to the town of Southbridge and said charter shall govern unless said law specifically provides for the contrary.

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

Approved December 20, 1975.

Chap. 791. AN ACT FURTHER REGULATING THE INVESTMENT OF FUNDS DEPOSITED BY THE STATE TREASURER FOR THE BENEFIT OF PERSONS ENTITLED THERETO AS PAYMENT OF DAMAGES IN CERTAIN EMINENT DOMAIN CASES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to make its provisions further regulating the deposit by the state treasurer of certain funds for the benefit of persons entitled thereto as payment of damages in certain eminent domain cases effective forthwith, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section 7D of chapter 79 of the General Laws, as most recently amended by section 1 of chapter 795 of the acts of 1970, is hereby further amended by inserting after the word "commonwealth", in line 19, the words: — , or in investments described in section thirty-eight of chapter twenty-nine.

Approved December 20, 1975.

Chap. 792. AN ACT AUTHORIZING POLITICAL SUBDIVISIONS TO TERMINATE ACCEPTANCE OF THE LAW PROVIDING LIFE AND HEALTH INSURANCE FOR RETIRED TEACHERS.

Be it enacted, etc., as follows:

Section 11E of chapter 32B of the General Laws is hereby amended by adding the following paragraph: —

A political subdivision that has accepted this section and whose application has been approved by the commission as provided in section thirteen of chapter thirty-two A may thereafter terminate its acceptance of this section. Any political subdivision, before voting to terminate its acceptance of this section, shall notify the commission of its intent to submit such termination to a vote, and shall provide for a public hearing for the purpose of informing affected retired teachers and the public. All such affected retired teachers shall be notified at least thirty days prior to such public hearing. After such public hearing, a vote shall be taken of affected retired teachers in attendance. A

simple majority shall determine the will of such majority. Such termination shall take effect by a vote obtained in the same manner as that required for an acceptance of this section except as heretofore mentioned. Such political subdivision shall thereafter furnish notice of termination to the commission.

Approved December 20, 1975.

Chap. 793. AN ACT PROVIDING FOR RULES AND REGULATIONS BY COUNTY COMMISSIONERS TO REGULATE THE PURCHASING OF SUPPLIES, EQUIPMENT AND CERTAIN SERVICES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 34 of the General Laws is hereby amended by striking out section 17, as most recently amended by chapter 908 of the acts of 1973, and inserting in place thereof the following section: —

Section 17. All contracts made by the board of county commissioners, or by any other board or officer having control of activities, the expense of which is payable through the county treasury, for the purchase of supplies or equipment, or for services other than advertising, professional services and services of county employees, shall be in writing and shall be field with said board or its clerk, if any, and a copy of each such contract shall be filed in the office of the county treasurer. All changes in or additions to, or agreements for extras under, such contracts shall also be in writing and be so filed. All such contracts shall, except as hereinafter provided, be made only after notice inviting bids therefor has been posted for at least one week in a conspicuous place in each county building where the county commissioners have an office. All such contracts exceeding three thousand dollars in amount shall be made only after such notice has been so posted and after such contracts have been advertised at least once in a newspaper, if any, published in the city or town wherein the public building, bridge, highway or public work or institution to be supplied in accordance with the contract is or is to be situated; and once in any newspaper of general circulation in the county. If there is no such local newspaper, at least two published advertisements of such notice shall be placed in a newspaper of general circulation as aforesaid. The board shall in each case make and file with the county treasurer a certificate, made under penalties of perjury, of such posting and advertising. In an emergency, to the existence of which such board shall certify upon the orders to the county treasurer for the payment of bills, it may contract for repairs without such posting or advertising. All bids shall be publicly opened in the presence of the board and recorded in its records.

No contract made in violation of this section shall be valid, and no payment thereunder shall be made. No purchase or contract shall be split for the purpose of evading the requirements of this section. The commissioners may also make contracts for building, altering, furnishing or repairing public buildings, or for the repair of public works in accordance with sections forty-four A to forty-four L inclusive, of chapter one hundred and forty-nine.

Each board of county commissioners shall, subject to the approval of the director of accounts, make rules, regulations and orders which shall regulate and govern the manner and method of the purchasing, delivering and handling of, and the contracting for supplies, equipment or services other than professional services and services of county employees. The said rules, regulations and orders shall establish a uniform standard for each county. The said rules, regulations and orders shall be submitted for approval to the director of accounts on the first day of July in each year and in the event said rules, regulations and orders are not submitted to the said director by a board of county commissioners the said director shall make said rules, regulations and orders for such county and said rules, regulations and orders shall be in effect for such county until the first day of July in the following year.

SECTION 2. Section 40 of chapter 7 of the General Laws, added by section 2 of chapter 311 of the acts of 1975, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence: — Such projects shall also include any project the estimated cost of which, in the case of the commonwealth, shall exceed ten thousand dollars, and in the case of a county, shall exceed fifty thousand dollars, for the alteration, repair or addition to any existing building and appurtenant structure, facility and utility; provided such alteration, repair or addition requires alteration of the structural or mechanical design of the building, structure or utility.

Approved December 20, 1975.

Chap. 794. AN ACT RELATING TO AGRICULTURAL OR HORTICULTURAL LANDS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 61A of the General Laws is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. Land shall be deemed to be in horticultural use when primarily and directly used in raising fruits, vegetables, berries, nuts and other foods for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery or greenhouse

products, and ornamental plants and shrubs for the purpose of selling such products in the regular course of business; or when primarily and directly used in raising forest products under a program certified by the state forester to be a planned program to improve the quantity and quality of a continuous crop for the purpose of selling such products in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market.

SECTION 2. The third sentence of the first paragraph of section 9 of said chapter 61A, as appearing in section 1 of chapter 1118 of the acts of 1973, is hereby amended by striking out, in lines 7 and 8, the words "sections sixty-four to sixty-five B, inclusive, of chapter fifty-nine" and inserting in place thereof the words: — section nineteen.

SECTION 3. Said section 9 of said chapter 61A is hereby further amended by striking out the second paragraph and inserting in place thereof the following five paragraphs: —

With respect to the first application relating to a parcel of land which has been approved, and any subsequent such applications after a lapse of time when such land has not been valued, assessed and taxed under this chapter or after a change of record ownership of such land, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such application for such taxes as may be levied under the provisions of this chapter. The statement shall name the owner or owners of record and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. Upon application by any record owner, such liens shall be released by the board of assessors with respect to any parcel of land as provided below in this section upon the applicable facts being established by their records or by affidavits or otherwise.

All liens for conveyance tax under section twelve, shall be released upon its being so established that no conveyance or change of use by the owner at the time of such release will result in a conveyance tax under said section twelve or that any such taxes which have become due have been paid.

All liens for roll-back taxes under section thirteen, other than roll-back taxes based on change of use after the date of such release, shall be released upon its being so established that no roll-back taxes have become due or that any such taxes which have become due have been paid.

The board of assessors shall also have the power and authority to release any such liens to correct any errors or

omissions. Any release under this section shall be recorded with the registry of deeds.

When any land which has been valued, assessed and taxed under this chapter ceases to be so valued, assessed and taxed the board of assessors shall forthwith record in the registry of deeds a statement to that effect which shall include the name of the record owner or owners, the date when such land ceased to be so valued, assessed and taxed and a description of the land adequate for identification.

SECTION 4. The fourth sentence of section 12 of said chapter 61A, as appearing in section 1 of chapter 1118 of the acts of 1973, is hereby amended by adding after the word "value", in line 8, the words: — ; and provided further, that if there is filed with the board of assessors an affidavit by the purchaser that such land is being purchased for agricultural, horticultural or agricultural and horticultural use, no conveyance tax shall be payable by the seller by reason of such sale, but if such land is not in fact continued in such use, the purchaser shall be liable for any conveyance tax that would have been payable on such sale as a sale for other use.

SECTION 5. Said section 12 of said chapter 61A is hereby further amended by striking out the fifth and sixth sentences and inserting in place thereof the following three sentences: — Except with respect to eminent domain takings, the provisions of this section shall not be applicable to the following: mortgage deeds; deeds to or by the city or town in which such land is located; deeds which correct, modify, supplement or confirm a deed previously recorded; deeds between husband and wife and parent and child when no consideration is received; tax deeds; deeds releasing any property which is a security for a debt or other obligation; deeds for division of property between owners without monetary consideration; foreclosures of mortgages and conveyances by the foreclosing parties; deeds made pursuant to a merger of a corporation or by a subsidiary corporation to its parent corporation for no consideration other than the cancellation and surrender of capital stock of such subsidiary which do not change beneficial ownership; and property transferred by devise or otherwise as a result of death. A nonexempt transfer subsequent to any exempt transfer or transfers shall be subject to the provisions of this section. Upon such nonexempt transfer the date of acquisition by the grantor, for purposes of this section, shall be deemed to be the date of the last preceding transfer not excluded by the foregoing provisions from application of this section; except that in the case of transfer by a grantor who has acquired the property from a foreclosing mortgagee the date of acquisition shall be deemed to be the date of such acquisition.

SECTION 6. Said section 12 of said chapter 61A is hereby further amended by adding the following sentence: — If any tax

imposed under this section should not be paid, the collector of taxes shall have the same powers and be subject to the same duties with respect to such taxes as in the case of the annual taxes upon real estate, and the law in regard to the collection of the annual taxes, to the sale of land for the nonpayment thereof and to redemption therefrom shall apply to such taxes, so far as the same are applicable.

SECTION 7. Subsection (*c*) of section 13 of said chapter 61A, as appearing in section 1 of chapter 1118 of the acts of 1973, is hereby amended by striking out, in line 4, the words "subsection b" and inserting in place thereof the words:— subsection (*a*).

SECTION 8. Section 14 of said chapter 61A is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:— Land which is valued, assessed and taxed on the basis of its agricultural or horticultural use under an application filed and approved pursuant to this chapter shall not be sold for or converted to residential, industrial or commercial use while so valued, assessed and taxed unless the city or town in which such land is located has been notified of intent to sell for or convert to such other use; provided, however, that the discontinuance of the use of such land for agricultural or horticultural purposes shall not be deemed a conversion. Specific use of land for a residence for the owner or a parent, grandparent, child, grandchild, or brother or sister of the owner, or the surviving husband or wife of any deceased such relative, or for living quarters for any persons actively employed full time in the agricultural or horticultural use of such land, shall not be deemed to be a conversion for purposes of this section; and a certificate of the board of assessors, recorded with the registry of deeds, shall conclusively establish that a particular use is such a use.

SECTION 9. Said section 14 of said chapter 61A is hereby further amended by adding the following five sentences:— Such option may be exercised only by written notice signed by the mayor or board of selectmen, mailed to the landowner by certified mail at such address as may be specified in his notice of intention and recorded with the registry of deeds, within the option period. An affidavit by a notary public that he has so mailed such a notice of intent on behalf of a landowner shall conclusively establish the manner and time of the giving of such notice; and such an affidavit, and such a notice that the option will not be exercised, shall be recorded with the registry of deeds. Each such notice of intention, notice of exercise of the option and notice that the option will not be exercised shall contain the name of the record owner of the land and a description of the premises so to be sold or converted adequate for identification thereof; and each such affidavit by a notary public shall have attached to it a copy of the notice of intention to which it relates.

Such notices of intention shall be deemed to have been duly mailed to the parties above specified if addressed to them in care of the town or city clerk; and in the case of notice to a city council or a board or commission, addressed to it as such entity. The provisions of this section shall not be applicable with respect to a mortgage foreclosure sale; but the holder of a mortgage shall, at least forty-five days before a foreclosure sale, send written notice of the time and place of such sale to the parties and in the manner above provided in this section for notice of intent to sell or convert, and the giving of such notice may be established by an affidavit of a notary public as above set forth.

SECTION 10. Section 16 of said chapter 61A is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:— Liability to roll-back taxes, determined pursuant to section thirteen, shall attach when such land no longer qualifies as actively devoted to agricultural or horticultural use and shall be the obligation of the then owner of the land. For purposes relating to roll-back taxes such qualification shall depend on the actual use of such land, and not on the filing of application under section six for any year.

SECTION 11. Said chapter 61A is hereby further amended by striking out section 19 and inserting in place thereof the following section:—

Section 19. The assessment, collection, apportionment and payment over of the roll-back taxes imposed by section thirteen shall be governed by the procedures provided for the assessment and taxation of omitted property under section seventy-five of chapter fifty-nine. Such procedures shall apply to each tax year for which roll-back taxes may be imposed notwithstanding the limitation set forth in said chapter fifty-nine with respect to the periods for which omitted property assessments may be imposed. Any person aggrieved by any determination or assessment by the board of assessors under this chapter may within sixty days of the date of notice thereof apply in writing to the assessors for modification or abatement thereof. Any person aggrieved by the refusal of the assessors to modify such a determination or make such an abatement or by their failure to act upon such an application may appeal to the appellate tax board within thirty days after the date of notice of their decision or within three months of the date of the application, whichever date is later. It shall be a condition of such appeal with respect to the annual general property tax that the asserted tax be paid, but no payment shall be required as a condition of such appeal with respect to any asserted conveyance tax or roll-back tax. If any payment of any tax imposed by this chapter should be made and as the result of any such modification or abatement by the board of assessors or decision by the appellate tax board it shall appear that any such tax has been overpaid, such excess payment shall be reimbursed by the town treasurer with interest at the rate of

six per cent per annum from time of payment. Collection of any conveyance or roll back taxes, by sale or taking or otherwise, may be stayed by the appellate tax board while any such appeal is pending. Any partial payment of the asserted tax that may be required by the appellate tax board in connection with such stay shall not exceed one half of the asserted tax.

SECTION 12. Said chapter 61A is hereby further amended by inserting after section 19 the following section:—

Section 19A. In connection with any proposed or completed sale or other transfer of any land which has been valued, assessed and taxed under the provisions of this chapter, the owner of record of the land may apply to the board of assessors for a certificate of the amount of conveyance tax and roll-back tax, if any, payable by reason of such sale or other transfer, or that no such tax will or has so become payable and stating the amount of any conveyance or roll-back taxes that have theretofore become payable with respect to such land; and such a certificate shall be provided to the applicant within twenty days after application therefor. Such certificate may be recorded with the registry of deeds; and upon recording of such a certificate that no such tax will or has so become payable, or a certificate by the collector of taxes that the amount of tax stated in such certificate of the board of assessors has been paid, all liens on such land for taxes under this chapter shall terminate, except that any liens for any roll-back taxes assessed by reason of such land ceasing to qualify for valuation, assessment and taxation under this chapter after the date of such sale or other transfer, shall continue. In connection with the issuance of such a certificate, the board of assessors may rely upon their own records, affidavits and such other information as they may deem appropriate. The board of assessors shall charge six dollars for each certificate so issued, and the money so received shall be paid into the town treasury.

Approved December 20, 1975.

Chap. 795. AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE TOWNS OF ORANGE, WENDELL AND WARWICK TO THE COUNTY OF FRANKLIN.

Be it enacted, etc., as follows:

The department of environmental management, on behalf of the commonwealth, is hereby authorized and directed to convey to the county of Franklin, to be used for highway purposes, the land of the commonwealth under the control of said department, located in the towns of Orange, Wendell and Warwick described

in three plans of land entitled respectively, "Relocation of Part of Tully Road, Orange, F. Deane Avery Associates, Greenfield, October 1971, Scale 1"=100'", "Proposed Relocation of Part of Montague Road, Wendell, F. Deane Avery Associates, Greenfield, April 1975, Scale 1"=100'" and "Proposed Relocation of Part of Athol Road, Warwick, F. Deane Avery Associates, Greenfield, January 1973, Scale 1"=100'"; all filed in the office of the county engineer of said county and to be filed in the registry of deeds in Franklin county and more particularly described as follows:

LAND TO BE ACQUIRED FROM THE COMMONWEALTH OF MASSACHUSETTS FOR THE PROPOSED RELOCATION OF PART OF TULLY ROAD IN ORANGE.

PARCEL #1. Beginning at bound #1 on the east line of the proposed relocation of Tully Road and running Thence S 40° — 02′ — 30″ E about 95.0 feet to Bliss Hill Road; Thence southerly along Bliss Hill Road about 25.0 feet to the east line of the 1894 layout of Tully Road; Thence northerly along said 1894 layout about 290.0 feet to the east line of the proposed relocation; Thence S 52° 45′ E about 175.0 feet to the place of beginning.

Containing 1200 square feet of land more or less.

PARCEL #3. Beginning at bound #3 on the east line of the proposed relocation of Tully Road and running thence s 17° 40′ E 109.05 feet to bound #4; Thence S 13° 10′ 40″ E about 412.0 feet to land of Heirs of Willima F. Palmer; Thence westerly along land of said Heirs about 62.0 feet to the West line of said proposed relocation; Thence N 13° 10′ 40″ W about 180.0 feet to the east line of the 1894 layout about 210.0 feet to Bliss Hill Road; Thence northerly along Bliss Hill Road about 140.0 feet to the west line of said proposed relocation; Thence S 30° 49′ 45″ E about 18.0 feet to the place of beginning.

Containing 25,498 square feet of land more or less.

PARCEL #8. Beginning at a point on the east line of the proposed relocation of Tully Road at land of Gertrude M. Cutting and running thence S 3° 47′ 30″ W about 685.0 feet to bound #17; Thence S o° 11′ 20″ E 88.33 feet to bound #18; Thence S 5° 35′ 45″ E 101.52 feet to bound #19; Thence S 7° 44′ 40″ E about 85.0 feet to Butterworth Road; Thence westerly along Butterworth Road about 18.0 feet to the east line of the 1894 layout of Tully Road; Thence northerly along said 1894 layout about 954.0 feet to land of said Cutting; Thence easterly along land of said Cutting about 38.0 feet to the place of beginning.

Containing 24,602 square feet of land more or less.

LAND TO BE ACQUIRED FROM THE COMMONWEALTH OF MASSACHUSETTS FOR THE RELOCATION OF MONTAGUE ROAD IN WENDELL.

PARCEL #1. Beginning at a ponit on the east line of the

proposed relocation of Montague Road at the Wendell-Montague Town line and running thence S 29° 18′ 26″ E about 80.0 feet to the east line of the 1826 layout of said road; Thence northerly along said east line about 76.0 feet to the Town Line; Thence northerly along said town line about 2.0 feet to the place of beginning.

Containing 100 square feet of land more or less.

PARCEL #4. Beginning at the intersection of the east line of the proposed of Montague Road with the east line of the 1826 layout of said road, said point being S 19° 33′ 31″ E about 200.0 feet from bound #2 and running thence S 19° 33′ 31″ about 315.0 feet to the intersection of said east line; Thence northerly along the east line of the 1826 layout of Montague Road about 320.0 feet to the place of beginning.

Containing 1392 square feet of land more or less.

PARCEL #5. Beginning at the angle point in the west line of the proposed relocation of Montague Road opposite bound #3 and running thence S 17° 54′ 43″ E about 190.0 feet to the angle point opposite bound #4; Thence S 6° 41′ 25″ E about 208.0 feet to the angle point opposite bound #5; Thence S 2° 10′ 08″ E about 180.0 feet to the west line of the 1826 layout of Montague Road; Thence northerly along said west line about 720.0 feet to the west line of the proposed relocation; Thence S 19° 33′ 31″ E about 130.0 feet to the place of beginning.

Containing 8894 square feet of land more or less.

PARCEL #6. Beginning at bound #7 on the east line of the proposed relocation of Montague Road and running thence S 1° 42′ 26″ E 196.03 feet to the east line of the 1826 layout of said road; Thence northerly along said 1826 layout about 338.0 feet to the east line of the proposed relocation; Thence S 1° 01′ 26″ W about 182.0 feet to the place of beginning.

Containing 4473 square feet of land more or less.

PARCEL #7. Beginning at the angle point in the west line of the proposed relocation of Montague Road opposite bound #8 and running thence S 4° 54′ 46″ E about 705.0 feet to the angle point opposite bound #9; Thence S 10° 52′ 14″ E about 132.0 feet to the west line of the 1826 layout of said road; Thence northerly along said 1826 layout about 888.0 feet to west line of proposed relocation; Thense S 1° 42′ 26″ E about 53.0 feet to the place of beginning.

Containing 23,634 square feet of land more or less.

PARCEL #8. Beginning at bound #10 on the east line of the proposed relocation of Montague Road and running thence S 26° 00′ 03″ E 226.58 feet to bound #11; Thence S 41° 13′ 34″ E about 45.0 feet to the easterly line of the 1826 layout of said road; Thence northerly along said 1826 layout about 310.0 feet to the east line of the proposed relocation; Thence S 10° 52′ 14″ E about 18.0 feet to the place of beginning.

Containing 6144 square feet of land more or less.

PARCEL #9. Beginning at the angle point in the southerly line of the proposed relocation of Montague Road opposite bound #12 and running thence S 53° 14′ 56″ E about 195.0 feet to the angle point opposite bound #13; Thence S 63° 51′ 11″ E about 52.0 feet to the southerly line of the 1826 layout of said road; Thence northwesterly along said 1826 layout about 338.0 feet to the southerly line of the proposed relocation; Thence S 41° 13′ 34″ E about 90.0 feet to the place of beginning.

Containing 4140 squre feet of land more or less.

PARCEL #10. Beginning at the intersection of the north line of the proposed relocation of Montague Road with the north line of the 1826 layout of said road, said intersection being S 63° 51′ 11″ E about 90.0 feet from bound #13 and running thence S 63° 51′ 11″ E about 245.0 feet to the north line of the said 1826 layout; Thence northwesterly along said 1826 layout about 248.0 feet to the place of beginning.

Containing 920.0 square feet of land more or less.

PARCEL #11. Beginning at the intersection of the south line of the proposed relocation of Montague Road with the south line of the 1826 layout of said road, said intersection being S 63° 51′ 11″ E about 440.0 feet from the angle point opposite bound #13 and running thence S 63° 51′ 11″ E about 260.0 feet to the south line of the said 1826 layout; Thence northwesterly along said 1826 layout about 261.0 feet to the place of beginning.

Containing 1040 square feet of land more or less.

PARCEL #12. Beginning at bound #14 on the north line of the proposed relocation of Montague Road and running thence N 63° 51′ 11″ W about 178.0 feet to the north line of the 1826 layout of said road; Thence southeasterly along said 1826 layout about 179.0 feet to the place of beginning.

Containing 712 square feet of land more or less.

PARCEL #13. Beginning at the intersection of the south line of the proposed relocation of Montague Road with the south line of the 1826 layout of said road, said intersection being S 67° 36′ 31″ E about 70.0 feet from the angle point opposite bound #15 and thence running S 67° 36′ 31″ E about 420.0 feet to the south line of the 1826 layout; Thence westerly along said 1826 layout about 423 feet to the place of beginning.

Containing 2299 square feet of land more or less.

PARCEL #14. Beginning at a point on the south line of the proposed relocation of Montague Road at land of Byron J. Ricketts, et al and running thence N 66° 49′ 04″ W about 618.0 feet to the angle point opposite bound #16; Thence S 67° 36′ 31″ W about 12.0 feet to the south line of the 1826 layout of said road; Thence easterly along said 1826 layout about 640.0 feet; Thence southerly along land of said Ricketts, et al about 2.0 feet to the place of beginning.

Containing 15,340 square feet of land more or less.

PARCEL #16. Beginning at bound #17 on the north line of the

proposed relocation of Montague Road and running thence S 68° 48′ 10″ E 300.93 feet to bound #18; Thence S 77° 16′ 46″ E 216.35 feet to bound #19; Thence S 82° 01′ 58″ E 179.94 feet to bound #20; Thence N 89° 44′ 38″ E about 200.0 feet to the north line of the 1826 layout of said road; Thence westerly along said 1826 layout about 900.0 feet to the place of beginning.

Containing 9,113 square feet of land more or less.

PARCEL #18. Beginning at bound #22 on the north line of the proposed relocation of Montague Road and running thence N 77° 32′ 27″ E 324.13 feet to bound #23; Thence N 66° 34′ 49″ E 204.98 feet to bound #24 and the north line of the 1826 layout of said road; Thence westerly along said 1826 layout about 538.0 feet to the place of beginning.

Containing 7,540 square feet of land more or less.

PARCEL #20. Beginning at bound #28 on the north line of the proposed relocation of Montague Road and running thence N 73° 55′ 50″ E 138.29 feet to bound #29; Thence N 67° 03′ 48″ E 202.10 feet to bound #30; Thence N 54° 57′ 51″ E 286.62 feet to bound #31; Thence N 41° 30′ 36″ E 154.49 feet to bound #32; Thence N 33° 56′ 17″ E about 150.0 feet to land of Byron J. Ricketts, et al; Thence southerly along land of said Ricketts, et al about 35.0 feet to the north line of the 1826 layout; Thence westerly along said 1826 layout about 943.0 feet to the north line of the proposed relocation; Thence N 80° 55′ 12″ E about 15.0 feet to the place of beginning.

Containing 16,403 square feet of land more or less.

LAND TO BE ACQUIRED FROM THE COMMONWEALTH OF MASSACHUSETTS FOR THE PROPOSED RELOCATION OF PART OF ATHOL ROAD IN WARWICK.

Beginning at bound #0 on the Warwick-Orange Town Line and running thence N 59° 41′ 13″ W 185.38 feet to bound #1; Thence northwesterly on a curve to the left with a radius of 630.0 feet a distance of 230.45 feet to bound #2; Thence N 80° 38′ 44″ W 472.25 feet to bound #2; Thence northwesterly on a curve to the right with a radius of 1570.0 feet a distance of 312.12 feet to bound #4; Thence northwesterly on a curve to the right with a radius of 1570.0 feet a distance of 304.02 feet to bound #5; Thence N 58° 09′ 37″ W 303.15 feet to bound #6; Thence northwesterly on a curve to the right with a radius of 1570.0 feet a distance of 258.72 feet to bound #7; Thence N 48° 43′ 07″ W 473.36 feet to bound #8; Thence N 48° 43′ 07″ W 488.0 feet to bound #9; Thence N 48° 43′ 07″ W 104.0 feet to bound #10; Thence N 48° 43′ 07″ W 308.0 feet to bound #11; Thence N 48° 43′ 07″ W 424.40 feet to bound #13; Thence northwesterly on a curve to the left with a radius of 830.0 feet a distance of 493.44 feet to bound #13 and end of relocation.

The above describes the northerly line of the proposed relocation. The southerly line is parallel to and 60.0 feet distant.

Abandoning to the Commonwealth that portion of the 1827 layout of Athol Road that lies without this relocation.

Approved December 20, 1975.

Chap. 796. AN ACT AUTHORIZING THE COMMISSIONER OF MENTAL HEALTH TO SELL AND CONVEY CERTAIN LAND IN THE TOWN OF LAKEVILLE.

Be it enacted, etc., as follows:

The commissioner of mental health, acting for and on behalf of the commonwealth and subject to the approval of the governor, is hereby authorized to sell at public auction or to the highest responsible bidder after inviting sealed proposals, and thereafter to convey a certain parcel of land situated in the town of Lakeville, adjoining the property now owned by Donald L. and Arleen M. Bowles on Bridge street in said town, and being bounded and described as follows: — Beginning at the southeast corner of land of Donald L. Bowles et ux, thence running westerly by said land three hundred eighteen feet to a point; thence turning and running northerly by said Bowles land about eighty-five feet to a corner of land formerly of Eva Perkins; thence turning and running westerly by said Perkins land about two hundred seventeen feet more or less to land now or formerly of Ralph W. Baker and Helen A. Baker; thence turning and running southerly by said Baker land and land of Harry Levy, Trustee of Coalesce Realty Trust about one hundred eighty-five feet to a point; thence turning and running easterly in a line parallel with the southerly side of said Bowles land about five hundred thirty-five feet to a corner of land of the Commonwealth of Massachusetts; thence turning northerly one hundred feet to the bound first mentioned. Containing about seventy-one thousand nine hundred forty-five square feet more or less.

Said conveyance shall be made subject to such conditions and restrictions as said commissioner deems advisable.

Approved December 20, 1975.

Chap. 797. AN ACT AMENDING THE TERMS OF COMMON FORM MORTGAGE LOANS MADE BY CO-OPERATIVE LOANS.

Be it enacted, etc., as follows:

Subsection 3 of section 23 of chapter 170 of the General Laws, as appearing in section 1 of chapter 371 of the acts of 1950, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Each loan hereunder shall be for an amount not in excess of seventy-five per cent of the value of the real estate securing the loan and for a term not in excess of three years; provided, that during such time as the

principal balance is in excess of seventy per cent of such value, amortization shall be required at an annual rate of not less than two per cent of the original amount of the loan.

Approved December 20, 1975.

Chap. 798. AN ACT DESIGNATING THE METROPOLITAN DISTRICT COMMISSION SKATING RINK UNDER CONSTRUCTION AT DILBOY FIELD IN THE CITY OF SOMERVILLE AS THE JOHN A. F. PIERONI, JR. MEMORIAL SKATING RINK.

Be it enacted, etc., as follows:

The skating rink being constructed by the metropolitan district commission at Dilboy Field in the city of Somerville shall, upon its completion, be designated and known as the John A. F. Pieroni, Jr. Memorial Skating Rink, in memory of John A. F. Pieroni, Jr., a former superintendent of the recreation commission of said city, who dedicated his life to the youth of said city. A suitable marker bearing said designation shall be erected and maintained at said skating rink by said commission.

Approved December 20, 1975.

Chap. 799. AN ACT PERMITTING CREDIT UNIONS TO OFFER NEGOTIABLE WITHDRAWAL ORDER ACCOUNTS.

Be it enacted, etc., as follows:

Section 16A of chapter 167 of the General Laws, inserted by chapter 914 of the acts of 1973, is hereby amended by inserting after the first sentence the following sentence: — With the prior written approval of the commissioner and under such conditions as he may prescribe, a credit union may authorize accounts that would allow such withdrawals.

Approved December 20, 1975.

Chap. 800. AN ACT REGULATING LIENS ON CERTAIN VESSELS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 255 of the General Laws is hereby amended by inserting after section 14 the following section: —

Section 14A. If by virtue of a contract, express or implied, with the owners of a vessel of not more than forty feet in length, or with the agents, contractors or subcontractors of such owners, or with any of them, or with a person who has been employed to construct, repair or launch a vessel, or to store said vessel, either in wet storage or on land, or to assist therein, money is due for storage furnished for or on account of such vessel in the commonwealth, which shall include such labor performed and such materials furnished, including stands and cradles, as may be necessary and incidental to said storage, the person to whom

such money is due shall have a lien upon the vessel, her tackle, apparel and furniture to secure the payment of such debt, and such lien shall be preferred, together with liens provided under section fourteen, to all others on such vessel, except that for mariners' wages, and shall continue until the debt is satisfied.

SECTION 2. Section 17 of said chapter 255, as amended by section 327 of chapter 1114 of the acts of 1973, is hereby amended by inserting after the word "fourteen", in line 2, the words: — or fourteen A, as the case may be,.

SECTION 3. Said chapter 255 is hereby further amended by striking out section 20, as amended by section 329 of said chapter 1114, and inserting in place thereof the following section: —

Section 20. If money is due to more than one person holding such lien and all parties interested have been summoned to appear, the claims of all shall be marshalled, and the court shall make such order as may be necessary to prevent the enforcement of a double lien for the same labor, materials, stores, storage, provisions or other articles, and to secure the rights of each. The proceeds from the sale of the vessel, after deducting all costs and expenses, shall be distributed among the several claimants according to the amount of their respective debts, except that, if such proceeds are insufficient to satisfy the liens of all, those who have liens for labor shall receive a percentage on their respective claims one third greater, as near as may be, than those who have liens for materials, stores, storage or other articles.

Approved December 20, 1975.

Chap. 801. AN ACT RELATIVE TO THE POWERS OF THE REAL PROPERTY BOARD OF THE CITY OF BOSTON RESPECTING PARKING GARAGES.

Be it enacted, etc., as follows:

SECTION 1. In addition to its powers under chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six, as amended, and notwithstanding any provisions to the contrary in said chapter four hundred and seventy-four, with respect to the premises on which the Lincoln-Essex Streets parking facilities are located, the real property board of the city of Boston, as successor to the board of real estate commissioners of said city, shall have, and may, with the approval of the mayor and the city council of said city, exercise the power on behalf of said city to sell the land and the structure or structures thereon, if any, at private sale upon such terms as said board deems satisfactory, at a price not lower than that established by an independent appraisal of the premises, it being hereby determined that said premises are no longer required for the purposes of said chapter four hundred and seventy-four, as amended.

SECTION 2. Clause (*e 1/2*) of section 1 of chapter 474 of the acts of 1946, as most recently amended by chapter 342 of the acts of 1965, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — The power to construct, maintain and operate, on any property acquired for the purposes of this act after January first, nineteen hundred and sixty-three, or determined after said date to be devoted to such purposes under clause *(b)*, and to lease to any person, including the Massachusetts Bay Transportation Authority, for operation for such period, not exceeding five years, and upon such terms as the board shall determine, such terminal for buses of said authority or of common carriers of passengers for hire, and such facilities accessory and incidental thereto, as the board with the approval of the commissioner of traffic and parking of the city shall determine; also the power to sell, lease or otherwise convey to any person for non-parking purposes upon such terms and conditions as the board shall determine, the whole or any part of the airspace, or any other space deemed to be surplus by the board because it is unnecessary or inappropriate for parking purposes, above, within or contiguous to any public parking facility constructed under this act for such uses as said board, giving due consideration to the maximum use of the parking facility, shall determine, and the power to include in any deed, lease or other instrument suitable provisions for the construction and maintenance of such structures within, over or adjacent to any such parking facility.

SECTION 3. Said chapter 474 of the acts of 1946 is hereby further amended by striking out section 3, as most recently amended by chapter 962 of the acts of 1973, and inserting in place thereof the following section: —

Section 3. The board may lease land under this act only in accordance with the terms and conditions set forth in paragraphs (*a*) and (*b*) of this section.

(*a*) Before leasing any land under this act, the board shall invite proposals therefor by advertisements in at least one daily newspaper published in the city, once a week for at least two consecutive weeks, the last publication to be at least seven days before the time specified for the opening of said proposals. Such advertisements shall state the time and place where the form of lease and, if the term of the lease is to exceed five years, the plans and specifications, may be obtained, and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the board the right to reject all proposals. All such proposals shall be opened to the public. No lease shall be made except to the highest responsible bidder as determined by the board. Every lease for a period not exceeding five years shall be accompanied by a bond with surety satisfactory to the board, or by a deposit of money, certified check or other security for the

faithful performance thereof, and such bond or other security shall be deposited with the city collector until the lease has been carried out in all respects. The preceding provisions of this section shall not apply to leases under clause (*e 1/2*) of section one, nor to leases under paragraph (*b*) of this section. Every lease for a period exceeding five years shall be accompanied by a bond with surety satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance of all covenants on the part of the lessee to construct, or cause to be constructed, any structures or facilities for parking; and such bond or other security shall be deposited with the city collector until all such covenants have been carried out in all respects.

(*b*) In the event that public advertising as required by paragraph (*a*) of this section does not produce responsible proposals for the construction of any structures or facilities for parking on land to be leased from the city for a period not exceeding forty years, the board may in its discretion adopt such procedures for the selection of a lessee as it deems to be in furtherance of the purposes of this act, and in accordance with such procedures may select lessees and enter into leases; provided, that each lease shall contain a mechanism for increasing annually on the anniversary of the lease the rent paid to the city and the rates charged for parking according to any increase in the cost of living. Every such lease shall be accompanied by a bond with surety satisfactory to the board, or by a deposit of money, certified check or other security for the faithful performance of all covenants on the part of the lessee to construct, or cause to be constructed, any structures or facilities for parking; and such bond or other security shall be deposited with the city collector until all such covenants have been carried out in all respects. This section shall apply only to construction begun after the effective date of this act.

(*c*) All amounts received in reimbursement for the cost of plans and specifications and all amounts received as a result of the failure of faithful performance of covenants to construct structures or facilities for parking shall be credited to the Parking Facilities Fund established under section four; in addition, on July first of each year said Parking Facilities Fund shall also be credited, from the amounts received from leases entered into under this act, with an amount equivalent to twelve times twenty per cent of the total monthly rental of all leases entered into under this act as of said date; and all other amounts received from leases under this act or as a result of other failure of faithful performance required in any such lease shall be credited as general funds of the city and may be appropriated for any municipal purposes. No person shall be assessed any tax upon any real estate or buildings of which he is the lessee under the act, any provision of general or special law to the contrary notwithstanding.

SECTION 4. Said chapter 474 is hereby amended by inserting after section 5C, inserted by section 1 of chapter 567 of the acts of 1964, the following section: —

Section 5D. To provide, for the purposes of this act, funds in addition to the funds provided by sections five, five A, five B, and five C, the city may borrow, from time to time, an amount outstanding at any one time not to exceed twenty million dollars, and may issue and sell at a public sale serial bonds or notes of the city therefor, which shall be registered or with interest coupons attached as the collector-treasurer of the city may deem best. Such bonds or notes shall bear on their face the words, City of Boston, Parking Facilities Loan, Act of 1975. Each issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Debt incurred from time to time under this section shall not be included in determining the limit of indebtedness of the city as established by law, but shall, except as herein provided, be subject to the provisions, applicable to the city, of chapter forty-four of the General Laws exclusive of the limitation contained in the first paragraph of section seven thereof. Said collector-treasurer may issue temporary notes of the city payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes authorized by this section, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this section. All notes issued in anticipation of the issue of such serial bonds or notes shall be paid from the proceeds thereof.

Approved December 20, 1975.

Chap. 802. AN ACT INCREASING THE FILING FEE FOR CERTAIN REPORTS OF PUBLIC CHARITIES.

Be it enacted, etc., as follows:

The fourth paragraph of section 8F of chapter 12 of the General Laws, as appearing in section 1 of chapter 449 of the acts of 1964, is hereby amended by striking out, in line 6, the word "three" and inserting in place thereof the word: — fifteen.

Approved December 20, 1975.

Chap. 803. AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO DESIGNATE A PORTION OF THE LAND KNOWN AS THE FEEDING HILLS CENTER IN THE TOWN OF AGAWAM AS THE ANNIE SULLIVAN MEMORIAL.

Be it enacted, etc., as follows:

The department of public works shall designate a portion of the land known as the Feeding Hills Center in the town of Agawam as the Annie Sullivan Memorial, in memory of Annie Sullivan who devoted her life to the care and education of, and companionship with, Helen Keller. A suitable marker bearing said designation shall be erected thereat by said department.

Approved December 20, 1975.

Chap. 804. AN ACT RELATIVE TO THE LAW ESTABLISHING A TEMPORARY SYSTEM FOR THE REVIEW OF CHARGES FOR THE PURCHASE OF HOSPITAL CARE IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

Chapter 424 of the acts of 1975 is hereby amended by striking out section 9 and inserting in place thereof the following section: —

Section 9. Sections one to eight, inclusive, of this act shall cease to be operative on January thirty-first, nineteen hundred and eighty.

Approved December 20, 1975.

Chap. 805. AN ACT PROVIDING THAT A REPRESENTATIVE OF THE GREATER BOSTON CONVENTION AND TOURIST BUREAU, INC. SHALL BE A MEMBER OF THE ADVISORY COMMITTEE ON VACATION TRAVEL.

Be it enacted, etc., as follows:

The first paragraph of section 6 of chapter 23A of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 527 of the acts of 1975, and inserting in place thereof the following sentence: — There shall be advisory committees on manpower development training; regional planning; commercial and industrial development; vacation travel, which shall consist of seventeen members including the chief executive officers of the fourteen regional associations known as the Berkshire Hills Conference, Inc., Central Massachusetts Tourist Council, Inc., Essex County Tourist Council of Massachusetts, Inc., Cape Cod Chamber of Commerce, The Greater Boston Convention and Tourist Bureau, Inc., Martha's Vineyard Chamber of Commerce, Mohawk Trail Association, Nantucket Island Chamber of Commerce, Inc., Pioneer Valley Association, Inc., Plymouth Chamber of Commerce, Inc., Plymouth County Development Council, Inc., Old Sturbridge, Inc., The Middlesex County Tourist and Development Council and The Tourist Council of Bristol County, Inc.;

science and technology; international trade; and a women's advisory committee.

Approved December 20, 1975.

Chap. 806. AN ACT AUTHORIZING GROUP DENTAL INSURANCE COVERAGE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS, AND THEIR DEPENDENTS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 32B of the General Laws, as appearing in section 1 of chapter 730 of the acts of 1956, is hereby amended by striking out, in line 4, the words "surgical and medical" and inserting in place thereof the words: — surgical, medical, dental and other health.

SECTION 2. Paragraph (i) of section 2 of said chapter 32B, added by section 4 of chapter 946 of the acts of 1971, is hereby amended by inserting after the word "surgical", in line 4, the word: — , dental.

SECTION 3. The first sentence of the first paragraph of section 3 of said chapter 32B, as appearing in section 1 of chapter 334 of the acts of 1961, is hereby amended by striking out, in line 6, the words "hospital or medical" and inserting in place thereof the words: — hospital, medical, dental or other, — and by striking out, in line 9, the words "surgical and medical" and inserting in place thereof the words: — surgical, medical and dental.

SECTION 4. The second paragraph of said section 3 of said chapter 32B, as appearing in section 1 of chapter 730 of the acts of 1956, is hereby amended by inserting after the words "seventy-six B", in line 6, the words: — and any dental service corporation organized under chapter one hundred and seventy-six E.

SECTION 5. The first sentence of the first paragraph of section 4 of said chapter 32B, as appearing in section 2 of chapter 841 of the acts of 1965, is hereby amended by inserting after the word "medical", in line 4, the word: — , dental.

SECTION 6. The second paragraph of said section 4 of said chapter 32B, as so appearing, is hereby amended by inserting after the word "medical", in line 3, the word: — , dental.

SECTION 7. The second sentence of section 5 of said chapter 32B, as appearing in section 2 of chapter 843 of the acts of 1973, is hereby amended by inserting after the word "medical", in line 2, the words: — , dental.

SECTION 8. The first paragraph of section 9 of said chapter 32B, as amended by section 1 of chapter 763 of the acts of 1972, is hereby further amended by inserting after the word "medical", in lines 12 and 17, in each instance, the word: — , dental.

SECTION 9. The first sentence of the fourth paragraph of said section 9 of said chapter 32B, as appearing in section 6 of chapter

946 of the acts of 1971, is hereby amended by striking out, in line 8, the words "and surgical" and inserting in place thereof the words: — , surgical, dental and other health.

SECTION 10. Section 9A of said chapter 32B, as appearing in chapter 595 of the acts of 1959, is hereby amended by striking out, in line 13, the words "and medical" and inserting in place thereof the words: — , medical, dental and other health.

SECTION 11. The first paragraph of section 9B of said chapter 32B, as appearing in chapter 214 of the acts of 1961, is hereby amended by striking out, in line 4, the words "and medical" and inserting in place thereof the words: — , medical, dental and other health.

SECTION 12. The second paragraph of said section 9B of said chapter 32B, as appearing in section 2 of chapter 386 of the acts of 1960, is hereby amended by striking out, in line 4, the words "and medical" and inserting in place thereof the words: — , medical, dental and other health.

SECTION 13. Section 9C of said chapter 32B, inserted by chapter 303 of the acts of 1967, is hereby amended by inserting after the word "group", in lines 3 and 24, in each instance, the words: — hospital, surgical, medical, dental and other- , and by inserting after the word "such", in line 11, the words: — hospital, surgical, medical, dental and other.

SECTION 14. The first sentence of the first paragraph of section 9D of said chapter 32B, as appearing in chapter 402 of the acts of 1967, is hereby amended by inserting after the word "medical", in line 12, the word: — , dental.

SECTION 15. The first paragraph of section 9D of said chapter 32B is hereby amended by striking out the second sentence, as most recently amended by chapter 241 of the acts of 1975, and inserting in place thereof the following sentence: — A town shall provide for such payment either by a vote of the town, or by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election in said town: — "Shall the town pay one half of the premium costs payable by the surviving spouse of an employee or retired employee for group general, or blanket hospital, surgical, medical, dental or other health insurance?"

SECTION 16. The second sentence of section 9E of said chapter 32B, as appearing in section 4 of chapter 789 of the acts of 1973, is hereby amended by striking out, in line 6, the word "and" and inserting in place thereof the words: — , hospital, surgical, medical, dental and other.

SECTION 17. Said chapter 32B is hereby further amended by striking out section 9G, inserted by chapter 636 of the acts of 1975, and inserting in place thereof the following section: —

Section 9G. Upon the death of an insured employee who was killed, or who died from injuries received, in the performance of his duty as a police officer, a surviving spouse may continue the

group health and dental insurance for the benefit of such spouse and any dependents under age nineteen, until the remarriage or death of said surviving spouse; provided that application for such insurance shall be filed with the appropriate public authority and a method for the payment of premiums shall be determined in accordance with its rules and regulations; and provided, further, that said surviving spouse shall pay fifty per cent of a premium the amount of which may be changed by the governmental unit from time to time as part of the total cost for such health and dental insurance. The governmental unit shall contribute the remaining fifty per cent of said premium together with payment in full of a subsidiary or additional rate which rate may be lower or higher than the governmental unit's share of the aforesaid premium.

This section shall take effect in a county, city, town or district upon its acceptance in the following manner: — In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district by vote of the registered voters of the district at a district meeting; and in a town by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election: — "Shall the town pay one half of a premium for group health and dental insurance for the surviving spouse and dependents of an insured police officer who was killed or who died from injuries received in the performance of duty, with the surviving spouse paying the remaining one half, and shall the town also pay a subsidiary or additional rate?" Section nine B shall not apply in any governmental unit which accepts the provisions of this section.

SECTION 18. The first sentence of the first paragraph of section 10 of said chapter 32B, as appearing in section 3 of chapter 763 of the acts of 1972, is hereby amended by inserting after the word "medical", in line 19, the word: — , dental.

SECTION 19. Said chapter 32B is hereby amended by inserting after section 10 the following section: —

Section 10A. The appropriate public authority shall provide for the purchase of insurance, or include the cost thereof, for dental expenses under those sections of this chapter which provide for the purchase of hospital, surgical, medical, dental and other health insurance benefits but only upon the acceptance of this section in the following manner: — in a city having a Plan D or Plan E charter by majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; in a veterans' services district by vote of the district board; in a

health district established under section twenty-seven A of chapter one hundred and eleven by vote of the joint committee; and in a town by vote of the board of selectmen or, by vote of the town at a town meeting or, by submission for acceptance to the registered voters in the form of the following question which shall be printed upon the official ballot to be used at an election: — "Shall certain provisions of chapter thirty-two B of the General Laws, authorizing any county, city or town or district to provide dental benefits as part of group general or blanket insurance providing hospital, surgical, medical, and other health insurance benefits for certain persons in the service of such county, town or district and their dependents, be accepted by this town?" If a majority of the voters voting on the question shall vote in the affirmative, the chapter shall take effect in such town.

Notwithstanding the provisions of any general law to the contrary, acceptance of this section shall not be revoked or rescinded.

SECTION 20. The first sentence of the first paragraph of section 11 of said chapter 32B, as appearing in section 3 of chapter 843 of the acts of 1973, is hereby amended by striking out, in line 5, the words "and medical" and inserting in place thereof the words: — , medical, dental.

SECTION 21. Section 11B of said chapter 32B, as most recently amended by section 6 of chapter 789 of the acts of 1973, is hereby further amended by striking out, in lines 4 and 17, the words "and medical" and inserting in place thereof, in each instance, the words: — , medical, dental and other health.

Approved December 20, 1975.

Chap. 807. AN ACT PROVIDING FOR THE FORMULATION OF A MASSACHUSETTS GROWTH AND DEVELOPMENT POLICY.

Be it enacted, etc., as follows:

SECTION 1. The provisions of this bill are such that any delay in their implementation would cause immediate hardship and waste financial resources. The provisions of this bill, therefore, take effect upon passage. This act may be referred to as the "Massachusetts Growth Policy Development Act".

Whereas coordinated and well-planned growth and development decisions in the commonwealth would: —

—provide a healthy economy for all regions of Massachusetts by allowing new development to complement existing economic centres in existing population and employment centers;

—encourage wise use of scarce land and energy resources through location choices and construction designs that promote clustering of development and new construction and rehabilitation of existing structures in urban centers;

—increase the social and economic well-being of the commonwealth's working force;

—preserve wetlands, open space and other environmentally desirable characteristics of the commonwealth;

—ensure that local land use decisions by one municipality will have at least a neutral, if not positive, impact on surrounding municipalities;

—result in efficient use of public investments such as roadways, sewers, water facilities and schools;

this act has the following purposes:

(1) the initiation of a locally-oriented, participatory planning process to enable representatives from various interest groups in each municipality in the commonwealth to evaluate the effects of unplanned and uncoordinated growth and development patterns, formulate future growth and development goals which meet the needs of the diversity of residents in each municipality; coordinate local growth and development goals with the goals of neighboring municipalities and with regional needs; and to contribute substantially to the formulation of state growth and development policies and objectives;

(2) the involvement of citizens and local officials, regional planning agencies, the office of state planning and various additional state agencies and members of the general court in the development of recommendations, policies and objectives and possible appropriate tools for implementation to encouarge, facilitate, and to expedite economic and industrial development, to build planning capacity at the local level and to balance such development with the preservation of the commonwealth's unique environmental resources; and

(3) to suggest possible legislation relating to growth policy matters.

SECTION 2. As used in this act the following terms shall have the following definitions: —

"agency" — the office of state planning in the executive office for administration and finance;

"committee" — local growth policy committee established in every municipality in the commonwealth according to Section 3 of this act;

"statement" — a statement of growth problems and priorities of a city or town prepared by the local growth policy committee in response to the questionnaire from the office of state planning which may include additional comments by the committee;

"regional planning agency" — one of thirteen commissions or councils created pursuant to chapter forty B of the General Laws or by special act;

"regional report" — a summary of the statements of the local growth policy committees of the regions, including citizen comments, and recommendations concerning regional growth management problems and priorities prepared by a regional

planning agency;

"citizen comment" — written comment of any governmental unit, person or group of persons accompanying but separate from the statement or the regional report, such comments may be made at any time during the life of this act;

"special commission" — Special Commission on the Effects of Growth Patterns on the Quality of Life in the Commonwealth, as established by chapter ninety-eight of the resolves of 1973 and as most recently amended by the resolves of 1974;

"areas of critical planning concern" —

(a) areas suitable for commercial and industrial development, or

(b) an area where uncontrollable development could result in irreversible damage to important historical, environmental, natural or archeological resources, or

(c) an area possessing inland or coastal wetlands, marshes or tidal lands, or

(d) beaches and dunes, or

(e) significant estuaries, shorelands, and flood plains of rivers, lakes, and streams, or

(f) significant agricultural, grazing, and watershed lands, or

(g) forests and related lands which require long stability for continuing renewal, or

(h) areas with unstable soil or high seismicity, or

(i) an area significantly affected by or having a significant effect upon an existing or proposed major public facility, or other area of major public investment;

"development of regional impact" — any proposed development which, because of its character, magnitude, or location would have a substantial effect upon the health, safety or welfare of citizens outside the jurisdiction of a single municipality;

"timetable outline" — the following timetable is established for the implementation of this act. From the effective date of this act and within the time specified the following shall happen:

—within one month the local growth policy committee shall be formed and shall receive a questionnaire from the office of state planning;

—within three months the committee shall hold a public hearing or hearings in order to invite citizen comment concerning the committee's response to the questionnaire.

—within five months the committee shall hold a public hearing or hearings to review its proposed response to the questionnaire of the agency;

—within six months the committee shall send its report (with accompanying citizen comment, if any) to its respective regional planning agency and to the office of state planning;

—within seven months the regional planning agency shall hold a public hearing or hearings on its tentative regional report;

— within eight months the regional planning agency shall submit its final report to the agency, its constituent local growth policy committee and the special commission;

—within ten months the office of state planning shall hold hearings and file a report which summarizes the local statements and regional reports including citizen comments with the special commission;

SECTION 3. Within one month of the effective date of this act there shall be created in every municipality of the commonwealth a local growth policy committee composed of the mayor of a city, except in the case of city with a Plan E form of government in which case it shall be the city manager, or the chairman of the Board of Selectmen in the case of a town, and the following public officials or their designees: the chairman of the planning board, if one exists; the chairman of the conservation commission, if one exists; the chairman of the housing authority, if one exists; the chairman of the redevelopment authority, if one exists; the chairman of the department of public health; and the city or town planner, if one exists. In addition there shall be no less than five residents of the municipality, representative of disparate social, economic and environmental interests, to be appointed by the selectmen, in the case of a town, or to be appointed with the consent of the council by the mayor in the case of a city except in the case of a city with a Plan E form of government, in which case it shall be the city manager.

In any municipality the local growth policy committee may establish subcommittees with additional membership to represent various geographic areas within the municipality.

Any municipality may select its own guidelines for establishing a local growth policy committee provided that the guidelines are approved by the office of state planning. The guidelines shall be deemed to be approved unless the office of state planning notifies the municipality of its disapproval within seven working days after receiving the guidelines.

Every municipality shall submit to the office of state planning and its respective regional planning agency a list of members of the local growth policy committee and any subcommittee, together with the addresses of the members.

The chairman of the planning board or in those municipalities with formally organized planning departments, the planning director or the chairman of the Board of Selectmen if no planning board or department exists, will call the first meeting of the committee at which meeting a chairman of the committee shall be selected. The chairman is responsible for seeing that the committee fulfills all of its functions as described in this act. The committee may in the course of its activities, request information from municipal boards, commission, departments or agencies and may receive public and private funds. A member of the

General Court may be an ex-officio member of any committee within his district.

SECTION 4. Within one month of the effective date of this act the Agency shall send to the selectmen of every town and to the chief executive officer of every city a request for a Statement of Growth Management Problems and Priorities, which may be in the form of a questionnaire. The format for the Statement will be prepared by the Agency and may include questions and requests for proposed policies relating to the following: —

(a) local growth management problems of highest priority, with particular reference to —

(1) the most significant changes, both recent and anticipated, in population density, economic base, and intensity and direction of development;

(2) conflicts involving land and other resources needed and suitable for industry and commerce; urban development, including the revitalization of existing communities with limited economic bases; recreation parks and open space; scientific and educational purposes; the future supply, generation and transmission of energy; solid waste management and resource recovery; transportation; health, education, and other state and local governmental services; and multiple use siting of facilities;

(3) such coastal issues as shall be deemed significant by the Coastal Zone Management Program in the executive office of environmental affairs;

(4) identification of wetlands, flood plains prime forest and agricultural lands and areas of significant mineral deposits, and steps taken to conserve them; anticipated demands for scarce natural products; and threats to agricultural and forest production, mining and forestry — including changing land values, the tax structure and ecological factors;

(5) conflicts or significant changes regarding water supply and sewerage;

(6) the most significant changes, both recent and anticipated, in environmental, geological and physical conditions which influence the desirability of various uses of land;

(7) the most significant zoning variances and special permits granted or refused, and all zoning bylaw changes made, during the three years prior to the effective date of this act; or in the case of cities with populations greater than one hundred thousand, during the one year prior to this act;

(8) changes in the housing needs and in the housing opportunities for all income gruops in the city or town, and reasons therefor; and changes in the amount, type and location of land available for housing construction in the city or town;

(9) requirements for building and other permits that have impeded desirable growth and development;

(10) descriptions of the character and location of major commercial and industrial development that should be en-

couraged and facilitated by local, regional and state agencies;

(b) criteria for the identification of developments of regional impact and areas of critical planning concern in or near the responding municipality;

(c) ways in which the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation, and other activities related to land use can be coordinated to prevent waste and inefficiency;

(d) community goals for gorwth and/or conservation and the adequacy of existing laws for achieving those goals;

(e) the type and costs of public improvements — sewers, water lines, trash disposal facilities, roadways, etc. — needed to accommodate the existing population and likely to be needed if the population continues to increase and if economic growth is to be made possible;

(f) the impact of property tax policy on development and the significance of prospective property tax revenues in the local and regional decision making processes.

SECTION 5. The committee shall, within a reasonable time subsequent to the effective date of this act, publicize its existence by announcement at town or city council meetings and by other reasonable means; conduct whatever inquiries are required to prepare the statement; make reasonable efforts to meet with and ascertain the views of all interested persons and groups regarding local growth management and land use policy; complete a tentative and final statement in accordance with the terms of the request made pursuant to section four of this act. The committee shall, insofar as possible, rely on existing information in preparing its statement.

Within three months of the effective date of this act, the committee shall hold a public hearing at which interested persons and groups shall be afforded an opportunity to present data, views or arguments, orally or in writing, in preparation of the tentative statement. Elected municipal officials as well as state representatives and senators shall be invited to provide their views and comments on local growth management and land use policy. However, no person or group shall be required to make presentations or arguments in writing.

At least fourteen days prior to any hearing, required in this or other sections, notice thereof shall be published in a newspaper of general circulation in the city or town and shall be posted in at least five public places in the city or town. The notice shall refer to this act; give the date, time and place of the hearing; state that the subject of the meeting shall be the tentative statement in response to the request from the agency; and that copies of said request shall be available for the clerk of the city or town. A copy of the notice shall be sent upon publication to the appropriate regional planning agency and to the office of state planning. The

cost of newspaper publication shall be borne by the municipality for which the statement is being prepared.

In preparing its tentative statement the committee shall consider the testimony from the initial public hearing and within five months of the effective date of this act shall circulate copies of the tentative statement and hold an additional public hearing thereon. Within six months of the effective date of this act, the committee shall submit the statement in final form through the office of the municipal clerk to the appropriate regional planning agency, to all specific purpose governmental units of which the municipality may be part, to the office of the mayor and the council or to the board of selectmen, to the office for state planning, to all contiguous municipalities, and to the county in which the municipality is located. Any county, city council or board of selectmen, special purpose governmental unit, private citizen, organized group, or local board or commission or committee may file, at any time, a citizen comment of concurrence with or dissent from a statement and shall file such comment with the committee, the relevant regional planning agency and the office of state planning.

The committee may propose local by-law revisions or additions that promote the objectives of the local growth policy statement.

SECTION 6. Within seven months of the effective date of this act, each regional planning agency in the Commonwealth shall prepare a tentative regional report and shall hold a public hearing thereon. The relevant local growth policy committees shall be requested to comment on the regional report and to present their comments both orally and in writing at the time of the public hearing. Within eight months of the effective date of this act, the regional planning agency shall prepare and endorse a final regional report, taking into consideration citizen comments and concerns. The report shall be forwarded, along with any citizen comments to the constituent municipalities and the office of state planning. Each regional report, in accordance with guidelines provided by the agency, shall:

(a) summarize the major findings and recommendations of the local Statements;

(b) provide, based on consideration of the Statements received pursuant to section five of this statute

(1) an assessment of inter-municipal conflicts within the region; local-regional conflicts, including but not necessarily limited to conflicts between municipalities and the regional planning agency and conflicts between municipalities and counties; conflicts between special purpose governmental units and any other units of government; and conflicts involving counties and regional planning commissions with one another;

(2) a statement of steps taken, if any, to resolve said conflicts, such as but not limited to bilateral meetings between parties in

conflict, mediation by the regional planning agency or legal action; and obstacles, if any, which may prevent the resolution of such conflicts, such as but not limited to inadequate technology or information or funding, or the lack of an adequate forum for resolving disputes.

(c) define regional growth management problems of highest priority, with particular reference to

(1) the most significant changes, both recent and anticipated, in population, economic base, and intensity and direction of development;

(2) conflicts involving land needed and suitable for industry and commerce; urban development, including the revitalization of existing communities with limited economic bases; recreation, parks and open space; scientific and educational purposes; the generation and transmission of energy; solid waste management and resource recovery; transportation; health, education, and other state and local governmental services; and multiple-use siting of facilities;

(3) such coastal issues as shall be deemed significant by the Coastal Zone Management Program in the executive office of environmental affairs;

(4) identification of wetlands, flood plains, prime forest and agricultural lands and areas of significant mineral deposits, and steps taken to conserve them, anticipated demands for scarce natural products; and threats to agricultural and forest production, mining and forestry — including changing land values, the tax structure, and ecological factors;

(5) conflicts or significant changes regarding water supply and sewerage;

(6) the most significant changes, both recent and anticipated, in environmental, geological, and physical conditions which influence the desirability of various uses of land;

(7) changes in the housing needs and in the housing opportunities for all income groups in the region and in adjacent communities; and changes in the amount, type and location of land available for housing construction in the region;

(8) requirements for building and other permits that have impeded desirable growth and development;

(9) descriptions of major commercial and industrial development that should be encouraged and facilitated by local, regional and state agencies;

(d) identify, taking into account the Statements received pursuant to section five of this statute, specific developments of regional impact and areas of critical planning concern in the region, and shall propose criteria for the future identification thereof;

(e) reactions to brief descriptions of alternative administrative models for implementing land use and growth management policy within the commonwealth, which descrip-

tions shall be prepared by the Agency;

(f) comment on the ways in which governmental activities may be better coordinated to prevent delays and inefficiency in the implementation of vital development projects; and

(g) evaluate the impact of property tax policy on development and the significance of prospective property tax revenues in the local and regional decision-making processes.

Any mayor, city council, board of selectmen, local growth policy committee, county official, special purpose governmental unit, private citizen, organized group, or local board or commission or committee may file, at any time, with a regional planning agency a citizen comment of concurrence with or dissent from a regional report.

SECTION 7. Within ten months of the effective date of this act, the office of state planning in cooperation with the Executive Office of Manpower Affairs and the Executive Office of Environmental Affairs and other state agencies shall prepare a report for the special commission containing but not limited to: —

(a) a summary of significant local and regional growth management problems, priorities and conflicts;

(b) a summary of criteria proposed locally and regionally for the designation of areas of critical planning concern and developments of regional impact;

(c) a summary of local and regional reactions to alternative administrative models for implementing land use and growth management policy within the commonwealth;

(d) strategies for coordainating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space preservation and other activities related to land use;

(e) a description of the roles local and state taxes play in the pattern of growth and development;

(f) approaches to minimizing the time and cost of obtaining all permits and licenses and of completing all review procedures in order to expedite the private development process for projects consistent with sound growth policies and objectives; and

(g) a recommended growth policy for the commonwealth, which shall reflect both local and regional preferences and capabilities, as manifested in the Statements and Regional Reports prepared pursuant to this act, and issues of statewide concern.

SECTION 8. Within eleven months of the effective date of this act, the Commission shall prepare and shall with the concurrence of a majority of its members submit to the general court and to the governor a report which shall include but need not be limited to the following elements: —

(a) standards and, where appropriate, new mechanisms, instrumentalities and processes to guide growth and develop-

ment into those areas where they will be most desirable to facilitate community revitalization, to generate new economic vitality, to minimize adverse environmental effects and to conserve open land and natural resources;

(b) criteria for identifying areas of critical planning concern and developments of regional impact;

(c) approaches for minimizing the time and cost of obtaining all permits and licenses and completing all review procedures required for development; and

(d) strategies for coordinating the activities of state agencies involved in the allocation of state and federal funds for economic development, capital improvements, open space conservation and other activities related to land use.

Each element shall incorporate locally and regionally proposed standards insofar as they may be internally consistent.

SECTION 9. The agency is hereby authorized to provide technical assistance to any regional planning agency which may request such assistance for the purpose of compliance with this act. The Agency and regional planning agencies are hereby authorized to provide technical assistance to any municipality which may request such assistance for the purpose of compliance with this act.

SECTION 10. A local growth policy committee or a regional planning agency may petition the office of state planning for an extension in the time allowed under this act. The agency may, at its discretion, grant such an extension.

SECTION 11. The provisions of this act shall be deemed severable. If any of its provisions shall be held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

This is a temporary act and, as such, all of its provisions must be carried out no later than July 1, 1977.

Approved December 22, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT STATE HOUSE
BOSTON, December 22, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 807 of the Acts of 1975, entitled AN ACT PROVIDING FOR THE FORMULATION OF A MASSACHUSETTS GROWTH AND DEVELOPMENT POLICY., and the enactment of which received my approval on December 22, 1975, should take effect forthwith.

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

In order to immediately begin the process of preparing local growth policy statements.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, December 22, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and seven of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 808. AN ACT FURTHER REGULATING THE ZONING ENABLING ACT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by striking out section 32, as most recently amended by chapter 308 of the acts of 1967, and inserting in place thereof the following section: —

Section 32. Except to the extent that a zoning by-law may take effect as provided in section five of chapter forty A, before a by-law takes effect it shall be approved by the attorney general or ninety days shall have elapsed without action by the attorney general after the clerk of the town in which a by-law has been adopted has submitted to the attorney general a certified copy of such by-law with a request for its approval, a statement clearly explaining the proposed by-law, including maps and plans if necessary, and adequate proof that all of the procedural requirements for the adoption of such by-law have been complied with. Such request and proof shall be submitted by the town clerk within fifteen days after final adjournment of the town meeting at which such by-law was adopted. If the attorney general does not, within said ninety days, request of such town clerk in writing further proof of such compliance stating specifically wherein such proof is inadequate, it shall be presumed that the proof submitted was adequate. If the attorney

general disapproves a by-law he shall give notice to the town clerk of the town in which the by-law was adopted of his disapproval, with his reasons therefor. If a by-law of a town takes effect by reason of the failure of the attorney general to seasonably act upon a request for its approval, the clerk of such town shall enter in his records a statement that the by-law has become effective by reason of such failure of the attorney general to act. Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town. The publication of a zoning by-law shall include a statement that claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within ninety days of such posting or of the second publication and a statement indicating where copies of such by-law may be examined and obtained. The requirements of publishing in a town bulletin or pamphlet and posting, or publishing in one or more newpapers, as above, may be dispensed with if notice of the by-laws is given by delivering a copy thereof at every occupied dwelling or apartment in the town, and affidavits of the persons delivering the said copies, filed with the town clerk, shall be conclusive evidence of proper notice hereunder. This section shall not apply to cities.

SECTION 2. Said chapter 40, as appearing in the Tercentenary Edition, is hereby amended by striking out section 32A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 32A. The provisions in the charter of a city which accepts this section by vote of its city council, requiring newspaper advertising of certain ordinances and proposed ordinances shall, in case of any ordinance or proposed ordinance, or codification thereof, exceeding in length eight octavo pages of ordinary book print, be deemed to be complied with if the same is published by the city council in a municipal bulletin or printed pamphlet, but otherwise in conformity with said provisions, except for zoning ordinances or amendments thereto, a summary of which shall be published at least two times in a newspaper of general circulation in the city. The publication of such zoning summaries shall include a statement indicating where copies of the ordinance may be examined and obtained and a statement that claims of invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting or the second publication.

SECTION 2A. The purposes of this act are to facilitiate, encourage, and foster the adoption and modernization of zoning ordinances and by-laws by municipal governments in accordance with the provisions of Article 89 of the Amendments to the Constitution and to achieve greater implementation of the powers granted to municipalities thereunder.

This act is designed to provide standardized procedures for the administration and promulgation of municipal zoning laws. This section is designed to suggest objectives for which zoning might be established which include, but are not limited to, the following: — to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the city or town, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives. Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating:

1. uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;

2. size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D;

3. uses of bodies of water, including water courses;

4. noxious uses;

5. areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;

6. density of population and intensity of use;

7. accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and

8. the development of the natural, scenic and aesthetic qualities of the community.

SECTION 3. The General Laws are hereby amended by striking out chapter 40A and inserting in place thereof the following chapter: —

CHAPTER 40A.
ZONING.

Section 1. This chapter shall be known and may be cited as "The Zoning Act".

As used in this chapter the following words shall have the following meanings: —

"Permit granting authority", shall mean the board of appeals or zoning administrator.

"Special permit granting authority", shall include the board of selectmen, city council, board of appeals, planning board, or zoning administrator as designated by zoning ordinance or by-law for the issuance of special permits.

"Zoning", as used in this chapter, shall mean ordinances and by-laws, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

"Zoning administrator", shall mean a person designated by the board of appeals pursuant to section thirteen to assume certain of the duties of said board.

Section 2. Special permits authorizing cluster development shall provide that open land for cluster development shall be conveyed to the city or town and accepted by it for park or open space use, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the land.

Section 3. No zoning ordinance or by-law shall regulate or restrict the use of materials or methods of construction of structures regulated by the state building code, nor shall any such ordinance or by-law prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture or floriculture, nor shall they prohibit or unreasonably regulate the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture or floriculture, except that all such activities may be limited to parcels of more than five acres in areas not zoned for agriculture, horticulture or floriculture. For such purposes land divided by a public or private way or a waterway shall be construed as one parcel. No zoning ordinance or by-law shall exempt land or structures from flood plain or wetlands regulations established pursuant to general law.

No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect

or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbakcs, open space, parking and building coverage requirements. Lands or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or by-law if, upon petition of the corporation, the department of public utilities shall, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public; provided however, that if lands or structures used or to be used by a public service corporation are located in more than one municipality such lands or structures may be exempted in particular respects from the operation of any zoning ordinance or by-law if, upon petition of the corporation, the department of public utilities shall after notice to all affected communities and public hearing in one of said municipalities, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public.

No provision of a zoning ordinance or by-law shall be valid which sets apart districts by any boundary line which may be changed without adoption of an amendment to the zoning ordinance or by-law.

Section 4. Any zoning ordinance or by-law which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted.

Districts shall be shown on a zoning map in a manner sufficient for identification. Such maps shall be part of zoning ordinances or by-laws. Assessors' or property plans may be used as the basis for zoning maps. If more than four sheets or plates are used for a zoning map, an index map showing districts in outline shall be part of the zoning map and of the zoning ordinance or by-law.

Section 5. Zoning ordinances or by-laws may be adopted and from time to time change by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant of section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of

receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has held a public hearing thereon at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed zoning ordinance or by-laws is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepared to the department of community affairs, the regional planning agency if any, and to the planning boards of all abutting cities and towns. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of hearings under this chapter shall be sent by mail, postage preparid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee as established by such ordinance or by-law. In cases involving boundary or use changes within a district, notice shall be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning by-laws or ordinances unless such defect is found to be misleading.

No vote to adopt any such proposed ordinance or by-law shall be taken on until a report with recommendations by a planning board, has been submitted to the town meeting or city council, or twenty-one days after said hearing have elapsed without submission of such report or recommendations. After such notice, hearing and report, or after twenty-one days shall have lapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after such hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after such hearing, no action shall be

taken thereon until after a subsequent public hearing is held with notice and report as above provided.

No zoning ordinance or by-law shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting has been made or publication in a newspaper pursuant to section thirty-two of chapter forty. If in a town said by-law is subsequently disapproved, in whole or in part, by the attorney general the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote.

After approval of zoning by-laws by the attorney general, or adoption of zoning ordinances by the city council, a copy of the latest effective zoning ordinance or by-law shall be sent by the city or town clerk to the department of community affiars.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceeding and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of

invalidity unless within one hundred and twenty days after adoption of an ordinance or by-law legal action is commenced and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition, with the town or city clerk within seven days after commencement of the actions.

Section 6. Except as hereinafter provided, a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the nonconforming nature of said structure. Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of sections twenty-nine through thirty-three, inclusive, of chapter ninety-three, and to chapter ninety-three D.

A zoning ordinance or by-law shall provide that construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not less than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of two years or more.

Any increase in area, frontage, width, yard, or depth requirements of a zoning ordinance or by-law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed

requirement but at least five thousand square feet of area and fifty feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the zoning ordinances or by-laws in effect in a city or town.

If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, is submitted to a planning board for approval under the subdivision control law, and written notice of such submission has been given to the city or town clerk before the effective date of ordinance or by-law, the land shown on such plan shall be governed by the applicable provisions of the zoning ordinance or by-law, if any, in effect at the time of the first such submission while such plan or plans are being processed under the subdivision control law, and, if such definitive plan or an amendment thereof is finally approved, for five years from the date of the endorsement of such approval, except in the case where such plan was submitted or submitted and approved before January first, nineteen hundred and seventy-six, for seven years from the date of the endorsement of such approval.

When a plan referred to section eighty-one P of chapter forty-one has been submitted to a planning board and written notice of such submission has been given to the city or town clerk, the use of the land shown on such plan shall be governed by applicable provisions of the zoning ordinance or by-law in effect at the time of the submission of such plan while such plan is being processed under the subdivision control law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period of three years from the date of endorsement by the planning board that approval under the subdivision control law is not required, or words of similar import.

Disapproval of a plan shall not serve to terminate any rights which shall have accrued under the provisions of this section, provided an appeal from the decision disapproving said plan is made under applicable provisions of the subdivision control law. Such appeal shall stay, pending an order or decree of a court of final jurisdiction, the applicability to land shown on said plan of the provisions of any zoning ordinance or by-law which became effective after the date of submission of the plan first submitted.

In the event that any lot shown on a plan endorsed by the planning board is the subject matter of any appeal or any litigation, the exemptive provisions of this section shall be extended for a period equal to that from the date of filing of said appeal or the commencement of litigation, whichever is earlier, to the date of final disposition thereof, provided final adjudication is in favor of the owner of said lot.

The record owner of the land shall have the right, at any time, by an instrument duly recorded in the registry of deeds for the

district in which the land lies, to waive the provisions of this section, in which case the ordinance or by-law then or thereafter in effect shall apply. The submission of an amended plan or of a further subdivision of all or part of the land shall not constitute such a waiver, nor shall it have the effect of further extending the applicability of the ordinance or by-law that was extended by the original submission, but, if accompanied by the waiver described above, shall have the effect of extending, but only to extent aforesaid, the ordinance or by-law made then applicable by such waiver.

Section 7. The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

No local zoning law shall provide penalty of more than one hundred dollars per violation; provided that nothing herein shall be construed to prohibit such laws from providing that each day such violation continues shall constitute a separate offense. No action, suit or proceeding shall be maintained in any court, nor any administrative or other action taken to recover a fine or damages or to compel the removal, alteration or relocation of any structure or part of a structure or alteration of a structure by reason of any violation of any zoning by-law or ordinance except in accordance with the provisions of this section, section eight and section seventeen, provided, however, if real property has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits, no action, criminal or civil, the effect or purpose of which is to compel the abandonment, limitation or modification of the use allowed by said permit or the removal, alteration or relocation of any structure erected in reliance upon said permit by reason of any alleged violation of the provisions of this chapter, or of any ordinance or by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is commenced and notice thereof recorded in the registry of deeds for each county or district in which the land lies

within six years next after the commencement of the alleged violation of law. Such notice shall include names of one or more of the owners of record, the name of the person initiating the action, and adequate identification of the structure and the alleged violation.

The superior court shall have jurisdiction to enforce the provisions of this chapter, and any ordinances or by-laws adopted thereunder, and may restrain by injunction violations thereof.

Section 8. An appeal to the permit granting authority as the zoning ordinance or by-law may provide, may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this chapter, by the regional planning agency in whose area the city or town is situated, or by any person including an officer or board of the city or town, or of an abutting city or town aggrieved by an order or decision of the inspector of buildings, or other administrative official, in violation of any provision of this chapter or any ordinance or by-law adopted thereunder.

Section 9. Zoning ordinances or by-laws shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use.

Zoning ordinances or by-laws may also provide for special permits authorizing increases in the permissible density of population or intensity of a particular use in a proposed development; provided that the petitioner or applicant shall, as a condition for the grant of said permit, provide certain open space, housing for persons of low or moderate income, traffic or pedestrian improvements, or other amenities. Such zoning ordinances or by-laws shall state the specific improvements or amenities or locations of proposed uses for which the special permits shall be granted, and the maximum increases in density of population or intensity of use which may be authorized by such special permits.

Zoning ordinances or by-laws may provide that special permits may be granted for multi-family residential use in nonresidentially zoned areas where the public good would be served and after a finding by the permit granting authority, that such nonresidentially zoned area would not be adversely affected by such a residential use, and that permitted uses in such a zone are not noxious to a multi-family use.

Zoning ordinances or by-laws may also provide that cluster developments or planned unit developments shall be permitted

upon the issuance of a special permit.

"Cluster development" means a residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property and other groups within the development by intervening open land. A cluster development shall be permitted only on a plot of land of such minimum size as a zoning ordinance or by-law may specify which is divided into building lots with dimensional control, density and use restrictions of such building lots varying from those otherwise permitted by the ordinance or by-law and open land. Such open land when added to the building lots shall be at least equal in area to the land area required by the ordinance or by-law for the total number of units or buildings contemplated in the development. Such open land shall either be conveyed to the city or town and accepted by it for part or open space use, or be conveyed to a non-profit organization the principal purpose of which is the conservation of open space, or to be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plot. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the city or town, a restriction enforceable by the city or town shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

"Planned unit development" means a mixed use development on a plot of land containing a minimum of the lesser of sixty thousand square feet or five times the minimum lot size of the zoning district, but of such larger size as an ordinance or by-law may specify, in which a mixture of residential, open space, commercial, industrial or other uses and a variety of building types are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by the ordinance or by-law.

Zoning ordinances or by-laws shall provide that special permits shall only be issued following public hearings held within sixty-five days after filing of an application with the special permit granting authority, a copy of which shall forthwith be given to the city or town clerk by the applicant; and may provide that certain classes of special permits shall be issued by one special permit-granting authority and others by another special permit granting authority as provided in the ordinance or by-law. Such special permit granting authority shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules may prescribe the size, form, contents, style and number of copies of plans and specifications and the procedure for the submission and

approval of such permits, and shall file a copy of said rules in the office of the city or town clerk. Such rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits. Special permit granting authorities shall act within ninety days following a public hearing for which notice has been given by publication or posting as provided in section eleven, and by mailing to all parties in interest, provided, however, a city council having more than five members designated to act upon such a permit may appoint a committee of such council to hold the public hearing. Failure by a special permit granting authority to take final action upon an application for a special permit within said ninety days following the date of public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by a special permit granting authority shall require a two-thirds vote of boards with more than five members, a vote of at least four members of a five member board and a unanimous vote of a three member board.

Zoning ordinances or by-laws shall provide that a special permit granted under this section shall lapse within a specified period of time, not more than two years, and including such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Zoning ordinances or by-laws shall also provide that uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.

Section 10. The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substan-

tially derogating from the intent or purpose of such ordinance or by-law. Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided however, that such variances properly granted prior to January first, nineteen hundred and seventy-six but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

The permit granting authority may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance they shall lapse, and may be reestablished only after notice and a new hearing pursuant this section.

Section 11. In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. "Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and, the planning board of every abutting. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the

petition, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.

Zoning ordinances or by-laws may provide that petitions for special permits shall be submitted to and reviewed by one or more of the following and may further provided that such reviews may be held jointly: — the board of health, the planning board or department, the city or town engineer, the conservation commission or any other town agency or board. Any such board or agency to which petitions are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the permit granting authority and to the applicant; provided, however, that failure of any such board or agency to make recommendations within thirty-five days of receipt by such board or agency of the petition shall be deemed lack of opposition thereto.

Upon the granting of a variance or special permit, or any extension, modification or renewal thereof, the permit granting authority or special permit granting authority shall issue to the owner and to the applicant if other than the owner a copy of its decision, certified by the permit granting authority or special permit granting authority, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance or permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the planning board and city or town clerk. No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by

the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

Section 13. A zoning ordinance or by-law may authorize the appointment of a zoning administrator, who, unless otherwise provided by charter, shall be appointed by the board of appeals, subject to confirmation by the city council or board of selectmen, to serve at the pleasure of the board of appeals pursuant to such qualifications as may be established by the city council or board of selectmen. The board of appeals may delegate to said zoning administrator some of its powers and duties by a concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of all except one member of a board consisting of five members. Any person aggrieved by a decision or order of the zoning administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the board of appeals, as provided in section fourteen, within thirty days after the decision of the zoning administrator has been filed in the office of the city or town clerk. Any appeal, application or petition filed with said zoning administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be subject to appeal to the board of appeals as provided in section eight.

Section 14. A board of appeals shall have the following powers: —

(1) To hear and decide appeals in accordance with section eight.

(2) To hear and decide applications for special permits upon which the board is empowered to act under said ordinance or by-laws.

(3) To hear and decide petitions for variances as set forth in section ten.

(4) To hear and decide appeals from decisions of a zoning administrator, if any, in accordance with section thirteen and this section.

In exercising the powers granted by this section, a board of appeals may, in conformity with the provisions of this chapter, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Section 15. Any appeal under section eight to a permit granting authority shall be taken within thirty days from the date of the order or decision which is being appealed, by filing a notice of appeal, specifying the grounds thereof, with the city or town clerk, who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to the permit granting authority. Such officer or board shall forthwith transmit to the board of appeals or zoning administrator all documents and papers constituting the record of the case in which the appeal is taken.

Any appeal to a board of appeals from the order or decision of a zoning administrator, if any, appointed in accordance with section thirteen shall be taken within thirty days of the date of such order or decision or within thirty days from the date on which the appeal, application or petition in question shall have been deemed denied in accordance with said section thirteen, as the case may be, by filing a notice of appeal, specifying the grounds thereof with the city or town clerk who shall forthwith transmit copies thereof to the zoning administrator and, in the case of an appeal under section eight to the officer whose decision was the subject of the initial appeal to said zoning administrator. The zoning administrator shall forthwith transmit to the board of appeals all documents and papers constituting the record of the case in which the appeal is taken. All applications for special permits or petitions for variance over which the board of appeals or the zoning administrator as the case may be, exercise original jurisdiction shall be filed by the petitioner with the city or town clerk who shall forthwith transmit a copy thereof to the board of appeals or to said zoning administrator.

Meetings of the board shall be held at the call of the chairman or when called in such other manner as the board shall determine in its rules. The board of appeals shall hold a hearing

on any appeal, application or petition transmitted to it by the city or town clerk within sixty-five days from the transmittal to the board of such appeal, application or petition. The board shall cause notice of such hearing to be published and sent to parties in interest as provided for herein, and shall notify the planning board of the city or town and, the planning board of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the board of appeals. The chairman, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of all the members of the board of appeals consisting of three members, and a vote of four members of a board consisting of five members, shall be necessary to reverse any order or decision of any administrative official under this chapter or to effect any variance in the application of any ordinance or by-law.

All hearings of the board of appeals shall be open to the public. The decision of the board shall be made within seventy-five days after the date of the filing of an appeal, application or petition except in regard to special permits, as provided for in section nine of this chapter. Failure by the board to act within said seventy-five days shall be deemed to be the grant of the relief, application or petition sought, subject to an applicable judicial appeal as provided for in this chapter. The board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the city or town clerk and shall be a public record; and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in section eleven, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date of filing of such notice in the office of city or town clerk.

Section 16. No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting authority or permit granting authority finds, by a unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the

record of its proceedings, and unless all but one of the members of the planning board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

Any petition for a variance or application for a special permit which has been transmitted to the permit granting authority or special permit granting authority may be withdrawn, without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the special permit granting authority or permit granting authority.

Section 17. Any person aggrieved by a decision of the board of appeals or any special permit granting authority whether or not previously a party to the proceeding, or any municipal officer or board may appeal to the superior court or to the land court under section fourteen A of chapter two hundred and forty for the county in which the land concerned is situated or if the land is situated in Hampden county either to the superior court or to the housing court of the county of Hampden, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk. Notice of the action with a copy of the complaint shall be given to such city or town clerk so as to be received within such twenty days. The complaint shall allege that the decision exceeds the authority of the board of authority, and any facts pertinent to the issue, and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the city or town clerk with whom the decision was filed.

If the complaint is filed by someone other than the original applicant, appellant or petitioner, such original applicant, appellant, or petitioner and all members of the board of appeals or special permit granting authority shall be named as parties defendant with their addresses. To avoid delay in the proceedings, instead of the usual service of process, the plaintiff shall within fourteen days after the filing of the complaint, send written notice thereof, with a copy of the complaint, by delivery or certified mail to all defendants, including the members of the board of appeals or special permit granting authority and shall within twenty-one days after the entry of the complaint file with the clerk of the court an affidavit that such notice has been given. If no such affidavit is filed within such time the complaint shall be dismissed. No answer shall be required but an answer may be filed and notice of such filing with a copy of the answer and an affidavit of such notice given to all parties as provided above within seven days after the filing of the answer. Other persons may be permitted to intervene, upon motion. The clerk of the court shall give notice of the hearing as in other cases without jury, to all parties whether or not they have appeared.

The court shall hear all evidence pertinent to the authority of the board or special permit granting authority and determine the facts, and, upon the facts as so determined, annul such decision if found to exceed the authority of such board or special permit granting authority or make such other decree as justice and equity may require. The foregoing remedy shall be exclusive, notwithstanding any defect of procedure or of notice other than notice by publication, mailing or posting as required by this chapter, and the validity of any action shall not be questioned for matters relating to defects in procedure or of notice in any other proceedings except with respect to such publication, mailing or posting and then only by a proceedings commenced within ninety days after the decision has been filed in the office of the city or town clerk, but the parties shall have all rights of appeal and exception as in other equity cases.

A city or town may provide any officer or board of such city or town with independent legal counsel for appealing, as provided in this section, a decision of a board of appeals or special permit granting authority and for taking such other subsequent action as parties are authorized to take.

Costs shall not be allowed against the board or special permit granting authority unless it shall appear to the court that the board or special permit granting authority in making the decision appealed from acted with gross negligence, in bad faith or with malice.

Costs shall not be allowed against the party appealing from the decision of the board or special permit granting authority unless it shall appear to the court that said appellant or appellants acted in bad faith or with malice in making the appeal to the court.

All issues in any proceeding under this section shall have precedence over all other civil actions and proceedings.

SECTION 4. The first sentence of section 21 of chapter 40B of the General Laws, inserted by section 1 of chapter 774 of the acts of 1969, is hereby amended by striking out, in line 3, the word "fourteen" and inserting in place thereof the word: — twelve.

SECTION 4A. The fifth sentence of said section 21 of said chapter 40B, as so appearing, is hereby amended by striking out, in line 1, the word "seventeen" and inserting in place thereof the word: — eleven.

SECTION 4B. The eighth sentence of said section 21 of said chapter 40B, as so appearing, is hereby amended by striking out, in line 3, the word "twenty-one" and inserting in place thereof the word: — seventeen.

SECTION 5. Section 14A of chapter 240 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 2 of chapter 263 of the acts of 1934, and inserting in place thereof the following sentence: — The owner of a freehold estate in possession in land may bring a petition in the land

court against a city or town wherein such land is situated, which shall not be open to objection on the ground that a mere judgment, order or decree is sought, for determination as to the validity of a municipal ordinance, by-law or regulation, passed or adopted under the provisions of chapter forty A or under any special law relating to zoning, so called, which purports to restrict or limit the present or future use, enjoyment, improvement or development of such land, or any part thereof, or of present or future structures thereon, including alterations or repairs, or for determination of the extent to which any such municipal ordinance, by-law or regulation affects a proposed use, enjoyment, improvement or development of such land by the erection, alteration or repair of structures thereon or otherwise as set forth in such petition.

Zoning ordinances and by-laws in effect on said date shall continue to be governed by the provisions of chapter forty A of the General Laws in effect prior to said date until this act is accepted by each respective city or town, provided that no later than June thirtieth, nineteen hundred and seventy-eight all zoning ordinances and by-laws shall be brought into conformity with the provisions of this chapter and shall be governed hereby, and thereafter no provisions of chapter forty A in effect prior to January first, nineteen hundred and seventy-six shall govern zoning ordinances and by-laws.

SECTION 6. The provisions of chapter forty A of the General Laws, as amended by section three of this act shall not be deemed to affect any church or other facilities used for religious purposes in existence or under construction prior to June thirtieth, nineteen hundred and seventy-eight.

SECTION 7. This act shall take effect on January first, nineteen hundred and seventy-six as to zoning ordinances and by-laws and amendments, other than zoning map amendments, adopted after said date.

Approved December 22, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 22, 1975

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 808 of the Acts of 1975, entitled AN ACT FURTHER REGULATING THE ZONING ENABLING ACT., and the enactment of which received my approval on December 22, 1975, should take effect forthwith.

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

In order to immediately implement certain zoning provisions.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, Boston, December 22, 1975.

I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at two o'clock and twenty minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter eight hundred and eight of the acts of nineteen hundred and seventy-five.

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 809. AN ACT PROVIDING FOR THE IMPANELLING OF GRAND JURORS FOR THE COUNTY OF PLYMOUTH FOR THREE SITTINGS FOR TERMS OF FOUR MONTHS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 277 of the General Laws, as most recently amended by section 1 of chapter 464 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — The clerk of the courts for each county, except Suffolk, Middlesex, Hampden and Plymouth shall, not less than twenty-eight days before the commencement of the first sitting of the superior court for criminal business in each year, issue writs of venire facias for thirty-five veniremen, from whose numbers the court shall select twenty-three grand jurors who shall serve in said court until the first regular sitting in the year next after they have been impanelled and until another grand jury has been impanelled in their stead.

SECTION 2. Said chapter 277 is hereby amended by inserting after section 2C, inserted by section 2 of said chapter 464, the following section: —

Section 2D. The clerk of the court for Plymouth County shall, not less than twenty-eight days before the first Mondays of January and May, and the second Monday of September respectively, issue writs of venire facias for thirty-five veniremen from whom the court shall select twenty-three grand jurors to serve in said court, who shall serve for each sitting thereof for

four months and until another grand jury has been impanelled in their stead.

SECTION 2A. Section 3A of said chapter 277, as amended by section 3 of said chapter 464, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — On the day when veniremen are summoned pursuant to section one, section two, section two A, section two B, section two C or section two D to attend court for the formation of a grand jury, the clerk of the courts in any county, or in Suffolk county the clerk of the superior court for criminal business, shall cause the name of each person so summoned, and who appears and who has not been excused or set aside, to be written on separate ballots, substantially of uniform size, and shall cause such ballots to be placed in a box provided therefor.

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

Approved December 22, 1975.

Chap. 810. AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND OF THE COMMONWEALTH IN THE TOWN OF IPSWICH TO THE COUNTY OF ESSEX.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the use for highway purposes by Essex county of certain land of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The department of environmental management, on behalf of the commonwealth, is hereby authorized and directed to convey to Essex County, to be used for highway purposes, the land of the commonwealth under the control of said department, located in the town of Ipswich, described in a plan of land entitled, "County of Essex, Massachusetts, Plan of Land Owned by the Commonwealth of Massachusetts located in Ipswich, Mass., James R. Carlin, County Engineer, Feb. 12, 1975, Scale 1" = 40"' filed in the office of the County Engineer and to be filed in the Essex South Registry of Deeds, and more particularly described as follows:

Parcel #1. A parcel of land located on the southerly side of Linebrook Road in the town of Ipswich and bounded northerly by Linebrook Road about 1213 feet; and southerly by remaining land of the Commonwealth of Massachusetts about 1167 ft., said parcel containing about 68,517 square feet.

Approved December 22, 1975.

Chap. 811. AN ACT AUTHORIZING THE DIRECTOR OF THE DIVISION OF FISHERIES AND WILDLIFE TO GRANT TO THE TOWN OF SPENCER AN EASEMENT FOR PURPOSES OF WATER STANDPIPE AND WATER LINE INSTALLATIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the diretcor of the division of fisheries and wildlife in the department of fisheries, wildlife, and recreational vehicles to grant to the town of Spencer an easement for purposes of water standpipe and water line installations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The director of the division of fisheries and wildlife in the department of fisheries, wildlife, and recreational vehicles with the approval of the fisheries and wildlife board of said division, is hereby authorized to grant to the town of Spencer an easement for the purpose of installing a water standpipe and a water line on the following parcel of land situated in said town, bounded and described as follows:

Beginning at a town line monument at the corner of Leicester, Paxton and Spencer. The monument being a common corner monument for the Northwesterly corner of Leicester, the Southwesterly corner of Paxton and the Easterly side of Spencer.

Thence S 9°-42′-00″ E 1438.77 feet along the Spencer Leicester Town Line to a point in the town line,

Thence S 80°-18′-00″ W 96.46 feet to the point of beginning of parcel herein described.

Thence S 9°-42′-00″ E 200.00 feet to a corner,

Thence S 80°18′-00″ W 154.73 feet to a corner,

Thence S 26°-33′-07″ W 998.78 feet to a corner,

Thence S 28°-45′-30″ E 902.79 feet to a corner, at the westerly side of Donnelly Cross Road,

Thence S 49°-25′-58″ W 30.65 feet along the westerly side of Donnelly Cross Road to a corner,

Thence N 28°-45′-30″ W 909.89 feet to a corner,

Thence N 79°-05′30″ W 118.30 feet to a corner, at the easterly side of land nor or formerly of Frank A. Rivers,

Thence N 25°-31′-46″ W 37.29 feet along the easterly side of land now or formerly of Frank A. Rivers at a corner,

Thence S 79°-05′-30″ E 136.09 feet to a corner,

Thence N 26°-33′-07″ E 973.25 feet to a corner,

Thence S 80°-18′-00″ W 8.07 feet to a corner,

Thence N 9°-42′-00″ W 200.00 feet to a corner,

Thence N 80°-18′-00″ E 200.00 feet to the point of beginning.

Containing 2.03 Acres.

Said premises are shown on an unrecorded plan entitled

"Commonwealth of Massachusetts, Division of Fisheries and Game, Plan of Land In the Town of Spencer for Proposed Potable Water Storage and Distribution Facilities For the Town of Spencer, John Dowgielewicz, Reg. Eng. June — 1975".

Approved December 22, 1975.

Chap. 812. AN ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS IN CERTAIN COUNTY HOSPITALS APPROPRIATION ACTS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in certain county hospitals appropriation acts, the following sums are hereby appropriated subject to the provisions of law regulating the disbursement of hospital funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

MIDDLESEX COUNTY.

Item	
1. For personal services	$ 8,800.00
10. For unpaid bills of previous year	17,000.00
12. For group insurance	40,000.00
For total expenditures	$65,800.00

PLYMOUTH COUNTY.

Item	
3. For supplies and materials	$22,000.00
4. For current charges and obligations	24,399.60
12. For group insurance	16,058.64
For total expenditures	$62,458.24

WORCESTER COUNTY.

Item	
1. For personal services	$192,840.36
5. For equipment	25,000.00
10. For unpaid bills of previous year	171,398.79
12. For group insurance	9,000.00
For total expenditures	$398,239.15

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

Approved December 22, 1975.

Chap. 813. AN ACT RELATIVE TO APPEALS FROM DISTRICT COURTS IN SUFFOLK COUNTY IN JUVENILE CASES TO THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

The second paragraph of section 56 of chapter 119 of the General Laws, as amended by section 11 of chapter 1073 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Rules adopted in concurrence by the superior court and the Boston juvenile court shall provide, subject to such conditions as said rules may specify, that a child adjudged a delinquent child in any district court in Suffolk county or in the Boston juvenile court may appeal to the Boston juvenile court and claim a jury of twelve in said juvenile court.

Approved December 22, 1975.

Chap. 814. AN ACT PROVIDING FOR ASSESSMENT OF SEWER USE CHARGES TO MEET CAPITAL AND OPERATING EXPENSES OF THE METROPOLITAN DISTRICT COMMISSION AND FOR OTHER PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section 1A of chapter 92 of the General Laws, as appearing in section 2 of chapter 612 of the acts of 1959, is hereby amended by striking out the third paragraph.

SECTION 2. Said chapter 92 is hereby further amended by striking out section 2, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 2. Any town, within the limits of which any main sewer under the control of the commission is situated, shall connect its local sewers with such main sewer except as hereinafter provided, subject to the direction, control and regulation of the commission, and any person may, subject thereto and subject to such terms, conditions and regulations as each town may prescribe, connect private drains with such main sewer. All systems of sewers, and extensions of existing systems constructed after January first, nineteen hundred and seventy-six, making connection with the metropolitan sewerage district system shall be constructed in accordance with the so-called separate system of sewerage so as to totally exclude storm water and water from roofs and grounds.

SECTION 3. Said chapter 92 is hereby further amended by striking out section 5, as appearing in section 3 of chapter 612 of the acts of 1959, and inserting in place thereof the following section: —

Section 5. The proportions in which each of the cities and towns included in the metropolitan sewerage district shall annually pay to meet the total interest and principal re-

quirements for each fiscal year on debt incurred for the metropolitan sewerage district system, shall be based on the respective populations of said cities and towns as ascertained by the last preceding state census, and on the population equivalents of the industrial wastes, as defined in section five A, contributed to that system by the respective cities and towns, as determined by the commission. If less than the whole area of any city or town is included in the metropolitan sewerage district, the population and population equivalents only of that part of the city or town so included, as determined by the commission, shall be used as a basis for determining the proportions to be paid under this section.

SECTION 4. Said chapter 92 is hereby further amended by striking out section 5A, as amended by chapter 230 of the acts of 1961, and inserting in place thereof the following section: —

Section 5A. As used in section five and in this section, "industrial wastes" shall mean wastes discharged to the metropolitan sewerage district system by users who would be subject to the cost-recovery provisions of federal law with respect to any federal grant that might be made for construction of works that will treat such wastes. "Non-industrial wastes" include all other wastes.

The commission shall annually calculate the portions of all federal construction grants awarded after March first, nineteen hundred and seventy-three, that are attributable to treatment of industrial wastes received into the metropolitan sewerage district system from cities and towns served by that system. The commission shall further allocate such portions among the cities and towns so served, in accordance with the population equivalents of their industrial waste flows to the treatment works for which the federal construction grants were awarded. If federal law permits, the commission may aggregate the industrial waste portions of such grants and allocate such aggregated sum among the cities and towns in proportion to the population equivalents of their industrial waste flows to the metropolitan sewerage district system. The commission shall inform each city and town of its allocated share as determined under this section.

Each member city and town to which a share of cost is thus allocated shall assess its industrial users to recover from them the portions of that share which are attributable to treatment of their wastes. Every municipal program of industrial cost recovery and any amendments thereto shall be subject to the approval of the commission, which shall not be withheld if the program meets requirements of federal law, and, upon request, the commission may assist a city or town in the development and application of appropriate methods of assessment. Such methods may include division of industrial users into classes according to their typical wasteload characteristics.

If, within the time allowed for meeting federal grant conditions, any city or town served by the metropolitan sewerage district system fails to establish an acceptable program of industrial cost recovery in accordance with this section, the commission shall establish, and may from time to time alter and amend, an industrial cost recovery program which such city or town shall promptly adopt and implement, pending establishment of its own acceptable program in accordance with the preceding paragraph.

The proceeds of industrial cost recoveries under this section shall be remitted not less than annually, in the form of checks made payable to the commonwealth, to the state treasurer, who shall deposit them in a special fund to be known as the Metropolitan District Commission Wastewater Management Fund. Such fund shall be invested and payments shall be made from it from time to time as may be required by state or federal law, provided that not less than ten per cent of all cost recoveries deposited in the fund, together with interest earned thereon, shall, subject to appropriation, be used to defray administrative expenses of the commission.

SECTION 5. Said chapter 92 is hereby further amended by striking out sections 5B and 6, as appearing in section 3 of chapter 612 of the acts of 1959, and inserting in place thereof the following four sections: —

Section 5B. The cost of construction of extensions of the metropolitan sewerage district system to provide service for additional cities and towns, or to provide additional service for one or more cities and towns, shall be paid by the cities and towns so benefited to the extent that such cost is not met by federal or state construction grants. The annual amounts required to meet payments of principal and interest on debt incurred to finance such construction, as estimated by the state treasurer, and to meet any deficiencies in the amount previously paid in, shall be apportioned among such benefited cities and towns in proportion to the respective additional capacities thereby made available to them by such construction. The proportion to be paid by each city and town benefited may be established by law; provided, however, that if such proportions are not so established they shall be determined by the commission.

Section 6. The proportions in which the cities and towns included in the metropolitan sewerage district system shall annually pay to meet the total cost of operation and maintenance, including replacement, of the system shall be based on their respective populations contributing to the system, and on the population equivalents of other wastes contributed to the system by the respective cities and towns, as determined by the commission. If less than the whole area of any city or town is included in the metropolitan sewerage district, the contributing

population and population equivalents only of that part of the city or town served by the district, as determined by the commission, shall be used as a basis for determining the proportions to be paid under this section. The commission shall annually allocate the cost shares for operation and maintenance, including replacement, among the cities and towns so served. For purposes of this section, "replacement" shall mean such expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of treatment works as are necessary to maintain the capacity and performance for which the works are designed and constructed.

Each city and town to which a portion of cost is thus allocated shall adopt and administer a program of user charges requiring all users within its jurisdiction to pay their proportionate shares of such allocation. Every such program and any amendments thereto shall be subject to approval of the commission, which shall not be withheld if the program meets requirements of federal law, and, upon request, the commission may assist a city or town in the development and application of appropriate methods of assessment. Such methods may include division of users into classes according to their typical wasteload characteristics.

If, within the time allowed for meeting federal grant conditions, any city or town served by the metropolitan sewerage district system fails to establish an acceptable program of user charges in accordance with this section, the commission shall establish, and may from time to time alter and amend, a user charge program which such city or town shall adopt and implement, pending establishment of its own acceptable program in accordance with the preceding paragraph.

Section 6A The commission may require present and prospective municipal, industrial or other users of the metropolitan system, or of any sewer tributary thereto, to comply with applicable provisions of federal or state law respecting (1) toxic and pretreatment standards; (2) construction, operation and maintenance of pretreatment facilities; (3) monitoring, recordkeeping and reporting of discharges to the system; (4) notification of proposed new discharges or substantial changes in discharges to the system; (5) user charges; and (6) industrial cost recoveries.

Section 6B. Officers or agents of the commission may enter at reasonable times any property, public or private, connected directly or indirectly to the metropolitan sewerage district system, for purposes of inspecting or sampling any sewage, drainage, substances or wastes conveyed through such a connection; of inspecting any monitoring equipment or procedures required to be maintained with respect to such discharges; and of examining any records pertaining to such discharges or to the operation of pretreatment works.

No information acquired by officers or agents of the commission upon entry under this section may be used in any criminal proceeding based on such information against an individual who makes it available upon demand to such an officer or agent, except in a prosecution for the making of a false statement or record or for otherwise failing to comply with recording requirements under federal or state law.

SECTION 6. Said chapter 92 is hereby further amended by striking out section 7, as appearing in the Tercentenary Edition, and inserting in place thereof the following section: —

Section 7. On or before September first of each year, the commission, in accordance with sections five, five A, five B, and six, and after consultation with the cities and towns served by the metropolitan sewerage district, shall establish the proportions in which the respective cities and towns shall annually pay money to the commonwealth to meet interest and principal costs, industrial cost-recovery requirements, and costs of maintenance and operation of the metropolitan system. For these purposes, calculations of industrial waste contributions from each city and town shall be based on current and annually updated industrial waste surveys. Not later than September first of each year the commission shall submit to the officials of such cities and towns the ratios of apportionment so established. Not later than October first of each year the commission shall certify and transmit its determinations to the state treasurer.

SECTION 7. Said chapter 92 is hereby further amended by striking out section 8, as amended by section 5 of chapter 432 of the acts of 1946, and inserting in place thereof the following two sections: —

Section 8. The amount of money required each year from every such city and town to meet the interest and principal requirements and costs aforesaid and the deficiency, if any, shall be estimated by the state treasurer in accordance with the proportions as determined aforesaid by the commission, and shall be included and made a part of the sum charged to such city or town, and shall be paid by the city or town to the commonwealth as provided by section twenty of chapter fifty-nine.

Section 8A. The commission may adopt, modify and repeal regulations for implementing and administering the provisions of sections one A, two, and five to eight, inclusive, and may issue orders to municipal, industrial or other users direting compliance with the terms of any such regulation or provision.

Whoever violates any provision of section two, six A, or six B, or any regulation, ordinance or order adopted or issued thereunder or under section twelve of chapter seven hundred and five of the acts of nineteen hundred and forty-five, shall be punished by a fine of not less than one thousand nor more than ten thousand dollars for each day such violation continues, or

shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation which may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

SECTION 8. Within eighteen months of the passage of this act, each city or town served by the metropolitan system shall have in effect a sewer-use ordinance no less stringent than regulations of the metropolitan district commission itself pertaining to sewer use, together with procedures for monitoring and enforcing compliance with such ordinance. Upon request, said commission may assist a city or town in developing the ordinance required under this section. Nothing in this act shall be deemed to restrict the authority of said commission to adopt, modify and repeal sewer use regulations, to issue orders directing compliance with them, and to levy assessments for violations, pursuant to section twelve of chapter seven hundred and five of the acts of nineteen hundred and forty-five. Sewer use ordinances and regulations shall be subject to approval by said commission.

SECTION 9. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved December 22, 1975.

Chap. 815. AN ACT MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, THEIR DEPARTMENTS, BOARDS, COMMISSIONS AND INSTITUTIONS, OF SUNDRY OTHER SERVICES, AND TO MEET CERTAIN REQUIREMENTS OF LAW AND GRANTING A SUPPLEMENTAL COUNTY TAX FOR SAID COUNTIES.

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the current appropriation act for each of the following counties, the following sums are hereby appropriated, subject to the provisions of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-six.

BARNSTABLE COUNTY.

Item		Subtotal	Total
3.	For county commissioners, salaries and expenses		$954.20
	1. Personal services	$954.20	
22.	For hospital		4,288.00
	1. Personal services	2,288.00	
	5. Equipment	2,000.00	
24.	For noncontributory pensions		18,940.29
27.	For unpaid bills of previous year		75,000.00

Item		Subtotal	Total
28d.	For reserve for counsel for indigent defendants		$20,000.00
31.	For police radio system		4,863.00
38.	For county airplane		960.00
	Total amount of appropriations		$125,005.49
	And the county commissioners of Barnstable county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy-eight of the acts of the current year, the sum of		$125,005.49
	BRISTOL COUNTY.		
5.	For clerk of courts, salaries and expenses		$1,060.80
	1. Personal services	$1,060.80	
13.	For civil expenses in probate court		2,958.80
	1. Personal services	2,958.80	
14.	For district courts, salaries and expenses		
	Bristol County Juvenile Court		20,495.30
	1. Personal services	19,895.30	
	2. Contractual services	600.00	
	First District Court of Bristol		2,958.80
	1. Personal services	2,958.80	
28.	For reserve fund		25,000.00
	Total amount of appropriations		$52,473.70
	And the county commissioners of Bristol county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter seven hundred and thirty-three of the acts of the current year, the sum of		$52,473.70
	DUKES COUNTY.		
8A.	For registry of probate, salaries and expenses		$100.00
	2. Contractual services	$100.00	
12.	For superior court costs		20,000.00
	2. Contractual services	20,000.00	
16.	For jail and house of correction, maintenance and operation		10,691.55
	1. Personal services	4,191.55	
	2. Contractual services	500.00	
	5. Equipment	6,000.00	
18.	For court houses and registry buildings, maintenance and operation		2,000.00
	2. Contractual services	2,000.00	
20.	For county cooperative extension service		40,000.00
	6. All other	40,000.00	
27.	For unpaid bills of previous year		$2,064.04
	Total amount of appropriations		$74,855.59
	And the county commissioners of the county of Dukes County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and sixty-nine of the acts of the current year, the sum of		$74,855.59

Item		Subtotal	Total
	ESSEX COUNTY.		
1.	For interest on county debt		$142,420.00
7.	For sheriff, salary and expenses		8,260.50
	4. Current charges and obligations	$8,260.50	
14.	For district courts, salaries and expenses		
	Second District Court of Essex		1,500.00
	4. Current charges and obligations	1,500.00	
	District Court of Lawrence		1,548.30
	1. Personal services	1,548.30	
	District Court — Juvenile Division		700.00
	5. Equipment	700.00	
	Legal counsel for indigent defenders	24,000.00	24,000.00
16.	For jail and house of correction, maintenance and operation		
	Lawrence		57,703.80
	1. Personal services	2,958.80	
	5. Equipment	7,920.00	
	6. All other	46,825.00	
	Salem		45,705.00
	5. Equipment	2,280.00	
	6. All other	43,425.00	
20.	For agricultural school or county cooperative extension service		2,475.00
	5. Equipment	2,475.00	
27.	For unpaid bills of previous year		260,184.00
46.	For centralized purchasing department		3,809.00
	Total amount of appropriations		$548,305.60
	The following item is hereby appropriated for said fiscal year from revenue sharing funds, subject to the provisions of law regulating the disbursement of county funds and the approval thereof.		
26.	For miscellaneous and contingent expenses		$500.00
	And the county commissioners of Essex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and eighty-one of the acts of the current year, the sum of		$548,305.60
	FRANKLIN COUNTY.		
6.	For county treasurer, salaries and expenses		$550.00
	3. Supplies and materials	$550.00	
14.	For district courts, salaries and expenses		
	District Court of Greenfield		11,086.70
	1. Personal services	7,686.70	
	2. Contractual services	3,400.00	
	District Court of Orange		225.00
	1. Personal services	225.00	
27.	For unpaid bills of previous year		2,500.00
35.	For county planning		3,222.40
	Total amount of appropriation		$17,584.10
	And the county commissioners of Franklin county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy-one of the acts of the current year, the sum of		$17,584.10

Item		Subtotal	Total
	HAMPDEN COUNTY.		
3.	For county commissioners, salaries and expenses		$5,456.15
	4. Current charges and obligations	$5,456.15	
12.	For superior court costs		107,044.40
	1. Personal services	4,294.40	
	2. Contractual services	101,000.00	
	4. Current charges and obligations	1,750.00	
14.	For district courts, salaries and expenses		
	District Court of Chicopee		505.00
	5. Equipment	505.00	
	District Court of Holyoke		1,000.00
	1. Personal services	1,000.00	
	Springfield Juvenile Court		6,000.00
	2. Contractual services	6,000.00	
15.	For medical examiners and commitments of insane		15,000.00
16.	For jail and house of correction, maintenance and operation		32,318.27
	1. Personal services	32,318.27	
17.	For training school		5,225.00
	2. Contractual services	5,225.00	
27.	For unpaid bills of previous years		30,000.00
28.	For reserve fund		150,000.00
28d.	For reserve for counsel for indigent defendants		25,000.00
39.	For group insurance		150,000.00
	Total amount of appropriations		$527,548.82
	And the county commissioners of Hampden county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy-four of the acts of the current year, the sum of		$527,548.82
	HAMPSHIRE COUNTY.		
8.	For registry of deeds, salaries and expenses		$353.60
	1. Personal services	$353.60	
16.	For jail and house of correction, maintenance and operation		24,403.20
	1. Personal services	1,903.20	
	2. Contractual services	22,500.00	
18.	For court houses and registry buildings, maintenance and operation		3,468.40
	1. Personal services	3,468.40	
26.	For miscellaneous and contingent expenses		14,000.00
	Total amount of appropriations		$42,225.20
	And the county commissioners of Hampshire county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy of the acts of the current year, the sum of		$42,225.20
	MIDDLESEX COUNTY.		
3.	For county commissioners, salaries and expenses		$14,500.00
	2. Contractual services	$10,000.00	
	4. Current charges and obligations	4,500.00	
5.	For clerk of courts, salaries and expenses		1,200.00
	5. Equipment	1,200.00	

Item		Subtotal	Total
14.	For district courts, salaries and expenses		
	District Court of Lowell		$15,000.00
	1. Personal services	$15,000.00	
	District Court of Somerville		11,598.00
	1. Personal services	11,500.00	
	4. Current charges and obligations	98.00	
	District Court of Marlborough		3,518.39
	1. Personal services	3,518.39	
	First District Court of Eastern Middlesex		1,000.00
	1. Personal services	1,000.00	
	Third District Court of Eastern Middlesex		19,905.10
	1. Personal services	19,905.10	
	First District Court of Northern Middlesex		2,000.00
	1. Personal services	2,000.00	
	First District Court of Southern Middlesex		2,500.00
	1. Personal services	1,500.00	
	3. Supplies and materials	1,000.00	
	District Court — Juvenile Division		433.55
	1. Personal services	433.55	
16.	For jail and house of correction, maintenance and operation		
	Billerica		21,300.00
	2. Contractual services	4,000.00	
	4. Current charges and obligations	15,000.00	
	5. Equipment	2,300.00	
	Cambridge		15,990.00
	2. Contractual services	7,500.00	
	5. Equipment	8,490.00	
18.	For court houses and registry buildings, maintenance and operation		4,600.00
	5. Equipment	4,600.00	
26.	For miscellaneous and contingent expenses		6,500.00
27.	For unpaid bills of previous year		162,000.00
28f.	For reserve fund		15,000.00
39.	For group insurance		65,000.00
	Total amount of appropriations		$362,045.04
	And the county commissioners of Middlesex county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter five hundred and eighty of the acts of the current year, the sum of		$362,045.04
	NORFOLK COUNTY.		
6.	For county treasurer, salaries and expenses		$2,000.00
	1. Personal services	$1,000.00	
	3. Supplies and materials	1,000.00	
7.	For sheriff, salary and expenses		400.00
	5. Equipment	400.00	
8.	For registry of deeds, salaries and expenses		14,358.00
	2. Contractual services	4,570.00	
	3. Supplies and materials	1,020.00	
	4. Current charges and obligations	3,768.00	
	5. Equipment	5,000.00	
9.	For law library, salaries and expenses		300.00
	1. Personal services	300.00	
12.	For superior court costs		950.00
	3. Supplies and materials	950.00	

Item		Subtotal	Total
14.	For district courts, salaries and expenses		
	District Court of Northern Norfolk		$8,000.00
	1. Personal services	$8,000.00	
	District Court of East Norfolk		9,220.20
	1. Personal services	7,220.20	
	3. Supplies and materials	2,000.00	
	District Court of Western Norfolk		14,000.00
	1. Personal services	14,000.00	
	District Court of Southern Norfolk		1,000.00
	5. Equipment	1,000.00	
16.	For jail and house of correction, maintenance and operation		90,587.00
	1. Personal services	30,787.00	
	3. Supplies and materials	30,000.00	
	5. Equipment	9,800.00	
	6. All other	20,000.00	
18.	For court houses and registry buildings, maintenance and operation		39,500.00
	6. All other	39,500.00	
20.	For agricultural school or county cooperative extension service		28,690.00
	1. Personal services	5,190.00	
	2. Contractual services	10,000.00	
	3. Supplies and materials	10,000.00	
	4. Current charges and obligations	3,500.00	
27.	For unpaid bills of previous years		62,000.00
28e.	For reserve for federal grants		2,472.00
	Total amount of appropriations		$273,477.20
	And the county commissioners of Norfolk county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter five hundred and seventy-five of the acts of the current year, the sum of		$273,477.20

PLYMOUTH COUNTY.

2.	For reduction of county debt		$225,000.00
6.	For county treasurer, salaries and expenses		3,000.00
	2. Contractual services	$3,000.00	
12.	For superior court costs		1,699.00
	2. Contractual services	1,699.00	
14.	For district courts, salaries and expenses		
	District Court of Brockton		2,500.00
	2. Contractual services	2,500.00	
	Second District Court of Plymouth		7,366.50
	1. Personal services	2,866.50	
	2. Contractual services	4,500.00	
	Fourth District Court of Plymouth		1,740.00
	4. Current charges and obligations	1,740.00	
18.	For court houses and registry buildings, maintenance and operation		700.00
	4. Current charges and obligations	700.00	
27.	For unpaid bills of previous year		20,282.78
31.	For police radio system		15,350.00
38.	For county airplane, maintenance and obligation		3,000.00
	Total amount of appropriations		$280,638.28
	And the county commissioners of Plymouth county are hereby authorized to levy as the county tax of said county for the current year,		

Item		Subtotal	Total
	in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy-six of the acts of the current year, the sum of		$280,638.28
	WORCESTER COUNTY.		
1.	For interest on county debt		$3,500.00
2.	For reduction of county debt		40,000.00
3.	For county commissioners, salaries and expenses		403.00
	1. Personal services	$403.00	
6.	For county treasurer, salaries and expenses		1,350.00
	5. Equipment	1,350.00	
8.	For registry of deeds, salaries and expenses Worcester District		314.60
	1. Personal services	314.60	
14.	For district courts, salaries and expenses Central District Court of Worcester		3,918.40
	1. Personal services	3,468.40	
	5. Equipment	450.00	
	District Court of Fitchburg		2,300.00
	4. Current charges and obligations	2,300.00	
	First District Court of Northern Worcester		420.00
	4. Current charges and obligations	420.00	
	First District Court of Eastern Worcester		2,748.40
	1. Personal services	2,048.40	
	2. Contractual services	300.00	
	3. Supplies and materials	400.00	
	Third District Court of Southern Worcester		2,900.00
	1. Personal services	1,300.00	
	2. Contractual services	1,600.00	
	Worcester Juvenile Court		1,076.55
	5. Equipment	1,076.55	
16.	For jail and house of correction, maintenance and operation		35,000.00
	2. Contractual services	17,500.00	
	3. Supplies and materials	17,500.00	
18.	For court houses and registry buildings, maintenance and operation		1,660.00
	2. Contractual services	1,660.00	
26.	For miscellaneous and contingent expenses		17,100.00
27.	For unpaid bills of previous year		305,000.00
29.	For advertising recreational, industrial and agricultural advantages of the county		10,000.00
39.	For group insurance		30,000.00
	Total amount of appropriations		$457,690.95
	And the county commissioners of Worcester county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, in addition to the tax previously authorized by chapter four hundred and seventy-seven of the acts of the current year, the sum of		$457,690.95

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five.

Approved December 22, 1975.

Chap. 816. AN ACT ESTABLISHING THE POSITION OF EXECUTIVE ADMINISTRATOR IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Framingham, hereinafter referred to as the town, the position of executive administrator. Such position shall be filled by a person qualified in accordance with the by-laws of the town who shall devote full time to the duties of his position and shall not engage in any other business or occupation during his term. Any person appointed or re-appointed to such a position shall meet such additional qualifications as may be established by by-law, or until adoption of any such by-law, by the personnel board of the town jointly with the appointing authority. The person appointed to the position of executive administrator shall be or become, and remain as, resident of and domiciled in the town at the time of or within six months after appointment.

SECTION 2. The board of selectmen shall, by majority vote of the members thereof, appoint the executive administrator for a term of three years and may by majority vote of the members thereof appoint a temporary or interim executive administrator; provided, however, that no person shall hold a temporary or interim appointment to such position for more than ninety days. Compensation shall be established within the classification and pay plan of the town by-laws for the salary of the executive administrator and as set by the board of selectmen. Any person holding the position of executive administrator may be removed therefrom by unanimous vote of the members of the board of selectmen taken after due written notice to the executive administrator and a public hearing at which the reasons for removal shall be set forth and at which the executive administrator shall be entitled to be heard.

SECTION 3. The duties and responsibilities of the position of executive administrator shall be as follows:

(a) except as otherwise expressly prohibited by general law or by-law of the town, he shall supervise, direct and be responsible for the efficient administration, including the preparation of budgets, of all departments and employees within the jurisdiction of, or appointed by, the board of selectmen;

(b) he shall recommend to the board of selectmen persons from among those meeting the qualifications established by general law, by-laws of the town or regulations established thereunder, for appointment as department heads of all departments the heads of which are appointed by the board of selectmen, from which recommendations such appointments shall be made; all such department heads shall appoint from among those meeting the qualifications established by general law, by-laws of the town or regulations established thereunder,

and have power to remove, all assistants and employees of such departments, subject only to contrary provisions of the general laws, by-laws of the town or regulations established thereunder, and the prior approval in writing by the executive administrator of persons so appointed or of such removal; he shall recommend in writing to the board of selectmen the removal of any such department head for cause, setting forth in such recommendation specific reasons and facts supporting such recommendation;

(c) he shall have access to all town books, papers, and records for information necessary for the proper performance of his duties; and

(d) he shall have such additional duties and responsibilities as may from time to time be delegated by the board of selectmen or authorized by by-law, and he shall be relieved of such duties and responsibilities if so provided by by-law.

SECTION 4. The board of selectmen shall make the initial appointment to the position of executive administrator within ninety days after this act shall become effective.

SECTION 5. Upon the fifteenth day after the initial appointment to the position of executive administrator, the office of executive secretary and the term of the person holding such office shall cease and terminate.

SECTION 6. This act shall take effect upon its passage.

SECTION 7. If any provision of this act or the application of any provision to any person or circumstance shall be determined to be invalid or unenforceable, then such determination shall not affect any other provisions of this act of the application of said provision to any other person or circumstances, all of which other provisions shall remain in force and effect.

Approved December 23, 1975.

Chap. 817. AN ACT MAKING A CERTAIN CORRECTIVE CHANGE IN THE LAW RELATIVE TO STATE ADMINISTRATIVE PROCEDURE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to correct an error in the law relative to state administrative procedure, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (2) of section 1 of chapter 30A of the General Laws, as appearing in section 50 of chapter 835 of the acts of 1974, is hereby amended by inserting after the words "the personnel administrator;" the words: — the civil service commission;.

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-five.

Approved December 23, 1975.

Chap. 818. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO PROVIDE SUITABLE SPACE FOR PARKING OF JURORS' CARS DURING SESSIONS OF THE BERKSHIRE SUPERIOR COURT HELD IN PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Berkshire county are hereby authorized, subject to appropriation, to provide suitable space for the parking of jurors' cars during sessions of the superior court held in the city of Pittsfield by entering into contracts for the reservation of spaces on private property or in off street commercially operated parking facilities.

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

Approved December 23, 1975.

Chap. 819. AN ACT REVISING CERTAIN ADMINISTRATIVE PROVISIONS IN THE TAXATION OF SPECIAL FUELS USED FOR MOTOR VEHICLES AND FUELS ACQUIRED OUTSIDE OF AND USED WITHIN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to revise immediately certain administrative provisions in the taxation of special fuels used for motor vehicles and fuels acquired outside of and used within the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 64E of the General Laws, as appearing in section 1 of chapter 619 of the acts of 1956, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—

A supplier or user-seller license shall not be issued until and unless the applicant has satisfied the commissioner of his ability to pay the excise due on special fuels sold or used by him either by filing a surety bond or by other proof of financial responsibility and will comply with the provisions of this chapter and with all pertinent rules and regulations thereunder.

SECTION 2. Said chapter 64E is hereby further amended by inserting after section 15, as so appearing, the following section:—

Section 16. Any police officer, including a state or metropolitan police officer, may without a warrant arrest any person whom he finds in the act of selling special fuels in violation of any provision of this chapter and any user of special fuels whom he finds purchasing special fuels from any person not licensed as a user-seller or supplier of special fuels or any person whom he finds operating a motor vehicle upon the highway without a user of special fuels license and may without a warrant seize the motor vehicle including its contents and detain them until a warrant for the arrest of such person and a warrant for the seizure of such motor vehicle and contents can be procured. Such officer shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of any provision of this chapter. Such motor vehicle and contents shall be forfeited to the commonwealth in the manner provided in section eight of chapter sixty-four C in the case of cigarettes and in sections fifty to fifty-five, inclusive, of chapter one hundred and thirty-eight in the case of alcoholic beverages.

SECTION 3. Chapter 64F of the General Laws is hereby amended by striking out section 2, as appearing in section 2 of said chapter 619, and inserting in place thereof the following section: —

Section 2. (*a*) No person shall act as a motor carrier unless a license or licenses shall have been issued to him as hereinafter described. Every person desiring to act as a motor carrier shall file with the commissioner an application, in such form as the commissioner, with the approval of the commission, prescribes, giving such information as the commissioner requires, to license such motor carrier and each motor vehicle which the motor carrier desires to operate or cause to be operated upon the highways of the commonwealth which is propelled by fuel or special fuels purchased or acquired outside the commonwealth. At the time of making the application, such person shall pay to the commissioner a fee of one dollar for the motor carrier license or renewal thereof and an additional one dollar for each motor vehicle licensed thereunder. The license shall be issued for the calendar year or the remaining part thereof and shall be renewed annually.

(*b*) After compliance with the provisions of paragraph (*a*) by the applicant, the commissioner may issue to such applicant a motor carrier license and a separate motor vehicle license for each motor vehicle licensed thereunder. The licenses shall not be assignable; shall be valid only for the person in whose name it is issued and for the motor vehicle licensed; and shall at all times be conspicuously displayed in the manner prescribed by the commissioner.

(*c*) The commissioner may suspend or revoke the motor carrier license or motor vehicle license of any person or may refuse to issue any such licenses for failure to comply with the provisions of this chapter or with all pertinent rules and regulations of the commission promulgated hereunder. Any person aggrieved by such suspension, revocation or refusal may, within ten days after written notice thereof has been mailed or delivered to him, apply to the commission for a hearing setting forth in such application a full statement of the grounds on which he intends to rely; provided, that he has filed with the commission at the time of making such application a bond running to the commonwealth, with a surety company authorized to do business in the commonwealth as surety, in such sum as the commission shall fix, conditioned upon the payment of all taxes then due under this chapter and to become due during the pendency of such appeal to the commission and of any further appeal to the appellate tax board or to the supreme judicial court. After such hearing, the commission shall give written notice of its decision. Any person aggrieved by a decision of the commission under this chapter may appeal therefrom to the appellate tax board within ten days after such written notice has been mailed or delivered to him. Such appeals to the appellate tax board shall be preferred cases to be heard, and shall, unless cause appears to the contrary, have priority over other cases. During the pendency of any such appeal to the commission or to the appellate tax board or to the supreme judicial court, the suspension or revocation so appealed from shall be inoperative. In the case of an appeal from the refusal of the commissioner to issue a license, the commissioner shall issue such license during the pendency of the appeal.

A person whose license has been suspended or revoked shall pay the commissioner a fee of five dollars for the reissuance of a motor carrier license and an additional five dollars for the reissuance of each motor vehicle license. The commissioner shall not issue a new license after the suspension or revocation of a license unless he is satisfied that the former holder of the license will comply with the provisions of this chapter and with all pertinent rules and regulations made thereunder.

(*d*) Any motor carrier which is subject to the provisions of this chapter and operates or causes to be operated any motor vehicle upon the highways of this commonwealth and has failed to license such motor carrier or such motor vehicle as required by this section and any person who operates such motor vehicle shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars. The superior court may, on petition of the commissioner, restrain such motor carrier from operating or otherwise doing business in the commonwealth.

(*e*) As a condition precedent to the issuance of a motor carrier license or motor vehicle license, the commissioner may require the applicant to furnish a bond, prior to the granting of said license and thereafter annually on or before December thirty-first, with a surety company authorized to transact business in the commonwealth as surety, in such amount as the commissioner may determine, to secure the payment of any tax, interest, penalty or forfeitures due or which may become due.

SECTION 4. The second paragraph of section 3 of said chapter 64F, as so appearing, is hereby amended by striking out, in line 10, the words "twenty gallons" and inserting in place thereof the words: — thirty gallons; provided, however, such vehicle is designed and used primarily for the non-commercial transportation of passengers.

SECTION 5. Section 4 of said chapter 64F is hereby amended by striking out the first sentence, as amended by section 1 of chapter 377 of the acts of 1957, and inserting in place thereof the following two sentences: — Every person regularly or habitually operating motor vehicles upon the highways of any other state or states and using therein fuel or special fuels purchased or acquired in this commonwealth may, within two years of the date when the fuel or special fuels were purchased or acquired, apply in writing to the commission, upon a form approved by it and containing or accompanied by such further information as it may require, for a credit or refund equal to the tax on said fuel or special fuels actually paid to the state or states in which it is used, not to exceed, however, the excise imposed by this commonwealth on the use of such fuel or special fuels. Such credit or refund may be allowed subject to subsequent verification and audit, provided, however, that the commission may require such applicant to file with it a bond, with a surety company authorized to transact business in the commonwealth as surety, in such amount as the commission may determine, to secure repayment to the commonwealth of any overpayment of such credit or refund, together with interest at the rate of eight per cent per annum from the date of such overpayment.

SECTION 6. Said chapter 64F is hereby further amended by inserting after section 15, as appearing in section 2 of chapter 619 of the acts of 1956, the following section: —

Section 16. Any police officer, including a state or metropolitan police officer, may without a warrant arrest any person whom he finds in the act of illegally operating without a motor carrier license as required by this chapter or operating or causing to be operated a motor vehicle without a motor vehicle license as required by this chapter and seize such motor vehicle, including its contents, and detain them until a warrant for the arrest of such person and a warrant for the seizure of such motor

vehicle and contents can be procured. Such officer shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of any provision of this chapter. Such motor vehicle and contents shall be forfeited to the commonwealth in the manner provided in section eight of chapter sixty-four C in the case of cigarettes and in sections fifty to fifty-five, inclusive, of chapter one hundred and thirty-eight in the case of alcoholic beverages.

SECTION 7. This act shall take effect on January first, nineteen hundred and seventy-six.

Approved December 23, 1975.

Chap. 820. AN ACT PROVIDING FOR TEMPORARY SERVICE BY RETIRED JUDGES OF PROBATE AND INSOLVENCY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32 of the General Laws is hereby amended by inserting after section 65D the following section: —

Section 65E. (*a*) Any judge of probate and insolvency who is retired from his office may notify the governor in writing that he wishes his name to be placed upon the list of retired judges of the probate court. The governor, by and with the advice and consent of the council, may place the name of any such judge on the list of retired judges of the probate court. With respect to those whose names have been placed on such list upon retirement, any retired judge shall be entitled to the same pension and all other benefits which he or his widow would have been entitled to receive if he had retired or resigned without his name having been placed on such list, and a vacancy shall exist in the office theretofore occupied by such retired judge.

(*b*) Any judge of probate and insolvency who has retired from his office may have his name placed by the governor on the list of retired judges of the probate court. With respect to those whose names have been placed on such list, any retired judge shall be entitled to the same pension and all other benefits which he or his widow would have been entitled to receive if his name had not been placed on such list.

(*c*) A retired judge whose name has been placed on the list of retired judges shall be eligible, for a term of not more than two years to perform judicial duties as provided in section eight B of chapter two hundred and seventeen.

(*d*) If such retired judge no longer wishes to be eligible to perform judicial duties pursuant to said section eight B, he may at any time after having his name placed upon the retired list resign his office, and thereafter he or his widow shall be, and

continue to be, entitled to receive the same pension and all other benefits which he or his widow would have been entitled to receive if he had not had his name placed on such list.

(*e*) A retired judge while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of judge of the probate court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

SECTION 2. Chapter 217 of the General Laws is hereby amended by inserting after section 3 the following section: —

Section 3A. (*a*) A retired judge of probate and insolvency whose name has been placed on the list of retired judges pursuant to section sixty-five E of chapter thirty-two may be designated and assigned by the chief judge of probate and insolvency to perform, during his term of eligibility, such of the duties of the office of judge of probate and insolvency as may be requested of him, including sitting in counties other than that from which he retired, and which he is willing to undertake, provided that no such single assignment shall be for a term of more than ninety days.

(*b*) In performing the services requested of him a retired judge shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated in the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required for the court by any applicable statute.

(*c*) A retired judge so serving shall be paid by the commonwealth in addition to his pension an amount equal to the difference between the presently authorized rate by day of compensation of a regular incumbent of the office from which he retired, and three quarters of the rate by the day of the compensation of such judge when he retired. In computing each of such rates by the day, Sundays and holidays shall be excluded. He shall be reimbursed for expenses incurred while performing judicial services in any county other than his county of residence.

SECTION 3. Paragraph (*a*) of section 91 of chapter 32 of the General Laws, as appearing in chapter 675 of the acts of 1968, is hereby amended by inserting after the word "service", the first time it appears in line 7, the words: — , for services as a retired judge under the provisions of section eight B of chapter two hundred and seventeen.

SECTION 4. The provisions of section sixty-five E of chapter thirty-two of the General Laws, inserted by section one of this act, shall apply to a judge of probate and insolvency retired from his office after January first, nineteen hundred and seventy-five.

SECTION 5. This act shall take effect upon its passage.

Approved December 23, 1975.

Chap. 821. AN ACT AUTHORIZING THE COUNTY TREASURER OF ESSEX COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the county treasurer of Essex county is hereby authorized to pay from any available funds in the county treasury such of the unpaid bills of said county, incurred twelve months or more prior to the passage of chapter four hundred and eighty-one of the acts of nineteen hundred and seventy-five, as appear on a list approved by the director of accounts totaling thirty-two thousand seven hundred and fifty-nine dollars and forty-one cents.

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

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for goods or services which were not received by or rendered to said county shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

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

Approved December 23, 1975.

Chap. 822. AN ACT AUTHORIZING THE TOWN OF READING TO CONSTRUCT AN INTERCEPTOR SEWER IN THE CITY OF WOBURN, TO ENTER INTO AGREEMENTS WITH THE METROPOLITAN DISTRICT COMMISSION AND THE CITY OF WOBURN WITH RESPECT TO SEWERAGE AND TO

BORROW MONEY TO FINANCE SUCH CONSTRUCTION AND THE CONSTRUCTION OF SEWERS IN THE TOWN OF READING AND THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. The town of Reading is hereby authorized to construct an interceptor sewer connecting with the metropolitan district commission sewerage system and located in the town of Reading and the city of Woburn, and may connect its sewerage systems with such interceptor sewer. The metropolitan district commission and the town of Reading and the city of Woburn, in addition to any other authority heretofore or hereafter given, are each authorized to enter into such contracts with one or more of the others as may be necessary in order to provide for the construction of said interceptor sewer which shall have sufficient capacity to serve the town of Reading and a portion of the city of Woburn, and to provide for the acquisition, maintenance and operation of said sewer by the metropolitan district commission after its satisfactory completion.

SECTION 2. The town of Reading may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise and hold in that part of the city of Woburn bounded on the north by the Woburn and Wilmington boundary line, on the east by the Woburn and Reading boundary line, on the south by Washington Street and Mishawum road and on the west by a railroad track now or formerly of the Boston and Maine Corporation such lands, rights-of-way or other easements, public or private, of two hundred feet in width, more or less, such as will establish a route beginning at a 36/30 stub in the metropolitan district commission interceptor sewer located by the intersection of Hall's Brook and running by said railroad in a northerly direction five hundred feet more or less to a point, then turning and running in a general easterly direction through the culvert No. 43-33 of Station 174 + 00 on relocation base by which the Aberjona river passes under interstate highway route 93, and thence continuing to the Reading town line at Arnold avenue, as may be necessary for accomplishing any purpose mentioned in this act and may construct and maintain such sewers, connections, pumping stations or other works under or over any land, bridge, watercourse, railroad, railway, electric or gas transmission line, private way, boulevard or other public way, or within the location of any railroad or electric or gas transmission line, and may enter upon and dig up any private land, public land, private way, public way, railroad location or electric or gas transmission line location, for the purpose of laying such sewers and of maintaining and repairing the same, and may do any other

thing proper or necessary for the purposes of this act; provided that it shall not take in fee any land of a railroad corporation, and that it shall not enter upon or construct any sewer within the location of any railroad corporation or within the location of any electric or gas transmission line corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of a failure to agree, as may be approved by the department of public utilities.

SECTION 3. A detailed certified statement of the capital cost of the construction of the interceptor sewer, including all grants authorized and payments made or to be made by commonwealth and federal agencies, shall be filed with the metropolitan district commission.

SECTION 4. The town of Reading may borrow, subject to the provisions of chapter forty-four of the General Laws, such sums as are necessary to accomplish the purposes of this act.

SECTION 5. The proceedings of the town of Reading under Articles 51, 52 and 54 of the warrant for its annual town meeting held on May eighth, nineteen hundred and seventy-five, shall be deemed as valid and effective as if this act had been in effect at the time of the posting of said warrant.

SECTION 6. This act shall take effect upon its passage.

Approved December 23, 1975.

Chap. 823. AN ACT RELATIVE TO THE SEWER CONNECTION IN A CERTAIN PORTION OF THE TOWN OF MIDDLETON WITHIN THE SOUTH ESSEX SEWERAGE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 190 of the acts of 1972 is hereby amended by striking out section 2 and inserting in place thereof the following section: —

Section 2. The South Essex Sewerage Board hereinafter called the board, acting on behalf of the South Essex Sewerage District, hereinafter called the district, shall, subject to such conditions, rules and regulations, including a reasonable charge for the use of existing facilities, as set forth by the board, permit, from time to time, that portion of the town of Middleton, as described in section one, to connect the sewerage outlets of the sewerage system or systems from time to time serving such portion of the town of Middleton to any sewer line of the district, or to the town of Danvers municipal sewer, which connects with a sewer line of the district, at a point agreeable to the town of Danvers, provided the system or systems so connected, including portions thereof located in said town of Danvers, have been constructed in accordance with plans approved by the depart-

ment of public health and by the division of water pollution control. The town of Middleton shall not have any financial obligation to the town of Danvers for the design, construction or maintenance of said Danvers sewer connection line.

The town of Danvers may charge the owners of that portion of the town of Middleton described in section one that are connected to the Danvers municipal sewer as provided in this section, sewer use charges and a meter replacement charge with respect to the meter described in section three. The said sewer use charge shall be computed by taking the sewer use charge levied against residents of the town of Danvers, deducting therefrom that portion of said charge attributable to assessments made on the town of Danvers by the district, and multiplying the resulting amount by two and five-tenths to reflect overhead and administrative expenses incurred by the town of Danvers. The meter replacement charge shall be computed by taking the actual cost to the town of Danvers of any replacement meter installed and apportioning said cost against the owners of said land in Middleton on the same basis as the sewer use charge.

The town of Danvers shall be responsible for all maintenance of the sewer trunk extension in said town, including the meter described in section three and the town of Middleton shall not be liable to the town of Danvers for any charge with respect to the design, construction and maintenance of said sewer trunk extension. The town of Danvers, with respect to the sewer use charge to be assessed against the owners of the said land in Middleton connected to the Danvers sewer trunk extension, shall have the powers of assessment, collection and enforcement provided in chapters eighty and eighty-three of the General Laws, provided however any sewer charge liens of the town of Danvers shall be subordinated to sewer, water, tax or other liens of the town of Middleton.

In the event that either the town of Middleton or the owners of any portion of the town of Middleton described in section one decide to construct a sewer trunk line connecting property located in that portion of the town of Middleton described in section one directly to a sewer line of the district without any connection to the Danvers municipal sewer the town of Middleton or the said owners or both shall have the right to construct such a sewer trunk connection line within and through the town of Danvers, and shall be granted such easements with respect to construction of said line through streets and lands owned or controlled by the town of Danvers as may be within the power of the town of Danvers. If any properties located in that portion of the town of Middleton described in section one which had been connected to the Danvers municipal sewer as provided in this section two are subsequently disconnected from the Danvers Municipal Sewer and connected directly to a sewer line

of the district, whether or not including a sewer trunk line constructed pursuant to the preceding sentence, the right of the town of Danvers to charge a sewer use charge and meter replacement charge as hereinabove provided shall cease with respect to said properties, provided however that the town of Danvers may assess, collect, and enforce any such charges accrued and unpaid through the time that such property is disconnected from the Danvers municipal sewer.

SECTION 1A. Section 3 of said chapter 190, as amended by section 2 of chapter 101 of the acts of 1975, is hereby amended by adding the following paragraph: —

The owner of a private estate situated in that part of the town of Middleton described in section one first making a connection to the Danvers municipal sewer as provided in section two shall install a sewerage flow meter in the sewer connection line, at a point near the Danvers-Middleton town line to measure the amount of sewage flowing from said part of Middleton. The district shall read said meter on such basis as shall be provided by the board, and shall utilize such reading to determine the assessments to be made on the town of Middleton for operation and maintenance of the district sewer system as provided in the preceding paragraph of this section. The district shall deduct the amount of sewage flow from Middleton, measured by said meter, from the total measured flow from Danvers utilized by the board in determining the operation and maintenance assessments to be made by the district on the town of Danvers. If at any time the said meter is found defective by either the town of Danvers or the district, then said meter shall be replaced and the cost of such replacement shall be assessed as provided in section two.

SECTION 2. Said chapter 190 is hereby further amended by striking out section 4, as amended by section 1 of chapter 517 of the acts of 1972, and inserting in place thereof the following section: —

Section 4. After any connection by any sewer system serving the property described in section one to the district trunk sewer in accordance with section two, the board shall allocate and apportion to that portion of the town of Middleton described in section one its proportionate share of all the costs of construction, operation of works and facilities constructed, principal retirement, interest payments due on bonds and notes issued under chapter five hundred and sixteen of the acts of nineteen hundred and sixty-nine, including notes issued to pay annual interest on bonds or notes previously issued and all other costs authorized by said chapter five hundred and sixteen and to assess the town of Middleton annually such proportionate share.

SECTION 3. Said chapter 190 is hereby further amended by striking out section 6, as amended by section 2 of chapter 517 of the acts of 1972, and inserting in place thereof the following section: —

Section 6. Before the first sewer connection is made from any private estate situated in that part of the town of Middleton described in section one to the district sewer system in accordance with section two, the owner of the private estate making such connection shall, in addition to any assessments under the succeeding paragraph, pay the connection fee assessed by the district and pay one hundred thousand dollars to the town of Middleton; the town of Middleton shall not be obliged under any circumstances to refund any part of said one hundred thousand dollar payment, which shall constitute compensation, with no restriction as to its use, for the costs incurred in the administration of this act; and said payment to the town of Middleton shall be due only from the owner of the private estate first seeking such connection; and all other owners of private estates located in the part of Middleton described in section one shall thereafter be entitled to make sewer connections without regard to the provisions of this paragraph which shall apply only to the initial connection made under this act.

The town of Middleton, in respect to any assessment allocated to it by the board, under any provision of this act, is hereby granted all powers of assessment, in like manner, which are granted to the cities and towns by the General Laws, including without limitation chapters eighty and eighty-three of the General Laws for the assessment, collection and enforcement thereof of sewer uses and betterments and said assessment shall be made against the various owners of the part of the town of Middleton as described in section one and said town may adopt such rules and regulations as it may determine for the purpose of said assessment, collection, and enforcement thereof.

SECTION 4. Said chapter 190 is hereby further amended by inserting after section 9 the following section: —

Section 9A. The town of Middleton shall at the direction of the board, adopt any and all programs, including sewer use charges and cost recovery programs, in accordance with the requirements of appropriate state or federal agencies that all the member municipalities of the district are required to adopt by said state or federal agencies.

SECTION 5. This act shall take effect upon its passage.

Approved December 23, 1975.

Chap. 824. AN ACT RELATIVE TO FILING A CERTIFICATE OF CONDITION BY BUSINESS CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Clause (5) of the fourth paragraph of section 4 of chapter 181 of the General Laws, as appearing in section 1 of chapter 844 of the acts of 1973, is hereby amended by striking

out, in lines 2 and 3, the words ", and the amount paid in thereon".

SECTION 2. The fifth paragraph of said section 4 of said chapter 181, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence: — The accountant shall state that he has examined the statement of assets and liabilities included in such report, that his examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as he considered necessary in the circumstances, and that in his opinion said statement of assets and liabilities presents fairly the financial position of the foreign corporation as of the date thereof, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

SECTION 3. The sixth paragraph of said section 4 of said chapter 181, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: —

The state secretary may prescribe additional requirements for or permitted modifications of such statement by the accountant; and the state secretary may in special circumstances, in his discretion, approve the inclusion of an accountant's statement expressing a qualified opinion or no opinion of the statement of assets and liabilities taken as a whole, provided the accountant states his reasons therefor.

Approved December 23, 1975.

Chap. 825. AN ACT CLARIFYING PROVISIONS OF THE LAW AUTHORIZING THE MASSACHUSETTS HOUSING FINANCE AGENCY TO DEVELOP HOUSING FOR HANDICAPPED.

Be it enacted, etc., as follows:

SECTION 1. Section 41 of chapter 121B of the General Laws is hereby amended by striking out the second paragraph, as inserted by section 11 of chapter 689 of the acts of 1974.

SECTION 2. Said chapter 121B is hereby further amended by inserting after section 41 the following new section: —

Section 41A. The commonwealth, acting through and by the department, may enter into a contract or contracts with a housing authority for financial assistance in the form of the guarantee by the commonwealth of bonds or notes, or either bonds or notes, of a housing authority issued to finance the cost of a project or projects or a part or parts of a project or projects for handicapped persons of low income families or families of low

income of which one or more persons is handicapped. The amount of bonds or notes guaranteed by the commonwealth under this section shall not exceed ten million dollars in the aggregate, or the actual cost of providing five hundred units, whichever amount is the lesser. Housing units for handicapped persons or families of low income, of which one or more persons is handicapped, provided as a project or a part of a project for housing for elderly persons and subject to a contract for financial assistance pursuant to section forty-one, shall not be included in the computation of the dollar or unit limits of this section. Each contract for financial assistance shall provide that the commonwealth shall pay to the housing authority annual contributions, provided however, that the total amount of the annual contributions so contracted for by the commonwealth for any one year shall not exceed eight hundred thousand dollars, or eight per cent of the aggregate amount of bonds and notes guaranteed by the commonwealth under this section. Each such annual contribution by the commonwealth shall be paid by the commonwealth upon approval and certification by the department to the comptroller. The provisions of sections thirty-four and thirty-five shall, so far as apt, be applicable to contracts for financial assistance under this section. The department shall report to the general court the use for which such funds were expended prior to requesting additional funds for further construction under this program.

Approved December 23, 1975.

Chap. 826. AN ACT ALLOWING THE COMMISSIONER OF INSURANCE TO HOLD HEARINGS ON FIRE INSURANCE RATINGS UPON REQUEST FROM CITIES OR TOWNS.

Be it enacted, etc., as follows:

Chapter 174A of the General Laws is hereby amended by adding after section 14 the following section: —

Section 14A. The commissioner shall have jurisdiction to change fire insurance ratings given by any company, rating organization, advisory organization, group association or other organization making a fire insurance rating on application by a city or town after a duly notified hearing.

Approved December 23, 1975.

Chap. 827. AN ACT FURTHER REGULATING THE DEVELOPMENT OF URBAN REDEVELOPMENT ENTITIES.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 121A of the General Laws, as most recently amended by section 1 of chapter 356 of the acts of 1968, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

A charitable corporation organized under chapter one hundred and eighty, the property of which cannot on dissolution or otherwise inure to the benefit of any private person or entity, and which is approved by the local renewal agency, is hereby empowered to act as an Urban Redevelopment Corporation pursuant to all other provisions of this chapter, except as hereinafter provided, for the purpose of rehabilitating and improving residential housing. Such a corporation may sell any redevelopment project within fifteen years or such further time as may be provided under section ten, provided that any profits shall be employed in further redevelopment projects. Such a corporation shall be exempt from the provisions of section nine, provided that surplus earning profits from such projects, however, categorized, shall be employed in further urban redevelopment projects.

SECTION 2. Said chapter 121A is hereby amended by striking out section 5, as amended by section 4 of chapter 652 of the acts of 1960, and inserting in place thereof the following section: —

Section 5. The persons who have executed an agreement of association under section three with intent to form a corporation for the purpose of undertaking and carrying out a project in a city, other than Boston and Springfield, or in a town shall, before presenting the agreement of association to the state secretary for filing, submit to the housing board an application for its approval of the project for the carrying out of which the corporation is sought to be formed and its consent to the formation of such corporation. Such application shall specify the location of the proposed project and shall state the reasons why the project is necessary or desirable, the uses to which the project is to be put, the estimated cost of the project, and the amount of capital which it is intended to raise. Such application shall also contain in general terms a description of the buildings, structures or facilities which it is proposed to furnish, and shall be accompanied by a site plan and typical building plan and typical elevations of the proposed buildings or structures. If property is to be taken by eminent domain, the applicant shall also file a relocation plan as required pursuant to chapter seventy-nine A.

SECTION 3. Said chapter 121A is hereby further amended by striking out section 6, as most recently amended by section 1 of chapter 640 of the acts of 1956, and inserting in place thereof the following section: —

Section 6. Whenever the housing board is asked to approve a project under this chapter, it shall transmit the application to the mayor of the city or the selectmen of the town in which the proposed project is to be located. The mayor or the selectmen, as the case may be, shall forthwith transmit said application to the planning board and, in a city, the city council. If, in any town, there is no planning board, the selectmen shall act as the planning board.

In a town a public hearing shall be held before the planning board and, in a city, before the planning board and the city council jointly, within forty-five days after the transmittal of the application by the mayor or selectmen. Notice of such hearing shall be given pursuant to section six B. Following such hearing, the planning board and, where applicable, the city council, shall thereafter determine that blighted open or decadent or substandard conditions exist within the proposed project area; that the project is not in contravention of any zoning, subdivision, health or building ordinance or by-law or rules and regulations of the city or town; whether or not the proposed project conflicts with the master plan of the city or town made by authority of chapter forty-one, if such a plan has been made, determine whether or not such project would be in any way detrimental to the best interests of the public or the city or town or to the public safety and convenience or be inconsistent with the most suitable development of the city or town; whether or not the proposed project will constitute a public use and benefit; the feasibility of the method of relocation and existence or availability of dwellings for displaced families as hereinafter provided; and approve, disapprove with recommended modifications or disapprove the application and issue its report as hereinafter provided.

In a city, the report of the planning board shall be transmitted to the city council within forty-five days after the public hearing and the city council shall, after receipt of the report of the planning board, and within ninety days of the public hearing, transmit its report to the mayor. In a town, the planning board shall transmit its report to the board of selectmen within ninety days after the public hearing.

All such reports shall be in writing, shall approve or disapprove the project within the meaning of this section and shall contain the hearing authority's reasons for such approval or disapproval. All such reports shall be open to public inspection. At the time a report is transmitted, copies shall be sent by the hearing authority by certified mail to all persons who were notified of the hearing as provided in section six B. For the

purposes of this section and section six C, the date of transmittal shall be the date of mailing of such copies. In a city, a report of a planning board, whether it approves, disapproves, or disapproves with recommended changes, shall be considered as advisory by the city council, mayor, and housing board.

If the planning board in a city disapproves the project, it may recommend changes in the project to the city council. If the planning board in a town or the city council disapproves the project, it may suggest changes in the project which, if adopted would meet its objections. The applicant may amend such application in accordance with the changes suggested and resubmit the application as amended to the planning board in the case of towns or city council in the case of cities for approval. The planning board or city council, as the case may be, may approve or disapprove the application as amended, without further public hearing, unless, in its opinion, the proposed change is a fundamental one, in which event the planning board in a town or city council and planning board in a city shall hold a further public hearing and the provisions of this section with respect to an original application shall be applicable thereto.

If the carrying out of a project will involve the taking of property by eminent domain or the destruction or rehabilitation of buildings occupied in whole or in part as dwellings, the planning board and, where applicable, the city council, shall determine whether or not there are, or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the project area, decent, safe and sanitary dwellings equal in number to the number of, and available to, such displaced families and reasonably accessible to their places of employment and, unless the planning board and, where applicable, the city council find that there is such a feasible method and that such dwellings exist or are being provided, a project shall not be approved.

As used in this section "council" shall mean the city council or similar legislative body of a city and "selectmen" shall mean the board of selectmen or similar legislative body of a town; and whenever the approval of the planning board, council or selectmen is required, such approval shall be deemed given if voted by a majority of the members of such planning board, council or selectmen.

The mayor or selectmen, within thirty days after transmittal of the report from the planning board and where apt the city council, shall transmit all such reports to the housing board, together with a certificate evidencing his or their approval or disapproval of the project.

The housing board, if it receives a certificate evidencing the approval in a city of the mayor and city council or in a town of

the selectmen and planning board and if it finds that the conditions exist which warrant the carrying out of the project and that in its opinion the cost of the project will be practicable, and that the construction and use of the project will not be in contravention of any zoning, subdivision, health or building ordinances or by-laws or rules and regulations of the city or town, or of any municipal board, in effect in the location of the proposed project, or of the standards fixed by the board under section four, shall issue a certificate that it approves the project and consents to the formation of a corporation to carry it out. The agreement of association shall not be presented to the state secretary for filing, nor shall he file it, unless it is accompanied by such certificate. If the housing board disapproves the project it shall state its objections in writing and may suggest changes in the project, or in the plans therefor, which, if adopted, would meet its objections. If the applicant determines to proceed in accordance with the changes suggested, the applicant shall amend the application accordingly and resubmit the application as amended to the housing board for its approval. The housing board may approve or disapprove such application as amended unless in its opinion the proposed change is a fundamental one. In such case the housing board shall transmit the application as amended to the mayor of the city or the selectmen of the town in which the project is to be located, and the provisions of this section in respect to an original application shall be applicable thereto.

Whenever the housing board finds that the construction or use of a proposed project would be in contravention of any zoning, subdivision, health or building ordinances or by-laws or rules and regulations of the city or town, or of any municipal board, in effect in the location of the proposed project, and the application filed under section five proposes any waiver, variance or amendment of such ordinances, by-laws, rules or regulations, which if granted or effected would make the proposed project in conformity therewith, the housing board may issue a certificate that it consents to the formation of the corporation subject to such conditions as may be set forth in such certificate with respect to the obtaining of such waiver, variance or amendment. Whenever any such conditional certificate shall be issued by the housing board, the agreement of association may be presented to the state secretary for filing, and he shall file it, and the corporation shall then be for all purposes a corporation organized under this chapter; provided, however, that the corporation shall not enter upon the construction of a project or portion thereof until the housing board shall have issued a certificate to the effect that the corporation has complied with all of the conditions set forth in such conditional certificate which relate to the project, or the portion thereof proposed to be placed under construction.

Any person aggrieved by any decision made pursuant to this section or the lack thereof may appeal by filing a complaint in superior court for the county in which the project is proposed in accordance with the procedure set forth in section six C.

SECTION 4. Section 6A of said chapter 121A is hereby amended by adding the following four paragraphs: —

Any such contract may further provide that such corporation may elect as of the end of any fiscal tax year ending after the fifteen year as provided in section ten to shorten the period of extension of tax exemption as further provided by section ten by written notice given to the clerk of the city or town and to the housing board not less than thirty days prior to the date upon which the assessment of property is set during any municipal fiscal tax year provided that no such action shall be permitted hereunder unless all the amenities upon which the approval of the period of extension of tax exemption was based, have been established, as certified by the housing board.

Any contract or agreement executed pursuant to this chapter shall be filed with the housing board and the office of the clerk of the city or town in which the project is located and shall be made available to any person in accordance with the twenty-sixth clause of section four of chapter seven.

Except in the city of Boston and Springfield, any contract or agreement executed pursuant to this chapter shall be adopted and approved prior to execution in the manner set forth in section six. No contract or agreement under this section shall be approved unless the signatures of a majority of the assessors is affixed thereto.

All amounts payable, in addition to the excise prescribed by section ten, pursuant to a contract or agreement executed under this section shall be in lieu of taxes assessed and levied upon the corporation's real and personal property and shall be collectible as such against the corporation and its property in accordance with chapters fifty-nine and sixty.

SECTION 5. Said chapter 121A of the General Laws is hereby further amended by inserting after section 6A the following two sections: —

Section 6B. The planning board shall give notice of each public hearing required by section six by publishing a notice in a newspaper of general circulation in the city or town in which the project is to be located once in each of two successive weeks, the first publication to be at least fourteen days before the day of the hearing, and by posting a notice in a conspicuous place in the city or town for at least the fourteen consecutive days immediately prior to the day of the hearing.

The planning board at least fourteen days before the day of the hearing shall mail a notice to each owner of land that is within the proposed project, or abuts the proposed project, or is across a public or private street or way from the proposed project, notwithstanding that the land of such owner lies within a city or town other than the city or town in which the project is to be located. The assessors of the city or town in which the land of such owner lies shall certify to the planning board the name and address of such owner as it appears on the tax list, and notice mailed to the name and address certified will be sufficient notice to such owner.

The planning board at least fourteen days before the day of the hearing, shall mail notices to the applicant and to all persons to whom the applicant requests in writing that notice be sent.

A notice required by this section shall contain the date, time and place of the hearing, a statement of the purpose of the hearing, a general description of the boundaries of the proposed project, a description of the types of buildings to be constructed in the proposed project, the name and address of the applicant, and a statement that section six C provides that a person aggrieved by the approval or disapproval of a project has sixty days within which to seek judicial review.

Section 6C. Any person aggrieved by the disapproval of a project by a hearing authority, or by disapproval of a project by the mayor or the selectmen or by the approval or disapproval of a project by the housing board, or by the failure of any of them to act within the time required by section six may appeal to the superior court of the county where the proposed project is to be located by filing a complaint within sixty days after the transmittal of the report of the city council or in the case of towns, the planning board, or after the issuance of the certificate evidencing approval or disapproval by the mayor or selectmen, or after the certificate or objections of the housing board are issued. Where any of them have failed to act within the time required by section six, the complaint must be filed within thirty days after the last day of the time allowed for such action by section six. The complaint shall allege the specific respects in which the action of the hearing authority, or the mayor or selectmen, or the housing board is based upon error of law or is unsupported by substantial evidence, or is without authority and a copy of the report of the planning board, or the mayor or selectmen, or a copy of the certificate or objections of the housing board shall be attached to the complaint. A complaint alleging delay beyond the time allowed by section six shall set forth the dates the application or report was filed or transmitted, the date by which action was required by section six, and that no action has been taken as of the date the complaint is filed.

A complaint filed by a person other than the applicant shall name the applicant and the hearing authorities as defendants.

Rule Four of the Massachusetts Rules of Civli Procedure shall not apply to cases under this section, and the complaint shall be served on each defendant by certified mail or delivery within seven days of the filing, and attached to the complaint filed in the superior court shall be a sworn certificate of service. No answers shall be required, but answers may be filed and served on all parties within twenty days of the date of service of the complaint. The court in its discretion may permit any person to intervene, but the court shall consider whether intervention will delay its review or prejudice the rights of any party. The clerk of the court shall give notice of all hearings in a case to all parties of record, whether or not they have filed answers or other pleadings.

The filing of a complaint under this section shall not stay an approval of a project by the housing board, but the court in its discretion may order a stay.

If the court finds that the decision under review is based upon an error of law or is not supported by substantial evidence or is without authority, the court shall reverse the decision or remand the matter for further proceedings. The court shall order the completion of any action unlawfully delayed. If the court finds that the decision under review is not based upon an error of law and is supported by substantial evidence, the court shall enter judgment accordingly.

As used in this section, hearing authority shall mean the planning board and city council in cities and planning board or selectmen when acting as the planning board in towns.

The remedy granted in this section shall be exclusive. No defect of procedure under section six or of notice under section six B shall be reviewed by a court except as provided in this section.

All proceedings under this section shall be placed before other civil matters on the calendar of the court.

SECTION 6. Said chapter 121A is hereby further amended by striking out section 9, as most recently amended by section 2 of chapter 356 of the acts of 1958, and inserting in place thereof the following section: —

Section 9. Except as provided in section sixteen, the stockholders of every such corporation shall be deemed, when they subscribe to and receive the stock thereof, to have agreed that they shall at no time receive or accept from the corporation, in repayment of their investment in its stock, any sums in excess of the par value, if any, of the stock, together with cumulative dividends thereon at the rate of eight per cent per annum, or in the case of stock without par value, cumulative dividends at the rate of eight per cent per annum of the amount of consideration paid for such stock, as determined by the housing board at the time it approves the issue of such stock. No stockholder in any such corporation shall receive any dividend in any one year in excess of the aforesaid rates, except that when in any prior year

or years dividends in the amount authorized to be paid by such corporation shall not have been paid in full on the said stock, the stockholders shall be entitled to receive the payment of so much of such deficiency without interest, out of any earned surplus which may be available in any succeeding year, as the board of directors of the corporation shall determine. Nothing in this section shall be applicable to the payment of dividends out of profits from the sale of capital assets of the corporation. This section shall not apply to charitable corporations organized pursuant to and meeting the standards of section three, provided that all surplus earnings from projects there specified, however categorized, shall be employed in further urban redevelopment projects.

SECTION 7. Said chapter 121A is hereby further amended by striking out section 10, as most recently amended by section 4 of chapter 640 of the acts of 1956, and inserting in place thereof the following section: —

Section 10. For a period of fifteen years after the organization of any such corporation, such corporation and all its real and personal property, including all real and personal property leased by it from a housing authority or from a redevelopment authority or from a city or town or a corporation wholly owned or controlled by a city or town, shall be exempt from taxation and from betterments and special assessments; and for such period any such corporation shall not be required to pay any tax, excise, or assessment to or for the commonwealth or any of its political subdivisions; provided, however, that notwithstanding the foregoing provisions of this section, any such corporation shall be required to pay (1) the excises and sums respectively prescribed by this section and section fifteen; (2) excises assessed under chapter sixty A and acts in amendment thereof or addition thereto; and (3) excises imposed by chapter sixty-four A and acts in amendment thereof or addition thereto; and provided, further, that nothing in this section shall be construed to prevent any such corporation which enters into a contract under section fourteen from agreeing therein to make, or from making pursuant thereto, payments in lieu of betterments or special assessments.

Notwithstanding the foregoing provisions of this section, the assessors of every city or town in which real or tangible personal property exempted by this section from taxation under chapter fifty-nine is situated on January first of any year shall, on or before March first in such year, determine and certify to the state tax commission and to the corporation organized under this chapter which owns or leases such property the fair cash value of such property as of January first in such year. On or before the first day of April then next ensuing, or within thirty days after

the receipt of the certification of valuation from the assessors, whichever is later, such corporation, if aggrieved by such valuation, may appeal therefrom to the appellate tax board. Said board shall hear and decide the subject matter of such appeal and give notice of its decision to the state tax commission, the assessors and the corporation; and, except as provided in section thirteen of chapter fifty-eight A, such decision shall be final and conclusive.

During the period of fifteen years after the organization of a corporation under this chapter, such corporation shall pay in each calendar year to the commonwealth with respect to its corporate existence at any time within the preceding calendar year an excise equal to the sum of the following: namely, an amount equal to five per cent of its gross income in such preceding calendar year, from all sources, and an amount equal to ten dollars per thousand upon the valuation determined as hereinbefore provided to be the fair cash value as of January first in the year in which the excise becomes payable of all real and tangible personal property of such corporation, including all real and tangible personal property of such corporation, including all real and tangible personal property leased by it which is exempted by this section from taxation under chapter fifty-nine; provided, that the excise payable in any year shall not be less than the amount which the city or town would receive for taxes, at the rate for such year, upon whichever of the following valuations is the lesser: (*a*) the valuation upon which the aforesaid amount equal to ten dollars per thousand is computed; or (*b*) the average of the assessed valuations of the land and all buildings and other things erected thereon or affixed thereto on the three assessment dates, in the case of land purchased, taken or leased by such corporation from a housing authority, redevelopment authority, city, town or corporation wholly owned or controlled by a city or town, next preceding the acquisition of the land by such housing authority, redevelopment authority, city, town or wholly owned or controlled corporation, and in the case of all other land purchased, taken or leased by a corporation organized under this chapter, next preceding the acquisition thereof by such corporation, the assessed valuation for each assessment date being reduced by all abatements, if any. As used herein, the phrase "rate for such year" shall be the rate established by the city or town with respect to the fiscal year commencing during the calendar year for which a return is filed by the corporation.

Any plan for a project may provide that the project may be developed in separate stages, and such stages may be varied from time to time with the approval of the housing board. Whenever a project shall be developed in stages, any excise

payable with respect to corporate existence in a calendar year ending before construction of the last stage of the project is completed, shall be computed as though each stage constituted a separate project owned by a separate corporation.

All provisions of chapter sixty-three relative to the assessment, collection, payment, abatement, verification and administration of taxes, including penalties, applicable to domestic business corporations, as defined in section thirty of said chapter sixty-three, shall be applicable to the excise payable under this section. Said excise shall be distributed, credited and paid to the city or town where the project of the corporation is located.

Real estate acquired by a corporation organized under this chapter by lease from any person other than a housing authority, redevelopment authority, city, town or corporation wholly owned or controlled by a city or town, shall be subject to taxation in the same manner and to the same extent as if such real estate where wholly onwed and occupied by a private person; but so long as the period of fifteen years from the organization of such corporation has not expired and the leasehold estate continues to be held by such corporation, all buildings and other things erected by such corporation on, or affixed by such corporation to, any land acquired by such corporation by such lease shall, for the purposes of this chapter and of chapter fifty-nine, be deemed to be tangible personal property of such corporation. Real estate acquired by lease as aforesaid shall be excluded in making determinations and computing the excise under this section, except that the assessed valuation of all buildings and other things erected thereon or affixed thereto on the three assessment dates next preceding acquisition by such lease shall be included in computing the average valuation under clause (*b*) of the third paragraph of this section.

Notwithstanding any other provisions of this chapter or of any other law, the assessors of the city or town in which a project is to be located may, and upon the request of the housing board they shall determine for the purposes of this section the maximum fair cash value of any proposed project or of any stage or stages thereof. Such determination may be made prior to the construction of the project or of any stage or stages thereof on the basis of the plan for such project, stage or stages. Whenever any such determination shall have been made, the fair cash value of the real estate and tangible personal property of the corporation shall in no event be valued for the purposes of this section in an amount exceeding such maximum fair cash value, except upon a showing that the corporation has acquired real estate or tangible personal property not included in the plan upon which such maximum fair cash value was based, and in such event any such

excess valuation shall be limited to the value of such additional real estate and tangible personal property.
property.

All such information, as submitted to the tax commission, the department of corporations and taxation, and the appellate tax board by such corporation and the assessors of every such city or town, shall be filed with the housing board and in the office of the assessor of the city or town in which the project is located, and, upon request, shall be made available by said department of corporations and taxation and by the housing board to any person in accordance with the twenty-sixth clause of section four of chapter seven.

For the purposes of this section, "gross income" shall mean payments actually made by persons for the right to reside in or occupy any portion or all of the project and shall not be deemed to include any payments made by any governmental unit to or on behalf of such corporation or to or on behalf of any tenant of such corporation which are in addition to such payments actually made by such tenant.

The fifteen year period of exemption from taxation provided in this section may be extended as herein provided with respect to a project authorized under this chapter for an additional period of time, provided, however, that the original fifteen year period and any additional period shall not exceed, in the aggregate, forty years. The granting of any such extension and the duration thereof shall be based upon the amenities established or to be established in the project area and shall be determined in accordance with rules and regulations from time to time promulgated by the housing board. Said rules and regulations shall detail the nature, quality and quantity of various amenities any one or more of which, if established within the project authorized under this chapter, would significantly contribute to the utility or distinctiveness of the project and shall further stipulate the maximum period and minimum period of extension of exemption from taxation applicable to each such amenity. In determining the duration of the applicable extension period for the purposes of the rules and regulations, the housing board shall consider, among other things, the effect the amenity may have on a project with respect to additional project costs or loss of project revenue.

The schedule of amenities as shall be specified in the rules and regulations, upon which an extension may be granted, shall include, but not necessarily be limited to: (*a*) housing for persons of low and moderate income; (*b*) housing or facilities designed for the servicing of the specific needs of handicapped persons; (*c*) facilities designed for the servicing of the specific needs of learning disabled children; (*d*) commercial or industrial development which will result in the employment of minority persons or

of persons residing in or near the project; (*e*) restoration or rehabilitation of structures or sites of architectural or historic merit, when such structures or sites are in the National Register of Historic Places or are in the Inventory of Historic Assets of the Commonwealth and when they are certified by the Massachusetts Historical Commission, and when any such registered or certified structures or sites are coupled with the development of facilities which contribute to public understanding the appreciation of their significance; (*f*) provisions for open space; (*g*) provisions for recreational or community public facilities; (*h*) provisions for the incorporation of significant architectural features in the construction and design of the project and (*i*) provisions for the incorporation of unusual features of construction or design to overcome a factor which contributed to the project being a blighted open area.

The rules and regulations required by this section shall be adopted and may be amended by the housing board only after said board has held a public hearing. Said hearing shall be conducted by the housing board pursuant to the provisions of section two of chapter thirty A except that, and in addition to the notice requirements thereof, the housing board shall, at least thirty-five days prior to the public hearing, send notice of said hearing to: (*a*) all corporations authorized to undertake a project under provisions of this chapter; (*b*) any applicant seeking authorization to undertake a project under provisions of this chapter; and (*c*) the mayor, city council and planning board in cities, and the selectmen and planning board in towns, in which corporations have been authorized to undertake projects or in which applicants seek authorization to undertake projects thereunder. The housing board may rely upon its records in satisfying the notice requirements of this paragraph.

Applications for an extension period shall only be made to the housing board at the time initial authority and approval is sought, except, however, application may be made within ten years after the initial authority and approval is granted provided that such application seeks an extension period based on the establishment of amenities within a portion of a project, the use of which was undesignated at the time of the granting of such initial authority and approval; and excepted further, that in the event of future amendment or change of the rules and regulations promulgated pursuant to this section, application may be made at any time, by a corporation authorized under this chapter, after such amendment or change is in force and effect, provided however, that any such application seeks an extension, the grant of which shall be consistent with any amended or changed rule or regulation then in force and effect.

Applications for an extension period submitted to the housing board pursuant to this section shall be transmitted for public hearing and determination in the same manner as provided for

the application for approval of a project under this chapter, provided, however, that if such application for an extension period is submitted as part of an original application for project approval, such application shall be heard and determined in conjunction with the original application.

Subject to the provisions of this section and the rules and regulations of the housing board adopted as provided herein, an application for an extension period may be approved or disapproved, or disapproved with recommended changes which, if made, would warrant approval. In granting approval of such application, the approving authority shall specify the number of years of extension of exemption from taxation granted. If the application is disapproved with recommended changes, the applicant may amend its application for extension of the period of tax exemption in accordance with such suggested changes and resubmit the application as amended to the approving authority. The approving authority may approve or disapprove the application as amended without further public hearing, unless, in its opinion, the proposed changes materially affect the cost of the project, the revenue accruing to the city or town therefrom, or the period of exemption from taxation granted to the project pursuant to this section, in which event the approving authority shall hold a further public hearing in accordance with the provisions of this chapter applicable to an original application.

Any corporation authorized under this chapter proposing (*a*) a project or portion thereof of housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing as defined in the applicable federal or state statutes whether built or operated by any public agency or any non-profit or limited dividend organization including a project or portion thereof financed under the provisions of chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, as amended, or (*b*) a pcoject or portion thereof of low and moderate income housing to be financed in whole or in part by funds made available by the federal or state government or any instrumentality thereof or by any mortgage or mortgage bonds insured or guaranteed by the federal housing commissioner or the administrator of veterans' affairs or any other instrumentality of the federal or state governments shall receive with respect to such projects or portions thereof, an initial fifteen year period of tax exemption as provided by section ten and shall receive an additional period of tax exemption equal to twenty-five years.

SECTION 8. Said chapter 121A is hereby further amended by striking out section 11, as appearing in section 1 of chapter 654 of the acts of 1945, and inserting in place thereof the following section: —

Section 11. Any corporation authorized to undertake or acquire projects under this chapter may lease land or interests in land, including air rights, or may acquire such land or interests therein, including air rights, in fee, by gift, purchase or exchange or with approval of the housing board and unless otherwise provided in this chapter, may take land by eminent domain under chapter seventy-nine for projects approved under section six, except the city of Boston and Springfield; provided, however, that the award of damages under section seven of said chapter seventy-nine shall be made by the housing board. Subject to rules and regulations of the housing board, any such corporation may hold, improve, subdivide, build upon, lease, manage and care for the land or interests therein, including air rights, and any buildings thereon owned or leased by such corporation.

Any such corporation may, with the approval of the housing board, and unless otherwise provided in this chapter, institute proceedings for the taking of land for its project under chapter eighty A, and the directors of a corporation organized under this chapter, or the directors or officers of insurance companies, banks or other authorized entities having the powers of directors of such corporation as provided in this chapter, shall be deemed the board of officers authorized to proceed under chapter eighty A; and the provisions of said chapter eighty A shall, so far as apt, apply to proceedings so instituted; but such directors or officers shall have no power to assess betterments.

Any such corporation shall have the power, with the approval of the housing board, to sell, exchange, give or otherwise transfer in whole or in part the land or interests therein, including air rights, leased or acquired by it under this chapter, with the buildings or other structures thereon, constituting a project or portion hereunder to any corporation organized under section three or section eighteen B, insurance company or companies authorized under section eighteen, bank or banks authorized under section eighteen A, or any other authorized entity under this chapter, a housing authority, redevelopment authority, or the commonwealth or any of its political subdivisions, agencies or instrumentalities but such land or interests therein, including air rights, buildings or other structures may be sold only subject to the further requirement that any change in the benefits and restrictions applicable to the grantee, donee or tranferee and any other changes in the project shall not be valid unless approved in the manner provided in section six, except the city of Boston and Springfield, or section eighteen B, as the case may be.

SECTION 9. Said chapter 121A is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section: —

Section 13. Any such corporation may apply to the housing board for leave to change the type and character of the buildings

on a project. The housing board may approve such application, unless in its opinion the proposed change is a fundamental one, in which case the provisions of section five, so far as apt, shall apply to an application for such change. The housing board shall in such case transmit the application to the mayor of the city or the selectmen of the town in which the project is located, and the provisions of section six shall be applicable to their actions thereon. The housing board, if it receives a certificate evidencing the approval of the application by the mayor or the selectmen, and if it finds that the proposed change will be in the interest of the health, safety or general welfare of the city or town and that the proposed use is authorized by section three, may approve such application, and the corporation may act in accordance with such approval.

SECTION 10. Section 14 of said chapter 121A, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph: —

Any such corporation, in accordance with the provisions of section six, may enter into a contract with the city or town in which its project has been authorized, or with the appropriate board or officer of such city or town, and any such city or town or such board or officer may enter into a contract with such a corporation, by which such city, town, board or officer obligates itself or himself to do any or all of the following things: (*a*) lay out and construct, alter, relocate, change the grade of, make specific repairs upon or discontinue, public ways and construct sidewalks, adjacent to or through a project, if such action is found to be required by the common necessity and convenience; (*b*) cause parks, playgrounds or schools, or water, sewer or drainage facilities, or any other public improvements which it is otherwise authorized to undertake, to be laid out, constructed or furnished adjacent to or in connection with a project; (*c*) cause private ways, sidewalks, footpaths, ways for vehicular travel, playgrounds, or water, sewer or drainage facilities and similar improvements, to be constructed or furnished within the site of a project for the particular use of a project or of those dwelling therein.

SECTION 11. Said chapter 121A is hereby further amended by striking out sections 16 and 16A, as appearing in section 5 of chapter 647 of the acts of 1953, and inserting in place thereof the following two sections: —

Section 16. Notwithstanding any other provisions of this chapter, if a corporation organized under section three has carried out its obligations and performed its duties as imposed by this chapter for fifteen years from the date of its organization and for such further time any period of extension granted pursuant to section ten shall be in effect to the satisfaction of the housing board, all as evidenced by a certificate transmitted by

the board to the commissioner of corporations and taxation, it shall thereafter have all of the rights and privileges of a corporation organized under or subject to chapter one hundred and fifty-six and be subject to all of the obligations and duties of such a corporation, and such corporation and its stockholders shall thereafter be free from all of the special limitations, restrictions, obligations and duties imposed upon corporations organized under section three and the stockholders thereof.

Section 16A. If an action is brought or if proceedings are undertaken for the foreclosure of a mortgage or lien upon a project or upon any severable portion thereof, or for the termination of the corporation's leasehold or other interest in the same, or if in order to avert such action or such proceedings the corporation shall make a conveyance or otherwise release or quitclaim its interests in the same, the successor in interest thereto, including the federal government or any instrumentality thereof, shall, upon its acquisition of the project or severable portion thereof, have the option of (1) holding the same subject to all the provisions of this chapter and having all of the powers, rights, privileges, benefits and exemptions set forth in this chapter; or (2) conveying or otherwise releasing its interest to a purchaser who agrees as part of the terms of conveyance or release to hold the same subject to all of the provisions of this chapter and who shall thereby have all of the powers, rights, privileges, benefits and exemptions set forth in this chapter; or (3) in the case of organization subject to the supervision of either the commissioner of banks or of the commissioner of insurance, with the prior written approval of the commissioner exercising supervision, and in the case of a corporation organized under this chapter or any other successor in interest, with the prior written approval of the housing board, (*a*) Holding the project or severable portion thereof so acquired free from all restrictions and limitations imposed by this chapter and without any of the power, rights, privileges, benefits and exemptions thereby conferred, or (*b*) Conveying or otherwise releasing its interest in the project or a severable portion thereof to a purchaser to be held by such purchaser free of all restrictions and limitations imposed by this chapter, and without any of the powers, rights, privileges, benefits and exemptions thereby conferred; provided, however, that whenever any successor in interest or purchaser therefrom holds the project or severable portion thereof subject to all the provisions of this chapter and having all the rights, powers, privileges, benefits and exemptions set forth in the chapter, the periods of fifteen years or such further time as may be provided under section ten and as set forth in sections ten and sixteen of this chapter shall be computed from the date of organization of the corporation which initiated the project, regardless of any default upon the part of such corporation.

year it has so received a sum less than the aforesaid eight per cent, it may so receive in a subsequent year or years additional sums not exceeding in the aggregate such deficiency without interest. Nothing in this section shall be applicable to the payment of dividends out of profits from the sale of the capital assets of the corporation.

(*g*) So much of section ten as applies to the taxation of a corporation organized under section three shall apply to an insurance company only with respect to a particular project or to particular projects, and such company shall remain subject to all other taxation imposed by law with respect to its other activities and property. If an insurance company occupies or uses one or more parts of a project for purposes of its business not directly related to the construction, alteration, maintenance, repair, operation or management of such project, the gross income from such business shall not be included in computing its gross income from all sources but in lieu thereof such amount as the insurance company and the housing board shall in each year not later than June thirtieth agree, or in the event of their failure to so agree, the commissioner of insurance shall determine, to be the fair rental value for such year of the floor area so occupied or used shall be included in computing gross income from all sources.

(*h*) The term "housing board" as used in the last paragraph of section eleven shall be deemed to mean the commissioner of insurance whether the project is in Boston or another city or town.

(*i*) So much of section fifteen as relates to reducing the indebtedness of a corporation shall apply only to indebtedness incurred in connection with a project. The term "housing board" as used in said section fifteen except the first time it appears in clause (5) shall be deemed to mean the commissioner of insurance whether the project is in Boston or another city or town.

(*j*) So much of section sixteen as provides that under certain circumstances a corporation shall have all of the rights and privileges of a corporation organized or subject to chapter one hundred and fifty-six shall be construed to mean that an insurance company may under like circumstances lawfully continue to hold the project but shall in other respects be subject to all of the obligations and duties of an insurance company.

(*k*) The period of fifteen years or such further time as may be provided under section ten as set forth in sections ten, sixteen and sixteen A shall be computed for a particular project from the date of approval of such a project.

The words "insurance company" or "such company", as used in this section shall be deemed to include a group of insurance companies.

Whenever any such successor in interest or purchaser therefrom shall exercise any option under this section it shall file with the housing board or with the commissioner exercising supervision, as the case may be, such certificate as may be required by the housing board or the commissioner. Any such option may be exercised at any time within one year from the date of acquisition of interest and until such certificate shall have been filed the project or portion thereof shall be held subject to all of the provisions of this chapter and the successor in interest shall have all of the powers, rights, privileges, benefits and exemptions thereby conferred.

SECTION 12. Said chapter 121A is hereby further amended by striking out section 18, as most recently amended by section 2 of chapter 127 of the acts of 1967, and inserting in place thereof the following section: —

Section 18. An insurance company incorporated under the laws of the commonwealth or authorized to transact business in the commonwealth, instead of investing its funds in the stocks, bonds and other securities of a corporation organized under section three, may with the approval of the commissioner of insurance, itself undertake on land owned or to be acquired by it one or more projects under this chapter, and the provisions of this chapter, specifically including the powers granted by sections six A and eleven, shall, so far as apt, be applicable to such company and such projects, excepting the following:

(*a*) Section three shall not be applicable to such company; but if an insurance company undertakes more than one project, the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.

(*b*) The application for the approval of a project shall be submitted by the directors of the insurance company and an application so submitted shall be subject to all of the provisions of this chapter relative to applications by the persons who have executed an agreement of association.

(*c*) So much of section six as relates to the agreement of association shall not be applicable to such company.

(*d*) Section seven shall not be applicable to such company.

(*e*) So much of section eight as provides that "Every such corporation shall be deemed to have been organized to serve a public purpose" shall be construed to mean "Every such project shall be deemed to have been undertaken to serve a public purpose".

(*f*) Section nine shall not be applicable to such company; but such company shall not receive or accept for its general purposes as net income from a project any sum in excess of eight per cent of the amount invested by it in such a project for each year in which it owns or has owned the project, except that, if in any

SECTION 13. Said chapter 121A is hereby further amended by striking out section 18A, inserted by chapter 129 of the acts of 1946, and inserting in place thereof the following section: —

Section 18A. A savings bank or co-operative bank incorporated in this commonwealth, subject to such regulations as the commissioner of banks deems necessary or advisable, may, either alone or in conjunction with one or more other savings banks, co-operative banks, or savings banks and co-operative banks undertake one or more projects under this chapter or acquire projects or any severalbe portion thereof from corporations authorized to undertake projects under this chapter. The provisions of section eighteen and section eighteen B shall, so far as apt, be applicable to such bank or banks, except that the board of investment of a savings bank and the security committee of a co-operative bank shall have the powers and duties granted to or imposed upon directors of an insurance company under said section.

No investment shall be made by a savings bank or co-operative bank under this section if thereby the total amount invested by such bank pursuant to this section would exceed three per cent of the deposits of such bank. In addition to any other investment authorized by this section, any bank undertaking such a project, alone or in conjunction with one or more other banks, may make, or participate with one or more institutions in the making of a loan or loans secured by a first mortgage upon real estate located within such project. For the purposes of this section a loan by any such bank secured by a leasehold under a lease of any portion of any such project, including air rights, which does not expire for at least ten years beyond the maturity date of the loan, shall be deemed a loan secured by a first mortgage upon real estate. Any loan authorized under this section shall otherwise be subject to the applicable provisions of chapter one hundred and sixty-eight or chapter one hundred and seventy, as the case may be, except that in the case of a loan secured by a leasehold interest, any provisions of said chapter inconsistent with the nature of such loan shall not apply. Mortgage loans shall not be subject to, nor the amount thereof included in determining compliance with, the foregoing limitation of the amount which may be invested under this section; however, the aggregate amount invested by a bank in mortgage loans described in this section shall not exceed ten per cent of the deposits of the bank.

After a project proposed to be undertaken by a bank or banks under this section has been authorized and approved, such bank or banks may associate to form a corporation, unincorporated association, joint venture, partnership, limited partnership or trust, for the purpose of undertaking and carrying out the project, or any portion thereof, on behalf of such bank or banks

and any such entity so formed shall be deemed to be an instrumentality of the commonwealth, to be exempt from taxation, betterments, excises and special assessments and to have all the powers granted and be subject to all the obligations and duties imposed under this chapter to the same extent as provided for a bank or banks undertaking a project under this section.

SECTION 14. Said chapter 121A is hereby further amended by striking out section 18B, as amended by section 4 of chapter 751 of the acts of 1969, and inserting in place thereof the following section: —

Section 18B. Three or more persons may associate themselves by written agreement of association, in a form furnished or approved by the commissioner of corporations and taxation, with intent to form a corporation for the purpose of acquiring a project which has been authorized and approved and which has been developed or is being developed in accordance with the provisions of this chapter or chapter one hundred and twenty-one B, or for the purpose of acquiring any severable portion of such project, including air rights or other interests in land therein. The persons who have executed such an agreement of association shall, before presenting the agreement of association to the state secretary for filing, submit to the housing board an application for its consent to the formation of such corporation. Such application shall specify the project or portion thereof which it is proposed to acquire, the terms upon which the same is to be acquired, and the amount of capital which it is intended to raise. If it is proposed that any changes in the plan for the original project as authorized and approved, or for the particular portion thereof, be made by reason of such acquisition, the application shall include such information concerning the proposed changes as the housing board shall require. If the housing board determines that the persons who have executed the agreement of association appear to have the ability requisite to perform the obligations and carry out the duties imposed by this chapter with respect to the project, and if it determines that none of the proposed changes, if any, alter the original project area boundaries, or significantly affect the objectives, standards, requirements and restrictions as to use, construction and design as set forth in said plan, or, where apt, as to the particular portion thereof, or the obligations and duties to be performed and carried out with respect to the project, or portion thereof, under this chapter it shall issue a certificate that it consents to the formation of the corporation. The agreement of association shall not be presented to the state secretary for filing, nor shall he file it, unless it is accompanied by such certificate. If any changes in the project are proposed in the application and if the housing board determines that any such changes alter the boundaries, or

significantly affect the plan for the original project, or portion thereof, as authorized and approved, or the obligations and duties to be performed and carried out, as hereinbefore provided, the application shall be transmitted by the housing board to the mayor of the city or selectmen of the town in which the project is located and the procedure for approval of the application shall be similar to that set forth in section six, but with such modifications in procedure as the housing board shall determine to be appropriate for the accomplishment of the purposes of this section. A corporation organized under this section shall have all of the powers, rights, privileges, benefits and exemptions and shall be subject to all the duties of a corporation organized under section three; provided, however, that the periods of fifteen years or such further time as may be provided under section ten as set forth in sections ten and sixteen shall be computed from the date of organization of the corporation which initiated the project regardless of any default upon the part of such corporation which initiated such project.

SECTION 15. Section 18C of said chapter 121A is hereby amended by striking out the introductory paragraph, as amended by section 1 of chapter 421 of the acts of 1966, and inserting in place thereof the following introductory paragraph: —

Individuals, and associations of persons organized in the commonwealth in the form of joint ventures, partnerships, limited partnerships or trusts, resident or organized in the commonwealth, or charitable corporations organized under chapter one hundred and eighty, may undertake projects under this chapter or acquire a project which has been authorized and approved and which has been developed or is being developed in accordance with the provisions of this chapter or chapter one hundred and twenty-one B or any severable portion of such project, including air rights or other interests in land therein, which project shall be exempt from taxation, betterments, excises and special assessments, provided that such persons or associations, with respect to any such project undertaken or acquired by them, shall:.

SECTION 16. Said section 18C of said chapter 121A is hereby further amended by striking out clause (*e*), as amended by section 11 of chapter 761 of the acts of 1968, and inserting in place thereof the following clause: —

(*e*) agree by regulatory agreement entered into with the department of community affairs, or in Boston with the Boston Redevelopment Authority, that they will comply with the provisions contained in section eight, relative to the inspection of buildings, and the enforcement of compliance with the financing program and rules and regulations applicable to a project, and will not receive or accept as net income from a project any sum in excess of eight per cent of the amount invested by them in such

project for each year in which they own or have owned the project, except that, if in any year they have so received a sum less than the aforesaid eight per cent, they may so receive in a subsequent year or years additional sums not exceeding, in the aggregate, such deficiency, without interest. Nothing in this section shall be applicable to the payment of dividends out of the profits from the sale of the capital assets of the corporation:.

SECTION 17. Said section 18C is hereby further amended by striking out the sixth paragraph, as appearing in section 1 of chapter 859 of the acts of 1965, and inserting in place thereof the following paragraph: —

If the persons or organizations described in this section have carried out their obligations and performed their duties as imposed by this chapter for a period of fifteen years from the date of approval of the project and for such further time any period of extension granted pursuant to section ten, shall be in effect, to the satisfaction of the housing board, or in Boston, to the satisfaction of the Boston Redevelopment Authority, as evidenced by a certificate issued by the board, or by said authority, as the case may be, they shall thereafter no longer be subject to the obligations of this chapter except as to any liability theretofore incurred nor shall they enjoy the rights and privileges hereby granted.

SECTION 18. Said section 18C of said chapter 121A is hereby further amended by adding the following paragraph: —

No application, proceeding, finding, recommendation, approval, contract or fair cash value determination or other act made or done purporting to be pursuant to the provisions of this chapter or chapter six hundred and fifty-two of the acts of nineteen hundred and sixty with respect to an entity or organization referred to in this section or in sections thirteen or thirteen A of said chapter six hundred and fifty-two shall be invalid, ineffective or unenforceable because such entity or organization is comprised of persons other than individuals.

SECTION 19. Said chapter 121A is hereby further amended by inserting after section 18C the following section: —

Section 18D. For the purposes of this section, it is hereby declared the public policy of the commonwealth to permit the creation of condominiums within project areas by corporations authorized to undertake projects under this chapter as an additional means of development of property for the purposes of eliminating blighted, open, decadent or substandard conditions in certain areas of the commonwealth and promoting the construction, maintenance and operation in such areas of needed decent, safe and sanitary residential and recreational structures, including units of housing for low income persons and families. In recognition of the fact that the purposes stated herein can be

greatly aided by the provisions of this chapter it is further declared the public policy of the commonwealth to permit the sale of units of a condominium so created and, for a limited duration, the transfer of certain benefits under this chapter including exemption from taxation and betterments, to the purchasers of such units, as an additional means of stimulating the investment of private capital in such areas, including the construction, operation, management and maintenance therein of housing for low income persons and families.

Any entity authorized to undertake or acquire projects under this chapter may, with the approval of the housing board and subject to the provisions of this chapter, submit the land constituting a project or a portion or portions of a project to the provisions of chapter one hundred and eighty-three A for the purposes of creating one or more condominiums. Except as otherwise provided hereunder, the provisions of chapter one hundred and eighty-three A shall govern the creation and establishment of the condominiums and the rights and obligations of the unit owners and the organization of unit owners thereof. Any such condominium authorized under this chapter shall be for residential purposes only.

No units of rental housing constructed as part of an approved project under this chapter may be converted to condominiums pursuant to this section.

Not more than fifty per cent of the residential units of any project authorized under this chapter shall be condominium units and for each condominium unit authorized for a project, the corporations shall be obligated, by written agreement with the housing board to construct, manage, operate and maintain within the project area an equal number of units of rental housing as determined on either a per unit basis or on the basis of the aggregate number of bedrooms contained or to be contained in each such category of housing. Such agreement shall further provide that the corporations shall construct the units of rental housing in the manner and within the period of time approved by the housing board on the basis of the application submitted pursuant to this section with such modifications or changes therein as the housing board may reasonably determine to be necessary.

The housing board shall require that twenty-five per cent of the units of rental housing required within a project area under this section be for low income persons and families, provided, however, that not more than one half of said units of housing for low income persons or families may, for the purposes of compliance with the requirements hereunder, be for housing for elderly persons under applicable state or federal programs, including projects financed by the Massachusetts Housing Finance Agency. The number of units of low rent housing

required hereunder shall be reduced by the number of condominium units within the project area which are financed by the Massachusetts Housing Finance Agency for low income persons or families, including units purchased by such persons with assistance from the Resident Ownership Fund of the Massachusetts Housing Finance Agency or leased by the housing authority of such city or town or the housing board to such persons in accordance with applicable state or federal programs. On or before the first day of March in each year, the housing authority of the city or town in which the project is located or the Massachusetts Housing Finance Agency as to units of housing financed by it, shall certify to the housing board that the corporation is in compliance with the terms of the agreement required pursuant to this section. If there is no housing authority in such city or town the housing board shall make the determination of compliance with respect to units, other than those to be certified by the Massachusetts Housing Finance Agency.

The required number of low income units may be waived or modified, in whole or part, by the housing board if the housing board finds that the waiver or modification is reasonable in view of the regional need for low income housing and that low income housing exists within the city or town in which the project area is located in excess of twenty per cent of all housing units reported in the latests decennial census of the city or town or that low or moderate income housing within said city or town is located on sites comprising in excess of one and one half per cent of all land area zoned for residential, commercial or industrial use, and if the housing board finds that, in addition to the proposed condominium units, the project area contains, or is proposed to contain, or the project has been developed or is proposed to be developed in conjunction with other projects in said city or town which contain, one or more of the following categories of facilities and improvements: (*a*) housing or facilities designed for the servicing of the specific needs of handicapped persons; (*b*) commercial or industrial development which shall result in the employment of persons residing in or near the project or minority persons; (*c*) provisions for open space which shall generally be available to the public; (*d*) provisions for community recreational facilities; (*e*) development of facilities for cultural events or public meetings; (*f*) restoration or rehabilitation of structures or sites of architectural or historic merit, when such structures or sites are in the National Register of Historic Places or are in the Inventory of Historic Assets of the Commonwealth and when such inventoried structures or sites are certified by the Massachusetts Historical Commission, and when any such registered or certified structures or sites are coupled with the development of facilities which contribute to public understanding and appreciation of their significance. For the purposes of

this section, low income housing shall be all housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any non-profit or limited dividend corporation including without limitation housing for persons and families of low income as provided under chapter one hundred and twenty-one B of the General Laws, whose annual income is equal to or less than the maximum amount which would make them eligible for units owned or leased by the housing authority in the city or town within which the project is located, or, in the event that there is no housing authority that amount which is established as the maximum for eligibility for low rent units by the housing board or the Massachusetts Housing Finance Agency, with respect to low income units financed by it. Said finding shall be made in writing and shall be considered part of the project area plan.

A corporation seeking authority to create a condominium pursuant to this section shall submit an application to the housing board as hereinafter provided.

In such application the applicant shall designate the parcel upon which the condominium is proposed to be constructed, shall describe in general terms, and by plans where feasible, the proposed buildings, structures or facilities which are to constitute the proposed condominium, shall indicate the proposed number of units to be contained therein, shall furnish copies of all proposed instruments which are necessary to establish the condominium pursuant to chapter one hundred and eighty-three A, and shall furnish such information concerning the intended use, occupancy and operation of the condominium as may be required pursuant to chapter one hundred and eighty-three A, or as the housing board may reasonably request. In addition the applicant shall designate the parcel or parcels upon which the units of rental housing required under this section are proposed to be constructed and the general location on said parcel and proposed size of each building in which such units are to be located, shall describe in reasonable detail the number and size of said units and the proposed method or program under which funds for the construction and operation of such units are to be obtained or otherwise made available, and shall set forth in reasonable detail the proposed construction schedule with respect thereto.

If the proposed condominium is a project or a portion of a project for which initial approval and authority is sought pursuant to other sections of this chapter and not a previously approved project or portion thereof, the information to be furnished in the application required pursuant to this subsection shall be contained in the application required pursuant to section five, and shall be in addition to such other information as may be

required therein.

If the housing board shall determine that the proposed condominium will not significantly affect the objectives, standards, requirements or restrictions as to use, construction or design as set forth in the plan for the original project as authorized and approved, or the particular portion thereof within which the condominium is to be created, or any approved amendments or modifications thereof, and that the proposed condominium will constitute a public use and benefit, it shall grant such authority conditioned upon the execution of the agreement between the applicant and the housing board for the construction of rental units, the execution of an agreement between the applicant and the housing board for the establishment of a guaranty fund out of a portion of the proceeds from the sale, exchange, or transfer of the units of the condominium, and the execution of a regulatory agreement between the housing board and the organization of unit owners of the condominium. On determination of compliance with the foregoing conditions, the housing board shall issue a certificate to this effect, which certificate shall be recorded in the appropriate registry of deeds or land registration office, and may be conclusively relief upon by any purchaser or mortgagee of any unit of the condominium so approved and any other person dealing with the condominium, the organization of unit owners or any unit owner as to the grant of authority and the compliance of conditions in accordance with the provisions hereof.

If the housing board shall determine that the proposed condominium will significantly affect the objectives, standards, requirements or restrictions as to use, construction or design as set forth in the plan for the original project, or portions thereof, as authorized and approved, or if the proposed condominium is a project or a portion of a project for which initial approval is sought pursuant to other sections of this chapter or is located on land constituting a project or portion of a project previously approved but which did not provide, as part of the plan upon which such original approval was granted, for a condominium thereon, the application shall be transmitted to the appropriate officials of the city or town in which the project is located for approval and the procedure governing such approval shall be in accordance to that set forth in section six, but with such modification in procedure as the housing board determines to be appropriate for the accomplishment of the purposes of this section.

Upon the creation of a condominium as authorized under this section, the organization of unit owners of such condominium shall be deemed an authorized entity under this chapter, serving a public purpose, and for such period of time as such designation shall remain in effect, as hereinafter provided, such

organization shall, for the benefit of the unit owners, their heirs, successors and assigns, have all the powers, privileges, benefits and exemptions and be subject to all of the obligations of a corporation authorized under section three or under section eighteen C, as the case may be, except as otherwise provided herein. Included within the scope of the exemption from taxation and from betterments and special assessments applicable to the organization of unit owners and its property pursuant to section ten of this chapter and this section are all units of the condominium and their respective interests in the common areas and facilities thereof. Nothing contained herein, however, shall be deemed to authorize or empower the organization of unit owners or any individual unit owner to take property by eminent domain.

The powers, privileges, benefits and exemptions of a corporation conferred and the obligations and duties of such corporation imposed by this chapter including those conferred or imposed by contracts or agreements executed in accordance with section six A and this section, shall remain in effect with respect to all the units and common areas and facilities of the condominium, and the designation of the organization of unit owners as an authorized entity shall continue for a period not to exceed the lesser of (*a*) such period as may be specified in the contract or agreement executed in accordance with section six A, provided such period does not exceed five years or such lesser number of years as may be agreed upon, and further provided that such five years or lesser period may include a phased reduction of the extent of exemption of taxation, (*b*) the removal of the condominium from the provisions of chapter one hundred and eighty-three A in accordance with the provisions thereof, or (*c*) such time as a material breach of the regulatory agreement by the organization of unit owners shall have been committed and shall not have been cured to the satisfaction of the housing board, within a reasonable period of time after notice thereof. Thereafter all unit owners and the organization of unit owners of such condominium shall no longer be subject to the obligations of this chapter except as to any liability theretofore incurred, nor enjoy the powers, privileges, benefits and exemptions of an authorized entity hereby granted.

The organization of unit owners of the condominium shall execute and deliver a regulatory agreement with the housing board, pursuant to which the organization shall agree, for such time as it and the unit owners shall enjoy the benefits of this chapter, to comply with the provisions contained in section eight, and to pay, as hereinafter provided, the excise under the formulae and provisions set forth in section ten and this section and such additional amounts in lieu of taxes as may be required pursuant to any contract or agreement executed in accordance

with section six A. The regulatory agreement shall be recorded in the appropriate registry of deeds or land registration office and shall run with the land and shall be binding on the heirs, successors and assigns of the unit owners as hereinafter provided. For the purposes of this section, the excises and sums prescribed under section ten shall be deemed in lieu of taxes assessed and levied upon the real and personal property of the organization of unit owners and of any unit owner and his interest in the common areas and facilities thereof; gross income under the formula set forth in section ten shall mean only such income as is actually received; and such excises and sums prescribed under section ten, together with the amounts payable pursuant to section six A shall be apportioned to and payable by each unit owner in accordance with each such unit's respective interest in the common areas and facilities of the condominium. For the period provided in this section, the organization of unit owners shall collect from each unit owner and transmit for payment to the appropriate taxing authority the amounts payable by each such unit owner hereunder. All provisions of chapter fifty-nine and sixty relative to the collection and payment of taxes, including liens and penalties, shall be enforceable by the taxing authority against each such unit owner and each such unit, and its interest in the common areas and facilities of the condominium, but only as to each such unit owner's respective share of any such payment or payments, and any lien of such taxing authority provided by law therefor shall attach to such unit in proportion to the percentage of its undivided interest in the common areas and facilities.

The creation and establishment of the condominium and the exercise by each unit owner of such condominium and by the organization of unit owners of such condominium of all rights and powers and the performance by each such owner and by the organization of unit owners of all obligations set forth in any and all instruments executed in connection with the creation and establishment of the condominium, in any and all instruments benefiting, encumbering or otherwise affecting or relating to the condominium or the transfer of title to, or grant of a mortgage, security interest or other interest in any unit thereof, and any instrument executed in accordance with this section, shall not be invalidated, expanded or restricted by reason of any breach by the corporation creating the condominium of, or failure by such corporation to comply with, the provisions of either or both of the agreements required to be executed nor by reason of the termination of the designation of the organization of unit owners as an authorized entity, except with respect to the powers, privileges, benefits and exemptions of such entity under this chapter as provided herein.

Upon the creation of a condominium as authorized under this section, the corporation authorized to create the condominium shall have the power to sell, exchange, or otherwise transfer for fair market value the units of the condominium to any person, subject to the provisions of chapter one hundred and eighty-three A, provided, however, that the corporation creating the condominium shall not be authorized to lease any unit of the condominium as rental housing, except and to the extent and for such duration as may be authorized by the housing board.

Upon the sale, exchange or transfer of the units of a condominium authorized under this section, the corporation authorized to create the condominium shall be entitled to distribute as a dividend, or, if an insurance company or bank, to receive or accept for general purposes as provided in section eighteen, from time to time amounts not to exceed, in the aggregate, the amount invested in the condominium as such term is hereinafter defined.

The corporation authorized to create a condominium in accordance with this section shall be obligated by written agreement with the housing board to retain and invest the profit as such term is hereinafter defined from the sale, exchange or transfer of the units of the condominium as a guaranty fund for the purposes hereinafter set forth. The guaranty fund shall be separately held and invested as a reserve account to be used for the payment of expenses or operating deficit incurred in connection with units of rental housing required pursuant to this section, provided, however, that the existence or availability of such fund shall not be considered in determining the eligibility of the corporation or the project, or portion thereof, or any resident therein, for financial or other assistance under any applicable state, federal or other program, with respect to any low income rental units required by this section, it being the intent hereof that such corporation, project, or resident be entitled to the benefit of any program for which it would otherwise have been eligible had not guaranty fund been applicable. All or any portion of the guaranty fund may be invested in term deposits and certificates of deposit of, and, if and to the extent otherwise permitted by law, in savings accounts in any trust company, savings bank, co-operative bank or banking company organized under the laws of the commonwealth or national banking association or savings or loan association doing business within the commonwealth, or in obligations of or unconditionally guaranteed by the United States or in legally issued and assumed or unconditionally guaranteed obligations of the commonwealth or any city, town, district or subdivision, agency or authority thereof.

In the event that a waiver or modification of the number of low income units required by this section has been granted pursuant

to this section, the housing board shall require that the guaranty fund be separately held and invested as set forth above as a reserve account to be used for the payment of expenses or operating deficit incurred in connection with any units of rental housing which are constructed by the authorized entity within the project areas, provided, however, that the housing board may, pursuant to uniformly applied rules and regulations, require that a portion of said guaranty fund be held and invested as a reserve account to be used for the payment of expenses or operating deficit with respect to the additional facilities and improvements of the type described in this section and required as a condition for waiver which are located within the project area, as further provided by this section.

The corporation shall be entitled to distribute as a dividendor, if an insurance company or bank, to receive or accept for general purposes in accordance with section eighteen of this chapter in each year (*a*) all net income from the guaranty fund, and (*b*) so much of the principal of such fund as is equal to the deficiency, if any, between the dividend distributed or amount accepted or received in any such year by the corporation with respect to rental housing or with respect to any such additional facilities and improvements of the type described in this section and required as a condition for waiver as are located within the project area, and the maximum amount allowable as a dividend pursuant to section nine or to be received or accepted pursuant to section eighteen, as the case may be, in any such year, provided however that the total distribution from the fund in any one year, excepting payments made under clause (*a*), shall not exceed ten per cent of the amount of profit originally invested in the fund, and provided further, however, that no distribution of principal of the fund shall be made until after completion of construction of the low income rental or low income condominium units required under this section.

If the project as authorized and approved consists of more than one condominium, the profit shall be determined on the basis of all condominium units sold, exchanged or transferred and the amount to be retained as a guaranty fund shall consist of the profit from the sale, exchange or transfer of all condominium units within the project area. Applications of the guaranty fund may be made to any operating deficit or expense applicable to rental housing anywhere within the project area, without apportionment as to the source of the profit then constituting such fund.

At the expiration of forty years from the date of approval of the project, the corporation shall be entitled to distribute as a dividend or receive or accept for general purposes, the entire undistributed income and principal of the guaranty fund, if any.

For the purposes hereof, the "amount invested in the condominium" shall mean the proportionate share of all costs and expenses incurred or accrued in connection with the project, or portion thereof, in which the condominium is located, which is attributable to the condominium in accordance with generally accepted accounting principles, including, without limitation, construction costs, including job overhead, architectural, engineering, legal and accounting costs, organizational expenses, land value, interest and financing charges, cost of landscaping, site improvements and a reasonable profit to the general contractor which may include a risk allowance, whether or not such costs have been paid in cash or in a form other than cash. The costs and expenses constituting the amount invested in the condominium shall include the payment or accrual of any fees or charges to an independent contractor or to a subsidiary, affiliate or other entity related to the corporation for development, construction, brokerage or other such services performed for the corporation with respect to the construction of the condominium and the marketing of the units thereof. The housing board shall, pursuant to regulations adopted by it, establish the amount invested in the condominium upon completion of the building and other improvements constituting the condominium and the sale or transfer of units to unrelated purchasers constituting at least seventy per cent of the ownership of the common areas and facilities thereof, which amount shall remain constant thereafter.

For the purposes hereof, "profit" shall mean the proceeds of the sale, exchange or transfer of the units less the sum of the amount invested in the condominium, as defined, herein, any related costs and expenses reasonably attributable to any such sale, exchange or transfer, and all state, federal and other taxes and excises applicable to any gain derived therefrom.

Notwithstanding the provisions of this chapter to the contrary, any unit owner of a condominium succeeding to the interest of the corporation establishing the condominium under this section may freely transfer, encumber, own, use and enjoy his unit and the common areas and facilities of the condominium to the fullest extent permitted by law, subject to the terms and conditions contained in the regulatory agreement executed in accordance with this section and any contract or agreement executed in accordance with section six A which is binding upon and inures to the benefit of the organization of unit owners; except that neither the organization of unit owners nor any individual unit owner shall be authorized to lease, acquire, sell, exchange, give, grant or otherwise transfer air rights in any unit or in the common areas and facilities of the condominium, but the foregoing limitation shall not prohibit the granting of

easements in, upon or over the land or other common areas and facilities of the condominium. If any unit is sold, exchanged or transferred by a unit owner during the period in which the benefits and obligations of this chapter are applicable to the unit and common areas and facilities of the condominium and the organization of unit owners of the condominium, any such sale, exchange or transfer shall be subject to and the grantee, donee or transferee including a mortgagee, or any purchaser or successor in interest of such mortgagee on account of a foreclosure of the mortgage, shall have the benefit of the provisions of this chapter, the regulatory agreement and any contract or agreement executed in accordance with section six A, to the same extent and for the unexpired period as applicable to the grantor, donor or transferor.

The corporation may sell, exchange or otherwise transfer any portion or portions of the project area on which any of the units of rental housing are to be constructed in compliance with the agreement required pursuant to this section to any person or entity or persons or entities to whom a transfer of a project is otherwise permitted in accordance with other provisions of this chapter, in which the corporation shall have an interest, provided, however, that (*a*) any such transfer is made subject to and in accordance with the provisions of this chapter, (*b*) the corporation shall remain liable, to the extent of the principal amount of the guaranty fund as it may from time to time be held by the corporation in accordance with this section, on account of all units of rental housing within the project area, including the units located on portions of the project transferred hereunder, which liability shall be in addition to any other liability which may be assumed or incurred by the original corporation by reason of an investment or interest in the transferee, and (*c*) no building containing rental housing, other than housing for the elderly shall be dedicated exclusively to low income units, unless otherwise approved by the housing authority of the city or town within which the project is located.

SECTION 20. The purchase of the stock, bonds, and other securities of a corporation authorized under chapter one hundred and twenty-one A of the General Laws, subject to the approval of the housing board and to the limitations of section seven of said chapter shall be considered an investment a prudent man would use within the meaning of section sixteen of chapter one hundred and fifty-one of the General Laws.

SECTION 20A. No elected official either federal, state, county or municipal shall have any interest in any corporation benefiting under this act.

SECTION 21. The provisions of this act shall not be applicable to projects undertaken or for which applications pursuant to the provisions of chapter one hundred and twenty-one A of the

General Laws or chapter six hundred and fifty-two of the acts of nineteen hundred and sixty or chapter two hundred and fifty-seven of the acts of nineteen hundred and sixty-seven have been filed prior to the effective date of this act; provided, however, that if a corporation, an insurance company, a savings bank or a cooperative bank or group of savings banks or cooperative banks or combination of savings banks or cooperative banks, an individual, or an association of persons in the form of joint venture, partnership, limited partnership, or trust has filed such an application prior to the effective date of this act which shall be or have been approved by the housing board or the Boston Redevelopment Authority after January first, nineteen hundred and seventy-five, and if such corporation, individual, or other entity shall file with the state secretary, within six months after said effective date, a written acceptance of the provisions of this act, then the provisions of said chapters, as amended by this act, shall apply to such corporation, individual or other entity and to such project and application and to all other persons or entities who or which may join in such application by way of amendment after the filing of the application, notwithstanding in the case of a project involving real estate conveyed or to be conveyed by a housing authority or redevelopment authority after January first, nineteen hundred and seventy-five, that such application may have been filed after such project has been undertaken.

Approved December 23, 1975.

Chap. 828. AN ACT AUTHORIZING THE TREASURER OF MIDDLESEX COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, the treasurer of Middlesex county is hereby authorized to pay, subject to appropriation, such of the unpaid bills incurred by the department of the sheriff of said county and totaling forty-six thousand seven hundred and thirty-eight dollars and sixty-eight cents, as are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation for goods supplied and services rendered to said sheriff's department during the years nineteen hundred and seventy-three through nineteen hundred and seventy-four. Said bills are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the sheriff of said county or paid by said county treasurer under authority of this act unless and until a certificate has been signed and filed with

said treasurer stating under the penalties of perjury that the goods and services for which said bill was submitted were ordered by an official or an employee of said sheriff's department and that such goods were delivered and actually received by said sheriff's department or that such services were rendered to said sheriff's department, or both.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby received payment for goods or services which were not received by or rendered to said sheriff's department shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved December 23, 1975.

Chap. 829. AN ACT CREATING THE OFFICE OF FORENSIC DENTAL EXAMINER.

Be it enacted, etc., as follows:

Chapter 38 of the General Laws is hereby amended by inserting after section 1 the following section: —

Section 1A. The governor shall appoint for a term of seven years a person skilled in forensic dentistry as the forensic dental examiner who shall assist any medical examiner or associate examiner when requested to do so. For the purpose of this section a "forensic dental examiner" shall be a dentist capable of assisting a medical examiner or associate medical examiner in a medico-legal investigation.

Approved December 23, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, January 14, 1976

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 829 of the Acts of 1975, entitled AN ACT CREATING THE OFFICE OF FORENSIC DENTAL EXAMINER, and the enactment of which received my approval on December 23, 1975, should take effect forthwith.

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

In order to immediate allow for the creation of the office of forensic dental examiner.

Sincerely,
MICHAEL S. DUKAKIS
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, January 16, 1976.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 830. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LANDS KNOWN AS FLAGSTAFF HILL TO THE BARNSTABLE FIRE DISTRICT.

Be it enacted, etc., as follows:

The commissioner of environmental management is hereby authorized to convey to the Barnstable fire district all of its right, title and interest in a certain parcel of land in the town of Barnstable known as Re-forestation lot #135, Flagstaff Hill, for water supply purposes, said parcel being a portion of the land conveyed to the commonwealth by deed dated November 24, 1916 and recorded in the registry of deeds in Barnstable county, Book 354, Page 130; provided, that said district conveyes to the department of environmental management a portion of the land under control and custody of said district which is acceptable to the board of natural resources in said department.

Approved December 23, 1975.

Chap. 831. AN ACT FURTHER REGULATING DEPOSITS OF PUBLIC MONEY.

Be it enacted, etc., as follows:

Chapter 29 of the General Laws is hereby amended by striking out section 34, as most recently amended by chapter 258 of the

acts of 1972, and inserting in place thereof the following section: —

Section 34. State officers, departments, institutions and other agencies may deposit any portion of the public monies in their possession in such national banks, trust companies or banking companies, lawfully doing business in the commonwealth, as shall be designated by the state treasurer from a list of depositories prepared by him and approved at least once in three months by the governor and council; but the aggregate balance on deposit in any one such national bank, trust company or banking company by the state treasurer, by a state officer of funds advanced under the provisions of section twenty-three by a state officer, department, institution or other agency of fees or other money as referred to in section twenty-seven of chapter thirty shall not exceed, as of the close of the business each business day, forty per cent of its paid up capital, surplus, capital notes, and undivided profits in accordance with the records of the national bank, trust company, or banking company. The state treasurer may provide that any such bank may receive additional deposits not to exceed seventy-five per cent of its paid up capital, surplus, capital notes, and undivided profits, providing that such additional deposits are subject to collateral approved by the state treasurer. Deposits of the proceeds from the sale of bonds and notes by the state treasurer shall not be subject to the forty per cent limit for a period of seven days from the date of the deposit or other credit to the account of the state treasurer. All certificates of deposit of any such national bank, trust company or banking company whether issued directly to the state treasurer or purchased on the open market shall be considered deposits within the meaning of this section. For the purpose of paying the principal or interest due on any bond, note or other obligation of the commonwealth, which is payable in the city of New York or the city of Chicago, the state treasurer may keep on deposit in any national bank or trust company in said cities, approved for the purpose by the governor and council, a sum not exceeding in the aggregate twenty-five thousand dollars; provided, that for a period of seven days prior to the date of any such payment or payments, said amount may be increased by a sum or sums sufficient to cover the same.

A state treasurer who knowingly makes any deposit in violation of the foregoing provisions shall be deemed guilty of misconduct and maladministration in his office within the meaning of the constitution, any other officer who knowingly makes any deposit in violation of the foregoing provisions shall be deemed guilty of misconduct and maladministration in his office, and any national bank, trust company or banking company knowingly receiving any deposit in violation thereof

shall be disqualified from receiving said monies for the period of three years from the date of said deposit. All interest received on any deposits under this section shall be paid to the commonwealth.

Approved December 23, 1975.

Chap. 832. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT ADDITIONAL WATER PUMPING FACILITIES IN THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 982 of the acts of 1971 is hereby amended by striking out, in line 2, the words "a new pumping station" and inserting in place thereof the words: — new pumping facilities within the Spot Pond water pumping station, so called, in the town of Stoneham and additional pipelines.

SECTION 2. Said section 1 of said chapter 982 is hereby further amended by inserting after the first paragraph the following paragraph: —

In addition to the sums authorized by this act, the commission is hereby authorized to expend for the purposes of this act and for major improvements to the northern high service and northern intermediate high service areas by the installation of an additional feeder pipe network and the reconstruction or construction of any necessary appurtenances for said project and improvements, an additional amount not to exceed two million five hundred thousand dollars from funds authorized by chapter six hundred and sixty-nine of the acts of nineteen hundred and sixty-seven.

Approved December 23, 1975.

Chap. 833. AN ACT AUTHORIZING THE COUNTY OF HAMPDEN TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Hampden county are hereby authorized to pay from any available funds to Harold Kaufman an unpaid bill in the amount of fifteen hundred dollars for services rendered as court appointed defense counsel in the case of "Commonwealth v. Muckle" in the year nineteen hundred and seventy-one and to P. J. Ramaswamy, M.D. an unpaid bill in the amount of one hundred dollars for services rendered to an inmate of the Hampden county jail and house of

correction for the period of November thirteenth, nineteen hundred and seventy to November thirtieth, nineteen hundred and seventy which are legally unenforceable against said county.

SECTION 2. No bill shall be approved by the county commissioners of said county or paid by the treasurer of said county under authority of this act unless and until a certificate has been signed and filed with said treasurer stating under the penalties of perjury that the services for which such bill was submitted were ordered by an official or an employee of said county and that such services were rendered in accordance with the request of said official or employee.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false, and who thereby receives payment for services which were not received by or rendered according to the statements required by said section shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved December 23, 1975.

Chap. 834. AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND IN THE TOWN OF SHARON.

Be it enacted, etc., as follows:

The department of environmental management, on behalf of the commonwealth, is hereby authorized to convey to Stanley J. Sreda of Sharon, the land of the commonwealth under the control of said department, located in the town of Sharon, and more particularly described as follows:

Certain land in the town of Sharon, situated on the northwest corner of the intersection of Massapoag avenue and Mansfield street, containing approximately two acres, more or less.

Said land to be conveyed in consideration of the said Stanley J. Sreda conveying certain land owned by him, said land being within the Borderland State Park, containing approximately six acres, more or less, to said department in the name of the commonwealth.

Approved December 23, 1975.

Chap. 835. AN ACT PROVIDING FOR FULL TIME ASSISTANT DISTRICT ATTORNEYS IN NORFOLK COUNTY.

Be it enacted, etc., as follows:

SECTION 1. Section 14 of chapter 12 of the General Laws is hereby amended by striking out the sixth paragraph, as

amended by section 3 of chapter 696 of the acts of 1972, and inserting in place thereof the following paragraph: —

For the Norfolk district, five assistant district attorneys.

SECTION 2. Said chapter 12 is hereby further amended by striking out section 16, as most recently amended by section 1 of chapter 809 of the acts of 1974, and inserting in place thereof the following section: —

Section 16. Assistant district attorneys shall receive from the commonwealth salaries as follows: — for the Suffolk district, one assistant, nineteen thousand dollars; three assistants, eighteen thousand five hundred dollars; six assistants, sixteen thousand three hundred dollars; three assistants, fourteen thousand three hundred dollars; seven assistants, fourteen thousand dollars; eight assistants, twelve thousand five hundred dollars; five assistants eleven thousand five hundred dollars; for the northern district, three assistants, fifteen thousand two hundred dollars; ten assistants, twelve thousand nine hundred dollars; two assistants, eleven thousand five hundred dollars; for the middle district, one assistant, fourteen thousand dollars, one assistant, twelve thousand five hundred dollars; six assistants, eleven thousand five hundred dollars; four assistants, eleven thousand dollars; for the Norfolk district, two assistants, not more than thirty thousand dollars; one assistant, not more than twenty-eight thousand dollars; one assistant, not more than twenty-seven thousand dollars; one assistant, not more than twenty-two thousand dollars, provided that all such assistants shall devote their entire time during ordinary business hours to their duties and shall neither directly nor indirectly engage in the practice of law; for the Plymouth district, one assistant, thirteen thousand dollars; one assistant, twelve thousand dollars; five assistants, eleven thousand dollars; for the Bristol district, two assistants, twelve thousand dollars; five assistants, eleven thousand dollars; for the Cape and Islands district, one assistant, twelve thousand dollars; three assistants, eleven thousand dollars; for the western district, one assistant, thirteen thousand dollars; two assistants, twelve thousand dollars; five assistants, eleven thousand dollars; for the northwestern district, one assistant, twelve thousand dollars; four assistants, eleven thousand dollars; for the eastern district, one assistant, thirteen thousand dollars; one assistant, twelve thousand dollars; seven assistants, eleven thousand dollars.

SECTION 3. Section twenty B of said chapter twelve is hereby repealed.

SECTION 4. This act shall take effect on February first, nineteen hundred and seventy-six.

Approved December 23, 1975.

Chap. 836. AN ACT RELATIVE TO THE VENUE OF CERTAIN TRANSITORY ACTIONS IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 54, as most recently amended by section 16 of chapter 377 of the acts of 1975, and inserting in place thereof the following section: —

Section 54. In addition to the jurisdiction otherwise conferred and except as otherwise provided by this chapter, said court shall have jurisdiction of all civil actions in which money damages are sought and of actions brought under chapter two hundred and forty-seven if one or more of the defendants lives or has his usual place of business in Suffolk County, or, if in connection with the commencement of such an action the approval of trustee process is sought, one of the alleged trustees lives or has a usual place of business in Suffolk County, or, in actions brought under chapter two hundred and twenty-seven, if an attachment of property or personal service of the complaint is made in said county.

SECTION 2. Section 2 of chapter 223 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 20 of said chapter 377, and inserting in place thereof the following paragraph: —

Except as provided in section twenty-one of chapter two hundred and eighteen, a transitory action in a district court shall be brought in the county where one of the parties lives or has his usual place of business, or, if in connection with the commencement of such an action the approval of trustee process is sought, in the county where any person alleged to be trustee lives or has a usual place of business, and, in either case, in a court within whose judicial district one of the parties or one of the alleged trustees lives or has a usual place of business or in any district court the judicial district of which adjoins and is in the same county as a judicial district in which the defendant lives or has his usual place of business except that an action may be brought in the municipal court of the city of Boston as provided in section fifty-four of chapter two hundred and eighteen.

Approved December 23, 1975.

Chap. 837. AN ACT AUTHORIZING THE CITY OF FALL RIVER TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city is hereby authorized to pay, such of the unpaid bills incurred by said city and totalling fifty-four thousand two hundred and eighty-four dollars and fifty-seven

cents, as set forth in the list on file in the office of the director of accounts in the department of corporations and taxation, as are legally unenforceable against said city, by reason of their being incurred in excess of available appropriations, and as are certified for payment by the departments wherein the bills were contracted; provided, that the money so appropriated to pay such bills shall be raised by taxation or made available from unappropriated surplus funds of the city.

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

SECTION 3. Any person who knowingly files a certificate requird by section two, which is false and who thereby receives payment for goods, materials, or services which were not received by or rendered to said city, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars, or both.

Approved December 23, 1975.

Chap. 838. AN ACT AUTHORIZING THE TOWN OF ADAMS TO BORROW MONEY FOR LANDFILL PURPOSES.

Be it enacted, etc., as follows:

For the purpose of closing out a landfill area and opening a new landfill area including all expenses incidental thereto, the town of Adams may borrow, from time to time, such sums as may be necessary, not exceeding in the aggregate one hundred and fifty thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words Adams Landfill Loan, Act of 1975. Each authorized issue shall constitute a separate loan and each such loan shall be payable in not more than fifteen years from its date.

Approved December 23, 1975.

Chap. 839. AN ACT FURTHER REGULATING THE NUMBER OF TRUSTEES OF THE COLLEGE OF THE HOLY CROSS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 99 of the acts of 1865 is hereby amended by striking out section 1, as most recently amended by section 1 of chapter 289 of the acts of 1967, and inserting in place thereof the following section:—

Section 1. James Clark, Charles Fulmer, James C. Moore, Charles F. Kelly, Livy Vigilante, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the College of the Holy Cross, in the city of Worcester, and they and their successors, and such as shall be duly elected members of such corporation, shall be and remain a body corporate by that name forever; and for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary, treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices, and also to remove any trustee from the corporation when, in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also, from time to time, to elect new members of said corporation: for such tenures as may be established from time to time in by-laws adopted by the trustees; *provided,* that the number of members shall never be less than five, not more than sixty-five.

SECTION 2. This act shall take effect upon its acceptance by vote of the Board of Trustees of the College of the Holy Cross at a meeting called for that purpose.

Approved December 23, 1975.

Chap. 840. AN ACT RELATIVE TO THE TRIAL OF CERTAIN JUVENILES AS ADULTS IN CERTAIN COURT PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter 119 of the General Laws is hereby amended by striking out section 61, as most recently amended by section 2 of chapter 308 of the acts of 1964, and inserting in place thereof the following section: —

Section 61. If it is alleged in a complaint made under sections fifty-two to sixty-three, inclusive, that a child (*a*) who had previously been committed to the department of youth services as a delinquent child has committed an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison; or (*b*) has committed an offense involving the infliction or threat of serious bodily harm, and in either case if such alleged offense was committed while the child was between his fourteenth and seventeenth birthdays, and if the court enters a written finding based upon clear and convincing evidence that the child presents a significant danger to the public as demonstrated by the nature

of the offense charged and the child's past record of delinquent behavior, if any, and is not amenable to rehabilitation as a juvenile, the court may, after a transfer hearing held in accordance with such rules of court as shall be adopted for such purpose, dismiss the complaint.

At said transfer hearing, which shall be held before any hearing on the merits of the charges alleged, the court shall find whether probable cause exists to believe that the child has committed the offense or violation as charged. If the court so finds, the court shall then consider, but shall not be limited to, evidence of the following factors: (*a*) the seriousness of the alleged offense; (*b*) the child's family, school and social history, including his court and juvenile delinquency record, if any; (*c*) adequate protection of the public, (*d*) the nature of any past treatment efforts for the child, and (*e*) the likelihood of rehabilitation of the child.

If the court determines that the child should be treated as a delinquent child, the court shall forthwith, on motion by or on behalf of the child, continue the proceedings until such further time as the court shall determine.

If the court orders that the delinquency complaint against a child be dismissed it shall cause to be issued a criminal complaint. The case shall thereafter proceed according to the usual course of criminal proceedings and in accordance with the provisions of section forty of chapter two hundred and eighteen and section eighteen of chapter two hundred and seventy-eight. When such a complaint is issued, section 68 shall apply to any person committed under this section for failure to recognize pending final disposition in the superior court.

Unless the child by counsel shall waive this provision, the judge who conducts the transfer hearing shall not conduct any subsequent proceeding arising out of the facts alleged in the delinquency complaint.

SECTION 2. Said chapter 119 is hereby further amended by striking out section 72A, inserted by section 4 of said chapter 308, and inserting in place thereof the following section: —

Section 72A. The case of any person who commits an offense or violation prior to his seventeenth birthday, and who is not apprehended until after his eighteenth birthday, shall be heard and determined in accordance with sections fifty-three to sixty-three, inclusive. In any such case, the court, after a hearing shall determine whether there is probable cause to believe that said person committed the offense as charged, and shall, in its discretion, either order that the person be discharged, if satisfied that such discharge is consistent with the protection of the public; or shall order that the complaint be dismissed, if the court is of the opinion that the interests of the public require that such person be tried for such offense or violation instead of being

discharged. Said hearing shall be held prior to, and separate from, any trial on the merits of the charges alleged.

SECTION 2A. Section 75 of said chapter 119 is hereby repealed.

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

Approved December 24, 1975.

Chap. 841. AN ACT PROVIDING FOR THE IMPROVEMENT BY THE METROPOLITAN DISTRICT COMMISSION OF RECREATIONAL FACILITIES AT REVERE BEACH IN THE CITY OF REVERE.

Whereas, The deferred operation of this act would tend to defeat is purpose which is to allow the metropolitan district commission to acquire and dispose of land to facilitate the development of a site, known as Revere beach in the City of Revere, for public recreational purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission, hereinafter called the commission, in order to facilitate the development of a site for public recreational purposes in the area known as Revere beach in the City of Revere, is hereby authorized to undertake the activities defined herein. The commission is hereby authorized to expend a sum not to exceed five million dollars, in addition to any other appropriations which may have heretofore or may hereafter be made, to carry out the purposes of this act.

SECTION 2. The commission is hereby authorized to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or take by eminent domain, all land, public or private, and all rights in land, in the city of Revere within the area hereinafter referred to as the Revere Beach Site and bounded and described as follows:

Beginning at the southwesterly corner of the intersection of the rights-of-way of Revere Street and Revere Beach Boulevard; thence running southwesterly and southerly along the westerly right-of-way line of Revere Beach Boulevard, crossing Shawmut Street Extension, Chester Street, Beaver Street, Bath Street, Beach Street, Shirley Avenue, and West Street, a distance of five thousand three hundred and thirty-nine feet, more or less, to the point of intersection with the southwesterly corner of the intersection of the rights-of-way of West Street and Revere Beach Boulevard; then turning and running westerly along the southerly right-of-way of West Street, a distance of thirty-seven feet, more or less, to the point of the intersection with the easterly right-of-way of Ocean Avenue; thence turning and running in a northwesterly direction to the northerly right-of-way of West

Street, a distance of thirty-five feet, more or less; thence continuing in a northeasterly direction along the easterly right-of-way of Ocean Avenue, crossing Shirley Avenue, Beach Street, Bath Street, Beaver Street, Chester Street, and Shawmut Street Extension, a distance of five thousand three hundred and ninety feet, more or less, to the point of the intersection of the easterly right-of-way of Ocean Avenue and the southerly right-of-way of Revere Street; thence turning and running in a southeasterly direction along the southerly right-of-way of Revere Street, a distance of seventy-five feet, more or less, to the point of intersection with the westerly right-of-way line of Revere Beach Boulevard, which is the point of beginning.

The commission is further authorized to acquire, in the manner hereinbefore provided, easements in, or the benefit of restrictions upon, property abutting said Site to preserve and protect the interests of the commonwealth in said Site.

SECTION 3. The commission is hereby authorized to sell, at a price to be determined by independent appraisers to be selected by the commissioner of administration, or to exchange for land of equal value, all or any part of the following-described real property:

Beginning at the southeasterly corner of the intersection of the rights-of-way of Revere Street and Ocean Avenue; thence running southwesterly and southerly along the westerly right-of-way of Ocean Avenue, crossing Beach Street, a distance of four thousand one hundred and seventy feet, more or less, to the point of convergence of the westerly right-of-way of Ocean Avenue and the easterly right-of-way line of the Massachusetts bay transportation authority (M.B.T.A.); thence continuing northerly and northeasterly along said easterly right-of-way line of the M.B.T.A., crossing Shirley Avenue and Beach Street, a distance of four thousand seven hundred thirty-seven feet, more or less, to the point of intersection with the southerly right-of-way line of Revere Street; thence turning and running easterly and southeasterly along a curve to the right, a distance of fifty feet, more or less, to the point of intersection with the westerly right-of-way line of Ocean Avenue, which is the point of beginning.

SECTION 4. There shall be established for the purposes of this act a Revere Beach Design Review Board, hereinafter called the board, comprised of the secretary of communities and development or his designee, acting as chairman of the board; the commissioner of the metropolitan district commission or his designee; the director of the office of state planning or his designee; two persons shall be appointed by the mayor of the city of Revere; one of whom shall be a member of the Revere Beach Citizens Advisory Board; one registered architect and one registered landscape architect each to be appointed by the secretary of communities and development; and one member of

the Governor's Task Force on Coastal Resources to be appointed by the secretary of the executive office of environmental affairs.

Any private person or entity proposing to construct residential, recreational, or other facilities within the area delineated in section three shall submit to the Board for review preliminary site development plans showing the location and outlines of proposed buildings; illustrative details of building facades; the density of proposed uses; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks, and paved areas; proposed landscaping improvements and open areas within the site; and indicating generally the relationship of the site plan to the surrounding neighborhood. The Board shall report, in writing, to the commissioner of the metropolitan district commission within sixty days of the submission of the design plans whether the proposed design is suited to the characteristics of the Revere Beach Site and is adequately integrated with the surrounding area.

SECTION 5. The commission is hereby authorized to accept any federal or other funds, public or private, which may be or become available for the purposes of this act, and to accede to such conditions and obligations as may be imposed as a prerequisite to the availability of such funds, insofar as the same are consistent with law and the purposes of this act. Such funds may be expended in addition to those made available by this act.

SECTION 6. The state treasurer may borrow, from time to time, on the credit of the commonwealth such sums of money as may be necessary for the purpose of meeting payments as authorized by section one, and may issue and renew from time to time notes of the commonwealth therefore, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June thirtieth, two thousand and one. All payment on account of principal and interest on such notes shall be paid from the Metropolitan District Park Fund to be assessed by methods fixed by law.

SECTION 7. To meet the expenditures necessary in carrying out the provisions of this act, or to refinance notes issued under the provisions of section six the state treasurer shall, upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate the sum of five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face

Revere Beach Improvements Loan, Act of 1975, and shall be on the serial payment plan for such maximum term, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from date of issue thereof and the entire issue not later than June thirtieth, two thousand. All interest payments and payments on account of principal of such bonds shall be paid from the Metropolitan district park fund to be assessed by methods fixed by law.

Approved December 24, 1975.

Chap. 842. AN ACT PROVIDING THAT CERTAIN LICENSES HERETOFORE GRANTED FOR THE PURPOSE OF PLACING AND MAINTAINING FILL, PILES AND OTHER STRUCTURES OVER CERTAIN TIDEWATERS IN THE MYSTIC AND MALDEN RIVERS BE IRREVOCABLE.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any provisions of general or special law to the contrary, the following licenses affecting a certain parcel of land in the city of Boston, described in Certificate of Title No. 53765, filed in the registry of deeds in Suffolk county in Book 264, Page 165, certain parcels of land in the city of Everett, described in Certificates of Title Nos. 73296, 55705 and 131520, filed in the southern district registry of deeds in Middlesex county in Book 485, Page 177, Book 372, Page 221 and Book 787, Page 170, respectively, in a Deed from Trustees of Nealco-Monsanto Company, recorded in the southern district South registry of deeds in Middlesex county in Book 8378, Page 386, and in a Deed from the Commonwealth of Massachusetts, recorded in the southern district registry of deeds in Middlesex county in Book 11902, Page 425, and any land subject to rights and easements referred to in said Certificates of Title and Deeds, are hereby, made irrevocable:

1. The license granted to the Boston and Maine Railroad on January twenty-seventh, eighteen hundred and eighty-seven, being License No. 977, recorded with the southern district registry of deeds in Middlesex county in Book 1784, Page 462.

2. The license granted to the Cochrane Chemical Company on May third, nineteen hundred and six, being License No. 3060,

recorded in the southern district registry of deeds in Middlesex county in Book 3231, Page 221.

3. The license granted to the Boston and Albany Railroad, the New York Central and Hudson River Railroad Company, Lessee, on August second, nineteen hundred and seven, being License No. 3200, recorded in the southern district registry of deeds in Middlesex county in Book 3326, Page 473.

4. The license granted to the Boston and Maine Railroad on August second, nineteen hundred and seven, being License No. 3201, recorded in the southern district registry of deeds in Middlesex county in Book 3324, Page 138.

5. The license granted to George R. Blinn and Henry W. Bragg, Trustees, on January twentieth, nineteen hundred and eight, being License No. 3252, recorded in the southern district registry of deeds in Middlesex county in Book 3392, Page 81, and with the registry of deeds in Suffolk county in Book 3300, Page 434.

6. The license granted to the Cochrane Chemical Company on March eighteenth, nineteen hundred and ten, being License No. 3446, recorded in the southern district registry of deeds in Middlesex county in Book 3566, Page 199.

7. The license granted to the Cochrane Chemical Company on June twenty-third, nineteen hundred and eleven, being License No. 3596, recorded in the southern district registry of deeds in Middlesex county in Book 3639, Page 237.

8. The license granted to the Merrimac Chemical Company on March ninth, nineteen hundred and twenty, being License No. 23, recorded in the southern district registry of deeds in Middlesex county in Book 4339, Page 534.

9. The license granted to the Merrimac Chemical Company on January ninth, nineteen hundred and twenty, being License No. 9, recorded in the southern district registry of deeds in Middlesex county in Book 4339, Page 536.

10. The license granted to the Merrimac Chemical Company on January thirteenth, nineteen hundred and twenty-two, being License No. 200, recorded in the southern district registry of deeds in Middlesex county in Book 4498, Page 330, and in the registry of deeds in Suffolk county in Book 4354, Page 24.

11. The license granted to the Boston Elevated Railway Company on January thirteenth, nineteen hundred and twenty-two, being License No. 201, recorded in the southern district registry of deeds in Middlesex county in Book 4498, Page 328, and in the Registry of Deeds in Suffolk county in Book 4354, Page 25.

12. The license granted to the Boston Elevated Railway Company and the Merrimac Chemical Company on December tenth, nineteen hundred and thirty-five, being License No. 1740,

recorded in the southern district registry of deeds in Middlesex county in Book 5995, Page 435.

13. The license granted to Monsanto Chemical Company on March sixteenth, nineteen hundred and forty-three, being License No. 2585, recorded in the southern district registry of deeds in Middlesex county in Book 6666, Page 359.

SECTION 2. Notwithstanding any provision of general or special law to the contrary, the following licenses, all of which were duly recorded in the southern district registry of deeds in Middlesex county, but none of which was filed in the Land Court in the southern district registry of deeds in Middlesex county, are hereby made irrevocable for the purpose of filing in the land court.

1. The license granted to Monsanto Chemical Company on June fifteenth, nineteen hundred and forty-eight, being License No. 76, recorded in the southern district registry of deeds in Middlesex county in book 7406, Page 482.

2. The license granted to the Monsanto Chemical Company on February twenty-third, nineteen hundred and forty-nine, being License No. 113, recorded in the southern district registry of deeds in Middlesex county in Book 7406, Page 484.

3. The license granted to Monsanto Chemical Company on September twenty-eighth, nineteen hundred and fifty-three, being License No. 231, recorded in the southern district registry of deeds in Middlesex county in Book 8221, Page 324.

4. The license granted to the Monsanto Chemical Company on April eleventh, nineteen hundred and fifty-five, being License No. 3719, recorded in the southern district registry of deeds in Middlesex county in Book 8564, Page 419.

SECTION 3. Notwithstanding any provision of general or special law to the contrary, in regard to any of the land described as Parcel B in said Certificate of Title No. 73296, or described as Lot C in said Certificate of Title No. 55705, which may have been filled without benefit of license, an irrevocable license is hereby granted to maintain all of said solid fill.

SECTION 4. In the event of a taking of any land referred to in this act by the commonwealth or any of its political subdivisions within ten years after the effective date of this act, the damages recoverable by reason of such taking shall in no case exceed the actual cots of acquisition of such land by the owner from whom such taking is made, together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date of such acquisition, or the date such other cost was incurred, as the case may be.

Approved December 23, 1975.

Chap. 843. AN ACT REDUCING THE AMOUNT OF MONEY ACCOUNTED FOR AND PAID TO THE MASSACHUSETTS TURNPIKE AUTHORITY FROM FINES IMPOSED FOR VIOLATION OF ITS RULES AND REGULATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section 5 of chapter 354 of the acts of 1952 is hereby amended by striking out paragraph (*i*), as amended by section 1 of chapter 653 of the acts of 1955, and inserting in place thereof the following paragraph: —

(*i*) To establish rules and regulations for the use of the turnpike not repugnant to the provisions of the General Laws made applicable thereto by section fifteen, and to provide penalties for the violation of said rules and regulations not exceeding fifty dollars for each offence, which may be recovered by indictment or by complaint before a district court eighty per cent of which shall be accounted for and paid to the Authority.

SECTION 2. Section 2 of chapter 280 of the General Laws, as most recently amended by section 37 of chapter 319 of the acts of 1953, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence: — Fines imposed under the provisions of chapter ninety and twenty per cent of the fines imposed under the provisions of chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two shall be paid over to the treasury of the county wherein the offense was committed.

Approved December 23, 1975.

Chap. 844. AN ACT ESTABLISHING THE LOWELL DEVELOPMENT AND FINANCIAL CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. Unless the context otherwise requires, the following words shall have the following meanings:

"Central business district", that area in the city of Lowell within the boundaries of the following streets: beginning at the intersection of Appleton and Gorham streets; thence southwesterly by Appleton street to Thorndike street; thence northwesterly by Thorndike-Fletcher streets to Suffolk street; thence northerly by Suffolk street continuing from the northern end of Suffolk street on a line parallel to the Western canal to the Merrimack river; thence southwesterly by the Merrimack river to the confluence of the Concord and Merrimack rivers; thence southerly by Fayette street to Church street; thence westerly by Church street to the Concord river; thence southerly along the Concord river to Charles street; thence westerly by Charles street

to Gorham street; thence northerly by Gorham street to the intersection of Appleton and Gorham streets, the point of beginning.

"Corporation", Lowell Development and Financial Corporation, created by section three.

"Financial institution", any banking corporation or institution, trust company, savings bank, co-operative bank, savings and loan association, insurance company, or related corporation partnership, foundation or other institution engaged primarily in lending or investing funds.

"Greater Lowell", the city of Lowell and the towns of Dracut, Tewksbury, Billerica, Chelmsford, and Tyngsboro.

"Incorporators", Arthur R. Kelts, Leo F. Desjarlais, Joseph C. Mello, Jr., George J. Spaneas, George L. Duncan, Robert C. Maguire, John P. Slavin, Jr., William S. Taupier, John J. Hogan, Jr. and Edwin R. Biron.

SECTION 2. It is hereby declared that unused, decadent or blighted areas exist in parts of the city of Lowell; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of said city; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of said city, and retards the economic well-being of the commonwealth; that each such area decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of such substandard conditions and prevention of their recurrence is necessary to retain existing commercial enterprises, attract new commercial development and promote the sound economic growth of said city; that the existence of such unused, decadent or blighted areas makes persons unwilling to do business in said city; that the menace of such unused, decadent or blighted areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided; that the acquisition of property for the purpose of eliminating unused, decadent, substandard, or blighted conditions therein, preventing recurrence of such conditions in the area, improvement of sites for commercial uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by said city, or any other public body in connection therewith are public uses and purposes for which public money may be expended; and that the acquisition, planning, clearance, development, rehabilitation, or rebuilding of such unused, decadent, and blighted area for commercial purposes are public uses and benefits for which private property may be regulated by

wholesome and reasonable orders, law and directions and for which public funds may be expended for the good and welfare of said city and the commonwealth.

It is hereby further found and declared that there exists in the city of Lowell a condition of substantial and persistent unemployment and underemployment which causes hardship to many individuals and families, wastes vital human resources, increases the public assistance burdens, impairs the security of family life, impedes the economic and physical development of said city and adversely affects the welfare and prosperity of the people; that unemployment and underemployment have been caused in substantial part by commercial companies moving from said city, that many existing commercial facilities within said city are obsolete and inefficient; that such facilities are underutilized or vacated, thereby creating additional unemployment; that such obsolescence and abandonment of existing facilities are causing serious injury to the economy of said city; that the commercial sector of the economy provides one of the best opportunities for jobs at higher wages for the inhabitants of said city; that new commercial sites are required to attract and house new commercial development, and to retain existing commercial operations in need of expansion space; that the unaided efforts of private industry have not provided and cannot provide the necessary commercial sites within the urban environment due to the problems encountered in the assembly of suitable building sites, the provision of adequate public services, the unavailability of private capital for development and the inability of private enterprise alone to plan, finance and coordinate commercial development projects.

It is hereby further found and declared that commercial blight in the central business district has occurred since the by-pass thereof by interstate highway route 495, and the ready access to said route 495 from United States highway route 3 and interstate highway route 93, whereby residents of greater Lowell more readily may shop at commercial centers outside of the central business district and find it time consuming and costly to shop therein; that a program of establishing express non-access connectors from outside the city of Lowell into the central business district, free of traffic light stops, and on well marked rights of way, directly to well lighted parking areas and a program of establishing powered or other transportation of shoppers from such parking access to commercial establishments within the central business district is required to rescue the central business district from economic disintegration; that the use of existing public rights of way, the acquisition of rights of way along alleys, canals and streets for the purpose of improving vehicle and pedestrian traffic flow is a public use for which public money may be expended and that the

commonwealth, and the department of public works of the commonwealth, shall cooperate in permitting, and erecting markers on state highways, to inform travellers of the routes into the central business district by appropriate signs, appropriate coloring of routes, appropriate bridges over, or underpasses under, cross streets, appropriate prohibition of parking, widening of streets, and removal or erection of barriers; the acquisition, planning, clearance, development, rehabilitation or rebuilding of areas leading into the central business district from state highways encircling said city for commercial, industrial or historical park purposes bring public uses and benefits for which private property may be regulated by wholesome and reasonable orders, laws and directions and for which public funds may be expended for the good and welfare of said city and of the commonwealth.

SECTION 3. The shareholders of the Corporation are hereby constituted a body corporate under the name of the Lowell Development and Financial Corporation. The Corporation shall be subject to and have the powers and privileges conferred by the provisions of chapter one hundred and fifty-five, sections eighteen, twenty-seven, thirty-one, thirty-three, and thirty-four of chapter one hundred and fifty-six and the provisions of chapter one hundred and fifty-six B and section four of chapter one hundred and eighty of the General Laws as presently enacted or hereafter amended, except insofar as said provisions are inconsistent with or otherwise restricted or limited by the provisions of this act.

SECTION 4. The principal office of the Corporation shall be located in the city of Lowell.

SECTION 5. The purposes of the Corporation shall be, to correct the conditions found to exist in the city of Lowell set forth in section two, promote the common good and general welfare of said city, improve the living standards of the citizens thereof by fostering the improvement of their employment opportunities, solicit, encourage and induce business organizations and educational institutions to locate in said city, with initial priority to the so-called Middle Street rehabilitation project, with an emphasis consistent with the historical theme of the State Heritage park and the proposed Urban National Cultural park. A member of the design review subcommittee of the Lowell Center City Advisory Committee is hereby authorized to serve in an advisory capacity to the executive committee of the Corporation. The Corporation shall assist and promote the development and expansion of business activity and business organizations in said city, and, for the first five years of its existence, the Corporation shall confine its activities exclusively to the rehabilitation, access to, and restoration of, the central business district.

In furtherance of said purposes and in addition to the powers conferred on the Corporation under the provisions of section three, the Corporation shall, subject to the restrictions and limitations hereinafter contained, have the following powers:

(*a*) To accept, acquire other than by eminent domain, receive, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal, from any source, including grants, loans or advances for or in aid of the purposes of the Corporation from any federal agency or agency of the commonwealth or any political subdivision thereof;

(*b*) To sell, convey, mortgage, lease, transfer, exchange or otherwise dispose of, any such property, both real and personal that the objects and purposes of the Corporation may require, subject to such limitations as may be prescribed by law;

(*c*) To borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the Corporation for monies borrowed or in payment for property acquired or for any of the other purposes of the Corporation, and to secure the payment of any such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights of privileges of the Corporation, whether now owned or hereafter to be acquired;

(*d*) To make loans to any person, firm, corporation, joint stock company, association or trust located or doing business in the city of Lowell for the purpose of promoting and developing business activities of all kinds, provided such business activities tend to increase employment opportunities within said city;

(*e*) To acquire improved and unimproved real estate for the purpose of constructing retail, commercial and residential or other business establishments thereon, or for the purpose of disposing of such real estate to others for the construction of retail, commercial or other business establishments as the objects and purposes of the Corporation may require;

(*f*) To acquire, construct, reconstruct, alter, maintain, sell, convey, transfer, mortgage, pledge or otherwise dispose of retail, commercial, industrial, residential or business establishments as the objects and purposes of the Corporation may require;

(*g*) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership;

(*h*) To cooperate with and avail itself of the facilities and programs including, but not limited to those of the Small Business Administration of the United States, the Massachusetts Business Development Corporation, the department of commerce and development of the commonwealth, the United States Department of Commerce, the New England Regional Commission, and any similar governmental agencies; provided that at no time shall the Corporation apply for governmental funds in competition with any department, agency, or instrumentality of the city of Lowell without the express written consent of the city manager of said city.

(*i*) To receive stocks, bonds, donations, gifts and otherwise raise money for the above outlined purposes;

(*j*) To elect, appoint and employ officers, agents and employees; to make contacts and incur liabilities for any of the purposes of the Corporation;

(*k*) To employ consultants;

(*l*) To promote the city of Lowell as a regional retail, commercial, industrial, professional and financial center; and

(*m*) To do all things and acts necessary or convenient to carry out the powers expressly granted in this act; provided, however, that the purposes shall not include the right to apply for a license to sell alcoholic beverages; and that no part of the funds, property or net earnings of the Corporation shall inure to the benefit of any member, stockholder, other than the city of Lowell, officer of the Corporation or any private individual, and no member, officer of the Corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation except to the extent that stockholders are entitled to participate in the distribution of the Corporation's assets upon dissolution under section nineteen, nor shall the Corporation allow any of its property to be used directly or indirectly in carrying on of propaganda, or otherwise attempting to influence legislation. The Corporation shall not participate in or intervene in any political campaign on behalf of any candidate for public office or publish or distribute any statements with respect thereto. Notwithstanding any other provision herein contained, neither the members, directors, officers, stockholders, nor the Corporation shall participate in any of the "prohibited transactions" as defined in Section 503 of the Internal Revenue Code, as the same may, from time to time, be amended, nor shall the Corporation accumulate income or engage in any activities if the accumulation of income or the activities so engaged in are or would be within the prohibitions of Section 504 of the Internal Revenue Code as the same may be, from time to time, amended, nor shall the corporation be operated at any time for the primary and sole purpose of carrying on a trade or business for profit.

SECTION 6. The authorized capital stock of the Corporation shall consist of forty thousand shares of non-dividend-paying common capital stock with a par value of fifty dollars each. The shareholders may at any time by majority vote issue any part or all of said stock upon such terms as they shall determine or by majorioty vote the shareholders may delegate to the directors the power of by majority vote to issue any part or all of said stock upon such terms as they shall determine. An individual, corporation, estate, trust, company or partnership shall be entitled to purchase the same from the Corporation from time to time, as long as the latter has in its treasury authorized common capital stock not distributed. Such stock may also be purchased from other individuals, corporations, estates, trusts, companies or partnerships. None of the earnings or profits of the Corporation shall accrue to or be paid to the stockholders of common capital stock as dividends or profits in any form.

SECTION 7. Notwithstanding any rule at common law or any authorization, limitation or any such other provision of any general or special law, or any provision in their respective charters, agreements of associations, articles or organization, or trust indentures, all domestic corporations organized for the purpose of carrying on business within the commonwealth, including without implied limitation any electric or gas company as defined in section one of chapter one hundred and sixty-four of the General Laws, railroad corporations as defined in section one of chapter one hundred and sixty of the General Laws, financial institutions, trustee and the city of Lowell are hereby authorized to acquire, purchase, hold, sell, assign, transfer, or otherwise dispose of any stocks, bonds, securities, or other evidence of indebtedness of the Corporation and to make contributions to the Corporation, all without the approval of any regulartory authority of the Commonwealth.

Any contribution made under this section to the Corporation shall be in addition to any contributions authorized by section twelve C of chapter one hundred and seventy of the General Laws, and by other provisions of general or special law.

SECTION 8. In order to carry out the purposes and powers of the Corporation, the city of Lowell may raise and appropriate, or may borrow in aid of the Corporation, such sums as may be necessary to make a loan or grant to the Corporation.

SECTION 9. The shareholders of the Corporation shall have the powers of the corporation to elect directors as provided in section ten and to exercise such other powers of the Corporation as may be conferred on the shareholders by the by-laws.

SECTION 10. The board of directors of the Corporation shall be elected annually and shall have the powers of the Corporation: (*a*) at its option, to name an advisory board; (*b*) to set a fiscal year

for the operation of the Corporation; and (c) to make, amend, or repeal the by-laws in whole or in part.

SECTION 11. The business and affairs of the Corporation shall be managed and conducted by an executive committee which shall have full power to commit the board of directors and the Corporation. Said committee shall be elected annually by and from the board of directors, consisting of seven voting members, of which one shall be city manager of the city of Lowell, four shall be elected from among the representatives of those participating financial institutions who have bought or subscribed shares in the Corporation in the amount of one twentieth of one per cent of their greater Lowell regular savings and checking account deposits, and the remaining two elected at large by and from the board of directors, and one non-voting member who shall be a representative of said city's designated development agency chosen by the city manager or in the case of an independent agency, by its board. In the election of the executive board, each director shall have one vote. The president of the Lowell Downtown Merchants Association may not be a member of the executive committee. The board of directors shall consist of twenty-five members of which one shall be the city manager of said city, one shall be the president of the Lowell Downtown Merchants Association, and one shall be the president of the Greater Lowell Chamber of Commerce. The remaining twenty-two directors shall be elected by the shareholders, casting one vote on a noncumulative basis per share owned. There shall be elected by the board of directors and from the executive board a president, treasurer, and secretary/clerk.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

SECTION 12. The Corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The Corporation shall not receive money on deposit.

SECTION 13. The Corporation shall make reports of its condition not less than annually to the state secretary, which report shall be published in a newspaper of general circulation in the city of Lowell within sixty days of the close of the Corporation's fiscal year. The state secretary shall make copies of such reports available to the commissioner of insurance and to the commissioner of banks, and the Corporation shall also furnish such other information as may, from time to time, be required by the state secretary. In addition, the city manager of

said city shall appear in person before the city council of said city not less than twice annually to report the status and plans for the development of the central business district and any real estate owned by the Corporation.

SECTION 14. The first meeting of the Corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting the incorporators shall organize by the choice, by ballot, of a temporary clerk, by the adoption of by-laws, by the election by ballot of directors and by action upon such matters within the powers of the Corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Eight of the incorporators shall be a quorum for the transaction of business.

Whenever the certificate required by section thirteen of chapter one hundred and fifty-five of the General Laws has been filed in the office of the state secretary, said secretary shall issue and deliver to the incorporators a certified copy of this act under the seal of the commonwealth, and the Corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may, from time to time, be issued.

SECTION 15. The Corporation shall not be subject to any of the provisions of chapter sixty-three of the General Laws, nor to any taxes based upon or measured by income which shall be enacted by the commonwealth. The securities, evidences of indebtedness, and shares of stock issued by the Corporation, and income therefrom shall at all times be free from taxation with the commonwealth.

Any stockholder, or holder of any securities, evidences of indebtedness, or shares of the capital stock of the Corporation who realizes a loss from the sale, redemption, or other disposition of any securities, evidences of indebtedness or shares of the capital stock of the Corporation, including any such loss realized on a partial or complete liquidation of the Corporaiton, and who is not entitled to deduct such loss in computing any of such stockholder's or holder's taxes to the commonwealth, shall be entitled to credit against any taxes subsequently becoming due to the Commonwealth from such stockholders or other holders, a percentage of such loss equivalent to the highest rate of tax assessed for the year in which the loss occurs upon mercantile and business corporations as referred to in section two of chapter sixty-three of the General Laws.

SECTION 16. The provisions of chapter one hundred and ten A of the General Laws shall not apply to the shares of capital stock, bonds, debentures, notes, evidences of indebtedness, or any other securities of the Corporation.

SECTION 17. This charter may be amended by the votes of the shareholders, and such amendments shall require approval by the affirmative vote of two thirds of the shareholders entitled to vote; provided that no amendment of this charter which is inconsistent with the general purposes expressed herein or which eliminates or curtails the right of the state secretary to examine the Corporation or the obligation of the Corporation to make reports as provided in section thirteen shall be made without amendment of this act; and provided further, that no amendment of this charter which affects a stockholder's voting right shall be made without the consent of each stockholder affected by such an amendment.

Within thirty days after any meeting at which amendments of this charter have been adopted, articles of amendment sworn to by the president, treasurer, and a majority of the directors setting forth such amendment and the adoption thereof, shall be submitted to the state secretary, who shall examine them, and if he finds that they conform to requirements of the act, he shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed in the office of the state secretary and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Prior to or within sixty days after the effective date of any legislative amendment to this charter, the approval of such amendment shall be voted on by the stockholders of the Corporation at a meeting duly called for the purpose. If such amendment is not approved by the affirmative vote of two thirds of the stockholders entitled to vote, any stockholder who has voted against the approval of such amendment if entitled to vote, or, if not entitled to vote, has registered his disapproval in writing with the Corporation at, or before said meeting, may, within thirty days after said meeting, make a written demand upon the Corporation for payment for his stock.

SECTION 18. The period of duration of the Corporation shall be fifty years, subject, however, to the right of the members to dissolve the Corporation prior to the expiration of said period as provided in section nineteen.

SECTION 19. The Corporation may, upon the affirmative vote of two-thirds of its members petition for its dissolution by order of the supreme judicial or superior court, in the manner provided in section fifty of chapter one hundred and fifty-five of the General Laws. Upon any dissolution of the Corporation the stockholders, if any, shall be paid on a pro rata basis that percentage of the assets of the Corporation in excess of the obligations of the Corporation which the amounts paid into the Corporation for all stock bears to sum of (1) such amounts paid

into the Corporation for all the stock and (2) the amounts of all donations made to the Corporation; provided, that in no event shall a stockholder be paid upon such dissolution more than the amount paid into the Corporation for his stock.

SECTION 20. If the Corporation shall fail to commence operations within three years from the effective date of this act, then this act shall be null and void.

SECTION 21. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 22. This act shall take effect upon its acceptance by the city of Lowell.

Approved December 23, 1975.

Chap. 845. AN ACT FURTHER REGULATING THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 470 of the acts of 1973 is hereby amended by striking out the definition of "Exterior architectural feature" and inserting in place thereof the following definition: —

"Exterior architectural feature", the architectural style and general arrangement of such portion of the exterior of a building so designed to be subject to view from a way or public place; including find, color and texture of the building materials of such portion or type of all windows, doors, lights and signs and other fixtures appurtenant to such portion.

SECTION 2. The definition of "Person" in said section 3 of said chapter 470 is hereby amended by inserting after the word "corporation", in line 1, the words: — , federal, state, county or municipal agency.

SECTION 3. Said section 3 of said chapter 470 is hereby further amended by adding the following two definitions: —

"Public place", any place on land that a governmental entity maintains for the use of the public; or any place on land that is visited by many persons and is usually accessible to the public, including commercial, religious or charitable properties open to the public by admission fee, donation, membership or otherwise.

"Way", a way owned, or normally maintained, or normally repaired by any federal, state, county or municipal entity; a way shown on a plan approved or signed by a board of survey, planning board or board having similar duties and responsibilities; or an improved way shown on a plan recorded at the registry of deeds in the county of Barnstable.

SECTION 4. The sixth paragraph of section 4 of said chapter 470 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— The commission shall establish rules and regulations from time to time for the administration of the regional district which shall be followed by the local town committees and may recommend changes in this act which shall be submitted to the registered voters on referendum ballot during the annual election held in each member town.

SECTION 5. The first paragraph of section 6 of said chapter 470 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:— Either a certificate of appropriateness or a certificate of exemption shall be issued by the committee before erection.

SECTION 6. The second paragraph of said section 6 of said chapter 470 is hereby amended by adding after the word "committee", in line 4, the words:— and a certificate for demolition has been filed with the town clerk.

SECTION 7. Section 6 of said chapter 470 is hereby further amended by striking out the first sentence of the third paragraph and inserting in place thereof the following sentence:— No occupational, commercial or other sign, except as hereinafter provided, and no billboard shall be erected or displayed on any lot or on the exterior of any building or structure within the District, unless and until a certificate of exemption or certificate of appropriateness has been filed with the town clerk.

SECTION 8. Said section 6 of said chapter 470 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—

Except in cases excluded by section seven, no permit shall be issued by the building inspector for any building or structure to be erected within the district, unless the application for said permit shall be accompanied either by a certificate of appropriateness or a certificate of exemption which has been filed with the town clerk.

SECTION 9. Section 7 of said chapter 470 is hereby amended by adding the following paragraph:—

The commission may establish from time to time, upon a two thirds vote of the membership after a public hearing thereon, certain categories of exterior architectural features that may be constructed, removed or altered without causing substantial derogation from the intent and purpose of the act, and such activities may be allowed without a hearing upon the issuance by the local committee of a certificate of exemption.

SECTION 10. Said chapter 470 is hereby further amended by striking out section 8 and inserting in place thereof the following section:—

Section 8. Application to be Filed with Committee. — Except ing cases excluded by section seven, any person, including the member town, state, county and federal governmental bodies, who desires to erect, move or demolish or remove or change the exterior color features of any building or structure within the district, or to erect or display within the district any sign or billboard for which a certificate of appropriateness is required under section six, shall file with the committee an application for a certificate of appropriateness or certificate for demolition, as the case may be, together with such plans, elevations, specifications, material and other information as shall be deemed necessary by the committee to enable it to make a determination on the application. All applications shall be accompanied by such filing fee, if any, as the commission shall from time to time determine.

SECTION 11. Said chapter 470 is hereby further amended by striking out section 9, as amended by section 2 of chapter 298 of the acts of 1975, and inserting in place thereof the following section: —

Section 9. Meetings, Hearings, Time for Making Determinations. — Meetings of the committee shall be held at the call of the chairman and also when called in such other manner as the committee shall determine by its rules.

The committee shall determine promptly after the filing of an application for a certificate of appropriateness, certificate for demolition, or certificate of exemption, whether or not a formal public hearing is required. If the committee determines that a certificate of exemption should be issued, it may issue such a certificate without a public hearing thereon. If the committee determines that a hearing on the issuance of the certificate of exemption should be held, it may schedule a hearing in accordance with the provisions of this section. If the committee determines that a certificate of appropriateness or certificate for demolition is required, it shall schedule a public hearing thereon in accordance with the provisions of this section.

The committee shall fix a reasonable time for the hearing on all applications and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least seven days before said hearing and also, not less than seven days prior to said hearing, mail a copy of said notice to the applicant, to owners of property abutting the premises to be affected as they appear on the most recent local tax list, and to such other persons as the committee shall deem entitled to notice:

As soon as convenient after such public hearing, but in any event within forty-five days after the filing of the application, or within such further time as the applicant shall allow in writing,

the committee shall make a determination on the application. If the committee shall fail to make a determination within said forty-five days, or within such further time allowed by the applicant, the committee shall be deemed to have approved the application.

SECTION 12. Section 10 of said chapter 470 is hereby amended by striking out the fourth paragraph and inserting in place thereof the following two paragraphs: —

The concurring vote of a majority of the members of the committee acting upon an application shall be necessary to make a determination in favor of the applicant on any matter upon which the committee is required to pass under this act.

Three members of the committee shall constitute a quorum.

SECTION 13. Said chapter 470 is hereby further amended by striking out section 11 and inserting in its place the following section: —

Section 11. Appeals. Any person aggrieved by the determination of the committee or by an approval of an application through failure of the committee to make a determination within the time allowed under section nine, whether or not previously a party to the proceeding, may, within ten days after filing of a notice of such determination with the town clerk, or within ten days after approval by failure to make a determination within said time limit, appeal to the commission. The commission shall, within thirty days after receipt of such appeal in writing from the aggrieved, hear all pertinent evidence and determine the facts, and if, upon the facts so determined, the commission finds that the committee exceeded its authority or exercised poor judgment, was arbitrary, capricious or erroneous in its action, the commission shall annul the committee determination or approval and remand the case to said committee for further action or revise the determination of the committee and issue the appropriate certificate or deny it.

Any person aggrieved by the action of the commission may, within twenty days after notice of said decision has been filed with the town clerk of the affected town, appeal to the district court having jurisdiction over the affected town.

Said district court may hear all pertinent evidence and determine the facts and if, upon the facts so determined, such determination or approval is found to exceed the authority of the commission, said district court may modify either by way of amendment, substitution, or revocation, the decision of the commission and may issue such superceding approval or denial of the application with such condition as said district court in its discretion deems appropriate, and shall have all of the powers to act in the matter that are available to a court of general equity jurisdiction.

The findings of fact by said district court shall be final and conclusive upon the parties.

The remedies provided by this section shall be exclusive, but the parties shall have a right of appeal to the southern appellate division district of the district courts on issues of law.

Cost shall not be allowed against the commission or the committee unless it shall appear to said district court that they either acted in bad faith or with malice in the matter from which the appeal was taken.

Costs shall not be allowed against the party appealing from such determination or approval of the commission unless it shall appear to the court that said party acted in bad faith or with malice in making the appeal to the court.

SECTION 14. The first paragraph of section 12 of said chapter 470 is hereby amended by adding the following sentence: — Each day of violation of this act shall constitute a separate violation.

SECTION 15. Said section 12 is further amended by striking out the second paragraph and inserting in place thereof the following two paragraphs: —

The building inspector in the affected town shall have the power and duty to enforce the provisions of this act.

The district court having jurisdiction over the affected town shall have jurisdiction to enforce the provisions of this act and the determinations, rulings and regulations issued thereunder, and may restrain by injunction violations thereof and issue such other orders for relief of violations as may be required.

SECTION 16. This act shall take effect upon its passage.

Approved December 24, 1975.

Chap. 846. AN ACT FURTHER REGULATING THE PRACTICE OF PROFESSIONAL NURSING.

Be it enacted, etc., as follows:

SECTION 1. The second sentence of section 7 of chapter 112 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "to", in line 2, the words: — a professional nurse with appropriate education in the practice of the profession as defined by section eighty B.

SECTION 2. Section 80B of said chapter 112, as most recently amended by chapter 299 of the acts of 1967, is hereby amended by striking out the definition of "Professional nursing" and inserting in place thereof the following definition: — "Professional nursing" shall mean the performance for compensation of any of those services in observing and caring for the ill, injured or infirm, in applying counsel and procedures to safeguard life and health, in administering treatment or medication prescribed by a physician or dentist, or in teaching or

supervising others, which are commonly performed by registered nurses and which require specialized knowledge and skill such as are taught and acquired under the established curriculum in a school for nurses duly approved in accordance with this chapter. "Professional nursing" shall also mean the performance of such additional acts by a nurse with appropriate education as are approved by the board and the board of registration and discipline in medicine in rules and regulations which shall be promulgated and implemented by the board, or which are generally recognized by the nursing and medical professions as proper to be performed by a professional nurse with appropriate education. "Appropriate education" shall mean successful completion by a nurse of an educational program approved by the board or compliance by the nurse with equivalent competency standards which may be set forth by the board. "Professional nursing" by a nurse with appropriate education shall not be construed to prevent the performance of additional acts involving evaluation, diagnosis and treatment.

SECTION 3. Section 81C of said chapter 112, as most recently amended by Section 13 of chapter 693 of the acts of 1960, is hereby further amended by adding the following sentence: — The board may make such rules and regulations consistent with section eighty B as it deems expedient except that the board registration and discipline in medicine shall jointly approve additional acts, as referred to in said section eighty B.

SECTION 4. The board of registration in nursing shall report to the general court regarding implementation of section seven, eighty B and eighty-one C of chapter one hundred and twelve of the General Laws, as amended by this act, no later than July first, nineteen hundred and seventy-six. Said board may thereafter report from time to time.

The initial report shall include but not be limited to the following:

(a) Regulations promulgated on or before July first, nineteen hundred and seventy-six relative to the following:

(1) Functions to be performed by nursing professionals performing additional acts pursuant to section eighty B of chapter one hundred and twelve of the General Laws, including, but not limited to evaluation, diagnosis and treatment;

(2) Amount and scope of supervision necessary for such nursing professionals to function safely and effectively;

(3) Settings in which such nursing professionals can be safely and effectively utilized;

(4) Criteria for approval of programs designed to prepare nurses to function as such nursing professionals; and

(5) Equivalent competency standards for such nursing professionals who have not participated in approved educational programs.

(b) A statement comparing the functional and educational differences between nursing professionals performing additional acts pursuant to said section eighty B of said chapter one hundred and twelve, and physician assistants performing acts pursuant to chapter nine hundred and thirty-seven of the acts of nineteen hundred and seventy-three. Such statement should be based on definitions found in regulations promulgated by the board of registration in nursing and in regulations of the board of approval and certification of physician assistant programs.

(c) An assessment of geographic availability in relationship to geographical demand within the commonwealth for nursing professionals performing additional acts pursuant to said section eighty B of said chapter one hundred and twelve.

(d) A comparative analysis of salary schedules, fringe benefits, working conditions and job responsibilities of nursing professionals performing additional acts pursuant to said section eighty B of said chapter one hundred and twelve in state service and the private sector.

(e) A comparative analysis of salary schedules, fringe benefits, working conditions and job responsibilities of nursing professionals performing additional acts pursuant to said section eighty B of said chapter one hundred and twelve in the commonwealth and other states.

(f) An assessment of the need for extended pharmacological education of nursing professionals. Such study may include recommendations for legislation to authorize the performance of additional acts involving prescription and regulations relative thereto.

(g) Recommendations for education and optimal utilization of nursing professionals performing additional acts pursuant to said section eighty B of said chapter one hundred and twelve within the health care delivery system of the commonwealth.

Approved December 24, 1975.

Chap. 847. AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH TO ACCEPT AS A GIFT A TRACT OF LAND OWNED BY WILLIS ASSOCIATES, INC.

Be it enacted, etc., as follows:

The commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to accept a conveyance from the board of directors and officers of Willis Associates, Inc., by deed approved as to form by the attorney general, a certain parcel of land located in the city of New Bedford. The metes and bounds of the subject parcel of land shall be determined by agreement between the commissioner of mental health and the board of directors and officers of Willis

Associates, Inc. and shall then be described in the deed at the time of such conveyance.

Said conveyance shall be subject to any conditions and restrictions which the grantor deems advisable including a restriction that said parcel shall be used only for mental health programs or other related human service programs and a condition that said parcel shall revert to and revest in the grantor if the department of mental health has not commenced any construction and development of said parcel within five years from the effective date of this act.

Approved December 24, 1975.

Chap. 848. AN ACT DIRECTING THE COMMISSIONER OF FISHERIES, WILDLIFE AND RECREATIONAL VEHICLES TO LEASE CERTAIN PROPERTY LOCATED IN THE TOWN OF SUTTON TO SAID TOWN.

Be it enacted, etc., as follows:

The commissioner of fisheries, wildlife and recreational vehicles is hereby authorized and directed to lease to the town of Sutton, for a term of twenty-five years for recreational purposes a certain parcel of land in said town located on the westerly side of Torrey road bounded and described as follows:

Easterly by Torrey Road 90 ft. more or less; thence

Southerly by land of Rourke, now or formerly 92 ft. more or less; thence

Easterly by said Rourke land, now or formerly 255 ft. more or less; thence

Southerly and westerly along the Shore of Manchaug Pond to a point of land of one Dumas, now or formerly; and thence

Northerly by said Dumas land now or formerly 330 ft.

Containing 6 acres more or less as shown on a plan of land entitled, "Proposed Beach Area, 'Manchaug Pond,' Town of Sutton", dated Aug. 6, 1973, Cullinan Engineering Co. Inc. Said plan is on file in the office of the board of selectmen of the town of Sutton.

Said town shall be responsible for maintaining the area during the term of the lease which area shall be open to the public.

Approved December 24, 1975.

Chap. 849. AN ACT FURTHER REGULATING DEPOSITS MADE BY THE STATE TREASURER.

Be it enacted, etc., as follows:

SECTION 1. Section 23 of chapter 29 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by

adding the following two paragraphs: —

The state treasurer shall manage all cash, funds, or investments under the control or jurisdiction of any state agency, other than non-appropriated funds held by a public institution of higher education. "State agency" shall mean any department, office, commission, committee, council, board, division, bureau, institution, office or other agency within the executive or legislative department, excluding, however, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority, and the Massachusetts Port Authority. Funds shall be deemed to be under the control of a state agency from the date of the initial deposit into any commonwealth account until the date a check or draft drawn on a commonwealth account clears the disbursing bank.

The state treasurer shall provide for the funding of checks or drafts drawn by any state officer, department, institution or other agency which has received proper authority to expend money on behalf of the commonwealth.

SECTION 2. This act shall not be construed as extending or reducing any authority of the comptroller under the provisions of section twenty-three of chapter twenty-nine of the General Laws.

(The foregoing was laid before the Governor on the eleventh day of December, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap. 850. AN ACT CLARIFYING THE RESPONSIBILITIES OF THE DRACUT WATER SUPPLY DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. Section 9A of chapter 433 of the acts of 1905, inserted by section 1 of chapter 76 of the acts of 1958, is hereby amended by inserting after the word "mains", in line 4, the words: — and services.

SECTION 2. Said chapter 433 is hereby further amended by inserting after section 9A the following section: —

Section 9B. Whenever a connection is made, either directly or indirectly, to any water main supplied by the district, a permanent water system development fee shall be assessed. The fee shall be that which is in effect on April first, of each year.

The permanent water system development fee shall be four hundred dollars per unit. The number of units to be assessed on each such connection shall be as follows:

RESIDENTIAL USE:

1. Each single family building connected directly to the district water main shall be assessed as one unit.

2. Each dwelling unit in a multiple dwelling, whether connected to the district water main directly or indirectly, and whether in one or more buildings, shall be assessed as one unit. For the purpose of this section, multiple family dwellings shall be deemed to include, but not be limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, motels, hotels, or otherwise.

OTHER USES:

1. For use other than residential, there shall be an assessment of a minimum of one unit, and an additional one unit for every ten thousand square feet of floor space, or major portion thereof, exceeding an initial ten thousand feet.

2. When a water service has previously been connected, and been in use for more than one year, a fee of one-half unit per additional dwelling unit for every ten thousand square feet or major portion thereof shall be assessed.

3. The fee under this act shall be assessed by the water commissioners, based on plans submitted for which a building permit has been issued. All charges under this act shall be paid before any water is turned-on.

4. In addition to the fees prescribed by this act, the owner shall pay the rates established from time to time for water usage and shall also pay for all service work, materials, inspection or other charges that may be incurred during the installation of the water main or service to the building or buildings serviced.

5. The money collected under the permanent water system development fee shall be held by the treasurer of the district in a separate account which shall be used to defray the cost of additional water supply, storage and pressure facilities that may be needed to supply sufficient water and adequate pressure to meet the added demands for water by the cumulative effect of new units being supplied by the water district.

Approved December 24, 1975.

Chap. 851. AN ACT EXTENDING THE OPERATION OF THE LAW ENABLING CITIES AND TOWNS TO CONTROL RENTS AND EVICTIONS.

Whereas, The deferred operation of this act would tend to defeat its purpose which is, in part, to alleviate the severe shortage of rental housing in certain areas of the commonwealth, which shortage has caused a serious emergency detrimental to the public peace, health, safety and convenience, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace, health, safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter 842 of the acts of 1970 is hereby amended by striking out section 13, as amended by chapter 360 of the acts of 1974, and inserting in place thereof the following section:—

Section 13. Termination. This act and all powers delegated herein shall terminate on April first, nineteen hundred and seventy-six; provided that the provisions of this act shall be treated as still remaining in force for the purpose of sustaining any proper suit, action or prosecution with respect to any right, liability or offense arising under the provisions of this act.

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

Approved December 31, 1975.

Chap. 852. AN ACT PROVIDING FOR IMPROVING RACING RECEIPTS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate the tax on running horse, harness horse and dog racing meetings, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. During the nineteen hundred and seventy-six, nineteen hundred and seventy-seven, nineteen hundred and seventy-eight and nineteen hundred and seventy-nine calendar years, each licensee conducting a running horse racing meeting, except at a state or county fair under the provisions of section five of chapter one hundred and twenty-eight A of the General Laws shall return to the winning patrons in the manner provided by said section all sums deposited as wagers at said meeting, less the breaks, as defined in said section, and less an amount not to exceed nineteen per cent of the total amount so deposited.

Every licensee shall cause to be posted in conspicuous places available to the public in all areas where wagers are made the following notice:

"All patrons are advised that from each dollar waged no more than $.81 shall be awarded in prizes."

SECTION 2. In order that the effect of this act, the intent of which is to provide funds to improve the quality of running horse racing meetings in the commonwealth and thereby to increase the activities at such racing meetings and the revenue therefrom, can be determined at the earliest possible date, each person licensed to conduct such racing meetings and required to pay over to the state racing commission the sums required under the provisions of section five of chapter one hundred and twenty-

eight A of the General Laws, shall file with said commission no later than January fifteenth, nineteen hundred and seventy-seven, January fifteenth, nineteen hundred and seventy-eight, January fifteenth, nineteen hundred and seventy-nine, and January fifteenth, nineteen hundred and eighty respectively, a statement of operations for the previous calendar year which shall contain:

(1) A statement of the total amount withheld from all sums wagered and not returned to winning patrons, less the breaks, during said calendar year under the provisions of section one of this act;

(2) A statement of the total amount which would have been withheld from all sums wagered and not returned to winning patrons, less the breaks, for the comparable period under the provisions of section five of chapter one hundred and twenty-eight A in effect immediately prior to the passage of this act;

(3) A statement of the amount retained by the licensee under the provisions of this act, which shall be the difference between (1) and (2) above;

(4) A detailed analysis of the disposition made by such licensee of the amount shown in (3) above, including allocations to specific accounts, together with an explanation as to the manner in which such disposition or dispositions shall improve the quality of running horse racing meetings in the commonwealth; and

(5) Such other information as the said commission shall deem necessary in order to accomplish the aforementioned purpose.

The statement of operations required by this section shall be in addition to all other statements or reports required of such licensee, and a copy of said statement shall, immediately upon receipt, be transmitted to the governor, the president of the senate and the speaker of the house of representatives.

SECTION 2A. Section 2 of chapter 128A of the General Laws is hereby amended by striking out clause (5) and inserting in place thereof the following clause: —

(5) The hours of each day between which it is intended to hold or conduct racing at such meeting, which hours shall be not before ten o'clock ante meridian for horse racing and not before seven o'clock post meridian for dog racing except as provided for in section three, nor later than seven o'clock post meridian for running horse racing nor later than twelve o'clock midnight for harness horse racing and dog racing.

SECTION 2B. Clause (*c*) of section 3 of said chapter 128A is hereby amended by adding the following three sentences: — In addition to the foregoing, the commission may, in its discretion, issue to any licensee licensed for dog racing in other periods of the year a license for a dog racing meeting between the hours of twelve o'clock noon and seven o'clock post meridian, provided that no such license shall be issued for any day on which a dog

racing meeting is to be held in the same location after seven o'clock post meridian. Such dog racing meeting shall hereinafter be referred to as matinee dog racing. Said meeting shall be considered a separate day of racing for the purpose of imposing the fee provided for in section four, for the purpose of computing the sums payable to the commission pursuant to section five, and for purposes of clause (*g*) of section three.

SECTION 2C. Said section 3 of said chapter 128A is hereby further amended by striking out clause (*e*) and inserting in place thereof the following clause: —

(*e*) Such dog racing meetings may be held only between the first day of April and the thirtieth day of November, both dates inclusive, in any year; provided, however, that matinee dog racing dates, as defined in clause (*c*) of this section, may only be awarded between the sixth day of July and the nineteenth day of September, both dates inclusive, in any one year.

SECTION 2D. Said section 3 of said chapter 128A is hereby further amended by striking out clause (*g*) and inserting in place thereof the following clause: —

(*g*) No licenses shall be issued for more than three hundred and thirty-five days in any one year nor for more than two hundred and ten racing days in any one county at all dog racing meetings combined, not including dog racing meetings at state and county fairs; provided, however, that not more than two hundred and seventy-five such racing days in any one year nor more than one hundred and fifty racing days in any one county shall be issued for all dog racing meetings combined which are held between the hours of seven o'clock post meridian and twelve o'clock midnight, not including dog racing meetings at state and county fairs; and not more than sixty such racing days may be awarded for all dog racing meetings combined conducted between the hours of twelve o'clock noon and seven o'clock post meridian.

SECTION 3. Section 5 of chapter 128A of the General Laws is hereby amended by striking out the fifth paragraph and inserting in place thereof the following paragraph: —

Each person licensed to conduct a dog racing meeting, other than a licensee holding a racing meeting in connection with a state or county fair, shall pay to the commission, on the day following each day of such dog racing meeting, except on the day following a Sunday dog racing meeting, a sum equal to six and one half per cent of so much of the total amount deposited on the preceding day by patrons so wagering at such meeting as does not exceed one hundred and fifty thousand dollars, ten per cent of so much thereof as exceeds one hundred and fifty thousand dollars but does not exceed two hundred and fifty thousand dollars, eleven and one quarter per cent of so much thereof as exceeds two hundred and fifty thousand dollars but does not

exceed three hundred and seventy-five thousand dollars, eleven and three quarters per cent of so much thereof as exceeds three hundred and seventy-five thousand dollars, said percentages to be paid from the eighteen per cent withheld, as provided in this section, from the total amount wagered. Each licensee holding a dog racing meeting on Sunday, other than a licensee holding a dog racing meeting in connection with a state or county fair, shall pay to the commission on the day following each Sunday of such dog racing meeting a sum equal to five and one half per cent of so much of the total amount deposited on the preceding day by patrons so wagering at such meetings as does not exceed one hundred and fifty thousand dollars, nine per cent of so much thereof as exceeds one hundred and fifty thousand dollars but does not exceed two hundred and fifty thousand dollars, ten and one quarter per cent of so much thereof as exceeds two hundred and fifty thousand dollars but does not exceed three hundred and seventy-five thousand dollars, ten and three quarters per cent of so much thereof as exceeds three hundred and seventy-five thousand dollars said percentages to be paid from the eighteen per cent withheld as provided in this section from the total amount. Each licensee may retain as his commission on the total of all sums so deposited, in addition to his share of the breaks as hereinafter provided, a sum not exceeding the balance of the eighteen per cent withheld as provided in this section from the total amount wagered after deducting therefrom the amount hereinbefore required to be paid to the commission.

SECTION 4. Applications for licenses to hold and conduct matinee dog racing meetings for the number of dates authorized by this act may be filed with the state racing commission within thirty days following the effective date of this act; and said commission is authorized to award such matinee dog racing meetings and to issue licenses therefor upon applications so filed for such matinee dog racing meetings to be held or conducted in the calendar year nineteen hundred and seventy-six. Said commission's procedures for hearings upon all such applications shall be the same as the procedures on original applications for dog racing meetings filed under chapter one hundred and twenty-eight A of the General Laws.

Approved December 31, 1975.

Chap. 853. AN ACT ALLOWING ASSESSORS TO EMPLOY DIFFERENT METHODS IN DETERMINING THE FULL FAIR CASH VALUE OF PROPERTY.

Be it enacted, etc. as follows:

Chapter 59 of the General Laws is hereby amended by striking out section 38, as appearing in the Tercentenary Edition, and

inserting in place thereof the following section: —

Section 38. The assessors of each city and town shall at the time appointed therefor make a fair cash valuation of all the estate, real and personal, subject to taxation therein, based on one or a combination of all generally accepted methods for determining values of such property, including a comparison of sales prices, capitalization of income and replacement cost less depreciation.

Commencing in nineteen hundred and seventy-five, the assessors of each city and town shall annually prior to June first, submit to the commission the method or combination of methods which they propose to use in making said fair cash valuation on January first in the following year. Before September first, the commission may make recommendations to the assessors for revising the method or combination of methods which they propose to use. If the assessors do not accept the commission's recommendations, they may appeal to the appellate tax board prior to November first. Every such appeal shall be decided by the board before March first. If the board fails to act upon an appeal within said time, it shall be deemed to be a denial of such appeal. The decision of the board shall be final. The approval of a method or combination of methods of assessment by the commission or by the appellate tax board shall not affect the power and duty of the commission to establish a final equalization and apportionment of the fair cash value of all property in the commonwealth under section ten C of chapter fifty-eight.

In cities, the assessors may, in any year, divide the city into convenient assessment districts.

Approved December 31, 1975.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, December 31, 1975

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 853 of the Acts of 1975, entitled AN ACT ALLOWING ASSESSORS TO EMPLOY DIFFERENT METHODS IN DETERMINING THE FULL FAIR CASH VALUE OF PROPERTY, and the enactment of which received my approval on December 31, 1975, should take effect forthwith.

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

In order to immediately allow the implementation of certain assessing practices in the tax year beginning January 1, 1976.

Sincerely.
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, January 2, 1976.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 854. AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY OF THE TOWN OF BARNSTABLE TO ISSUE AN ALL ALCOHOLIC BEVERAGES LICENSE TO THE WEST BARNSTABLE DEER CLUB, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitation on the number of licenses to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, but subject, however, to all other provisions of said chapter, the licensing authority of the town of Barnstable is hereby authorized to issue to the West Barnstable Deer Club, Inc. an annual club license to sell all alcoholic beverages, to be drunk on its premises, to its members and to guests introduced by such members and to no others.

Said license shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town, then said licenses shall not be included in such new quota.

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

(*This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives,*

December 31, 1975, and, in concurrence, by the Senate, December 31, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 855. AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY OF THE TOWN OF BARNSTABLE TO ISSUE AN ALL ALCOHOLIC BEVERAGES LICENSE TO THE OYSTER HARBORS CLUB, INC.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitation on the number of licenses to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, but subject, however, to all other provisions of said chapter, the licensing authority of the town of Barnstable is hereby authorized to issue to the Oyster Harbors Club, Inc. an annual club license to sell at the Oyster Harbors Club Inc. and at the Oyster Harbors Club Inc. Golf House all alcoholic beverages, to be drunk on the premises, to their members and to guests introduced by such members and to no others.

Said licenses shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town, then said licenses shall not be included in such new quota.

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

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, December 31, 1975, and, in concurrence, by the Senate, December 31, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 856. AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY OF THE TOWN OF BARNSTABLE TO ISSUE ALL ALCOHOLIC BEVERAGES LICENSES TO WIANNO CLUB.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any limitation on the number of licenses to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, but

subject, however, to all other provisions of said chapter, the licensing authority of the town of Barnstable is hereby authorized to issue to Wianno Club annual club licenses to sell at Wianno Club and Wianno Club Golf House all alcoholic beverages, to be drunk on the premises, to their members and to guests introduced by such members and to no others.

Said licenses shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town, then said licenses shall not be included in such new quota.

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

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, December 31, 1975, and, in concurrence, by the Senate, December 31, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 857. AN ACT AUTHORIZING THE LOCAL LICENSING AUTHORITY OF THE TOWN OF BARNSTABLE TO ISSUE AN ALL ALCOHOLIC BEVERAGES LICENSE TO THE HYANNISPORT CLUB.

Be it enacted, etc, as follows:

SECTION 1. Notwithstanding any limitation on the number of licenses to be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, but subject, however, to all other provisions of said chapter, the licensing authority of the town of Barnstable is hereby authorized to issue to the Hyannisport Club an annual club license to sell all alcoholic beverages, to be drunk on their premises, to their members and to guests introduced by such members and to no others.

Said license shall not be transferable to any other licensee and shall not be included in the number of licenses issued under authority of said section seventeen; provided, however, that if there is an addition to the quota of such licenses in said town under said section seventeen because of an increase in population in said town, then said license shall not be included in such new quota.

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

(This Bill, returned by the Governor, to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, December 31, 1975, and, in concurrence, by the Senate, December 31, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".)

Chap. 858. AN ACT FURTHER REGULATING ADOPTION PROCEDURES.

Be it enacted, etc., as follows:

SECTION 1. Section 9 of chapter 28A of the General Laws is hereby amended by striking out the definition of "Placement agency" and inserting in place thereof the following definition: —

"Placement agency", a department, agency or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under chapter one hundred and eighty, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under sixteen years of age, for placement in family foster care or a group care facility, or for adoption.

SECTION 2. The first sentence of paragraph (*a*) of section 10 of said chapter 28A, as most recently amended by section 2 of chapter 682 of the acts of 1974, is hereby further amended by striking out the words ", placement agency".

SECTION 3. Said paragraph (*a*) of said section 10 of said chapter 28A is hereby further amended by inserting after the first sentence the following sentence: — The office shall issue and may renew a license to any organization incorporated under chapter one hundred and eighty which meets applicable standards and requirements to establish and maintain a placement agency.

SECTION 4. Section 11 of said chapter 28A, as most recently amended by section 3 of chapter 682 of the acts of 1974, is hereby further amended by adding after subsection (*b*) the following subsection: —

(*c*) No person shall place or knowingly facilitate the placement of any child as defined in section two in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption in the commonwealth. No person unrelated to such a child by blood or marriage, and no organization other than a

licensed or approved placement agency, shall receive such a child for purposes of adoption, except from a licensed or approved placement agency. Nothing herein shall prevent the placement of a child who is not a citizen of the United States when a home study of the prospective parent or parents prior to the placement of the child is performed by a licensed placement agency. For the purpose of this section the spouse of the natural parent of such a child shall be deemed to be related by marriage to said child.

SECTION 5. Said chapter 28A is hereby further amended by inserting after section 11 the following section: —

Section 11A. A person whose consent is required by section two of chapter two hundred and ten may, prior to surrender, request from a placement agency background information pertaining to the prospective adoptive family in which the placement agency expects to place the child if surrendered. The nature of the background information shall be established in the rules and regulations promulgated by the office as authorized by section ten; provided, however, that no agency shall be required to reveal the identity or geographical location of the prospective adoptive family to such person. The placement agency shall provide the said background information in writing unless the person whose consent is required signs a written waiver of the request.

SECTION 5A. The first sentence of section 11A of chapter 210 of the General Laws, as appearing in section 6 of chapter 737 of the acts of 1950, is hereby amended by striking out, in line 12, the words "ten nor more than one hundred dollars" and inserting in place thereof the words: — not less than one hundred nor more than one thousand dollars.

SECTION 5B. The second sentence of said section 11A of said chapter 210, as so appearing, is hereby amended by striking out, in lines 4 to 6, inclusive, the words, "one hundred and not more than one thousand dollars, or by imprisonment for not more than one year, or both" and inserting in place thereof the following words: — five thousand and not more than thirty thousand dollars, or by imprisonment in jail or house of correction for not more than two and one-half years or in the state prison for not more than five years, or both.

SECTION 6. The provisions of this act shall not apply to petitions.

(*This Bill, returned by the Governor, to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, December 31, 1975, and, in concurrence, by the House of Representatives, December 31, 1975, the objections of the Governor notwithstanding, in the manner prescribed by the Constitution; and thereby has "the force of a law".*)

Chap. 859. AN ACT PROVIDING FOR A COMPREHENSIVE RAIL TRANSIT, ACCELERATED HIGHWAY AND RAILROAD IMPROVEMENT AND MAINTENANCE BONDING AUTHORIZATION FOR THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith funds for a comprehensive rail transit, accelerated highway and railroad improvement and maintenance program, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 161B the following chapter: —

Chapter 161C.

RAIL TRANSPORTATION IN THE COMMONWEALTH.

Section 1. It is hereby declared that rail transportation offers economic and environmental advantages with respect to land use, air and noise pollution, energy efficiency, safety, and costs per ton mile of movement to the extent that the preservation, development and maintenance of such services is a public purpose and in the public interest; that essential rail transportation services for the movement of passengers and freight are threatened with cessation or significant curtailment because of the deterioration of rail rights-of-way earlier acquired for a public purpose and because of the inability of private railroad companies to provide such services without public financial assistance; that the public convenience and necessity require that adequate and efficient rail services be provided in the commonwealth; that these needs cannot be met without substantial action by the commonwealth; and that it is the intent of the general court to provide for such action through an act which authorizes a public agency to plan for and carry out the steps necessary to acquire, preserve and develop, and insure the maintenance and operation of, adequate and efficient rail rights-of-way, related facilities or equipment, and rail services.

Section 2. Whenever used in this chapter, unless the context otherwise requires, the following words or terms shall have the following meanings: —

"Executive office", the executive office of transportation and construction established under chapter six A.

"Rail rights-of-way", lands other than those owned, operated and maintained by the Massachusetts Bay Transportation Authority or interests in lands which are, may be, or formerly were used, as rights-of-way for rail purposes.

"Related facilities or equipment", facilities other than those owned, operated and maintained by the Massachusetts Bay Transportation Authority or which are, may be, or formerly were

used, for rail or related transportation purposes, including, without limitation, lands or interests in lands, buildings or other structures; and equipment other than those owned, operated and maintained by the Massachusetts Bay Transportation Authority, which is, may be, or formerly was used, for such purposes, including, without limitation, rail freight or passenger rolling stock.

"Secretary", the secretary of the executive office of transportation and construction, established under chapter six A.

Section 3. The executive office shall take such steps as may be necessary to provide for the development, promotion, preservation, and improvement of an adequate, safe, efficient and convenient rail system for the movement of passengers and freight in the commonwealth. In carrying out the purposes of this chapter, the executive office shall seek to encourage and develop rail services which promote and maintain the economic wellbeing of the citizens of the commonwealth, and which preserve the environment and the commonwealth's natural resources.

Section 4. The executive office is hereby authorized and directed to expend such funds as may be appropriated or otherwise made available for the acquisition, preservation, rehabilitation, reconstruction, or other improvement, whether directly, jointly or under contract with other public or private parties, of rail rights-of-way and related facilities or equipment, and for such other purposes, including, without limitation, planning, engineering, and administrative purposes, as are incidental thereto; provided that any preservation, rehabilitation, reconstruction, or other improvement of a rail right-of-way and related facilities or equipment shall not be authorized prior to the acquisition of said right-of-way and related facilities or equipment.

Section 5. The executive office of administration and finance, acting on behalf of the commonwealth, may on the recommendation of the secretary, enter into contracts or agreements to provide financial assistance, from such funds as may be provided for the purpose, for all or part of the costs of (1) maintaining rail rights-of-way or related facilities or equipment, or (2) operating rail services in the commonwealth.

Any such contracts or agreements shall be subject to the following limitations: (i) in determining whether such assistance is necessary or appropriate under this chapter with respect to an operating agreement with a private transportation company, and in determining the terms and conditions under which such assistance shall be given, the commissioner of administration, in cooperation with the secretary, shall review the transportation operations of such company and its affiliates and shall make a finding that such assistance will not permit the

applicant company to make more than a reasonable return overall; and (ii) any such assistance shall cover only those services which the secretary determines to be in the public interest.

Section 6. The secretary, in addition to any other powers and duties conferred or imposed upon him by this chapter or any other general or special law, shall have the following powers and duties:

(a) To serve as the principal source of rail transportation planning for the commonwealth. In doing so, the secretary may conduct research, surveys, demonstration projects or studies in cooperation with federal, state, regional or local agencies, or appropriate private parties; and shall be responsible for the preparation of continuing, comprehensive and coordinated rail transportation proposals, plans, programs and projects. The secretary shall submit said proposals, plans, programs and projects for such review or consideration by other governmental agencies as may be required by law or deemed appropriate by the secretary; and shall prepare such plans and programs in coordination with related land use and other development plans, so far as practicable.

(b) To apply for, accept and expend on behalf of the commonwealth, any gift, loan or grant-in-aid from the federal government, any agency or instrumentality thereof, or from any foundation, private corporation, group or person, in furtherance of the purposes of this chapter. The secretary is authorized and directed to take all necessary action to secure any federal assistance which is or may become available to the executive office or any administrative unit thereof, including without limitation, filing applications for assistance, supervising the expenditure of federal grants or loans and making any determinations and certifications necessary or appropriate to the foregoing. If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than the executive office, such other department, agency or instrumentality is authorized and directed to take all such action. It is the intent of this clause that the provisions of any federal law, administrative regulation or practice governing federal assistance shall, to the extent necessary to enable the commonwealth or its subdivisions to receive such assistance and not constitutionally prohibited, override any inconsistent provisions of this chapter or any general or special law.

(c) To make and enter into any contracts or agreements necessary or incidental to the performance and execution of the powers and duties of the executive office under this chapter or any general or special law. Any party, public or private

including, without limitation, federal, state and local agencies, authorities or political subdivisions of the commonwealth, or private corporations or companies, is hereby granted the power and authority to enter into any such contracts or agreements, subject to such provisions of law as may be applicable. Any contract or agreement made under this chapter, including, without limitation, contracts or agreements entered into by the executive office of administration and finance pursuant to section five, shall include such provisions, terms or conditions as the secretary may deem necessary or appropriate.

(d) To acquire by eminent domain under chapter seventy-nine, or by purchase, gift, devise, transfer, lease or otherwise, or to hold, lease, pledge, otherwise deal with, transfer, sell or dispose of real and personal property.

(e) To exercise all powers and do all acts or things necessary or convenient to carry out the purposes of this chapter.

Section 7. (*a*) To the extent not inconsistent with federal law, no railroad company which conducts or has conducted operations within the commonwealth shall sell, transfer or otherwise dispose of railroad rights-of-way or related facilities without first offering such rights-of-way or facilities for sale, transfer or disposition to either the executive office, acting on behalf of the commonwealth, or such other department, authority, agency, or political subdivision of the commonwealth as may be designated by the executive office for the purpose of any such sale, transfer or disposition; provided, that such sale, transfer or disposition may be made by the railroad company to a party other than the executive office or its designee, but only if (i) the executive office or its designee has notified the railroad company in writing of its rejection of such offer; or (ii) ninety calendar days have elapsed from the date on which said offer or a copy of such offer, as provided in the second paragraph, is made to the executive office.

(*b*) Said railroad company shall make such offer in writing and shall send such offer by certified mail to the executive office or to its designee. In the event that such offer is made to a designee of the executive office, a notarized copy of such offer shall be sent by certified mail to the executive office. Any such offer shall include the price at which said company proposes to offer such rights-of-way or facilities to the commonwealth, and such other terms or conditions which said company proposed to include as part of such sale, transfer or disposition. The executive office or its designee shall notify in writing and by certified mail said railroad company of its acceptance or rejection of such offer within ninety calendar days of such offer, and in the event that the designee of the executive office sends such notice, said designee shall also send a notarized copy of such notice to the executive office. The executive office is hereby

authorized to notify any person that the conditions provided in clauses (i) and (ii) of paragraph (*a*) have been satisfied and that the commonwealth no longer has the option to acquire the rights-of-way or facilities as provided in said paragraph. Any such notice shall be binding on the commonwealth.

In no event shall said railroad company offer to sell, transfer, or otherwise dispose of railroad rights-of-way or facilities to any person on terms of conditions more favorable to said person than those offered to the commonwealth.

SECTION 2. (*a*) To meet the expenditures necessary for carrying out the provisions of section four of chapter one hundred and sixty-one C of the General Laws, as appearing in section one of this act, the state treasurer shall, upon the request of the governor, issue and sell at public or private sale, bonds of the commonwealth, registered or with coupons attached, as he may deem best, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate nineteen million five hundred thousand dollars; provided, that the proceeds of fifteen million dollars of such bonds shall be expended only for passenger rail transportation purposes; and provided, further, that the proceeds of four million five hundred thousand dollars of such bonds shall be expended only for freight rail purposes. All payments on account of interest or principal on said fifteen million dollars of such bonds shall, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, be payable from the Highway Fund; provided, that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

All bonds issued by the commonwealth as aforesaid shall be designated on their face, Rail Transportation Loan, Act of 1975 and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged so that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and one.

(*b*) Pursuant to the provisions of said section four of said chapter one hundred and sixty-one C, the executive office of transportation and construction is hereby authorized to acquire the freight rail rights-of-way of the Penn Central Transportation Company under consideration for abandonment in the commonwealth by the United States Railway Association pursuant

to the provisions of PL 93-236 (Rail Reorganization Act of 1973) provided that said acquisition shall not be authorized prior to the final approval by the United States Congress of the United States Railway Association Final System Plan.

(*c*) The proceeds of four million five hundred thousand dollars of the bonding authorization for freight rail purposes shall be paid into a special fund in the state treasury to be known as the Freight Rail Fund and shall only be expended subject to appropriation, for acquisition of rail rights-of-way.

(*d*) The proceeds of the fifteen million dollars of bonds authorized for passenger rail transportation purposes shall be paid into a special fund in the state treasury to be known as the Passenger Rail Transportation Fund and shall be expended, subject to appropriation.

(*e*) The commissioner of administration, pursuant to the provisions of section five, of said chapter one hundred and sixty-one C, may provide financial assistance for the continued operation of rail freight services on lines acquired by the commonwealth in an amount not to exceed five hundred thousand dollars for the period January first, nineteen hundred and seventy-six, through June thirtieth, nineteen hundred and seventy-seven.

SECTION 2A. To meet the expenditures necessary for carrying out the provisions of the paragraph (*e*) of section two of this act, and notwithstanding the provisions of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five, there is hereby appropriated from the Mass Transportation Fund the sum of five hundred thousand dollars; provided that no funds credited to said Fund from the excise imposed by section six of said chapter two hundred and ninety-one shall be used to meet said expenditures.

SECTION 3. Section 23 of chapter 161A of the General Laws is hereby amended by inserting after the fourth paragraph the following paragraph: —

In addition to the bonding authorization provided in the third paragraph the authority may issue not more than seventy-five million dollars of bonds for the purposes described above; provided that said bonds shall not be reissued upon their redemption.

SECTION 4. The proceeds of the seventy-five million dollars of additional bonding authorization provided under section twenty-three of chapter one hundred and sixty-one A of the General Laws, as amended by section three of this act, shall be expended only for projects on the so-called Red Line, Blue Line, and Orange Line of the Massachusetts Bay Transportation Authority.

The proceeds of sixty-five million dollars of such additional bonding authorization shall be expended only for projects for which the authority has agreement with the federal government

providing for grants averaging four-fifths of the estimated eligible costs of such projects.

SECTION 4A. The second sentence of the first paragraph of section 28 of chapter 161A of the General Laws, as amended by section 6 of chapter 1075 of the acts of 1971, is hereby amended by striking out, in lines 7 and 8, the words "two hundred and fifty-seven" and inserting in place thereof the following words: — three hundred and thirty-two.

SECTION 5. In addition to the contract assistance paid to the Massachusetts Bay Transportation Authority under the provisions of chapter one hundred and sixty-one A of the General Laws, under section sixteen of chapter one thousand one hundred and forty of the acts of nineteen hundred and seventy-three, and under section six of chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four, the commonwealth, acting by and through the executive office of administration and finance, shall enter into a contract or contracts with the Massachusetts Bay Transportation Authority providing that an amount not to exceed fifty per cent of said Authority's net additional expense of providing rail service to the cities of Lowell, Haverhill, Lawrence, Newburyport and Gloucester and to the towns of Acton, Ayer, Billerica, Littleton, North Andover, Andover, Ipswich, Rockport, and Franklin from January first, nineteen hundred and seventy-five to June thirtieth, nineteen hundred and seventy-six under contracts with said cities and towns shall be paid by the commonwealth to said Authority and shall not be reimbursed by said cities and towns to said Authority for said rail service.

SECTION 6. The state department of public works, hereinafter called the department, and the metropolitan district commission, hereinafter called the commission, are hereby authorized and directed to expend a sum not to exceed two hundred and seventy-million dollars for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or improvement of highways, parkways, bridges, bicycle paths or facilities, parking facilities, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section thirty-four of chapter ninety of the General Laws, highway or mass transportation studies, including, without limitation, traffic, environmental, or parking studies, establishment of school zones in accordance with section seventeen of said chapter ninety, improvements on routes not designated as state highways without assumption of maintenance responsibilities, and, notwithstanding any law to the contrary, to relocate persons or businesses, or replace dwellings or structures, including, without limitation, the provision of last resort housing under federal law and the functional replacement of structures in public ownership, as may

be necessary for the foregoing purposes and to pay relocation benefits equal to those provided for by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, as amended. When dwellings or other structures are removed in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month.

Funds authorized in this section shall, except as otherwise specifically provided in this act, be subject to the provisions of the last paragraph of section one of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six, the first paragraph of section six of said chapter seven hundred and eighteen and sections seven and nine of said chapter seven hundred and eighteen and notwithstanding any law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns, and any political subdivisions or public agencies and commissions of the commonwealth.

In addition to the foregoing, the department is further authorized:

(1) to expend funds made available by this section to lease from any person, land or interests in land for parking facilities adjacent to any public way, to be operated by the department or under contract with any person;

(2) to expend from funds made available by this section not more than fifty thousand dollars for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools; and

(3) to exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

SECTION 6A. Pursuant to the provisions of section six, the department of public works is hereby authorized and directed to expend a sum of not less than twenty million dollars for a connector state highway between the intersection of state highway route 49 and U.S. highway route 20 in the town of Sturbridge and state highway route 52 at the Webster-Oxford town line.

SECTION 6B. Pursuant to the provisions of section six the department of public works is hereby authorized and directed to expend a sum of not less than twenty million dollars, in addition to any funds which may be made available through the federal aid interstate program, for the construction, according to interstate standards of a roadway between the existing junctions of state highway routes 24 and 25 in the vicinity of the Raynham-Bridgewater town line to the existing junction of interstate highway routes 95 and 495 in the vicinity of the Foxborough-Mansfield town line.

SECTION 6C. Pursuant to the provisions of section six the department of public works is hereby authorized and directed to

expend a sum of not less than three and one half million dollars for the reconstruction of state highway Route 140 from the Sterling-West Boylston town line to the Sterling-Princeton town line.

SECTION 6D. Pursuant to the provisions of section six the department is hereby authorized and directed to expend a sum of not less than four million dollars for the purpose of reconstructing and extending Route 56 from the junction of Pleasant street and Route 56 in the town of Leicester to the Leicester-Paxton line.

Section 7. Pursuant to the provisions of section six, the department of public works is hereby authorized and directed to expend a sum not less than sixty million dollars for projects in the following four areas: not less than fifteen million dollars of said sum shall be expended in the area west of the Connecticut River, including therein any bridges across said river with their approaches and connections; not less than fifteen million dollars in the area lying between the Connecticut River and the easterly boundary line of Worcester county; not less than fifteen million dollars in the area comprising Essex, Middlesex and Norfolk counties; and not less than fifteen million dollars in the area comprising Bristol, Plymouth, Barnstable, Dukes and Nantucket counties.

SECTION 7A. The commissioner of administration, upon the recommendation of the secretary of the executive office of transportation and construction, is hereby authorized and directed to expend a sum not to exceed seven million five hundred thousand dollars, for acquisition of property for, and for the planning and design, including the preparation of construction plans, specifications and estimates, of, a department of transportation building, to be located in the Park Square area of the city of Boston. Said building shall be planned and designed so as to house, to the extent possible, the following public agencies and authorities: the executive office of transportation and construction, department of public works, Massachusetts Aeronautics Commission, Massachusetts Bay Transportation Authority, Massachusetts Turnpike Authority and Massachusetts Port Authority.

In addition to, and to the extent not inconsistent with the foregoing, said building may be planned and designed so as to permit such other uses as may be necessary or convenient to accomplish publicly-sponsored plans and programs for the development of the area surrounding said building.

All space in said building not used for activities consistent with Article LXXVIII of the Amendments to the Constitution, shall be made available for public and other uses as may be permitted by law. There shall annually be paid from the Mass Transportation Fund into the Highway Fund a sum equal to the amount which is or would have been received if the space so used

had been leased at fair market rates for equivalent spaces in privately owned buildings; provided, that the sum so to be paid shall be at least sufficient to cover the same ratio of the costs of maintenance, upkeep, interest, and bond amortization expenses of the building as the space therein used by such parties bears to the total space available for occupancy in said building; and provided further, that no funds credited to said Mass Transportation Fund from the excise imposed by section six of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five shall be used to meet such payments. Subject to the foregoing provisions, funds authorized under this section or borrowed under section seven B of this act shall be payable from the Highway Fund.

No monies authorized under this section shall be expended prior to the final pre-construction approval of the so-called "Park Plaza Project" in the Park Square area of the city of Boston. Said project approval shall be forwarded, in writing, to the secretary of the executive office of transportation and construction by the secretary of the executive office of communities and development and the secretary of the executive office of environmental affairs.

SECTION 7B. To meet the expenditures necessary for carrying out the provisions of section seven A, the state treasurer shall, upon request of the governor, issue and sell at public or private sale, bonds of the commonwealth, registered or with coupons attached, in an amount to be specified by the governor from time to time, but not exceeding in the aggregate seven million five hundred thousand dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Building Loan, Act of 1975 and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and one. All interest payments and payments on account of principal on such bonds shall, subject to the provisions of section seven A and the limitations contained in Article LXXVIII of the Amendments to the Constitution, be payable from the Highway Fund, provided that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 8. In addition to the funds authorized in section six, the department of public works is hereby authorized and directed to expend the following:

(*a*) a sum not to exceed four million dollars for the acquisition and improvement of maintenance sites, including the construction of sanitary facilities, the erection of protection fences, and the construction of salt storage sheds.

(*b*) a sum not to exceed one million dollars to repair, maintain and improve structures and properties within the custody and control of said department in conformity with the provisions of the State Building Code promulgated pursuant to the provisions of chapter eight hundred and two of the acts of nineteen hundred and seventy-two, where such structures were acquired for highway purposes; provided that five hundred thousand dollars of the above one million dollars shall be expended only for the repair, maintenance, and improvement of structures and non-commercial properties located in the so-called southwest corridor and within the custody and control of said department, and for relocation benefits as a result of the repair, maintenance and improvements undertaken as authorized by this section.

(*c*) a sum not to exceed one million dollars for the laying out, construction, reconstruction or other improvement of bicycle paths or facilities.

(*d*) a sum not to exceed three million five hundred thousand dollars for the functional replacement of the Worcester YMCA, Greendale Branch.

(*e*) a sum not to exceed $95,000 for the construction of a commuter parking facility at the South Acton Railroad Terminal, pursuant to the article voted at a special town meeting in said town on October 21, 1975.

SECTION 8A. Pursuant to the provisions of section six, the commission is hereby authorized and directed to expend a sum not to exceed ten million dollars for highway projects of the commission.

SECTION 8B. No payment in excess of forty-thousand dollars by way of purchase of real estate or any interest therein shall be made, by the department of public works and no settlement in excess of forty-thousand dollars shall be made out of court for damage recoverable under chapter seventy-nine of the General Laws, in excess of the amount recommended by the real estate review board established by section six of chapter seven hundred and eighteen of the acts of nineteen hundred and fifty-six by reason of a purchase or taking under this act or under chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, or chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, or chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, or

chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two. Each recommendation of said real estate review board shall be in writing and shall be accompanied by a written statement indicating the reasons for such recommendation.

No settlement, by reason of a taking under this act or under said chapters six hundred and seventy-nine, six hundred and sixteen, seven hundred and sixty-eight and seven hundred and sixty-five in excess of forty thousand dollars and in excess of the recommendation of the real estate review board, shall be made by agreement of the parties during or after trial except with the written approval of the court; provided that settlements in excess of the recommendation of the board may be made without such approval if the settlement does not exceed the amount of any verdict or finding which may have been rendered, together with interest and costs.

The department is hereby ordered and directed to file reports of all payments in excess of twenty thousand dollars for damages resulting from a taking or for a purchase under this act or under said chapters six hundred and seventy-nine, six hundred and sixteen, seven hundred and sixty-eight and seven hundred and sixty-five with the clerk of the house of representatives and with the clerk of the senate not later than ninety days after payment. Such reports shall contain the amount of the payment, an affidavit that the amount was not in excess of the amount recommended by said board if payment in excess of said amount is prohibited hereunder, by whom and what manner settled, the name of the owner or owners of the land involved, and a description of said land sufficient to identify it.

SECTION 9. Pursuant to the provisions of section six, the department of public works is hereby authorized and directed to expend a sum not less than ten million dollars for improvements to and reconstruction of, state highway bridges and other bridges.

Notwithstanding any other law to the contrary, the provisions of section forty of chapter one hundred and thirty-one of the General Laws and sections sixty-one and sixty-two of chapter thirty of the General Laws shall not apply to the repair of existing state highway bridges and other bridges nor to the reconstruction or replacement of said bridges, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced.

SECTION 10. No funds shall be expended for improvements to, reconstruction of, or plans or environmental impact reports relative thereto of a bridge identified with the department of public works Number B16-64 without the approval of any city or

town on which the bridge or any approach thereto is located. Such approval in a town shall be by the board of selectmen.

SECTION 11. The department of public works is hereby authorized and directed to take all necessary actions to secure any federal highway or mass transportation assistance which is or may become available to said department, including, without limitation, actions authorized under or in compliance with the provisions of Title 23 of the United States Code, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing, If any federal law, administrative regulation or practice requires any action relating to such federal assistance to be taken by any department, agency or other instrumentality of the commonwealth other than said department, such other department, agency or instrumentality is authorized and directed to take such action.

In furtherance of the foregoing purposes, said department shall accept any federal funds available for projects authorized in section six of this act and such federal funds when received shall be crtedited to the Highway Fund. To meet a portion of the expenditures authorized by section six of this act there is hereby appropriated from the Highway Fund the sum of one hundred and eighty-six million dollars which shall be expended, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, and which shall be in addition to the amounts appropriated in section six of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five, section seven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, section six of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine, and section six of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two.

SECTION 12. In anticipation of the receipt of the federal funds authorized to be expended from the Highway Fund pursuant to section eleven the state treasurer may borrow, from time to time on the credit of the commonwealth, such sums of money as may be necessary for the purpose of meeting payments authorized by this act, and may issue and renew, as hereinafter provided, notes of the commonwealth therefore, bearing interest payable at such times and at such rates as shall be fixed by the state treasurer.

Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth; provided, that the total amount of such notes, outstanding at any one time, shall not exceed fifty million dollars, and the final maturity of such notes, whether original or

renewal, shall be not later than June thirtieth, nineteen hundred and eighty. All payments on account of principal on such notes shall, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, be repaid from the Highway Fund; provided, that notwithstanding any provision of this act, such notes shall be general obligations of the commonwealth.

SECTION 13. The state treasurer may borrow from time to time on the credit of the commonwealth such sums of money as may be necessary for the purposes of meeting additional payments as authorized by section eight of this act, and may issue and renew from time to time notes of the commonwealth therefore, bearing interest payable at such time and at such rates as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed one or more times for such terms, not exceeding one year, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, but the final maturities of such notes, whether original or renewal, shall not be later than June the thirtieth, nineteen hundred and eighty. All payments on account of principal on such notes shall, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, be repaid from the Highway Fund; provided, that notwithstanding any provision of this act, such notes shall be general obligations of the commonwealth.

SECTION 14. To meet a portion of the expenditures necessary in carrying out the provisions of section six of this act or to refinance notes issued as provided in section thirteen of this act, the state treasurer shall upon request of the governor, issue and sell at public or private sale bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding, in the aggregate, the sum of eighty-four million dollars to be in addition to bonds authorized to be issued and sold in section ten of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five and section eleven of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven, and section nine of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two.

To meet the expenditures necessary in carrying out the provisions of section eight of this act, the state treasurer shall upon request of the governor, issue and sell at public or private sale bonds of the commonwealth registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor from time to time, but not exceeding in the aggregate, the sum of nine million five hundred thousand dollars to be in addition to bonds authorized to be issued and sold

in section nine of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two.

All bonds issued by the commonwealth as aforesaid shall be designated on their face, Highway Improvement Loan, Act of 1975, and shall be on the serial payment plan for such maximum term of years, not exceeding twenty years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, the maturities thereof to be so arranged that the amounts payable in the several years of the period of amortization, other than the final year, shall be as nearly equal as in the opinion of the state treasurer it is practicable to make them. Said bonds shall bear interest semiannually at such rate as the state treasurer, with the approval of the governor, shall fix. The initial maturities of such bonds shall be payable not later than one year from the date of issue thereof and the entire issue not later than June thirtieth, two thousand and one. All interest payments and payments on account of principal on such bonds shall, subject to the limitations contained in Article LXXVIII of the Amendments to the Constitution, be payable from the Highway Fund; provided that notwithstanding the foregoing, such bonds shall be general obligations of the commonwealth.

SECTION 15. The commissioner of administration may from time to time establish in the bureau of building construction such units as may be necessary to assist the department of public works in the planning, development, and supervision of construction of buildings or structures which the department is providing as replacement facilities on projects authorized under this act. The director of building construction may, with the approval of the public works commission, temporarily assign any permanent or temporary employee of said bureau as may be required for the supervision of the project provided that the salaries and expenses of all such employees during the period of such assignment shall be paid from funds made available to this act, as part of the functional replacement cost of said facility. No increase in the number of permanent positions in said bureau shall be allowed on account of this act, nor shall it cause a decrease in number of positions in said bureau's budget.

SECTION 16. Any amounts made available by sections six and eight of this act or heretofore made available by section one of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty-five and section one of chapter six hundred and sixteen of the acts of nineteen hundred and sixty-seven and section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine and sections one and four of chapter seven hundred and sixty-five of the acts of nineteen hundred and seventy-two shall be available for expenditure until

June thirtieth, nineteen hundred and eighty.

SECTION 17. Section 5A of chapter 765 of the acts of 1972 is hereby amended by striking out, in line 3, the words "twenty-two" and inserting in place thereof the word: — fourteen.

SECTION 18. The general court of the commonwealth hereby declares that the provision of commuter rail passenger service to the Back Bay section of the city of Boston is an integral part of the region's commuter rail network; therefore the Massachusetts Bay Transportation Authority and the secretary of transportation and construction are prohibited from discontinuing commuter rail passenger service to the Back Bay Area in the city of Boston.

SECTION 18A. Section 54A of chapter 40 of the General Laws is hereby amended by adding at the end thereof the following new paragraph: —

Notwithstanding the provisions of the second sentrence of the foregoing paragraph, there shall be no recovery from the commonwealth in damages under said sentence by an owner of such land purchased after January first, nineteen hundred and seventy-six.

SECTION 18B. The department of public works is hereby authorized to expend a sum not to exceed one million one hundred and eighty-five thousand dollars for the purposes set forth in item 6010-0001 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five, said sum is hereby appropriated from the Highway Fund and said sum, subject to the limitation contained in Article LXXVIII of the Amendments to the Constitution, to be in addition to any amounts at present available for the purpose.

SECTION 18C. The provisions of this act are severable. If any provisions of the act or the application thereof to any person or circumstance is held unconstitutional or invalid by any court of competent jurisdiction, the application of such provision to any other person or circumstance or the application of the remaining provisions of this act shall not be impaired.

Approved, January 17, 1976.

Chap. 860. AN ACT RELATIVE TO CERTAIN PROGRAMS FOR IMPROVEMENT IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to expedite certain programs for improvement, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. To provide for a program of construction, reconstruction, alteration and improvement of various state institutions and properties, and for the purchase of certain property, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

Department of Correction.

Correctional Institution at Concord.

Item

4314-8751 Item 4314-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by inserting after the letter "C" the letter: — , D.

Correctional Institution Camp at Monroe.

8072-17 Item 8072-17 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out, in lines 2 and 3, the words "; provided, that the design shall permit the utilization of manufactured component type construction".

Correctional Institution Camps.

Warwick.

4317-9011 Item 4317-9011 of section two of chapter four hundred and twenty-three of the acts of nineteen hundred and seventy-four is hereby amended by striking out the words "including the replacement of the existing hot water boiler,".

Department of Mental Health.

Region One.

Northampton State Hospital.

8074-21) From the unexpended balance remaining in item 8074-21 of section
) two of chapter one thousand one hundred and eighty of the acts of
8074-82 nineteen hundred and seventy-three, the sum of five hundred thousand dollars is hereby transferred and made available for the purposes of the following item: —

8074-82 For certain renovations and improvements to meet the Life Safety Code requirements in buildings D, E, and AP.

Greenfield Mental Health Center.

8074-20 Item 8074-20 of section two of chapter one thousand one hundred and eighty of the acts of nineteen hundred and seventy-three is hereby amended by inserting after the word "including", in line 1, the words: — necessary demolition or removal and.

Region Four.

John T. Berry Rehabilitation Center.

8072-30 Item 8072-30 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "building,", in line 1, the words: — including replacement of the exterior steam line, certain air conditioning, mechanical alterations and building modifications, and.

Item

Danvers State Hospital.

8072-31 Item 8072-31 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out the wording and inserting in place thereof the following: —

8072-31 For certain renovations, repairs, and improvements to the Danvers state hospital; total project cost not to exceed one million eighty thousand dollars.

Region Five.

Westborough State Hospital.

8067-49 Item 8067-49 of section two of chapter five hundred and ninety of the acts of nineteen hundred and sixty-six is hereby amended by inserting after the word "equipment", in line 2, the words: — , modifications to the drainage system and the mechanical and electrical systems,.

8072-33 Item 8072-33 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out the wording and inserting in place thereof the following: —

For certain renovations to the Hadley building, including plumbing, kitchen, sterilizing, electrical, and related improvements to comply with Life Safety Code requirements.

8072-37) The unexpended balance remaining in item 8072-37 of section two of
) chapter nine hundred and seventy-six of the acts of nineteen
8072-96) hundred and seventy-one is hereby transferred and made available for the purposes of the following item: —

8072-96 For renovations to the Sharpe, Hennessey, and Daniels buildings to comply with Life Safety Code requirements.

Board of Trustees of State Colleges.

State College at Bridgewater.

8072-39 Item 8072-39 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by striking out, in line 1, the words "training school" and inserting in place thereof the words: — laboratory training school and academic classroom complex, and by striking out, in line 5, the word "four" and inserting in place thereof the word: — seven.

State College at Fitchburg.

8071-29 Item 8071-29 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by inserting after the word "equipment", in line 2, the words: — and the cost of necessary rigging and moving expenses to transfer existing equipment.

State College at Salem.

7114-8752 Item 7114-8752 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording and inserting in place thereof the following: —

For the reimbursement to the city of Salem for the commonwealth's share of the cost of replacement of a certain portion of a sanitary sewer line located on the property of the state college at Salem; provided, that the said commonwealth's share shall not exceed fifty thousand dollars; and, provided further, that this item shall not be subject to section forty of chapter seven of the General Laws.

Item

State College at Westfield.

8071-48 Item 8071-48 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy is hereby amended by adding the words: — and for the purchase of related athletic and field equipment.

Massachusetts Maritime Academy.

7118-9001 Item 7118-9001 of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five is hereby amended by striking out the wording and inserting in place thereof the following: —

For repairs to the existing pier and certain renovations to the classroom building and other related facilities located on the pier; provided, that federal funds not exceeding one hundred and sixty thousand dollars may be expended for the purpose of this item, said federal funds to be in addition to the amount appropriated; and provided further, that the federal allocation of expenditures under this item shall be not less than eighty per cent of such expenditure; appropriation expires June thirtieth, nineteen hundred and seventy-seven.

Massachusetts Board of Regional Community Colleges.

Berkshire Community College.

7502-9001 Item 7502-9001 of section two of chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five is hereby amended by striking out the words "to the Koussevitsky arts center building".

7504-8752 Item 7504-8752 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by striking out the wording and inserting in place thereof the following: —

For site work, including the construction of bleachers and storage building.

Massasoit Community College.

8072-67 Item 8072-67 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "building,", in line 2, the words: — including the cost of furnishings and equipment,.

Quinsigamond Community College.

8072-72 Item 8072-72 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one is hereby amended by adding the words: — ; to be in addition to the amount appropriated in item 8071-72 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy.

Springfield Technical Community College.

7514-8753) Item 7514-8753 (8072-75) of section two of chapter five hundred and
) nineteen of the acts of nineteen hundred and seventy-four is hereby
8072-75) amended by striking out the words "in accordance with the approved master plan" and inserting in place thereof the words: — , including updating of the master plan to include parking facilities,.

Department of Public Safety.

Division of State Police.

2112-9007 Item 2112-9007 of section two A of chapter four hundred and seventy-six of the acts of nineteen hundred and sixty-eight is hereby amended by inserting after the word "academy,", in line 1, the words: — including certain air conditioning and certain additional drainage, and.

Approved January 7, 1976.

Chap. 861. AN ACT PROVIDING FOR TEMPORARY SERVICE BY CERTAIN RETIRED JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

SECTION 1. Chapter 32 of the General Laws is hereby amended by inserting after section 65D the following section:—

Section 65E. (*a*) A chief justice or any associate justice of the superior court, who is retired from his office may notify the governor in writing that he wishes his name to be placed upon the list of retired justices of the superior court. The governor, by and with the advice and consent of the council, may place the name of any such chief justice or associate justice on the list of retired justices of the superior court. With respect to those whose names have been placed on such list upon retirement, any retired chief justice or associate justice or any widow of such chief justice or associate justice shall be entitled to the same pension and all other benefits which he or his widow would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired chief justice or associate justice.

(*b*) A retired chief justice or associate justice whose name has been placed on a list of retired justices or judges shall be eligible, for a term of not more than two years, to perform judicial duties of the office from which he retired.

(*c*) If such retired chief justice or associate justice no longer wishes to be eligible to perform judicial duties pursuant to section fourteen F of chapter two hundred and twelve, he may at any time after having his name placed upon a retired list resign his office, and thereafter he or his widow shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his widow would have been entitled to receive if he had not had his name placed on such list, notwithstanding any other law to the contrary.

(*d*) A retired chief justice or associate justice, while eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of chief justice or associate justice of the superior court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

SECTION 2. Chapter 212 of the General Laws is hereby amended by inserting after section 14E the following section:—

Section 14F. (*a*) A retired justice or associate justice of the superior court whose name has been placed on the list of retired justices pursuant to section sixty-five E of chapter thirty-two may be designated and assigned by the chief justice of the superior court to perform, during his term of eligibility, such of the duties of the office of associate justice of the superior court as

may be requested of him and which he is willing to undertake, provided that no such single assignment shall be for a term longer than ninety days.

(*b*) In performing the services requested of him, a retired chief justice or associate justice shall exercise all judicial power and authority pertaining to the office in which he acts, in respect of matters as to which he is designated to act, and the fact of such service shall be stated on the records of the court, but need not be separately stated in the record or docket of any particular cause or proceeding. Service under the provisions of this section shall not be counted in determining the number of offices authorized or required for the court by any applicable statute.

(*c*) A retired judge so serving shall be paid by the commonwealth in addition to his pension an amount equal to the difference between the presently authorized rate by day of the compensation of a regular incumbent of the office from which he retired, and three-quarters of the rate by the day of the compenation of such judge when he retired. In computing each of such rates by the day, Sundays and holidays shall be excluded.

Such retired chief justice or associate justice shall be reimbursed for expenses incurred while performing judicial services at any place other than his place of residence. While so serving he shall be entitled to receive such staff support, clerical assistance and facilities as are customarily available to judges of the superior court.

SECTION 3. Paragraph (*a*) of section 91 of chapter 32 of the General Laws, as appearing in chapter 675 of the acts of 1968, is hereby amended by inserting after the word "service", the first time it appears in line 7, the words: — , for services as a retired chief justice or associate justice, under the provisions of section fourteen F of chapter two hundred and twelve.

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

Approved January 8, 1976.

Chap. 862. AN ACT FURTHER REGULATING THE DUTIES OF CERTAIN JUDGES OF PROBATE AND MAKING SPECIAL JUSTICES OF THE DISTRICT COURTS AND OF THE BOSTON JUVENILE COURT FULL-TIME.

Be it enacted, etc., as follows:

SECTION 1. Chapter 217 of the General Laws is hereby amended by striking out section 3, as amended by section 1B of chapter 756 of the acts of 1963, and inserting in place thereof the following section: —

Section 3. There shall be a special judge of probate and insolvency in the county of Hampshire, hereinafter known as the circuit judge of probate for Hampshire county, who shall be and

perform the duties of a full-time circuit judge of probate in said county or such other county of the commonwealth as the chief judge may designate and when so assigned shall receive from the commonwealth the expenses incurred by him. Upon such designation, the register of the court to which the circuit judge is assigned shall certify upon the records of the court, and to the comptroller, the number of days, the dates upon which, and the occasions for which, the circuit judge performed his duties. Nothing in this section shall be construed to establish a new judicial position nor abolish the tenure of the incumbent special judge of probate and insolvency.

SECTION 2. Said chapter 217 is hereby further amended by striking out section 6, as most recently amended by section 1 of chapter 680 of the acts of 1971, and inserting in place thereof the following section: —

Section 6. No judge or circuit judge of probate shall be interested in, or benefited by, the fees or emoluments which may arise in any matter pending before any probate court or court of insolvency of this commonwealth, or which may arise in any suit or action pending in any court of this commonwealth where the subject matter or cause of action is founded upon or derived from proceedings begun in any of the probate courts or courts of insolvency nor shall be, except as otherwise provided, be appointed or act as executor, administrator, guardian, conservator, trustee under a will, commissioner, appraiser or assignee of or upon an estate within the jurisdiction of any probate court; nor shall he be interested in the fees or emoluments arising from any of said trusts. Full-time judges or circuit judges of probate shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. The judge of probate of Dukes county and the judge of probate for Nantucket county shall sit in the probate court of any other county upon designation thereto by the chief judge of probate pursuant to section eight, and when so assigned shall receive from the commonwealth the expenses incurred by them.

SECTION 3. Said chapter 217 is hereby further amended by striking out section 34, as most recently amended by chapter 558 of the acts of 1974, and inserting in place thereof the following section: —

Section 34. Each judge of probate, including the circuit judge of probate for Hampshire county, but excepting the judge of probate designated under section two A to have and perform the duties described in section eight, shall be paid by the commonwealth a salary of thirty-one thousand seven hundred and thirty-eight dollars.

The judge designated under section two A shall receive a salary of thirty-two thousand nine hundred and forty-four dollars for his combined services as chief judge and judge of

probate, to be paid by the commonwealth.

SECTION 4. Section forty of said chapter two hundred and seventeen is hereby repealed.

SECTION 5. The fourth paragraph of section 6 of chapter 218 of the General Laws, as most recently amended by chapter 587 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: — A special justice of a district court or of the Boston juvenile court who does not serve full-time in accordance with the provisions of section six A or section fifty-eight B shall be paid by the county sixty-one dollars for each day's services, or at the rate by the day of the salary of a justice of the court where he is assigned, whichever is greater.

SECTION 6. Said chapter 218 is hereby further amended by inserting after section 6 the following sections: —

Section 6A. (*a*) Any special justice of a district court holding office on January first, nineteen hundred and seventy-six may, in accordance with the provisions of paragraph (*c*), certify in writing to the chief justice of the district courts that upon said certificate becoming effective said special justice shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law. Said certificate shall become effective at such time as the chief justice of the district courts may direct, but in no case later than July first, nineteen hundred and seventy-nine, provided that no special justice shall become full-time before another who has filed a certificate before him; and provided further that a certificate may not be withdrawn after it has been filed.

(*b*) Upon said certificate becoming effective, said special justice shall be subject to the following provisions: (1) he shall devote full-time during ordinary business hours to the duties of his office, and shall not engage directly or indirectly in the practice of law; (2) he shall be paid the salary provided in section seventy-seven A for justices of the district courts who are required to devote full-time to their duties, other than the chief justice of the district courts, said salary to be paid from the same sources and in the same manner as the salary of the other justices of the district courts, and travel and expense allowances to the same extent as is provided for justices of district courts; (3) he shall sit by assignment of the chief justice of the district courts in the district court to which he was appointed, in district courts in the county in which the district court to which he was appointed is located or in which he resides or in a county adjacent to either of them, and, in instances where exigent circumstances require, in district courts in other counties, and he shall perform such other duties as are assigned him by said chief justice. He shall be assigned to sit as proximate as reasonably practicable to the district court to which he was appointed,

consistent with the public interest in the effective administration of justice. He shall sit in the municipal court of the city of Boston if so assigned jointly by the chief justice of said court and the chief justice of the district courts; and he shall sit in such other courts and in such manner as the law provides for justices and special justices of the district courts; and (4) except as otherwise provided in this section he shall have the same powers, duties, rights and privileges, including the power to hear and decide civil actions, as a justice of a district court who is required to devote full-time to his duties and who is not the administrative head of his court.

(*c*) The certificate provided for in paragraph (*a*) of this section may be filed with the chief justice of the district courts at any time before May thirty-first, nineteen hundred and seventy-nine.

(*d*) The provisions of section six with regard to vacation and sick leave, including the provisions relative to accumulation, shall be deemed applicable to all justices and special justices who serve full-time in accordance with the provisions of this section. During the calendar year in which his certificate is made effective a special justice shall be entitled to the number of absences for vacation and sick leave corresponding to the proportion of said year remaining after said certificate becomes effective.

Notwithstanding any provisions of the General Laws to the contrary, (1) for the purposes of determining pension responsibilities a special justice appointed, or first appointed, as the case may be, to his office prior to January second, nineteen hundred and seventy-five who serves full-time in accordance with the provisions of this section shall not be subject to the provisions of section sixty-five D of chapter thirty-two; and (2) for purposes of determining the pension rights of a special justice who serves full-time in accordance with the provisions of this section said special justice may elect to waive the provisions of section sixty-five B of chapter thirty-two and his full-time service shall be deemed the service of a justice of a district court, other than the chief justice, and said special justice shall be entitled to the same credit for his part-time service, if any, as a special justice as is provided in section sixty-five A of chapter thirty-two for a justice of a district court who has previously served as a special justice; provided, however, that nothing herein shall be construed to alter the pension rights and responsibilities applicable to a special justice who does not file a certificate under the provisions of this section.

(*e*) Any special justice holding office on January first, nineteen hundred and seventy-six who does not file a certificate under the foregoing provisions shall, after July first, nineteen hundred and seventy-nine, be precluded from engaging directly or indirectly in the practice of law.

(*f*) Except as provided in paragraph (*e*), nothing in this section shall affect the powers, duties, rights and privileges of any special justice who is holding his office on January first, nineteen hundred and seventy-six and who does not file a certificate under the provisions of paragraph (*a*).

(*g*) Any special justice who assumes office after January first, nineteen hundred and seventy-six shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law, and shall also be subject to so much of the other provisions of paragraphs (*b*) and (*d*) of this section as are applicable.

(*h*) Nothing in this section shall be construed to establish a new judicial position nor to abolish the tenure of any incumbent special justice of a district court.

(*i*) Nothing in this section shall be construed to interfere with the existing administrative powers and duties of a justice, or first justice, of a district court.

SECTION 7. Said chapter 218 is hereby further amended by striking out section 40, as appearing in chapter 810 of the acts of 1963, and inserting in place thereof the following section:—

Section 40. A special justice of a district court who does not serve full-time in accordance with the provisions of section six A shall sit in the municipal court of the city of Boston if he is so assigned jointly by the chief justice of said court and the chief justice of the district courts. When such a special justice, who is part-time, so-called, holds court, or a session thereof or an inquest, or certifies a bill of costs to a county, city or town treasurer, that fact, and the fact which gave him jurisdiction, shall be entered upon the general records of the court, but need not be stated in the record of any case heard by him.

Except in the municipal court of the city of Boston, the district court of Dukes county and the district court of Nantucket, no justice or special justice who does not serve full-time shall hear and determine any civil cases other than supplementary proceedings, summary process, small claims, and proceedings relating to juveniles and insane persons in any district court without the authorization of the chief justice of the district courts. The chief justice of the district courts shall give such authorization for specified limited periods of time in specified district courts and only as the public convenience may require, and may give such authorization by general rule applicable to the hearing and determination of interlocutory proceedings, or whenever full-time justices or special justices assigned to hear such civil cases, who serve full-time in accordance with the provisions of section six A, are absent or otherwise unable to sit. No such authorization shall be required for the rehearing of matters of law arising in civil causes by any justice assigned to

the appellate division of a district court.

SECTION 8. Said chapter 218 is hereby further amended by inserting after section 58A the following section: —

Section 58B. (*a*) Any special justice of the Boston juvenile court holding office on January first, nineteen hundred and seventy-six may, in accordance with the provisions of paragraph (*c*), certify in writing to the justice of the Boston juvenile court that upon said certificate becoming effective, said special justice shall devote full-time during ordinary business hours to the duties of his office and shall not engage directly or indirectly in the practice of law. Said certificate shall become effective at such time as the justice of the Boston juvenile court may direct, but in no case later than July first, nineteen hundred and seventy-nine provided that no such special justice shall become full-time before another who has filed a certificate before him; and provided further that no certificate may be withdrawn after it has been filed.

(*b*) Upon said certificate becoming effective, said special justice shall be subject to the following provisions: (1) he shall devote full-time during ordinary business hours to the duties of his office, and shall not engage directly or indirectly in the practice of law; (2) he shall be paid the salary provided in section seventy-seven A for justices of the district courts who are required to devote full-time to their duties, other than the chief justice of the district courts, said salary to be paid from the same source and in the same manner as the salary paid to the justice of the Boston juvenile court, and travel and expense allowances to the same extent as is provided for justices of district courts; (3) he shall sit in such other courts in such manner as the law provides for special justices who serve full-time in accordance with the provisions of section six A; provided that when he is assigned to sit in another court it is upon the concurrence of the chief justice of the district courts and the justice of the Boston juvenile court; and (4) he shall have such other powers, duties, rights and privileges as has a special justice under clause (4) of paragraph (*b*) of section six A.

(*c*) The certificate provided for in paragraph (*a*) of this section may be filed with the justice of the Boston juvenile court at any time before May first, nineteen hundred and seventy-nine.

(*d*) A special justice of the Boston juvenile court who certifies himself in accordance with the provisions of this section shall be deemed to be entitled to the provisions of section six with regard to vacation and sick leave, including the provisions relative to accumulation; and, provided further, that during the calendar year in which his certificate is made effective, said special justice shall be entitled to the number of absences for vacation and sick leave corresponding to the proportion of said year remaining

after said certificate becomes effective.

Notwithstanding any provisions of the General Laws to the contrary, (1) for the purposes of determining his pension responsibilities a special justice of the Boston juvenile court who serves full-time in accordance with the provisions of this section shall not be subject to the provisions of section sixty-five D of chapter thirty-two; and (2) for purposes of determining the pension rights of a special justice of the Boston juvenile court who files a certificate in accordance with the provisions of this section said special justice may elect to waive the provisions of section sixty-five B of chapter thirty-two and his full-time service shall be deemed the service of a justice of a district court, other than the chief justice, and said special justice shall be entitled to the same credit for his part-time service, if any, as a special justice as is provided in section sixty-five A of chapter thirty-two for a justice of a district court who has previously served as a special justice, provided, however, that nothing herein shall be construed to alter the pension rights and responsibilities applicable to a special justice of the Boston juvenile court who does not file a certificate under the provisions of this section.

(*e*) Any special justice of the Boston juvenile court who does not file a certificate under the foregoing provisions shall after July first, nineteen hundred and seventy-nine, be precluded from engaging directly or indirectly in the practice of law.

(*f*) Except as provided in paragraph (*e*), nothing in this section shall affect the powers, duties, rights and privileges of any special justice of the Boston juvenile court who is holding his office on January first, nineteen hundred and seventy-six and who does not file a certificate under paragraph (*a*).

(*g*) Nothing in this section shall be construed to establish a new judicial position nor to abolish the tenure of any incumbent special justice of the Boston juvenile court.

(*h*) Nothing in this section shall be construed to interfere with the existing administrative powers and duties of the justice of the Boston juvenile court.

SECTION 9. Section 77A of said chapter 218, as most recently amended by chapter 760 of the acts of 1974, is hereby further amended by striking out the last paragraph and inserting in place thereof the following paragraph: —

Whenever a justice of a district court in one county, who is required to devote his full-time to his duties, or a special justice who serves full-time in accordance with the provisions of section six A, shall sit by assignment of the chief justice in a district court in another county, such other county shall reimburse the first county on a pro rata basis for the salary of such justice or special justice for the time that he sits in such other county, and for his expenses thereby incurred.

SECTION 10. Section 77B of said chapter 218, as most recently amended by chapter 558 of the acts of 1974, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph: —

Special justices, who do not serve full-time in accordance with the provisions of section six A of this chapter when sitting at the order of the chief justice of the district courts shall receive from the county in which they sit payment computed at the rate by the day of the salary of the justice of the district court in which they sit, or sixty-one dollars per day, whichever is greater.

SECTION 11. Any vacancy in the office of special justice of a district court occurring after February first, nineteen hundred and seventy-six shall not be filled.

SECTION 12. Sections one, two, three and four of this act shall take effect on July first, nineteen hundred and seventy-nine.

Approved January 8, 1976.

Chap. 863. AN ACT PROVIDING THAT CERTAIN DISTRICT COURT JUSTICES DEVOTE FULL-TIME TO THEIR DUTIES AND INCREASING THEIR COMPENSATION.

Be it enacted, etc., as follows:

SECTION 1. Chapter 218 of the General Laws is hereby amended by striking out section 77A, as most recently amended by section 1 of chapter 760 of the acts of 1974, and inserting in place thereof the following section: —

Section 77A. The salaries of the justices of the
first district court of Barnstable,
second district court of Barnstable,
district court of central Berkshire,
fourth district court of Berkshire,
district court of Leominster,
district court of Lee,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
district court of Franklin,
district court of Lawrence,
first district court of Essex,
second district court of Essex,
district court of eastern Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Winchendon,
district court of Peabody,

district court of Newburyport,
district court of Springfield,
district court of western Hampden,
district court of Holyoke,
district court of eastern Hampden,
district court of Hampshire,
first district court of eastern Middlesex,
second district court of eastern Middlesex,
third district court of eastern Middlesex,
fourth district court of eastern Middlesex,
first district court of southern Middlesex,
district court of Lowell,
district court of central Middlesex,
first district court of northern Middlesex,
district court of Natick,
district court of Marlborough,
district court of Newton,
district court of Somerville,
municipal court of Brookline,
district court of southern Norfolk,
district court of northern Norfolk,
district court of East Norfolk,
district court of western Norfolk,
district court of Brockton,
second district court of Plymouth,
third district court of Plymouth,
fourth district court of Plymouth,
municipal court of the Brighton district,
municipal court of the Charlestown district,
district court of Chelsea,
municipal court of the Dorchester district,
East Boston district court,
municipal court of the Roxbury district,
municipal court of the South Boston district,
municipal court of the West Roxbury district,
central district court of Worcester,
first district court of eastern Worcester,
second district court of eastern Worcester,
first district court of southern Worcester,
second district court of southern Worcester,
third district court of southern Worcester,
first district court of northern Worcester,
and district court of Fitchburg shall be thirty thousand one hundred and sixty-eight dollars each.

The justices of said courts shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Each of said justices

shall sit in his own court and, in addition, shall perform such other duties as a district court justice in such other courts and on such occasions as shall be ordered by the chief justice.

Whenever a justice of a district court in one county, who is required to devote his full time to his duties, shall sit by assignment of the chief justice in a district court in another county, such other county shall reimburse the first county on a pro rata basis for the salary of such justice for the time that he sits in such other county, and for his expenses thereby incurred.

SECTION 2. Said chapter 218 is hereby further amended by striking out section 78, as most recently amended by section 2 of said chapter 760, and inserting in place thereof the following section: —

Section 78. The salary of the justice of the following district court

district court of Chicopee,

shall be twelve thousand one hundred and eighty-nine dollars; the salary of the justice of each of the following district courts

district court of northern Bkershire,
district court of western Worcester,
district court of eastern Hampshire,
district court of southern Berkshire,

shall be ten thousand six hundred and nineteen dollars; the salary of the justice of each of the following district courts

third district court of Essex,
district court of eastern Franklin,
district court of Williamstown,

shall be nine thousand one hundred and seventy-one dollars; and the salary of the justices of each of the following district courts

district court of Nantucket,
district court of Dukes county,

shall be ten thousand and sixteen dollars.

Any such justice who sits in a district court other than his own shall be paid by the county in which he sits at the rate by the day of the salary of the justice of said court, but in no event an amount less than the rate by the day of his own court. For each day's service so paid, there shall be deducted by the county treasurer of the county in which his own court is situated one day's compensation at the rate by the day of his own salary as justice.

The justice of each district court listed above shall sit in his own court and, in addition, perform such other duties as district court justice on special matters as the chief justice of the district courts may from time to time assign to him.

SECTION 3. Said chapter 218 is hereby further amended by striking out section 77A, as amended by section 1 of this act, and inserting in place thereof the following section: —

Section 77A. The salaries of the justices of the
first district court of Barnstable,
second district court of Barnstable,
district court of central Berkshire,
district court of southern Berkshire,
district court of northern Berkshire,
fourth district court of Berkshire,
district court of Leominster,
district court of Lee,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
district court of Franklin,
district court of Lawrence,
first district court of Essex,
second district court of Essex,
third district court of Essex,
district court of eastern Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Winchendon,
district court of Williamstown,
district court of Peabody,
district court of Newburyport,
district court of Springfield,
district court of western Hampden,
district court of Holyoke,
district court of eastern Hampden,
district court of Hampshire,
first district court of eastern Middlesex,
second district court of eastern Middlesex,
third district court of eastern Middlesex,
fourth district court of eastern Middlesex,
first district court of southern Middlesex,
district court of Lowell,
district court of central Middlesex,
first district court of northern Middlesex,
district court of Natick,
district court of Marlborough,
district court of Newton,
district court of Somerville,
municipal court of Brookline,
district court of southern Norfolk,
district court of northern Norfolk,
district court of East Norfolk,
district court of western Norfolk,
district court of Brockton,

second district court of Plymouth,
third district court of Plymouth,
fourth district court of Plymouth,
municipal court of the Brighton district,
municipal court of the Charlestown district,
district court of Chelsea,
municipal court of the Dorchester district,
East Boston district court,
municipal court of the Roxbury district,
municipal court of the South Boston district,
municipal court of the West Roxbury district,
central district court of Worcester,
first district court of eastern Worcester,
second district court of eastern Worcester,
first district court of southern Worcester,
second district court of southern Worcester,
third district court of southern Worcester,
first district court of northern Worcester,
and district court of Fitchburg shall be
thirty thousand one hundred and sixty-eight dollars each.

The justices of said courts shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Each of said justices shall sit in his own court and, in addition, shall perform such other duties as a district court justice in such other courts and on such occasions as shall be ordered by the chief justice.

Whenever a justice of a district court in one county, who is required to devote his full time to his duties, shall sit by assignment of the chief justice in a district court in another county, such other county shall reimburse the first county on a pro rata basis for the salary of such justice for the time that he sits in such other county, and for his expenses thereby incurred.

SECTION 4. Said chapter 218 is hereby further amended by striking out section 78, as amended by section 2 of tis act, and inserting in place thereof the following section:—

Section 78. The salary of the justice of the following district court
district court of Chicopee,
shall be twelve thousand one hundred and eighty-nine dollars; the salary of the justice of the following district court
district court of western Worcester,
district court of eastern Hampshire,
shall be ten thousand six hundred and nineteen dollars; the salary of the justice of the following district court
district court of eastern Franklin,
shall be nine thousand one hundred and seventy-one dollars; and the salary of the justices of each of the following district courts
district court of Nantucket,
district court of Dukes county,
shall be ten thousand and sixteen dollars.

Any such justice who sits in a district court other than his own shall be paid by the county in which he sits at the rate by the day of the salary of the justice of said court, but in no event an amount less than the rate by the day of his own court. For each day's service so paid, there shall be deducted by the county treasurer of the county in which his own court is situated one day's compensation at the rate by the day of his own salary as justice.

The justice of each district court listed above shall sit in his own court and, in addition, perform such other duties as district court justice on special matters as the chief justice of the district courts may from time to time assign to him.

SECTION 5. Said chapter 218 is hereby further amended by striking out section 77A, as most recently amended by section 3 of this act, and inserting in place thereof the following section: —

Section 77A. The salaries of the justices of the
first district court of Barnstable,
second district court of Barnstable,
district court of central Berkshire,
district court of southern Berkshire,
district court of northern Berkshire,
fourth district court of Berkshire,
district court of Leominster,
district court of Lee,
first district court of Bristol,
second district court of Bristol,
third district court of Bristol,
fourth district court of Bristol,
district court of Franklin,
district court of eastern Franklin,
district court of Lawrence,
first district court of Essex,
second district court of Essex,
third district court of Essex,
district court of eastern Essex,
district court of southern Essex,
central district court of northern Essex,
district court of Winchendon,
district court of Williamstown,
district court of Peabody,
district court of Newburyport,
district court of Chicopee,
district court of Springfield,
district court of western Hampden,
district court of Holyoke,
district court of eastern Hampden,
district court of Hampshire,
district court of eastern Hampshire,

first district court of eastern Middlesex,
second district court of eastern Middlesex,
third district court of eastern Middlesex,
fourth district court of eastern Middlesex,
first district court of southern Middlesex,
district court of Lowell,
district court of central Middlesex,
first district court of northern Middlesex,
district court of Natick,
district court of Marlborough,
district court of Newton,
district court of Somerville,
municipal court of Brookline,
district court of southern Norfolk,
district court of northern Norfolk,
district court of East Norfolk,
district court of western Norfolk,
district court of Brockton,
second district court of Plymouth,
third district court of Plymouth,
fourth district court of Plymouth,
district court of Dukes county,
district court of Nantucket,
municipal court of the Brighton district,
municipal court of the Charlestown district,
district court of Chelsea,
municipal court of the Dorchester district,
East Boston district court,
municipal court of the Roxbury district,
municipal court of the South Boston district,
municipal court of the West Roxbury district,
central district court of Worcester,
first district court of eastern Worcester,
second district court of eastern Worcester,
first district court of southern Worcester,
second district court of southern Worcester,
third district court of southern Worcester,
first district court of northern Worcester,
district court of western Worcester,
and district court of Fitchburg shall be thirty thousand one hundred and sixty-eight dollars each.

The justices of said courts shall devote their entire time during ordinary business hours to their duties and shall not, directly or indirectly, engage in the practice of law. Each of said justices shall sit in his own court and, in addition, shall perform such other duties as a district court justice in such other courts and on such occasions as shall be ordered by the chief justice.

Whenever a justice of a district court in one county, who is required to devote his full time to his duties, shall sit by

assignment of the chief justice in a district court in another county, such other county shall reimburse the first county on a pro rata basis for the salary of such justice for the time that he sits in such other county, and for his expenses thereby incurred.

SECTION 6. Section seventy-eight of said chapter two hundred and eighteen is hereby repealed.

SECTION 7. Sections one and two of this act shall take effect on January first, nineteen hundred and seventy-six; sections three and four shall take effect on July first, nineteen hundred and seventy-six; and sections five and six shall take effect on July first, nineteen hundred and seventy-seven.

Approved January 8, 1976.

Chap. 864. AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW PROVIDING FOR TEMPORARY SERVICE BY RETIRED JUDGES OF PROBATE AND INSOLVENCY.

Be it enacted, etc., as follows:

SECTION 1. Section 65E of chapter 32 of the General Laws, inserted by section 1 of chapter 820 of the acts of 1975, is hereby further amended by striking out paragraphs (*c*) and (*d*) and inserting in place thereof the following paragraphs: —

(*c*) A retired judge whose name has been placed on the list of retired judges shall be eligible for a term of not more than two years to perform judicial duties as provided in section three A of chapter two hundred and seventeen.

(*d*) If such retired judge no longer wishes to be eligible to perform judicial duties pursuant to said section three A, he may at any time after having his name placed upon the retired list resign his office, and thereafter he or his widow shall be, and continue to be, entitled to receive the same pension and all other benefits which he or his widow would have been entitled to receive if he had not had his name placed on such list.

SECTION 2. Paragraph (*a*) of section 91 of said chapter 32 is hereby amended by striking out the words ", for services as a retired judge under the provisions of section eight B of chapter two hundred and seventeen", inserted by section 3 of said chapter 820, and inserting in place thereof the words: — , for services as a retired judge under the provisions of section three A of chapter two hundred and seventeen.

SECTION 3. This act shall take effect as of December twenty-third, nineteen hundred and seventy-five.

Approved January 8, 1976.

Chap. 865. AN ACT ESTABLISHING THE MASSACHUSETTS INDUSTRIAL MORTGAGE INSURANCE AGENCY.

Be it enacted, etc., as follows:

SECTION 1. Chapter 23A of the General Laws, as most recently amended by chapter 826 of the acts of 1974, is hereby further amended by adding after section 28 the following seven sections: —

Section 29. It is hereby found that the high cost as well as the lack of availability of industrial loans for small business makes it extremely difficult for the thousands of these industrial enterprises in Massachusetts to hold their present employment levels or to expand employment.

It is further found that as a result of the continuing increase in the cost of construction or rehabilitation, municipal taxes, heating and electricity expense, maintenance and repair expenses and the cost of land, the commonwealth suffers from structural economic weaknesses which contribute to a rising level of chronic unemployment and underemployment.

It is further found that the lack of gainful employment puts additional pressure on the state's welfare programs and increases the cost of unemployment compensation to the existing enterprises of the commonwealth.

Therefore, it is in the best public interest of the commonwealth to promote the prosperity and general welfare of all citizens by stimulating industrial growth and expansion by encouraging a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions, including pension retirement funds, to help satisfy the need for industrial expansion. The creation of a Massachusetts Industrial Mortgage Insurance Agency would encourage the making of industrial loans by an insurance program for the public purpose of furthering industrial expansion in the commonwealth.

The advantages of this program to the general public would include an increase in the gainful employment of the citizens; a decrease in welfare and unemployment compensation costs; an increase in the tax base of the commonwealth; an increase in the availability of capital for small enterprises in the commonwealth; an increase in the inventory of industrial sites and modern industrial buildings suitable to house new or expanding industrial enterprises; the expansion, reclamation or renovation of existing buildings to house new or expanding industrial and recreational enterprises and lower cost capital for the abatement of industrial air and water pollution and general improvement of the disposal of industrial waste.

Section 30. As used in this section and sections thirty-one to thirty-five, inclusive, the following words and terms shall have the following meanings unless a contrary intent is clearly indicated: —

"Agency", the Massachusetts Industrial Mortgage Insurance Agency;

"Board", the board of directors of the agency;

"Fund", the industrial mortgage insurance fund;

"Commissioner", the commissioner of commerce and development;

"Loan" shall include, but not be limited to industrial mortgage loans, and may include bonds issued under the provisions of chapter forty D;

"Industrial enterprise", any enterprise engaged in the giving of new shapes, new qualities or new combinations to matter as material products by the application of skill and labor thereto.

"Industrial development facilities", industrial enterprises, recreation or research and development enterprise or part thereof, including any or all buildings, docks, wharves, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, riparian rights, water rights, franchises, machinery, equipment, furnishings, landscaping, utilities, approaches, roadways, pollution control facilities and other facilities necessary or desirable in connection therewith or incidental thereto, such as, but not limited to, office, warehouse, terminal, transportation and back-up power generating facilities.

"Primary employment", a full-time, permanent job whose entry level hourly wage is at least one hundred and fifty per cent of the non-manufacturing minimum wage as defined in chapter one hundred and forty-nine.

Section 31. There is hereby created and placed in the department of commerce and development a body corporate and politic, constituting a public corporation and government instrumentality to be known as the Massachusetts Industrial Mortgage Insurance Agency, hereafter referred to as the agency, which shall not be subject to the supervision or regulation of the department of commerce and development or of any department, agency or other instrumentality of the commonwealth except to the extent and in the manner provided in this act. The agency shall maintain a close liaison with the department of commerce and development in order to facilitate a coordinated effort in the area of industrial development.

The agency shall be governed and its corporate powers exercised by a board of directors of five members, consisting of the commissioner of commerce and development or his designee, ex officio, and four persons to be appointed by the governor who shall serve at his pleasure. Of the four members appointed by the governor, at least one shall have had experience in the field of real estate development, one in the field of industrial mortgage credit and one in the field of commercial credit. Three members of the board shall constitute a quorum, but the approval of

insurance of a loan shall require the affirmative vote of at least three members of the board.

Each appointive member shall be appointed for a term of three years, except that in making his initial appointments, the governor shall appoint two members to serve for three years, one to serve for two years and one to serve for one year. Any person appointed to fill a vacancy shall serve for the remainder of the expired term. Any member shall be eligible for reappointment. The governor shall from time to time designate one appointed member to serve as chairman.

The board of directors may, subject to appropriation, appoint a treasurer and employ counsel and such other officers, agents and employees as it deems necessary or proper and may delegate to one or more of its members or to one or more of the agents or employees of the agency such powers and duties other than the power to make the findings required by section thirty-three as it deems necessary or proper to carry out any action by it. The board of directors may adopt, amend, and repeal by-laws, rules and regulations governing the manner in which the business of the agency may be conducted and its powers exercised. The board may adopt an official seal and sue and be sued in its own name. The members of the board shall serve without compensation, but each such member shall be reimbursed for all necessary expenses incurred by him in the discharge of his official duties.

The commissioner shall include in his budget requests such funds as may be required by the board to carry out its functions.

Section 32. There is hereby established an industrial mortgage insurance fund to which shall be credited all premiums received by the agency, any other sums realized by the agency pursuant to its industrial mortgage loan insurance agreements, whether by way of subrogation or otherwise, and any state appropriations or other monies made available to the fund. The fund shall be held in the custody of one or more banks or trust companies having a principal place of business in the commonwealth. The fund shall be held for the security of the holders of industrial mortgage loans insured under section thirty-three. It shall be governed by a trust agreement entered into by the agency with the trustees. The trust agreement may contain provisions and limitations as to the investment and disbursal of monies in the fund, the payment of expenses of the fund, the appointment, resignation and discharge of trustees, the delegation of enforcement and collection powers under the insurance agreements to the trustee, the duties of the trustees, amendments of the trust agreement and such other lawful provisions and limitation as may be deemed appropriate. The trust agreement may pledge premiums and other monies which are to be deposited in the fund. Such pledge shall be valid and binding from the time when the pledge is made. The premiums and other

monies so pledged and thereafter received by the fund or by the trustees in its behalf shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the fund, irrespective of whether such parties have notice thereof.

Section 33. The agency is empowered: —

(1) To provide insurance of loans, or their debt service, made to finance the acquisition, construction or alteration or any combination thereof, of industrial development facilities;

(2) To enter into agreements for such insurance;

(3) To fix a rate or rates of premiums for such insurance; and

(4) To exercise such other powers as are necessary or incidental to the foregoing.

The insurance provided by the agency shall be payable solely from the industrial mortgage insurance fund established by section thirty-two and shall not constitute a debt or pledge of the faith and credit of the commonwealth or of any subdivision thereof.

The board shall not approve the insurance of a loan unless it makes the following findings: —

(1) that the loan is to be secured by a first mortgage of real or personal property or both satisfactory to the board;

(2) that the mortgagor and mortgagee are responsible parties;

(3) that occupant of the project or projects is a responsible industrial occupant;

(4) the provisions of the mortgage loan are reasonable and proper, and in making such determination the board may take into account such factors as it deems relevant including, without limitation, the provisions for maintaining, insuring and repairing the project by the mortgagee and the remedies of the board upon default of the mortgagee;

(5) the project will provide employment having a reasonable relationship to the principal amount of loans to be insured therefor, taking into account, among other things, the investment per employee of comparable industrial facilities;

(6) adequate provision is being or will be made to meet any increased demand upon community public facilities that might result from the project;

(7) the size and scope of the project is such that a definite benefit to the economy of the commonwealth may reasonably be expected to result from the construction or improvement thereof; and the employment created shall be substantially primary employment;

(8) that the principal amount of the loan does not exceed ninety per cent of the cost of the industrial development facility and eighty per cent of the cost of the machinery and equipment;

(9) that the duration of the loan shall not exceed thirty years on an industrial development facility exclusive of machinery

and equipment and fifteen years on machinery and equipment; and that the authorization provisions are satisfactory to the board;

(10) that the insurance agreement provides for subrogation on terms satisfactory to the board upon payment of insured debt service from the fund;

(11) that the public interest is adequately protected by the terms of the loan and of the insurance agreement;

(12) that the insurance of the loan will not cause the insured debt service coming due in any one calendar year on account of an insured loan or loans for any one mortgagor to exceed twenty per cent of the amount in the fund when the finding is made; and

(13) that the insurance of the loan will not cause the insured debt service coming due in any one calendar year on account of all insured loans to exceed one hundred per cent of the amount in the mortgage insurance trust when the finding is made.

In addition to the above, the board shall not authorize insurance of a loan for pollution control facilities unless it makes the findings which the finance board is required to make under clause (*f*) of section twelve and paragraph (*b*) of section twenty-two of chapter forty D.

The board shall consult with the appropriate local and regional planning agencies to ascertain the relationship of a proposed project to any existing local or regional comprehensive plan; that, so far as feasible, the project is to be located in an area of generally high unemployment; and that employment opportunities will become available to the residents of such area.

Section 34. The agency shall annually submit to the governor, the chairman of the senate ways and means committee, the chairman of the house ways and means committee, the commissioner of administration, and the comptroller within ninety days after the end of its fiscal year, a complete and detailed report setting forth its operation and accomplishments; its receipts and expenditures during such fiscal year in accordance with the categories and classifications established by the agency for its operating and capital outlay purposes; and its assets and liabilities at the end of the fiscal year, including a schedule of its loans insured and commitments and the status of the funds.

Section 35. The books and records of the agency shall be subject to an annual audit by the auditor of the commonwealth.

SECTION 2. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 3. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Approved January 12, 1976.

Chap. 866. AN ACT ESTABLISHING THE MASSACHUSETTS COMMUNITY DEVELOPMENT FINANCE CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. It is hereby found and declared that there exists in parts of the commonwealth substandard, decadent, or blighted areas; that each such area is inimical to the safety, health, morals and welfare of the residents of the area and of the commonwealth, decreases the value of private investments and threatens the sources of public revenue; that, because of the economic and social interdependence of communities, the economic and industrial development of cities and towns of the commonwealth is substantially impaired; that there exists in the commonwealth a condition of substantial and persistent unemployment and underemployment seriously aggravated by an unacceptably low level of economic activity in such areas; that the development or redevelopment of such areas requires the stimulation of private investment therein; that community development corporations in the commonwealth have themselves invested substantial funds in development projects in such areas and are experiencing difficulty in undertaking additional such projects by reason of the inadequacy of investment funds; that the further activity of such community development corporations is necessary to the development or redevelopment of such areas; that the provision of capital to small businesses in such areas is necessary to their redevelopment; that the menace of such areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided herein; that increasing the number of development projects in decadent, substandard and blighted areas, providing capital to community development corporations and small businesses within such areas, and stimulating private investment in such businesses and areas are public uses and purposes for which public money may be expended and invested.

SECTION 2. The General Laws are hereby amended by inserting after chapter 40E the following chapter: —

CHAPTER 40F.

THE MASSACHUSETTS COMMUNITY DEVELOPMENT FINANCE CORPORATION.

Section 1. For the purposes of this chapter the following words and terms shall have the following meanings, except where the context clearly indicates otherwise: —

"Capital participation investments", purchase of stock, both common and preferred, convertible securities, warrants, subscriptions, options to acquire, capital loans, and working capital or inventory loans, royalties, and any other lawful derivations of the foregoing.

"Community development corporation" of "CDC", a quasi-public nonprofit corporation organized under the General Laws to carry out certain public purposes and with by-laws providing that:

(1) it is organized to operate within a specified geographic area coincident with existing political boundaries;

(2) that membership in the corporation shall be open to all residents of said area who are eighteen years or older;

(3) that at least a majority of its board of directors shall be elected by the full membership with each member having an equal vote;

(4) that the by-laws of the Community Development Corporation shall provide that any other directors be either appointees of elected state or local government officials or appointees of other nonprofit organizations having as a purpose the promotion of development in the designated geographic area;

(5) that said elections shall be held annually for at least one third of the members of the board of directors so that each selected director shall serve for a term of at least three years;

(6) that the designated geographic area shall be consistent with some existing, or combination of existing, political district, provided that the aggregate population of such geographic area shall not exceed one hundred and fifteen thousand people based on the most recent appropriate census.

"Corporation" or "CDFC", the Massachusetts Community Development Finance Corporation created by section two.

"Costs of a project", any and all costs associated with the design, planning and implementation of a project undertaken in a target area which can reasonably be recovered in the financing of the project. Such costs may include but are not limited to the costs of planning and design, options to buy land, feasibility or other studies, seed money, construction, working capital and any other costs determined by the directors of the corporation to be necessary to the purposes of this chapter.

"Paid in capital", all monies received in return for capital stock of the CDFC.

"Primary employment", work which pays at least one and one-half times the minimum wage, offers adequate fringe benefits including health insurance, and is not seasonal or part time.

"Project", any commercial, industrial or real estate business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, economic depression, or widespread reliance on public assistance.

"Small business", any business that has either an average gross sales of less than seven million five hundred thousand dollars per year for the most recent two fiscal years, or has less than two hundred and fifty full-time employees, except that businesses primarily engaged in wholesaling shall be considered

eligible if their average gross annual sales for the most recent two fiscal years do not exceed fifteen million dollars per year.

"Small business investment corporation", of "SBIC", a Massachusetts corporation organized to provide capital to small businesses located in the commonwealth and licensed according to the provisions of the Small Business Investment Act of 1958, (Public Law 85-699).

"Target area", any contiguous geographic area which is (1) a "blighted open area", "decadent area" or "substandard area" as defined in section one of chapter one hundred and twenty-one A, and in which according to the most recent United States census, the average household income is reported to be at least fifteen per cent lower that that reported for the Boston standard metropolitan statistical area, also known as Boston SMSA, as recognized by the United States Bureau of the Census in the 1970 census, or (2) any other contiguous geographic area in which the board of directors of the particular CDC finds and publishes in accordance with statistical criteria previously established by the CDFC that substantial conditions of blight, economic depression, and widespread reliance on public assistance exist in said area.

Section 2. There is hereby created a body politic and corporate to be known as the Massachusetts Community Development Finance Corporation or CDFC. The CDFC is hereby constituted a public instrumentality and the exercise by the CDFC of the powers conferred by this act shall be deemed to be the performance of an essential governmental function.

The CDFC is hereby placed in the department of community affairs but shall not be subject to the supervision or control of said department or of any other board, bureau or agency of the commonwealth except as specifically provided in this act.

The corporation shall consist of nine directors, one of whom shall be the secretary of communities and development, one of whom shall be the secretary of manpower affairs, and one of whom shall be the secretary of administration, or his designee. The governor shall appoint the remaining six members, two of whom shall be experienced in investment finance, three of whom shall be residents of target areas and members of community development corporations, and one of whom shall be a representative of organized labor. Each member appointed by the governor shall serve a term of five years, except that in making his initial appointments the governor shall appoint one member to serve for a term of one year, one member to serve for a term of two years, one member for a term of three years, two members for a term of four years, and one member for a term of five years.

Any person appointed to fill a vacancy in the office of a member shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for

reappointment. Any member may be removed from his appointment by the governor only for good cause. The governor shall appoint the chairman of the board of directors of the corporation who shall be a member of the board. The directors shall annually elect one of their members as vice-chairman and designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents, and papers filed with the corporation, the minute books of the corporation and of its official seal.

Five of the directors of the corporations shall constitute a quorum and five affirmative votes shall be necessary for the transaction of business or the exercise of any power or function of the corporation. Each director shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance for his actual and necessary expenses incurred in the performance of his official duties.

The corporation, its directors, officers, and employees shall be subject to the provisions of sections one to four, inclusive, of chapter two hundred and sixty-eight A except that the corporation may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any public nonprofit community development corporation organized to carry out the purposes of this act of which any director of the corporation is also a member or officer provided that such interest is disclosed in advance to members of the board and recorded in the minutes of the corporation and, provided further, that no director having such a financial interest may participate in any decision affecting such transaction.

The president of the corporation shall be appointed and his salary established by the board of directors. The president shall be the chief administrative and operational officer of the corporation and shall direct and supervise administrative affairs and the general management of the corporation. The president may employ such other employees as shall be designated by the board of directors, shall attend meetings of the board of directors, shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies, and all persons dealing with the corporation may rely upon such certification.

Section 3. The CDFC shall have the power to:

(*a*) Adopt by-laws for the regulation of its affairs and the conduct of its business.

(*b*) Adopt an official seal.

(*c*) Sue and be sued in its own name.

(*d*) Make and execute contracts and all other instruments necessary or convenient for the exercise of its power and functions.

(*e*) Acquire, hold and dispose of personal property for its corporate purposes.

(*f*) Enter into agreements or other transactions with any federal or state agency.

(*g*) Acquire real property, or an interest therein, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect or secure any investment or loan in which the agency has an interest; to sell, transfer and convey any such property to a buyer and in the event of such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, to lease such property to a tenant.

(*h*) Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be lawful for fiduciaries in the commonwealth.

(*i*) Borrow money by the making of notes and the issuance of bonds including tax exempt revenue bonds and secure such bonds by the pledge of revenues, mortgages and notes of others, provided that in no case shall the total indebtedness of the CDFC exceed thirty million dollars.

(*j*) Employ a president, who shall be the chief executive officer of the corporation, and such other agents, employees, professional and business advisers as may from time to time be necessary in the judgment of the board of directors and to fix their compensation. The president, professional advisers and business advisers shall not be subject to the provision of chapter thirty-one or section nine A of chapter thirty.

(*k*) Appear in its own behalf before boards, commissions, departments or other agencies of government, municipal, state or federal.

(*l*) Procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

(*m*) Consent, subject to the provisions of any contract with noteholders or bondholders, whenever it deems it necessary or desirable in the fulfillment of the purposes of this act, to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, or any other terms, of any mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the CDFC is a party.

(*n*) Do any and all things necessary or convenient to carry out its purposes and exercise the powers expressly given and granted in this act.

(*o*) Receive and accept from any federal or state agency grants, loans or advances for or in aid of the purposes of this chapter and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for said purposes.

(*p*) Create, issue, buy and sell stock and other capital participation instruments; to hold such stock and capital participation instruments and to underwrite the creation of a capital market for these securities in a manner which provides first offer of resale to the community development corporation, business or residents of the target area and which is designed to enhance development of capital ownership in the target area.

(*q*) Provide and pay for such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(*r*) Exercise any other powers or rights or responsibilities of a corporation organized under chapter 156B.

Section 4. The state treasurer, subject to appropriation or the authorization of the issuance of bonds for this purpose, may purchase shares of the Corporation in the amount of ten million dollars.

In return for said investment the commonwealth shall receive one million shares of common stock in the corporation. These shares shall constitute the entire issues of common stock.

Upon the commencement of the eighth year after the sale of the general obligation bonds and upon the request of the treasurer, the board of directors of the CDFC shall assist the treasurer in implementing a plan for the sale of the shares of common stock held by the commonwealth.

The corporation shall hold the proceeds of said investment in an account or accounts separate from other funds. The corporation shall use said proceeds for only two purposes: (1) to purchase capital participation instruments from community development corporations in return for an investment in a specific project only when the board of the CDFC finds that community development corporation will use the funds in support of a project consistent with the purposes of this chapter and (2) to invest said funds in any security eligible for investment under the provisions of section thirty-eight of chapter twenty-nine. Proceeds of these investments may be used to pay for the normal business expenses of the CDFC.

Upon application of a CDC for a specific project the CDFC may, subject to the restrictions set forth in section four agree to purchase capital participation instruments from said CDC, provided that the CDFC shall find and incorporate in its minutes that:

(1) The project is within the scope of this chapter and may reasonably be expected to contribute to the redevelopment of target areas and the economic development of the commonwealth or will increase or maintain threatened primary employment.

(2) The project plans conform to all applicable environmental, zoning, building, planning, or sanitation laws.

(3) The project will be of public benefit and for a public purpose, and that the benefits, including increased employment and improved standard of living, shall primarily accrue to residents of the area served by the CDC.

(4) There is a reasonable expectation that the project will be successful.

(5) Private industry has not provided sufficient capital required for the project or sufficient primary employment opportunities in the project's area.

(6) The CDFC determines that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project.

(7) The applicant CDC meets the standards of a CDC as defined in section one and appears able to manage its proposed project responsibilities.

(8) The proceeds of the purchase or contract will be used solely in connection with the costs of the project.

(9) Provision has been made in contract for adequate reporting of financial data from the CDC to the CDFC. Such provisions may include a requirement for an annual or other periodic audit of the project books.

(10) The CDFC, or the CDFC in combination with its subsidiary, shall not own more than forty-nine per cent of the voting stock in any enterprise.

(11) The CDC will maintain sufficient control over the project to ensure that public benefit and public purposes are maintained. This determination shall be satisfactorily complied with if any one of the following is satisfied:

(*a*) The project is conducted by a wholly-owned subsidiary of the CDC.

(*b*) The CDC owns a majority of the capital stock of the corporation or other organization conducting the project.

(*c*) The CDC owns a majority of the voting stock of the corporation or other organization conducting the project.

(*d*) The project is conducted by a limited-dividend corporation or other association organized under the laws of the commonwealth to provide public benefit and which exists for a public purpose.

(*e*) The project is conducted by a nonprofit corporation including local development corporations organized under the Small Business Act.

(*f*) In all other cases, adequate provision is made for reporting to the CDC, and that the CDC must approve all major transactions including but not limited to any sale, merger, dissolution, the sale or issue of substantial amounts of stock, and corporate reorganization.

(12) Provision has been made that should the CDFC desire to sell or otherwise dispose of stock received pursuant to such a contract, that the CDC or its nominee shall have within one hundred and twenty days the right of first refusal upon said sale and the right to meet any subsequent bona fide offer by a third party.

(13) CDFC has not invested or loaned more than twenty per cent of its lendable or investable resources in any one CDC, including this investment.

Such findings when adopted by the CDFC shall be conclusive.

Section 5. The CDFC is hereby specifically authorized to establish a limited small business investment corporation. The board of directors of the CDFC shall sit as the board of directors of the SBIC. This subsidiary limited SBIC shall invest equity capital and make loans to start-up, acquire or expand small businesses which carry out the purposes of this act.

The CDFC is hereby authorized to expend such sums as may be appropriated for initial investment in the subsidiary SBIC. None of the proceeds derived from the investment for the common stock investment provided for in section four shall be used to support the establishment or operation of this subsidiary limited small business corporation.

Upon application of a small business for a specific project, the subsidiary SBIC may provide equity capital or loans subject to the restrictions of this chapter. Before any such transaction is executed, said subsidiary SBIC shall determine and incorporate in its minutes that:

(1) The project is within the scope of this chapter and may reasonably be expected to contribute to the redevelopment and economic well-being of target areas or will increase or maintain threatened primary employment.

(2) In cases where a community development corporation is participating in a project, the community development corporation meets the standards of a CDC, as defined in section one and appears to manage its proposed project responsibilities.

(3) The CDFC determines that its participation is necessary to the successful completion of the proposed project.

(4) The proceeds of the purchase or contract will be used solely in connection with the costs of the project.

(5) Provision is made in the contract for adequate reporting of financial data from the small business to the CDFC. Such provisions may include a requirement for an annual or other periodic audit of the project books.

(6) The CDFC determines that its participation is necessary to the successful completion of the proposed project because funding for the project is unavailable in the traditional capital markets, or that credit has been offered on terms that would preclude the success of the project.

(7) The proceeds of the transaction shall be used solely for the costs of the project.

(8) In no case shall the CDFC, or the CDFC in combination with its subsidiary SBIC, own more than forty-nine per cent of the voting stock in any small business.

(9) Provision has been made that should the CDFC desire to sell or otherwise dispose of stock received pursuant to such a contract, that the small business or its nominee shall within one hundred and twenty days have the right of first refusal upon said sale and the right to meet any subsequent bona fide offer by a third party.

SECTION 3. This act, being necessary for the welfare of the commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 4. The chairman of the board of directors of the CDFC created by section two of this act shall submit three months after the end of the fiscal year, to the clerk of the house of representatives and to the clerk of the senate an annual report of the corporation's activities.

SECTION 5. The accounts and books of the CDFC created by section two of this act, including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operations and affairs shall be examined and audited from time to time by the state auditor.

SECTION 6. The provisions of this act, including without limitations sections, subsections, and findings, are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions.

Approved, January 12, 1976,

Chap. 867. AN ACT VALIDATING CERTAIN ACTIONS OF THE TOWN OF EDGARTOWN AND AUTHORIZING SAID TOWN TO ISSUE CERTAIN FEDERAL AND STATE GRANT ANTICIPATION NOTES AND BONDS OR NOTES, ALL IN CONNECTION WITH A SEWER CONSTRUCTION PROJECT.

Be it enacted, etc., as follows:

SECTION 1. The action taken by the town of Edgartown on October sixteenth, nineteen hundred and seventy-four in paying from its revenue funds three hundred and twenty thousand dollars principal amount of temporary loans in anticipation of federal and state grants for sewer construction purposes on account of the sewer construction project designated by the United States Environmental Protection Agency as Project No. C250228 and the action of said town in paying from revenue funds the sum of forty-eight thousand two hundred forty-nine

dollars and twenty cents for additional costs in connection with said project are hereby validated. Upon the restoration of said revenue funds as provided in sections two and three, the director of accounts shall certify to the assessors of said town and to the commissioner of corporations and taxation the amount of available funds of said town on hand as of July first, nineteen hundred and seventy-five, as provided in section twenty-three of chapter fifty-nine of the General Laws, as though said revenue funds had been so restored prior to July first, nineteen hundred and seventy-five.

SECTION 2. The town of Edgartown is hereby authorized to restore said revenue funds of the town to the extent of two hundred ninety-six thousand two hundred and forty-four dollars upon receipt of and from the proceeds of the grants payabel to the town by the United States Environmental Protection Agency in the amount of sixty-six thousand three hundred and forty-eight dollars and by the commonwealth in the amount of two hundred twenty-nine thousand eight hundred and ninety-six dollars, provided, however, that to any extent that said grants have not been received by said town and remain unpaid on the effective date of this act, the town treasurer, with the approval of the board of selectmen, is hereby authorized to issue not exceeding two hundred ninety-six thousand two hundred and forty-four dollars principal amount of federal and state grant anticipation notes of the town, payable in not more than two years from their dates, in order to restore said revenue funds by that amount. Notes issued under this section for a period of less than two years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed two years. Notes issued under this section shall be paid from the proceeds of the aforesaid grants in anticipation of which they were issued and such notes may be issued only to the extent that said grants remain unpaid.

SECTION 3. In order to restore the balance of said revenue funds of said town in the amount of seventy-two thousand five dollars and twenty cents and to pay any remaining unpaid costs of the aforesaid sewer construction project, the treasurer of the town of Edgartown, with the approval of the board of selectmen but without the necessity of any further approval by the emergency finance board, is hereby authorized to issue bonds or notes to an amount not exceeding one hundred seventy thousand six hundred seventy-two dollars and seventy-five cents pursuant to and for the purposes stated in the votes of the town adopted under article 26 of the warrant for its nineteen hundred and seventy-one annual town meeting, under article 6 of the warrant for its special town meeting held on June twenty-ninth, nineteen hundred and seventy-one, under article 17 of the

warrant for its special town meeting held on May sixteenth, nineteen hundred and seventy-two and under article 1 of the warrant for its special town meeting held on July seventeenth, nineteen hundred and seventy-two, said sum of one hundred seventy thousand six hundred seventy-two dollars and seventy-five cents being the unissued balance of the bonds or notes so authorized.

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

Approved, January 13, 1976.

Chap. 868. AN ACT FURTHER REGULATING THE BORROWING POWER AND CERTAIN OTHER POWERS OF THE UNIVERSITY OF MASSACHUSETTS BUILDING AUTHORITY, THE UNIVERSITY OF LOWELL BUILDING AUTHORITY, THE MASSACHUSETTS STATE COLLEGE BUILDING AUTHORITY AND THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide finance forthwith urgently needed facilities for students at the University of Massachusetts, The University of Lowell, the state colleges and Southeastern Massachusetts University, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 773 of the acts of 1960, as amended by section 4 of chapter 684 of the acts of 1963, is hereby further amended by inserting after the word "trustees", in line 12, the words: — and upon written approval from the commissioner of administration and the secretary of educational affairs.

SECTION 2. The fourth paragraph of section 7 of said chapter 773, is hereby amended by striking out the second sentence as most recently amended by section 3 of chapter 770 of the acts of 1970, and inserting in place thereof the following sentence: — Bonds issued hereunder shall be dated, shall bear interest at such rates as may be determined by the Authority consistent with the requirements of the fifth paragraph of this section, shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the Authority, and may be redeemable before maturity at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority consistent with the requirements of the fifth paragraph of this section prior to the issuance of any of such bonds.

SECTION 3. The fifth paragraph of said section 7 of said chapter 773 is hereby amended by striking out the fourth and fifth sentences, inserted by section 4 of said chapter 770, and inserting in place thereof the following three sentences: — The Authority may sell such bonds and notes in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Authority; provided that no bonds or notes shall be sold by the Authority unless such sale and the terms thereof have been approved by the treasurer and receiver-general of his designee and the commissioner of administration or his designee. The rate of interest payable by the Authority shall be computed with relation to the absolute maturity of the bonds or notes in accordance with standard tables of bond values, including as interest in such computation the amount of any premium to be paid on redemption of bonds required by any sinking fund provision to be redeemed prior to maturity but excluding from such computation the amount of any premium to be paid on any other redemption of bonds prior to maturity. The rate of interest payable on any bond shall be deemed to be the average of the rates of interest payable on all bonds of all issues or series sold at any single sale, whether such bonds, issues or series are offered together or separately, provided however, that the rates of interest payable on bonds guaranteed by the commonwealth under section ten hereof shall not be averaged with those payable on bonds not so guaranteed.

SECTION 4. The first paragraph of section 10 of said chapter 773, as appearing in section 11 of chapter 684 of the acts of 1963, is hereby amended by striking out the fourth and fifth sentences.

SECTION 5. Said section 10 of said chapter 773 is hereby further amended by inserting after the first paragraph, as so appearing, the following paragraph: —

The authority shall create a reserve for principal and interest on all bonds with respect to which such a contract or contracts shall have been executed and which are secured by a single trust agreement and shall make deposits in such reserve as hereinafter required. For the purposes of this paragraph the term "annual series requirement" shall mean one-twelfth of the largest amount of principal and interest payments due on any one issue or series of bonds in any year after the twelfth year next succeeding the year in which such issue or series of bonds was issued. Such annual series requirement shall be in effect as to any issue or series of bonds for and only for the twelve years next succeeding the year in which the same was issued. In each year commencing with the first year succeeding the year in which the initial issue or series of bonds shall be issued the Authority shall deposit in such reserve an amount equal to the aggregate of the annual series requirements in effect for such year in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year minus or plus, as the case may be, the excess or deficiency of the amount on deposit in such reserve on such first day, including in such amount interest accrued but unpaid on obligations in which such amount may

requirements in effect for prior years in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year; provided, however, that if there shall be any application of such reserve or any portion thereof to the payment of principal or interest on bonds, the amount of any deficiency in the amount thereafter on deposit in such reserve resulting from such application shall be taken into account in computing the amount required to be deposited in such reserve in any year thereafter only to the extent that it is practicable to do so. The principal and interest payments due in any year on any issue or series of bonds shall be determined in accordance with the following when applicable: (1) the principal of bonds for the payment, prepayment, redemption or refunding of which funds are held in trust under the trust agreement shall be treated as not outstanding, and, after notice of any prepayment, redemption or refunding of bonds has been given in accordance with the turst agreement, all interest accruing on such bonds after the date with respect to which the requirements of the trust agreement for prepayment, redemption or refund thereof have been fulfilled shall be treated as not due, and (2) if the Authority shall establish a sinking fund for the payment of the principal of bonds at or prior to maturity, such principal amount of bonds as will be paid or prepaid from any deposit required to be made into such sinking fund shall be treated as if it matured on the date of such deposit and not on the maturity date of such bonds. Unless the trust agreement or a resolution of the Authority shall otherwise provide, all amounts required to be deposited into a reserve under any trust agreement shall be held for the equal benefit and security of all issues and series of bonds issued under such trust agreement. Any reserve may be used whenever necessary to pay principal or interest on bonds of any issue or series of bonds entitled to the benefits thereof, but such reserve shall be restored to the required level as soon as practicable. At any time when the amount on deposit in any reserve equals or exceeds (a) the aggregate of the twelve annual series requirement to be in effect with respect to any particular issue or series of bonds bonds of which are then outstanding plus (b) all annual series requirements in effect for all prior years and for the then current year with respect to all other issues or series of bonds bonds of which are then outstanding, and when such aggregate plus any other funds of the Authority available for the purpose shall equal or exceed the aggregate amount required to pay in full the principal and redemption price of and interest on all bonds of such particular issue or series then outstanding, the Authority may apply to such payment an amount from such reserve not exceeding such aggregate.

SECTION 6. Section 3 of chapter 557 of the acts of 1961, as appearing in section 4 of chapter 685 of the acts of 1963, is hereby

amended by inserting after the word "trustees", in line 12, the words: — and upon written approval from the commissioner of administration and the secretary of educational affairs.

SECTION 7. The fourth paragraph of section 7 of said chapter 557 is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 770 of the acts of 1970, and inserting in place thereof the following sentence: — Bonds issued hereunder shall be dated, shall bear interest at such rates as may be determined by the Authority consistent with the requirements of the fifth paragraph of this section, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be redeemable before maturity at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority consistent with the requirements of the fifth paragraph of this section prior to the issuance of any of such bonds.

SECTION 8. The fifth paragraph of said section 7 of said chapter 557 is hereby amended by striking out the fourth and fifth sentences, inserted by section 2 of said chapter 770, and inserting in place thereof the following three sentences: — The Authority may sell such bonds and notes in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Authority; provided that no bonds or notes shall be sold by the Authority unless such sale and the terms thereof have been approved by the treasurer and receiver-general of his designee and the commissioner of administration of his designee. The rates of interest payable by the Authority shall be computed with relation to the absolute maturity of the bonds or notes in accordance with standard tables of bond values, including as interest in such computation the amount of any premium to be paid on redemption of bonds required by any sinking fund provision to be redeemed prior to maturity but excluding from such computation the amount of any premium to be paid on any other redemption of bonds prior to maturity. The rate of interest payable on any bond shall be deemed to be the average rate of interest payable on all bonds of all issues or series sold at any single sale, whether such bonds, issues or series are offered together or separately, provided, however, that the rates of interest payable on bonds guaranteed by the commonwealth under section ten hereof shall not be averaged with those payable on bonds not so guaranteed.

SECTION 9. The first paragraph of section 10 of said chapter 557, as appearing in section 11 of chapter 685 of the acts of 1963, is hereby amended by striking out the fourth and fifth sentences.

SECTION 10. Said section of said chapter 557, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph: —

The Authority shall create a reserve for principal and interest on all bonds with respect to which such a contract or contracts shall have been executed and which are secured by a single trust agreement and shall make deposits in such reserve as hereinafter required. For the purposes of this paragraph the term "annual series requirement" shall mean one-twelfth of the largest amount of principal and interest payments due on any one issue or series of bonds in any year after the twelfth year next succeeding the year in which such issue or series of bonds was issued. Such annual series requirement shall be in effect as to any issue or series of bonds for and only for the twelve years next succeeding the year in which the same was issued. In each year commencing with the first year succeeding the year in which the initial issue or series of bonds shall be issued the Authority shall deposit in such reserve an amount equal to the aggregate of the annual series requirements in effect for such year in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year minus or plus, as the case may be, the excess or deficiency of the amount on deposit in such reserve on such first day, including in such amount interest accrued but unpaid on obligations in which such amount may then be invested, over or under the aggregate of all annual series requirements in effect for prior years in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year; provided, however, that if there shall be any application of such reserve or any portion thereof to the payment of principal or interest on bonds, the amount of any deficiency in the amount thereafter on deposit in such reserve resulting from such application shall be taken into account in computing the amount required to be deposited in such reserve in any year thereafter only to the extent that it is practicable to do so. The principal and interest payments due in any year on any issue or series of bonds shall be determined in accordance with the following when applicable: (1) the principal of bonds for the payment, prepayment, redemption or refunding of which funds are held in trust under the trust agreement shall be treated as not outstanding, and, after notice of any prepayment, redemption or refunding of bonds has been given in accordance with the trust agreement, all interest accruing on such bonds after the date with respect to which the requirements of the trust agreement for prepayment, redemption or refund thereof have been fulfilled shall be treated as not due, and (2) if the Authority shall establish a sinking fund for the payment of the principal of bonds at or prior to maturity, such principal amount of bonds as will be paid or prepaid from any deposit required to be made into such sinking fund shall be treated as if it matured on the date of such deposit and not on the maturity date of such bonds. Unless the trust agreement or a resolution of the Authority shall

otherwise provide, all amounts required to be deposited into a reserve under any trust agreement shall be held for the equal benefit and security of all issues and series of bonds issued under such trust agreement. Any reserve may be used whenever necessary to pay principal or interest on bonds of any issue or series of bonds entitled to the benefits thereof, but such reserve shall be restored to the required level as soon as practicable. At any time when the amount on deposit in any reserve equals or exceeds (a) the aggregate of the twelve annual series requirements to be in effect with respect to any particular issue or series of bonds bonds of which are then outstanding plus (b) all annual series requirements in effect for all prior years and for the then current year with respect to all other issues or series of bonds bonds of which are then outstanding, and when such aggregate plus any other funds of the Authority available for the purpose shall equal or exceed the aggregate amount required to pay in full the principal and redemption price of and interest on all bonds of such particular issue or series then outstanding, the Authority may apply to such payment an amount from such reserve not exceeding such aggregate.

SECTION 11. The fourth paragraph of said section 7 of chapter 703 is hereby amended by striking out the second sentence, as most recently amended by section 5 of chapter 770 of the acts of 1970, and inserting in place thereof the following sentence: — Bonds issued hereunder shall be dated, shall bear interest at such rates as may be determined by the Authority consistent with the requirements of the fifth paragraph of this section, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority consistent with the requirements of the fifth paragraph of this section prior to the issuance of any of such bonds.

SECTION 12. The first paragraph of section 10 of said chapter 703, is hereby amended by striking out the fourth and fifth sentences.

SECTION 13. Said section 10 of said chapter 703, is hereby further amended by inserting after the first paragraph the following paragraph: —

The Authority shall create a reserve for principal and interest on all bonds with respect to which such a contract or contracts shall have been executed and which are secured by a single trust agreement and shall make deposits in such reserve as hereinafter required. For the purposes of this paragraph the term "annual series requirement" shall mean one-twelfth of the largest amount of principal and interest payments due on any one issue or series of bonds in any year after the twelfth year next

succeeding the year in which such issue or series of bonds was issued. Such annual series requirement shall be in effect as to any issue or series of bonds and only for the twelve years next succeeding the year in which the same was issued. In each year commencing with the first year suceeding the year in which the initial issue or series of bonds shall be issued the Authority shall deposit in such reserve an amount equal to the aggregate of the annual series requirements in effect for such year in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year minus or plus, as the case may be, the excess or deficiency of the amount on deposition in such reserve on such first day, including in such amount interest accrued but unpaid on obligations in which such amount may then be invested, over or under the aggregate of all annual series requirements in effect for prior years in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year; provided, however, that if there shall be any application of such reserve or any portion thereof to the payment of principal or interest on bonds, the amount of any deficiency in the amount thereafter on deposit in such reserve resulting from such application shall be taken into account in computing the amount required to be deposited in such reserve in any year thereafter only to the extent that it is practicable to do so. The principal and interest payments due in any year on any issue or series of bonds shall be determined in accordance with the following when applicable: (1) the principal of bonds for the payment, prepayment, redemption or refunding of which funds are held in trust under the trust agreement shall be treated as not outstanding, and, after notice of any prepayment, redemption or refunding of bonds has been given in accordance with the trust agreement, all interest accruing on such bonds after the date with respect to which the requirements of the trust agreement for prepayment, redemption or refund thereof have been fulfilled shall be treated as not due, and (2) if the Authority shall establish a sinking fund for the payment of the principal of bonds at or prior to maturity, such principal amount of bonds as will be paid or prepaid from any deposit required to be made into such sinking fund shall be treated as if it matured on the date of such deposit and not on the maturity date of such bonds. Unless the trust agreement or a resolution of the Authority shall otherwise provide, all amounts required to be deposited into a reserve under any trust agreement shall be held for the equal benefit and security of all issues and series of bonds issued under such trust agreement. Any reserve may be used whenever necessary to pay principal or interest on bonds of any issue or series of bonds entitled to the benefits thereof, but such reserve shall be restored to the required level as soon as practicable. At any time when the amount on deposit in any reserve equals or

exceeds (a) the aggregate of the twelve annual series requirements to be in effect with respect to any particular issue of series of bonds bonds of which are then outstanding plus (b) all annual series requirements in effect for all prior years and for the then current year with respect to all other issues or series of bonds bonds of which are then outstanding, and when such aggregate plus any other funds of the Authority available for the purpose shall equal or exceed the aggregate amount required to pay in full the principal and redemption price of and interest on all bonds of such particular issue or series then outstanding, the Authority may apply to such payment an amount from such reserve not exceeding such aggregate.

SECTION 14. Section 3 of chapter 703 of the acts of 1964, as amended by section 6 of chapter 347 of the acts of 1970, is hereby further amended by inserting after the word "trustees", in line 12, the words: — and upon written approval from the commissioner of administration and the secretary of educational affairs,.

SECTION 15. The fourth paragraph of section 7 of said chapter 703 is hereby amended by striking out the second sentence, as most recently amended by section 7 of chapter 770 of the acts of 1970, and inserting in place thereof the following sentence: — Bonds issued hereunder shall be dated, shall bear interest at such rates as may be determined by the Authority consistent with the requirements of the fifth paragraph of this section, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority consistent with the requirements of the fifth paragraph of this section prior to the issuance of any of such bonds.

SECTION 16. The fifth paragraph of said section 7 of said chapter 703 is hereby amended by striking out the fourth and fifth sentences, inserted by section 8 of said chapter 770, and inserting in place thereof the following three sentences: — The Authority may sell such bonds and notes in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interest of the Authority; provided that no bonds or notes shall be sold by the Authority unless such sale and the terms thereof have been approved by the treasurer and receiver-general or his designee and the commissioner of administration or his designee. The rate of interest payable by the Authority shall be computed with relation to the absolute maturity of the bonds or notes in accordance with standard tables of bond values, including as interest in such computation the amount of any premium to be paid on redemption of bonds required by any sinking fund provision to be redeemed prior to maturity but excluding from such computation the amount of

any premium to be paid on any other redemption of bonds prior to maturity. The rate of interest payable on any bond shall be deemed to be the average of the rates of interest payable on all bonds of all issues or series sold at any single sale, whether such bonds, issues or series are offered together or separately, provided, however, that the rates of interest payable on bonds guaranteed by the commonwealth under section ten hereof shall not be averaged with those payable on bonds not so guaranteed.

SECTION 17. The first paragraph of section 10 of said chapter 703 is hereby amended by striking out the fourth and fifth sentences.

SECTION 18. Said section 10 of said chapter 703 is hereby further amended by inserting after the first paragraph the following paragraph: —

The Authority shall create a reserve for principal and interest on all bonds with respect to which such a contract or contracts shall have been executed and which are secured by a single trust agreement and shall make deposits in such reserve as hereinafter required. For the purposes of this paragraph the term "annual series requirement" shall mean one-twelfth of the largest amount of principal and interest payments due on any one issue or series of bonds in any year after the twelfth year next succeeding the year in which such issue or series of bonds was issued. Such annual series requirement shall be in effect as to any issue or series of bonds for and only for the twelve years next succeeding the year in which the same was issued. In each year commencing with the first year succeeding the year in which the initial issue or series of bonds shall be issued the Authority shall deposit in such reserve an amount equal to the aggregate of the annual series requirements in effect for such year in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year minus or plus, as the case may be, the excess or deficiency of the amount on deposit in such reserve on such first day, including in such amount interest accrued but unpaid on obligations in which such amount may then be invested, over or under the aggregate of all annual series requirements in effect for prior years in respect of all issues or series of bonds bonds of which are outstanding on the first day of such year; provided, however, that if there shall be any application of such reserve or any portion thereof to the payment of principal or interest on bonds, the amount of any deficiency in the amount thereafter on deposit in such reserve resulting from such application shall be taken into account in computing the amount required to be deposited in such reserve in any year thereafter only to the extent that it is practicable to do so. The principal and interest payments due in any year on any issue or series of bonds shall be determined in accordance with the following when applicable: (1) the principal of bonds for the

payment, prepayment, redemption or refunding of which funds are held in trust under the trust agreement shall be treated as not outstanding, and after notice of any prepayment, redemption or refunding of bonds has been given in accordance with the trust agreement, all interest accruing on such bonds after the date with respect to which the requirements of the trust agreement for prepayment, redemption or refund thereof have been fulfilled shall be treated as not due, and (2) if the Authority shall establish a sinking fund for the payment of the principal of bonds at or prior to maturity, such principal amount of bonds as will be paid or prepaid from any deposit required to be made into such sinking fund shall be treated as if it matured on the date of such deposit and not on the maturity date of such bonds. Unless the trust agreement of a resolution of the Authority shall otherwise provide, all amounts required to be deposited into a reserve under any trust agreement shall be held for the equal benefit and security of all issues and series of bonds issued under such trust agreement. Any reserve may be used whenever necessary to pay principal or interest on bonds of any issue or series of bonds entitled to the benefits thereof, but such reserve shall be restored to the required level as soon as practicable. At any time when the amount on deposit in any reserve equals or exceeds (a) the aggregate of the twelve annual series requirements to be in effect with respect to any particular issue or series of bonds bonds of which are then outstanding plus (b) all annual series requirements in effect for all prior years and for the then current year with respect to all other issues or series of bonds bonds of which are then outstanding, and when such aggregate plus any other funds of the Authority available for the purpose shall equal or exceed the aggregate amount required to pay in full the principal and redemption price of and interest on all bonds of such particular issue or series then outstanding, the Authority may apply to such payment an amount from such reserve not exceeding such aggregate.

Approved, January 13, 1976.

Chap. 869. AN ACT RELATIVE TO THE REFUNDING OF BOND ANTICIPATION NOTE ISSUES OF CITIES, TOWNS AND DISTRICTS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith relief to cities, towns and districts by providing for the refunding of certain indebtedness, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-four of the General Laws is hereby amended by inserting after section seventeen a new section seventeen A, to read as follows: —

SECTION 17A. Subject to the provisions of this section, a city, town or district may refund, by the issue of other notes, a temporary loan issued under the authority of the first sentence of section seventeen in anticipation of serial bonds or notes; provided, that the period from the date of issue of the original loan to the date of maturity of the refunding loan shall not exceed two years; and provided, further, that the remaining provisions of section seventeen shall apply to a refunding loan issued under this section, insofar as apt. A temporary loan refunded under this section shall be paid in part from revenue funds of the city, town or district at the time such loan is converted into a serial loan, such payment being at least equal to the minimum annual payment which would have been required if such temporary loan had been converted to a serial loan prior to its refunding under this section and the authorized amount of the serial loan shall be reduced by the amount of such payment. A payment made by a city, town or district as provided in the preceding sentence shall be reported by the auditor or accountant of the city or town or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. The amount of a payment made by a regional school district or regional refuse disposal district as provided in the second sentence shall be included in the next annual district operating and maintenance budget, unless the regional district committee has otherwise made provision therefor.

SECTION 2. This act shall take effect on January 1, 1976.

Approved January 13, 1976.

Chap. 870. AN ACT PROVIDING THAT CALL MEMBERS OF THE FIRE DEPARTMENT IN THE TOWN OF ACUSHNET BE EXEMPTED FROM THE CIVIL SERVICE LAW AND RULES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law, appointments as call members of the fire department in the town of Acushnet shall not be subject to the civil service law and rules.

SECTION 2. This act shall be submitted for acceptance to the voters of said town at a special or annual town meeting in the form of the following question which shall be placed upon the

official ballot to be used for the election of officers in the case of an annual town meeting or, in the case of a special town meeting, upon a ballot which shall be used for the determination of said question:— "Shall an act passed by the General Court in the year nineteen hundred and seventy-five entitled 'An Act providing that call members of the fire department in the town of Acushnet be exempted from the civil service law and rules', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved January 13, 1976.

Chap. 871. AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF GROVELAND TO IMPROVE SAID TOWN'S SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. The town of Groveland is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewerage disposal, and to construct such sewers, drains, pumping stations and force mains in said town as may be necessary, and said town may make and maintain, in any way therein where common sewers are required, such connecting sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 2. The town of Groveland may enter into an agreement with the city of Haverhill for the joint use of the sewerage facilities of said city to receive and treat sewerage of said town.

SECTION 3. For the purpose of constructing and maintaining said sewerage system in the town of Groveland and to construct and maintain transmission facilities to convey wastewaters to the wastewater treatment facility in the city of Haverhill, the town of Groveland may, for such purpose, acquire by purchase or otherwise, or take by eminent domain under the provisions of chapter seventy-nine or chapter eighty A of the General Laws the following permanent and temporary easements and rights of way in said town and in said city of Haverhill.

1. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Chester J. Krajeski and Helen J. Krajeski situated on the Westerly side of Main Street in Groveland bounded as follows:

EASTERLY by Main Street 22.0 feet;

SOUTHERLY by land of grantors, Chester J. Krajeski and Helen J. Krajeski, 300 feet;

WESTERLY by land of the Town of Groveland 22 feet and
NORTHERLY by land of the Massachusetts Electric Company 300 feet.

Said Permanent Sewer Easement being 20 feet in width throughout its entire length, and is shown as Number G-SS-13 on sheet 5 of 7 on plan entitled "Permanent and Temporary Easements For Constructing and Maintaining a Sewerage System in Groveland and Haverhill, Massachusetts, dated June 1975, DeCesare and Lang, Consulting Surveyors, 4 North Street, Salem, New Hampshire," to be recorded in Essex South District Registry of Deeds.

A Temporary Construction Sewer Easement 10 feet in width and extending 300 feet along the Southerly side of Permanent Sewer Easement as described above, said Easement being shown as G-TE-11 on sheet 5 of 7 on above referred to Plan.

2. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Massachusetts Electric Company situated 400 feet Westerly from the Westerly side of Main Street in said Groveland and bounded as follows:

NORTHERLY by other land of the Massachusetts Electric Company 272 feet;

EASTERLY by land of Esty Realty Trust 27 feet;

SOUTHERLY by land of Massachusetts Electric Company 224 feet; and

WESTERLY by land of the grantee, Town of Groveland, 35 feet.

Said Permanent Sewer Easement being 20 feet in width throughout its entire length, and is shown as Number G-SS-15 on sheet 5 of 7 on above referred to Plan.

A Temporary Construction Easement 10 feet in width and extending 224 feet along the Southerly side of Permanent Sewer Easement as described above, said Easement being shown as G-TE-13 on sheet 5 of 7 on above referred to Plan.

3. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Esty Realty Trust situated about 672 feet Westerly from the Westerly side of Main Street in Groveland and bounded as follows:

NORTHERLY by land of the Massachusetts Electric Company in two courses 450 feet more or less, and 120 feet to a point at the Brook and the boundary line between the Town of Groveland and the City of Haverhill.

SOUTHERLY by land of grantor, Esty Realty Trust, 595 feet, more or less;

EASTERLY by land of Massachusetts Electric Company 27 feet.

Said Permanent Sewer Easement being 20 feet wide in width throughout its entire length, except at its Westerly end and is shown as Number G-SS-16 on sheet 5 of 7 on above referred to Plan.

A Temporary Construction Easement 10 feet in width and extending 595 feet along the Southerly line of Permanent Sewer Easement as described above, said Easement being shown as G-TE-14 on sheet 5 of 7 on above referred to Plan.

4. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Massachusetts Electric Company situated about 1,122 feet Westerly from the Westerly side of Main Street in said Groveland and bounded as follows:

NORTHERLY by other land of the grantor, Massachusetts Electric Company, 115 feet;

WESTERLY by the Brook and Town of Groveland boundary line 20 feet, more or less; and

SOUTHERLY by land of Esty Realty Trust 120 feet.

Said Permanent Sewer Easement being a triangular shaped parcel and is shown as Number G-SS-17 on sheet 5 of 7 on above referred to Plan.

5. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Massachusetts Electric Company situated in the City of Haverhill, Massachusetts, Westerly of the boundary line between the Town of Groveland and the City of Haverhill and bounded as follows:

EASTERLY by Brook and said Boundary Line 20 feet, more or less;

NORTHERLY by other land of the grantor, Massachusetts Electric Company, 1090 feet;

WESTERLY by land of Merrimack Paving Corporation, and by land of the City of Haverhill 80.14 feet; and

SOUTHERLY by land of the City of Haverhill in several courses 550.6 feet, and by land of Merrimack Paving Corporation, in two courses 486.34 feet.

Said Permanent Easement is shown as Number H-SS-1 on sheet 5 of 7 on above referred to Plan.

6. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Merrimack Paving Corporation situated in Haverhill, Massachusetts, about 260 feet Westerly from the boundary line between the Town of Groveland and the City of Haverhill and bounded as follows:

NORTHERLY by land of the Massachusetts Electric Company 225 feet;

WESTERLY by land of the City of Haverhill 10 feet;

SOUTHERLY by land of the grantor, Merrimack Paving Corporation, 223 feet; and

EASTERLY by land of the grantor, Merrimack Paving Corporation, 10 feet.

Said Permanent Sewer Easement is shown as Number H-SS-2 on sheet 5 of 7 on above referred to Plan.

Two Temporary Construction Easements: H-TE-1 consisting of a strip of land 10 feet in width and about 158 feet in length and situated between the Boundary Line of the Town of Groveland and the City of Haverhill on the East and an existing metal arch building on the West, and bounded on the North by land of Massachusetts Electric Company and Permanent Sewer Easement Number H-SS-1; and H-TE-2 consisting of a strip of land 10 feet in width and 223 feet in length and extending from the existing metal arch building on land of the grantor, Merrimack Paving Corporation, to land of the City of Haverhill, and bounded Northerly by Permanent Sewer Easement H-SS-2 on land of grantor, Merrimack Paving Corporation, both of said Temporary Easements shown on sheet 5 of 7 on above referred to Plan.

7. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of the City of Haverhill Massachusetts, situated in Haverhill about 486.34 feet Westerly from the Brook marking the Boundary Line between the Town of Groveland and the City of Haverhill and bounded as follows:

EASTERLY by land of Merrimack Paving Corporation 24 feet;

NORTHERLY by land of Massachusetts Electric Company 368 feet;

SOUTHERLY by other land of the grantor, City of Haverhill, 374 feet.

Said Permanent Sewer Easement being generally triangular in shape and is shown as Number H-SS-3 on sheet 5 of 7 on above referred to Plan.

A Temporary Construction Easement 10 feet in width and about 480 feet in length along the Southerly line of the Permanent Sewer Easement as described above, said Easement being shown as H-TE-3 on sheet 5 of 7 of above referred to Plan.

A Perpetual Sewer Easement consisting of a small triangular shaped parcel of land and bounded as follows:

EASTERLY by land of Massachusetts Electric Company 49.30 feet;

WESTERLY by land of Merrimack Paving Corporation 22 feet; and

SOUTHERLY by land of grantor, City of Haverhill, 40 feet.

Said Permanent Sewer Easement is shown as Number H-SS-4 on sheet 5 of 7 of above referred to Plan.

8. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Merrimack Paving Corporation situated in Haverhill, Massachusetts, situated about 1090 feet Westerly from the Brook marking a portion of the Westerly boundary of the Town of Groveland between the Town of Groveland and the City of Haverhill, and bounded as follows:

EASTERLY by land of the City of Haverhill by two lines 22 feet and 30.84 feet respectively;

NORTHERLY by land of Massachusetts Electric Company 305 feet; and

SOUTHERLY by land of grantor, Merrimack Paving Corporation, 332 feet;

Said Permanent Easement being roughly triangular in shape and is shown as Number H-SS-5 on sheet 5 of 7 on above referred to Plan.

A Perpetual Sewer Easement shown as Number H-SS-7 on sheet 5 of 7 of above referred to Plan and bounded as follows:

NORTHEASTERLY by land of Massachusetts Electric Company and shown as Number H-SS-6 on said Plan 327.22 feet;

WESTERLY by land of Sons of Divine Providence 21 feet;

SOUTHERLY by land of the grantor Merrimack Paving Corporation 420 feet.

Said Permanent Sewer Easement being generally triangular in shape.

A temporary Construction Easement extending from the Easterly boundary of said land of the grantor, Merrimack Paving Corporation, in a Westerly direction about 752 feet and being of varying width and bounded on the North by Permanent Sewer Easements H-SS-5 and H-SS-7 on land of grantor, Merrimack Paving Corporation, and shown as Number H-TE-4 on sheet 5 of 7 on above referred to Plan.

9. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of the Massachusetts Electric Company situated about 1090 feet Westerly from the Brook marking a portion of the Westerly boundary of the Town of Groveland and the City of Haverhill, bounded as follows:

NORTHERLY by land of the grantor, Massachusetts Electric Company, 693 feet;

SOUTHWESTERLY by land of Merrimack Paving Corporation 393.47 feet;

SOUTHEASTERLY by land of Merrimack Paving Corporation 305 feet.

Said Permanent Sewer Easement being a triangular shaped parcel and is shown as Number H-SS-6 on sheet 5 of 7 on above referred to Plan.

10. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of the Sons of Divine Providence, Inc. in Haverhill, Essex County, Massachusetts, situated Northwesterly from land of Merrimack Paving Corporation and at the Westerly side of an Easement 60 feet in width of the New England Power Service Company and bounded:

EASTERLY by land of Merrimack Paving Corporation 21 feet;

NORTHEASTERLY by land of Massachusetts Electric Company 1022 feet, more or less;

WESTERLY by land of Melburn A. Comeau and Phyllis Comeau 20 feet, more or less; and

SOUTHERLY by land of the Sons of Divine Providence, Inc. 1022 feet, more or less, and shown as Number H-SS-8 on sheets 5 and 6 of 7 on above referred to Plan.

A Temporary Construction Sewer Easement in land lying Southerly of the above described Perpetual Sewer Easement. Said Easement being 25 feet in width and 1022 feet, more or less, in length, said Easement being shown as Number H-TE-5 on sheets 5 and 6 of 7 on above referred to Plan.

11. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Melburn A. Comeau and Phyllis Comeau in Haverhill, Essex County, Massachusetts, situated Westerly from land of the Sons of Divine Providence, Inc. and bounded as follows:

NORTHEASTERLY by land of the Sons of Divine Providence, Inc. 20 feet, more or less;

NORTHERLY by land of Massachusetts Electric Company 237 feet, more or less;

WESTERLY by land of Bradford Silsby and Lillian W. Silsby 21 feet, more or less; and

SOUTHERLY by land of the grantors, Melburn A. Comeau and Phyllis Comeau 237 feet, more or less.

Said Permanent Sewer Easement being 20 feet in width throughout its entire length and is shown as Number H-SS-9 on sheet 6 of 7 on above referred to Plan.

A Temporary Construction Sewer Easement in land lying Southerly of the Perpetual Sewer Easement. Said Easement being 40 feet in width and 237 feet in length, said Easement being shown as Number H-TE-6 on sheet 6 of 7 on above referred to Plan.

12. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Bradford Silsby and Lillian W. Silsby in Haverhill, Essex County, Massachusetts, situated Southeasterly from land of the City of Haverhill, Water Pollution Abatement Facility, and Northwesterly of the land of Melburn A. Comeau and Phyllis Comeau, and bounded as follows:

SOUTHEASTERLY by land of Melburn A. Comeau and Phyllis Comeau 21 feet, more or less;

NORTHERLY by land of Massachusetts Electric Company 1435 feet;

WESTERLY by land of the City of Haverhill, Water Pollution Abatement Facility, 20 feet, and

SOUTHERLY by land of the grantors, Bradford Silsby and Lillian W. Silsby 1439 feet.

Said Permanent Sewer Easement being 20 feet in width throughout its entire length and is shown as Number H-SS-10 on sheet 6 of 7 on above referred to Plan.

A Temporary Construction Sewer Easement of land lying Southerly of the Perpetual Sewer Easement. Said Easement being 40 feet in width for a distance of 839 feet Westerly from land of Melburn A. and Phyllis Comeau and 10 feet in width for a length of 600 feet at its Westerly end, said Easement being shown as Number H-TE-7 on sheet 6 of 7 on above referred to Plan.

13. A Perpetual Sewer Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of the City of Haverhill, Massachusetts, situated in said Haverhill Northwesterly of land of Bradford Silsby and Lillian W. Silsby and Southwesterly of land of Massachusetts Electric Company and bounded as follows:

SOUTHEASTERLY by land of Bradford Silsby and Lillian W. Silsby 20 feet, more or less;

NORTHEASTERLY by land of Massachusetts Electric Company 1590 feet;

NORTHWESTERLY by remaining land of the City of Haverhill, Water Pollution Abatement Facility, 20 feet, more or less; and

SOUTHWESTERLY by remaining land of the City of Haverhill, Water Pollution Abatement Facility, 1590 feet.

Said Permanent Sewer Easement is shown as Number H-SS-11 on sheet 6 of 7 on above referred to Plan.

A Temporary Construction Easement situated on the Southerly side of the Permanent Sewer Easement as described above, being 40 feet in width throughout its entire length of 1590 feet and is shown as Number H-TE-8 on sheet 6 of 7 on above referred to Plan.

14. A Perpetual Drainage Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Vincent D. and Melita Hutchings located on the Southerly side of Main Street in said Groveland, bounded as follows:

Beginning in the Southerly line of Main Street at the dividing line between land of the Town of Groveland and land of Vincent D. and Melita Hutchings; thence running

EASTERLY by the Southerly line of Main Street about 72 feet to a point; thence running

SOUTHERLY by land of grantors, Hutchings, 26 feet, more or less, to a point thence running

WESTERLY and parallel to Main Street 53 feet, more or less to land of the grantee, Town of Groveland; and thence running

NORTHWESTERLY by land of the grantee, Town of Groveland, 30 feet, more or less, to Main Street and the point of beginning.

Said Permanent Drainage Easement is shown as G-D-1 on sheet 7 of 7 on above referred to Plan.

A Temporary Drainage Easement on the Southerly side of Main Street in said Groveland to provide working space for equipment, materials and construction work required for the installation of a culvert under said Main Street, bounded as follows:

NORTHERLY by Main Street 43 feet, more or less,

EASTERLY by other land of the grantors, Hutchings, 74 feet, more or less.

SOUTHERLY still by other land of the grantors, Hutchings, 102 feet, more or less.

WESTERLY in two courses by land of the grantee, Town of Groveland, 80 feet, more or less, to Main Street and the point of beginning.

Said Temporary Drainage Easement is shown as Number G-TE-15 on above referred to Plan.

15. A Perpetual Drainage Easement and right of way to lay, maintain, operate, repair and remove pipes through and over land of Merrimack Paving Corporation, located on the Northerly side of Main Street in said Groveland and bounded as follows:

Beginning in the Northerly line of Main Street to a point 82 feet, more or less, Westerly of the dividing line between land of Benny J. and Janice M. Budrewicz; thence running

WESTERLY by the Northerly line of Main Street 65 feet, more or less, thence running

NORTHERLY by land of grantor, Merrimack Paving Corporation, 26 feet, more or less; thence running

EASTERLY and parallel to Main Street 68 feet, more or less, by land of grantor, Merrimack Paving Corporation, thence running

SOUTHERLY 26 feet, more or less, to Main Street and the point of beginning.

Said Permanent Drainage Easement is shown as G-D-2 on sheet 7 of 7 on above referred to Plan.

A Temporary Drainage Easement on the Northerly side of Main Street in said Groveland to provide working space for equipment, materials and construction work required for the installation of a culvert under said Main Street bounded as follows:

SOUTHERLY by Main Street 141 feet, more or less;

WESTERLY by land of grantor, Merrimack Paving Corporation 86 feet, more or less;

NORTHERLY by land of grantor, Merrimack Paving Corporation 176 feet, more or less;

EASTERLY by land of Merrimack Paving Corporation 75 feet, more or less.

Said Temporary Drainage Easement is shown as G-TE-17 on above referred to plan.

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

Approved January 13, 1976.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, January 14, 1976

The Honorable PAUL GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 871 of the Acts of 1975, entitled AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF GROVELAND TO IMPROVE SAID TOWN'S SEWERAGE SYSTEM, and the enactment of which received my approval on January 13, 1976, should take effect forthwith.

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

In order to immediately allow for the improvement of the sewer system in the town of Groveland.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, January 16, 1976.

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

PAUL GUZZI,
Secretary of the Commonwealth.

Chap. 872. AN ACT RELATIVE TO CERTAIN APPEALS TO THE CONTRIBUTORY RETIREMENT APPEALS BOARD.

Be it enacted, etc., as follows:

The first paragraph of subdivision (4) of section 16 of chapter 32 of the General Laws is hereby amended by inserting after the fourth sentence, as amended by chapter 391 of the acts of 1962, the following sentence:— Any person, upon taking an appeal involving disability to the contributory retirement appeal board, shall, if otherwise eligible, be permitted to retire for superannuation pending the decision of said board, but in no event shall such action prejudice the petitioner from receiving any further benefits which said board may grant in its decision.

Approved January 13, 1976.

Chap. 873. AN ACT AUTHORIZING THE TOWN OF EASTHAMPTON TO BORROW MONEY TO REPAY CERTAIN FEDERAL AND STATE AID ANTICIPATION NOTES.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any contrary provision of law the town of Easthampton is hereby authorized to issue five hundred fifty-five thousand dollars federal and state aid anticipation notes of said town, payable in not more than two years from their dates in order to repay five existing notes in the amount of one hundred thousand dollars, three hundred thousand dollars, one hundred thousand dollars, fifty thousand dollars and five thousand dollars respectively borrowed in anticipation of federal and state aid for sewers, sewerage systems and sewerage treatment plants authorized under certain offer and acceptance of federal and state grants for sewerage treatment work dated March twenty-second, nineteen hundred and sixty-eight, identified as Project No. WPC-Mass 174. Notes issued under this act for a period of less than two years may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note issued under this act to the maturity of any note issued to renew or pay the same debt shall not exceed two years.

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

Approved January 14, 1976.

Chap. 874. AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF NORTHBOROUGH RELATIVE TO THE AUTHORITY OF APPOINTING THE FIRE CHIEF IN SAID TOWN BEING VESTED IN EITHER THE BOARD OF

SELECTMEN OR THE ADMINISTRATIVE OFFICER OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any special or general law to the contrary, in order to ascertain the will of the voters of the town of Northborough, the selectmen of the town of Northborough shall cause to be placed on the official ballot to be used in the town of Northborough by the registered voters of said town at the annual town meeting, or at any special town meeting to be held in the year nineteen hundred and seventy-six the following question: — "Shall the authority to appoint the fire chief in the town of Northborough be vested in either the board of selectmen of said town or in the administrative officer? Vote for not more than one.

Board of Selectmen _____

Administrative Officer _____"

The result of such vote shall not be deemed to be binding upon the selectmen and other officers of said town.

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

Approved January 14, 1976.

Chap. 875. AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF NORTHBOROUGH RELATIVE TO THE AUTHORITY OF APPOINTING THE CHIEF OF POLICE, POLICE OFFICERS AND OTHER PERSONNEL OF THE POLICE DEPARTMENT IN SAID TOWN BEING VESTED IN EITHER THE BOARD OF SELECTMEN OR THE ADMINISTRATIVE OFFICER OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any special or general law to the contrary, in order to ascertain the will of the voters of the town of Northborough, the selectmen of the town of Northborough shall cause to be placed on the official ballot to be used in the town of Northborough by the registered voters of said town at the annual town meeting, or at any special town meeting to be held in the year nineteen hundred and seventy-six the following question: — "Shall the authority to appoint the chief of police, police officers and other personnel of the police department in the town of Northborough be vested in either the board of selectmen of said town or in the administrative officer? Vote for not more than one.

Board of Selectmen _____

Administrative Officer _____"

The result of such vote shall not be deemed to be binding upon the selectmen and other officers of said town.

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

Approved January 14, 1976.

Chap. 876. AN ACT RELATIVE TO EXAMINATION REPORTS OF BANKS SUPERVISED BY THE COMMISSIONER OF BANKS.

Be it enacted, etc., as follows:

The fourth paragraph of section 2 of chapter 167 of the General Laws, as amended by chapter 24 of the acts of 1972, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence: — There may be furnished to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, the Massachusetts Credit Union Share Insurance Corporation, the National Credit Union Administration, the Federal Home Loan Bank Board, or the banking departments of other states, such information, reports and statements relating to the institutions under the supervision of the commissioner as he deems best.

Approved January 14, 1976.

Chap. 877. AN ACT PROVIDING FOR THE INSPECTION OF LONG TERM CARE FACILITIES.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section 72 of chapter 111 of the General Laws, as appearing in section 10 of chapter 891 of the acts of 1967, is hereby amended by adding the following paragraph: —

Any person making an inspection under authority of this section shall record in writing every violation which he finds of the applicable rules and regulations of the department. Every record of inspection so made shall be treated as a public record except to such extent as the record or a portion thereof is expressly exempt from such treatment under section seven of chapter four, said violations shall be made public at the same time that a written plan of correction is submitted. If a written plan of correction is not submitted within the allowable time, said violations shall be made public at the expiration of the allowable time. Inspections hereunder shall be unannounced and made at such intervals as the department shall specify in its rules and regulations, but at least twice per annum. A visit made to a facility for the purpose of providing consultation shall not be considered to be an inspection.

SECTION 2. Said chapter 111 is hereby further amended by inserting after section 72D the following section: —

Section 72E. The department shall, after every inspection by its agent made under authority of section seventy-two, give the licensee of the inspected facility notice in writing of every violation of the applicable rules and regulations of the depart-

ment found upon said inspection. The department in such notice shall specify a reasonable time, not more than sixty days after receipt thereof, by which time the licensee shall remedy or correct each violation cited therein; provided, that, in the case of any violation which in the opinion of the department is not capable of correction within sixty days, the department shall require only that the licensee submit a written plan for correction of the violation in a reasonable manner. The department may modify any nonconforming plan upon notice in writing to the licensee. Failure to remedy or correct a cited violation by the date specified in a written notice hereunder or failure to remedy or correct a cited violation by the date specified in a plan for correction as accepted or modified by the department, as the case may be, shall be cause for license revocation or such civil fine as may be imposed upon the licensee after complaint brought by the department under section seventy-three, unless the licensee shall demonstrate to the satisfaction of the department or the court, as the case may be, that such failure was not due to any neglect of his duty and occurred despite his attempt in good faith to make correction by the specified time. The department may pursue either remedy or both or such other sanction as the department may impose administratively upon the licensee under section seventy-one.

Nothing in this section shall be construed to prohibit the department from enforcing a rule or regulation, administratively or in court, without first affording formal opportunity to make correction under this section, where, in the opinion of the department, the violation of such rule or regulation jeopardizes the health or safety of patients or the public or seriously limits the capacity of facility to provide adequate care, or where the violation of such rule or regulation is the second or subsequent such violation occurring during a period of twelve full months.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-six.

Approved January 14, 1976.

Chap. 878. AN ACT RELATIVE TO SCHOOL BUS SAFETY.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 90 of the General Laws is hereby amended by striking out the definition of "School bus", as most recently amended by section 1 of chapter 54 of the acts of 1969, and inserting in place thereof the following two definitions: —

"School bus", any motor vehicle having permanent seating accommodations for and carrying nine or more passengers in addition to the driver, which is used at any time for the

transportation of school pupils and school personnel exclusively, while so used, but not including any motor vehicle used for not more than three consecutive days in case of emergency, or a motor vehicle, while so used, for the common carriage of the public under a certificate and permit issued under section seven and eight of chapter one hundred and fifty-nine A.

"School pupil", any person enrolled in any school, kindergarten through grade twelve, or enrolled in any program for day care services, or in any program for children with special needs as defined in section one of chapter seventy-one B, or in any organized day or summer camp program or any activity supported by said schools.

SECTION 2. Said chapter 90 is hereby further amended by striking out section 7B, as most recently amended by chapter 313 of the acts of 1975, and inserting in place thereof the following section: —

Section 7B. No person shall operate any school bus, and the owner or custodian of a school bus shall not permit the same to be operated upon or to remain upon any way, unless the following requirements are complied with: — (1) The words "SCHOOL BUS" shall be painted or otherwise displayed on the front and rear of each such vehicle in black letters of eight inches in height and conform to series "B" of the standard alphabets for highway signs on a National School Bus Yellow background, or shall be so painted upon signs attached to the front and rear of each vehicle. The legend "Stop on Signal" shall be removed from the rear on school buses, but emergency exits and identification numbers may be marked. School buses being operated on a public highway and transporting primarily passengers other than school pupils shall have the words "SCHOOL BUS" covered, removed, or otherwise concealed, and stop arms and equipment required by clauses (7) and (11) shall not be activated during the transportation of such passengers; (2) Each school bus shall contain adequate seating accommodations for each passenger transported therein, provided that any such bus in which adequate straps, handles or other supports are available for standing passengers may carry not more than twenty-five per cent more passengers than those for whom adequate seating accommodations are provided; (3) All doors shall be kept closed while the bus is in motion; (4) Each school bus shall be operated by a person eighteen years of age or over who is licensed under section eight A or who is licensed under section nine of chapter one hundred and fifty-nine A and is subject to an annual physical examination in conformity with such minimum physical qualifications as shall be determined by the registrar in collaboration with the commissioner of the department of public utilities; provided, however, that in case of any emergency such school bus may, for a period not to exceed three consecutive

school days, be operated by any person, eighteen years of age or over, who is duly licensed by the registrar and has in his possession a valid Class I or Class 2 Massachusetts motor vehicles operator's license; and provided, further, that no person shall operate a school bus whose license to do so is suspended or revoked, or whose application to operate a school bus has been rejected by the registrar; (5) No fueling shall take place while any school bus is occupied by passengers; (6) Each school bus body, fenders and grille shall be painted a color matching what is commonly known as "National School Bus Glossy Yellow", in accordance with federal standards, and bumpers, lettering, wheels and trim shall be painted a glossy black, in accordance with such standards. The hood of vehicles manufactured for model year nineteen hundred and seventy-five and subsequent model years shall be painted lusterless black, in accordance with federal standards. This clause shall not apply to a motor vehicle operated under a certificate issued under section seven of chapter one hundred and fifty-nine A and a permit issued under section eight of said chapter which is designed primarily for other than pupil transportation; (7) Each school bus shall be equipped with a front and rear alternating flashing red signal lamp complying with U S DOT Safety standard No. 108, which shall be left flashing when school pupils are entering or leaving said bus. Use of alternating flashing red signal lamps for any other purpose, and at any time other than when the school bus is stopped to load or discharge pupils shall be prohibited. No person who operates such a bus shall permit the boarding or discharging of passengers therefrom unless the school bus is stopped as close as is practicable to the right-hand curb or edge of the way. Any person who operates a school bus shall announce, when discharging passengers therefrom, that all persons who wish to cross to the other side of the way shall do so by passing in front of the bus immediately upon alighting therefrom. No person shall operate a school bus on a way after discharging passengers therefrom unless all persons who wish to cross to the other side have done so; (8) Every school bus shall be equipped with a safety belt for the operator thereof, and said operator shall securely fasten said seat belt while transporting school pupils; (9) Every school bus shall be equipped with two operable front windshield wipers; (10) No person shall smoke or consume alcoholic beverages on a school bus while such bus is being used to transport school pupils; (11) A stop warning device may be mounted upon the left side of a school bus and shall only be activated to extend outward when picking up or discharging passengers. Such device when fully extended shall not protrude more than twenty-two inches outward from the left side of the body and shall be constructed with a break-a-way hinge. The use of such a device shall not be construed as increasing the width of

such bus beyond the limits prescribed by section nineteen; (12) Every school bus shall be equipped with at least one interior mirror, approved by the registrar, which gives the operator a view of the rear in accordance with regulations issued by the registrar. Every school bus shall be equipped with at least two flat-surfaced rectangular exterior mirrors, approved by the registrar, one situated on each side of the bus forward of the operator, and each of said rectangular mirrors shall be mounted on the bus with a side angle adjustable convex mirror to provide an additional close-in field of vision to the operator but so as not to reduce the visual field of the flat-surfaced mirror below fifty square inches. Every school bus shall also be equipped with one convex mirror, with a diameter of at least seven and one half inches, firmly mounted on the bus so that the seated operator may observe a reflection of the road from the front bumper forward to a point where direct observation is possible, and one convex mirror, with a diameter of at least seven and one half inches, firmly mounted at the right front corner of the vehicle so that the seated operator may observe a reflection of the ground surface along the entire right hand side of the bus; (13) Every school bus shall be equipped with a first-aid kit; (14) Any school bus meeting the identification requirements of this section that is permanently converted for use wholly for purposes other than transporting pupils to and from school shall be painted a contrasting color other than National School Bus Glossy Yellow, and shall have the equipment required by clauses (1), (7), and (11) removed; (15) During each school year, each pupil transported in a school bus shall receive classroom instruction in safe riding practices, and participate at least twice in on-bus emergency evacuation drills; (16) School bus drivers shall be required to perform daily pretrip inspections of their buses and to report promptly in writing to their employer any defects or deficiencies discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown. Pretrip inspection and condition reports for school buses shall be performed in accordance with regulations established by the registrar and the commissioner of public utilities.

SECTION 3. Said chapter 90 is hereby further amended by striking out section 7D, as most recently amended by chapter 339 of the acts of 1969, and inserting in place thereof the following section: —

Section 7D. The requirements of clauses (1), (2), (3), (5), (7), (8), (9) and (10) of section seven B shall apply to any motor vehicle having permanent seating accommodations for and carrying nine or more passengers in addition to the driver, exclusively used for the transportation of school pupils, while so used.

SECTION 4. Section 8A of said chapter 90, as most recently amended by section 13 of chapter 925 of the acts of 1973, is

hereby further amended by inserting after the first paragraph the following paragraph: —

All original applicants for a registry of motor vehicles school bus driver's license or a department of public utilities driver's license when used to drive school pupils to or from school shall have first satisfactorily completed a pre-service school bus driver training program established by the commissioner of education in collaboration with the registrar and the commissioner of the department of public utilities. In addition, all renewal applicants for a registry of motor vehicles school bus driver's license or a department of public utilities driver's license when used to drive school pupils to or from school shall have first satisfactorily completed an in-service driver training program established by the commissioner of education in collaboration with the registrar and the commissioner of the department of public utilities.

SECTION 5. Section 14 of said chapter 90 is hereby amended by striking out the fourth sentence, as most recently amended by chapter 97 of the acts of 1973, and inserting in place thereof the following sentence: — When approaching a vehicle which displays a sign bearing the words "SCHOOL BUS" and is equipped with front and rear alternating flashing red signal lamps which are flashing, as provided in section seven B, and which has been stopped to allow pupils to alight from or board the same, a person operating a motor vehicle shall, except when approaching from the opposite direction on a divided highway, bring his vehicle to a full stop before reaching said school bus and shall not thereafter proceed until the warning signals are deactivated.

SECTION 6. This act shall take effect on September first, nineteen hundred and seventy-six.

Approved January 14, 1976.

Chap. 879. AN ACT REQUIRING THE REGISTRAR OF MOTOR VEHICLES TO PROVIDE ANATOMICAL DONOR CARDS TO CERTAIN LICENSEES.

Be it enacted, etc., as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting after section 8C the following section: —

Section 8D. The registrar shall cause to be included in every notice of license renewal sent to a person licensed to operate a motor vehicle under this chapter a document containing a summary description and explanation of the anatomical gift act, as provided for in chapter one hundred and thirteen, and a donor card suitable for use by a person wishing to donate tissue or organs pursuant to the applicable provisions of said chapter one

hundred and thirteen. Said donor card shall include the definition of qualified donee, as specified in section nine of said chapter one hundred and thirteen.

The registrar shall make available a suitable decal to be affixed to the license of a person who has signified his intention to make an anatomical gift under the provisions of said chapter one hundred and thirteen.

The registrar may, on behalf of the commonwealth, accept and use gifts of materials to carry out the provisions of this section, and may, on behalf of a charitable institution, accept gifts, contributions and bequests of funds from individuals, foundations and from federal or other governmental bodies for the purpose of furthering the provisions of chapter one hundred and thirteen and may transmit the same to such institution; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section.

Neither the registrar or any employee of the commonwealth shall be liable in a suit for damage as a result of his acts or omissions or for any action under the provisions of this section.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved January 14, 1976.

Chap. 880. AN ACT AUTHORIZING THE DIRECTOR OF STANDARDS AND THE INSPECTORS OF WEIGHTS AND MEASURES TO EXAMINE AND TEST AUTOMATED ELECTRONIC RETAIL CHECK OUT SYSTEMS.

Be it enacted, etc, as follows:

Chapter 98 of the General Laws is hereby amended by inserting after section 56C the following section: —

Section 56D. The director or his inspectors, and sealers and inspectors of weights and measures and their deputies may, at any time, and, shall, upon complaint, examine and test the operation of automated electronic retail check out systems to determine whether the price at which a commodity is offered or advertised for sale conforms to the price for which the purchaser is charged by such automated retail check out system and to determine whether the total price for commodities purchased is correctly represented. If such examination and test reveals that there is evidence of price misrepresentation, or misleading or deception of the purchaser of commodities, the owner, manager or other person in charge of the retail establishment using such automated retail check out system shall be punished for the first offense by a fine of one hundred dollars, for the second offense by

a fine of two hundred and fifty dollars, and for a subsequent offense by a fine of five hundred dollars.

For the purposes of this section, an automated retail check out system shall mean a point of sale system incorporating prepackaged commodities bearing a machine readable or scannable symbol scanner or detector, a terminal computer and customer display and a transaction or customer receipt.

Approved January 14, 1976.

Chap. 881. AN ACT PROVIDING FOR THE REGULATION OF CLINICAL LABORATORIES, INCLUDING THE LICENSING OF CERTAIN CLINICAL LABORATORIES MAINTAINED APART FROM A LICENSED HOSPITAL OR CLINIC.

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 111D the following chapter: —

CHAPTER 111E

CLINICAL LABORATORIES.

Section 1. In this chapter the following words shall, unless the context requires otherwise, have the following meaning: —

(1) "Clinical Laboratory" means a facility or place, however named, the purpose of which is to make biological, serological, chemical, immunohematological, cytological, pathological, or other examinations of materials derived from a human body.

(2) "Commissioner" means the commissioner of public health.

(3) "Company" means a corporation, a partnership, an association, or an organized group of persons, whether incorporated or not.

(4) "Department" means the department of public health in the executive office of human services.

(5) "Person" and "whoever" shall include corporations, societies, associations, partnership, an individual or his estate upon his death, and a political subdivision of the commonwealth; but not an agency of the commonwealth.

Section 2. The department shall have authority.

(1) to establish, with the advice of the advisory committee on clinical laboratories, and to enforce, requirements in addition to any prescribed in this chapter for the construction, maintenance, and utilization of clinical laboratories, including standards of performance in the examination of specimens;

(2) to require evidence of successful participation by clinical laboratories licensed under section five in proficiency testing programs, and by laboratory personnel in training programs,

covering all or specific laboratory specialties and approved by the department after consultation with the advisory committee on clinical laboratories;

(3) to establish appropriate fees for the issuance and renewal of licenses;

(4) to make such reasonable classification of clinical laboratories, by category of laboratory procedures performed or nature and scope of services provided, as the department may find necessary or appropriate in the public interest;

(5) to inspect at any time any clinical laboratory and any records maintained in connection with such laboratory; provided, that a license has been issued or an application for a license has been filed under section five;

(6) to conduct investigations and adjudicatory proceedings;

(7) to conduct research and studies, to sponsor or hold educational programs, to make informational materials available to the public, and to engage in such other activities as may be necessary or appropriate for the administration or enforcement of this chapter; and

(8) to make such rules, regulations, as may be necessary or appropriate for the administration or enforcement of this chapter.

Section 3. There shall be within the department an advisory committee on clinical laboratories, to advise the department, as provided in section two, on the administration of this chapter. Such committee shall consist of twelve members, to be appointed by the commissioner, as follows: four persons, two physicians and two not physicians, who meet the requirements for confirmation as a clinical laboratory director; one other physician; one medical laboratory technologist; one chief executive officer of a hospital licensed by the department; and five non-providers of health services, one of whom shall be a member of the Massachusetts bar. Each member of the committee shall serve without compensation for a term of three years, or until his successor is appointed, whichever is longer; provided, that no member shall serve more than two consecutive terms. A chairman of the committee shall be elected annually from the membership.

Section 4. No person shall maintain a clinical laboratory in the commonwealth apart from a hospital or clinic licensed under section fifty-one of chapter one hundred and eleven, unless he holds, and there is in effect, a license issued under section five except that the licensing requirement of this section shall not apply to: (a) a clinical laboratory maintained by not more than two licensed physicians exclusively in connection with the diagnosis and treatment of his own patients; or (b) in the case of a clinical laboratory maintained exclusively for research and

teaching purposes and not providing reports for diagnosis and treatment of patients or for a public health purpose; or (c) any laboratory with respect to tests or other procedures made by it for any person engaged in the business of insurance if made for purposes of determining whether to write an insurance contract or determining eligibility or continued eligibility thereunder, or for the examination of its employees or officers. No provision of this chapter other than section six shall apply to any agency of the commonwealth; nor shall any provision of this chapter relative to licensing apply to any hospital or clinic licensed under section fifty-one of chapter one hundred and eleven.

Section 5. Any person seeking a license to maintain a clinical laboratory apart from a hospital or clinic licensed under section fifty-one of chapter one hundred and eleven shall file with the department a license application containing such information as the department may reasonably require, including but not limited to the identity of the applicant and any parent or associated company, the identity and qualifications of the proposed laboratory director, and the procedures or categories of procedures for which the license is sought.

Upon receipt and review of an application for license and upon payment of the appropriate fee, the department shall issue a license if it finds that the applicant is responsible and suitable to maintain a clinical laboratory and meets such requirements as the department has established by regulation for a license. In the case of renewal application, the department may, subject to such regulations as it shall make, issue a provisional license to an applicant who does not meet every requirement for a license; provided, that the applicant has demonstrated to the department's satisfaction a good faith intention to correct deficiencies, and provided further, that the department finds that the licensee provides reliable reports of examinations of specimens and presents satisfactory evidence that the requirements for full licensure can and will be met within a period of time not to exceed six months. The department shall in no case issue a person more than two consecutive provisional licenses for the same clinical laboratory.

The department shall set forth in every license issued under this section the name and address of the licensee; the name by which the clinical laboratory shall be known; the address of the licensed premises; the period which such licenses is issued; the classification, if any, for which such license is issued; the conditions as to transfer and assignment prescribed by law; and such other terms of issuance as the department may reasonably prescribe. The period of a full license shall be not more than two years and the period of a provisional license shall be for not more than six months.

No licensee shall transfer the license issued him, or assign any authority granted thereunder, in any manner voluntarily or involuntarily, directly or indirectly, or by transfer or control of any person, without first obtaining the department's written permission, upon application to the department. Every application therefor shall contain such information as the department may require, and shall be approved or denied within sixty days of filing with the department. The department shall grant written permission if the department finds that the transferee or assignee is responsible and suitable to maintain a clinical laboratory and meets such requirements as the department has established by regulation for a license. Every denial order shall include a statement of the reasons for denial and the provisions of law relied upon, and shall be subject to judicial review.

Section 6. The department may require the reporting of any infectious disease found in the examination of specimens at clinical laboratories if, in its opinion, reporting of such disease is necessary to protect or promote the public health. Every person who and every agency which maintains a clinical laboratory shall report evidence of any infectious disease found in the course of the examination of specimens, if so required by the department, in such form, manner, and detail and within such time as the department shall prescribe. Reports made under this section shall not be considered as constituting a diagnosis nor shall any person making a report pursuant to this section be held liable in a civil proceeding for having violated a trust or confidential relationship. Notwithstanding section ten of chapter sixty-six, every such report shall be kept confidential by the department and its employees and agents and shall not be subject to the inspection, examination, or copying by any other agency of government or by any other person.

Section 7. Every person licensed to maintain a clinical laboratory under this chapter shall appoint an individual, who shall bear the title "clinical laboratory director", with responsibility for the direction of the technical and scientific operation of such laboratory, including the examination of specimens and the making of reports thereon; provided, that no individual so appointed shall serve as clinical laboratory director for more than three months unless the department within such period shall certify that such person (1) is a physician who is certified in anatomical or clinical pathology by the American Board of Pathology or in at least one laboratory speciality by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the department, or who possesses qualifications which the department considers equivalent to any such certification; or (2) holds an earned doctoral degree, with a chemical, physical, or biological science as his major subject, from an

accredited educational institution, and he is certified in at least one laboratory speciality by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the department, or he possesses qualifications which the department considers equivalent to any such certification; or (3) has been responsible for direction of the technical and scientific operation of a clinical laboratory for at least twelve consecutive months at any time during the calendar years of nineteen hundred and seventy-one through nineteen hundred and seventy-five, and he meets one of the following requirements: (i) he holds an earned master's degree, with a chemical, physical, or biological science as his major subject, from an accredited educational institution and has had at least four years experience since graduation in a clinical laboratory, or (ii) he holds an earned bachelor's degree, with a chemical, physical, or biological science as his major subject, from an accredited educational institution and has had at least six years experience since graduation in a clinical laboratory, or (iii) he has passed an examination conducted by or under the sponsorship of the United States Public Health Service, and approved by the department as evidence of competence to direct the technical and scientific operation of a clinical laboratory.

The department may, in regulations, set conditions as to the employment of individuals as clinical laboratory directors, including a minimum number of hours per week required in such position; provided, that in no event shall any individual accept employment as a clinical laboratory director at more than three clinical laboratories during the same period. The department may revoke its confirmation of an appointment for cause shown but not otherwise.

Section 8. A clinical laboratory shall not:

(1) misrepresent, by false statement, by omission of a material fact, or by scheme, trick, or device, the category or categories of procedures performed at, or the service or services available at, a clinical laboratory;

(2) obstruct, bar, or otherwise interfere with an inspection undertaken under the authority of section two;

(3) make any false statement in or to omit a material fact from an application or other paper filed with the department;

(4) offer or give a commission, rebate, or other fee, directly or indirectly to any person as consideration for the referral of a specimen derived from a human body to a clinical laboratory for examination by such laboratory;

(5) solicit or accept a commission, rebate, or other fee, directly or indirectly, from any person as consideration for the referral of a specimen derived from a human body to a clinical laboratory for examination by such laboratory;

(6) lend the use of the name of a licensed clinical laboratory or of a licensed hospital or clinic, or of any employee of any such laboratory or institution, to an unlicensed clinical laboratory;

(7) to examine any specimen derived from a human body except upon the written request of a licensed physician, licensed dentist, licensed chiropractor, licensed surgeon, licensed podiatrist, licensed osteopath, or other person authorized to use the report of such examination by provision of chapter one hundred twelve, unless such examination is for the sole purpose of testing the accuracy or sufficiency of the procedures or equipment of a clinical laboratory and is by instruction of the director of such laboratory;

(8) report an examination of any specimen derived from a human body except to or as directed by the licensed physician, licensed chiropractor, licensed surgeon, licensed podiatrist, licensed osteopath, or other authorized person who requested such examination in writing, unless such examination was made for the sole purpose of testing the accuracy or sufficiency of the procedures or equipment of a clinical laboratory and by instruction of the director of such laboratory;

(9) make a report of an examination of any specimen derived from the human body without designating the name and address, and the name of the director, of the clinical laboratory in which such examination was actually performed;

(10) represent, or to maintain a specimen collection station on behalf of, any clinical laboratory, unless such laboratory, if in the commonwealth, is licensed under section five, or unless such laboratory, if not in the commonwealth, has been accredited or is licensed in accordance with federal law;

(11) employ a person as a director of a clinical laboratory, or to serve as a director of a clinical laboratory, except as provided in section seven;

(12) fail to report evidence of infectious disease in violation of section six or of any rule, regulation, or order made to implement section six; or

(13) violate or to fail to observe any requirement of this chapter or of a rule, regulation, or order made pursuant to this chapter, which the department has made subject to this section by regulation.

Section 9. Whenever the department finds upon inspection, or through information in its possession, that a clinical laboratory licensed under this chapter is not in compliance with a requirement prescribed in or established under this chapter, it may by order require the licensee to correct such deficiency. Every correction order shall include a statement of the deficiencies found, the provisions of law relied upon, and the period prescribed for correction, which shall be reasonable and, except in an emergency declared by the commissioner, not less than

thirty days after receipt of such order. Within ten days of receipt, the affected licensee may file a written request with the department for administrative reconsideration of the order or any portion thereof. Failure by the department to grant, deny, or otherwise act upon a written request within ten days after filing shall be deemed a denial.

Section 10. Whenever the department finds upon inspection, or through information in its possession, that a clinical laboratory, licensed under this chapter is not able to provide or is not providing reliable reports of examinations pursuant to the terms of such license, it may by order modify any term of such license as it deems necessary to enable the laboratory to provide reliable reports of examinations. Every license modification order shall include a statement of the reasons for modification, the provisions of law relied upon, and the date fixed for compliance, which date shall be reasonable and, except in an emergency declared by the commissioner, not less than thirty days after receipt of such order.

Except in the case of a license modification imposed as a sanction after hearing under section eleven, a licensee in receipt of an order shall have the opportunity for a hearing under the provisions of chapter thirty A. If after hearing the licensee establishes that the order, or any portion thereof, is not warranted, the department shall rescind or qualify such order, as appropriate. The filing of a request for a hearing shall not operate as a stay of the compliance date of a license modification order, but the department shall stay the compliance date upon written request, except to the extent that a stay would jeopardize the public health or public safety.

Section 11. The department may revoke the license issued under section five or impose other appropriate administrative sanction upon a license, or both, for conduct by or chargeable to him as follows:

(1) failure to observe any term of such license;

(2) failure to meet any requirement for such license established under section five;

(3) failure to observe any order made under authority of this chapter or under other statutory authority vested in the department;

(4) engaging in, or aiding, abetting, causing, or permitting, any action prohibited under section eight; or

(5) other proper cause set forth in regulations made under this chapter.

Before sanctioning a licensee, the department shall give such licensee notice of the charges against him, the provisions of law relied upon, and the proposed sanction, and shall afford him the opportunity for a hearing under the provisions of chapter thirty A. Where, after hearing, the department finds that cause exists for imposition of a sanction, it need not impose the sanction

proposed but may instead impose a lesser sanction if, in its judgement, a lesser sanction is appropriate in the circumstances. In the event revocation is imposed, the licensee shall be permitted a reasonable period in which to cease operation, but in no case less than thirty days after notice of the decision of the department.

Notwithstanding any other provision of this section, the commissioner may, at any time upon notice to the licensee, whether a hearing has been first commenced or not, suspend his licensee or issue such other preliminary order as the commissioner considers appropriate for the protection of the health or safety of the public if he should find that either is in jeopardy; provided, that a hearing shall be commenced within five days after such notice in any case of suspension without a prior hearing unless the licensee shall request a postponement. The finding of the commissioner shall be included in such notice.

Section 12. The department, in its own name, may bring a complaint in the superior court or supreme judicial court to enforce compliance with this chapter or any rule, regulation, or order made under this chapter, whenever it shall appear that any person has engaged in, is engaging in, or is about to engage in an act or practice in violation of this chapter or of any rule, regulation, or order made under this chapter, or whenever it shall appear that any person has aided, abetted, caused or permitted, is aiding, abetting, causing or permitting, or is about to aid, abet, cause or permit such an act or practice.

Section 13. Whoever maintains a clinical laboratory in the commonwealth without a license in violation of section four, or whoever, being licensed under section five, maintains a clinical laboratory in violation of the terms of such license, or whoever engages in, aids, abets, causes or permits any act prohibited under section eight, shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars. The commissioner shall transmit to the attorney general such evidence of an offense as the department may have in its possession.

SECTION 2. Of the members first appointed to the advisory committee on clinical laboratories established under section three of chapter one hundred and eleven D of the General Laws, inserted by section one of this act, four shall be appointed for a term of one year, four for a term of two years, and four for a term of three years.

SECTION 3. The definition of "health care facility" in section 25B of chapter 111 of the General Laws, as appearing in section 3 of chapter 776 of the acts of 1972, is hereby amended by inserting after the word "seventy-one", in line 5, the words: — ; a clinical laboratory subject to licensing under chapter one hundred and eleven D,.

SECTION 4. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved January 14, 1976.

Chap. 882. AN ACT AUTHORIZING THE MASSACHUSETTS AERONAUTICS COMMISSION TO COLLECT CHARGES FOR PROVIDING AIR TRANSPORTATION TO PUBLIC AGENCIES AND OFFICIALS.

Be it enacted, etc., as follows:

SECTION 1. Section 39 of chapter 90 of the General Laws is hereby amended by inserting after the first paragraph the following paragraph: —

The commission may provide air transportation for state agencies and officials, provided said agencies or officials pay to the commission the charge established for such service. Said charge shall be set by the commission to equal the hourly operative cost of fuel, hangaring, maintenance, labor, parts, aircraft crew overtime and expenses associated with each flight operation, and the replacement of aircraft equipment. Receipts shall be paid into the state treasury and kept in a separate account and may be expended, subject to appropriation, for the purposes aforesaid. The commission may, subject to appropriation, operate aircraft suitable for the above purpose.

SECTION 2. Funds due to the Massachusetts aeronautics commission on the effective date of this act for air transportation services previously rendered shall be paid into the fund established under section one of this act, and the sum of sixteen thousand dollars may be expended therefrom without further appropriation.

Approved January 14, 1976.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT, STATE HOUSE
BOSTON, JANUARY 14, 1976

The Honorable PAUL H. GUZZI, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, Michael S. Dukakis, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being Chapter 882 of the Acts of 1975, entitled AN ACT AUTHORIZING THE MASSACHUSETTS AERONAUTICS COMMISSION TO COLLECT CHARGES FOR PROVIDING

AIR TRANSPORTATION TO PUBLIC AGENCIES AND OFFICIALS., and the enactment of which received my approval on January 14, 1976, should take effect forthwith.

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

In order to immediately allow for the expenditure of certain funds for air transportation.

Sincerely,
MICHAEL S. DUKAKIS,
Governor of the Commonwealth.

OFFICE OF THE SECRETARY, BOSTON, January 16, 1976.

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

PAUL GUZZI.
Secretary of the Commonwealth.

Chap. 883. AN ACT REGULATING THE REIMBURSEMENT OF LIENS ON WORKMEN'S COMPENSATION AWARDS.

Be it enacted, etc., as follows:

Chapter 152 of the General Laws is hereby amended by striking out section 46A, inserted by section 1 of chapter 812 of the acts of 1974, and inserting in place thereof the following section: —

Section 46A. If medical, dental, hospital or lost time weekly benefits have been paid or furnished under any group or nongroup policy of accident and health insurance or certificate providing for hospital, medical or dental service benefits of any hospital, medical or dental service corporation which excludes the obligation for which the employer or his insurer may be held liable under any workmen's compensation law, with respect to a claim which is subsequently found to be compensable under this chapter, or an insurer or self-insurer subsequently makes payment with respect to such disability pursuant to this chapter, the accident and health insurer which issued said policy or the hospital, medical or dental service corporation which issued said hospital, medical or dental service benefit certificate of the

employer may, at any time before an award of workmen's compensation benefits or approval of a lump sum settlement is paid, file with the division a claim for reimbursement out of the proceeds of such award or lump-sum settlement. In those instances in which such a claim is filed, said accident and health insurer or hospital, medical or dental service corporation or employer shall have a lien against the award, or lump sum, and upon satisfactory proof, the division or a member thereof shall order direct payment of the reimbursement to be made from such award or lump sum to the employer, health or accident insurer or hospital, medical or dental service corporations who paid or furnished such benefits.

When a lump sum settlement is proposed and the employee and the lienholder are unable to agree on a fair and reasonable amount to discharge a lien against the lump sum settlement under the provisions of this section then either the division or a member thereof shall have the right to determine the fair and reasonable amount to be paid out of the lump sum settlement to discharge the lien. Upon the payment of such sums as is found to be fair and reasonable, the lien or claim shall be discharged. In no event shall the reimbursement exceed the amount of the award or lump sum.

Approved January 14, 1976.

Chap. 884. AN ACT AUTHORIZING THE SHELBURNE FIRE DISTRICT TO ASSESS, LEVY AND COLLECT TAXES FOR THE PERIOD OF JANUARY FIRST, NINETEEN HUNDRED AND SEVENTY-SIX TO JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-SIX, INCLUSIVE.

Be it enacted, etc. as follows:.

SECTION 1. Notwithstanding the provisions of sections twenty-one, twenty-three, twenty-nine and thirty-nine of chapter fifty-nine of the General Laws or any other special or general law to the contrary, the Shelburne Fire District shall, in addition to its statutory powers, have the power to assess, levy, and collect taxes for the period of January first, nineteen hundred and seventy-six to June thirtieth, nineteen hundred and seventy-six, inclusive.

SECTION 2. In assessing taxes under the provisions of section one, said district shall use the valuations of the town of Shelburne effective January first, nineteen hundred and seventy-five. The bills for said taxes shall be sent out no later than January thirty-first, nineteen hundred and seventy-six and shall be due and payable on said January thirty-first. Interest shall be paid at the rate of eight per cent per annum on so much

of said tax as remains unpaid after May first, nineteen hundred and seventy-six computed from April first of said year.

Applications for abatement with respect to taxes assessed under the provision of section one shall be filed on or before October first, nineteen hundred and seventy-six. Appeals from the denial of abatements filed pursuant to this section shall be governed by the applicable provisions of chapter fifty-nine of the General Laws.

SECTION 3. Beginning July first, nineteen hundred and seventy-six, and for each fiscal year thereafter, said district shall base its assessments on the valuations of the town of Shelburne for the preceding January first, provided further that for the fiscal year beginning July first, nineteen hundred and seventy-six, and for each fiscal year thereafter, said district shall assess its taxes in accordance with the provisions of chapter fifty-nine of the General Laws.

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

Approved January 17, 1976.

Chap. 885. AN ACT PROVIDING THAT A CERTAIN LICENSE GRANTED BY THE DEPARTMENT OF PUBLIC WORKS FOR THE PURPOSE OF FILLING SOLID IN AND OVER THE TIDE WATERS OF MUDDY COVE BE IRREVOCABLE.

Be it enacted, etc. as follows:

License #6164, dated June twenty-seventh, nineteen hundred and seventy-three, granted by the department of public works to ICI America Inc. of Dighton, county of Bristol and commonwealth of Massachusetts, to fill solid in and over the tide waters of Muddy Cove within the premises described in said license and in accordance with a plan filed and approved thereon; all of the aforesaid work being done in and over the tide waters of Muddy Cove, shall, notwithstanding any provision of law to the contrary, be irrevocable and assignable; provided that applicable provisions of chapter ninety-one of the General Laws are or have been complied with; that if the commonwealth, or any of its political subdivisions, shall take, within ten years after the effective date of this act, any land which has the benefit of said license, the damages recoverable by reason of such taking shall not exceed the cost of acquisition of such land by the owner from whom the taking is made together with the cost to such owner of any buildings or improvements thereon, with interest at four per cent annually from the date any such cost is incurred.

Approved January 17, 1976.

Chap. 886. AN ACT RELATIVE TO THE MANAGEMENT OF THE FUNDS OF CERTAIN INSTITUTIONS.

Be it enacted, etc., as follows:

The General Laws are hereby amended by inserting after chapter 180 the following chapter: —

CHAPTER 180A.

MANAGEMENT OF INSTITUTIONAL FUNDS.

Section 1. The following words as used in this chapter shall have the following meaning, unless a differenct meaning is clearly apparent from the language or context: —

(1) "Institution", an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes, or a governmental organization to the extent that it holds funds exclusively for any of these purposes;

(2) "Institutional fund", a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (*i*) a fund held for an institution by a trustee that is not an institution or (*ii*) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund;

(3) "Endowment fund", an institutional fund, or any part thereof, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

(4) "Governing board", the body responsible for the management of an institution or of an institutional fund;

(5) "Historic dollar value", the aggregate fair value in dollars of (*i*) an endowment fund at the time it became an endowment fund, (*ii*) each subsequent donation to the fund at the time it is made, and (*iii*) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive.

(6) "Gift instrument", a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document, including the terms of any institutional solicitations from which an institutional fund resulted, under which property is transferred to or held by an institution as an institutional fund.

Section 2. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of the endowment fund over the historic dollar value of the fund as is prudent under the standard established by section eight; provided, however, the appropriation of net appreciation for expenditure in any year in an amount greater than seven per cent of the fair market value of the institution's endowment funds, calculated on the basis of

market values determined at least quarterly and averaged over a period of three or more years, shall create a rebuttable presumption of imprudence on the part of the governing board. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

Section 3. Section two does not apply if the applicable gift instrument indicates the donor's intention that net appreciation shall not be expended. A restriction upon the expenditure of net appreciation may not be implied from a designation of a gift as an endowment, or from a direction or authorization in the applicable gift instrument to use only "income", "interest", "dividends", or "rents, issues or profits", or "to preserve the principal intact", or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this section.

Section 4. The governing board may accumulate so much of the annual net income of an institutional fund as is prudent under the standard established by section eight, and may hold any or all of such accumulated income in an income reserve for subsequent expenditure for the uses and purposes for which such institutional fund is established or may add any or all of such accumulated income to the principal of such institutional fund, as is prudent under said standard. This section does not limit the authority of the governing board to accumulate income or to add the same to principal of an institutional fund as permitted under other law, the terms of the applicable gift instrument, or the charter of the institution.

Section 5. Section four does not apply if and to the extent that the applicable gift instrument indicates the donor's intention that income of an institutional fund shall not be accumulated or shall not be added to the principal of the fund. A restriction against accumulation or addition to principal may not be implied from a designation of a gift as an endowment fund, or from a direction or authorization in the applicable gift instrument to apply to the uses and purposes of the fund the "income", "interest", "dividends", "currently expendable income", or "rent, issues or profits", or a direction which contains other words of similar import. This rule of construction applies to gift instruments executed or in effect before or after the effective date of this section.

Section 6. In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the governing board, subject to any specific limitations set forth in the applicable gift instrument or in the applicable law other than law relating to investments by a fiduciary, may:

(1) invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks, bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof;

(2) retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

(3) include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(4) invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investments determinations are made by persons other than the governing board.

Section 7. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may (1) delegate to its committees, officers or employees of the institution or the fund, or agents, including investment counsel, the authority to act in place of the board in investment and reinvestment of institutional funds, (2) contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act, and (3) authorize the payment of compensation for investment advisory or management services.

Section 8. In the administration of the powers to appropriate appreciation, to accumulate income, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall consider long and short term needs of the institution in carrying out its educational, religious, charitable or other eleemosynary purposes, the problems peculiar to the institution, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions.

No member of the governing board shall be liable for any action taken or omitted with respect to such appropriation or accumulation or with respect to the investment of institutional funds, including endowment funds, under the authority granted in this chapter, if such member shall have discharged the duties of his position in good faith and with that degree of diligence, care and skill which prudent men would ordinarily exercise under similar circumstances in a like position.

Section 9. With the written consent of the donor, the governing board may release, in whole or in part, a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund.

If written consent of the donor cannot be obtained by reason of his death, disability, unavailability, or impossibility of identification, the governing board may apply in the name of the institution to a court of competent jurisdiction for release of a restriction imposed by the applicable gift instrument on the use or investment of an institutional fund. The Attorney General shall be notified of the application and shall be given an opportunity to be heard. If the court finds that the restriction is obsolete, inappropriate, or impracticable, it may by order release the restriction in whole or in part. A release under this subsection may not change an endowment fund to a fund that is not an endowment fund.

A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

This section does not limit the application of the doctrine of cy-prés.

Section 10. This chapter shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

Section 11. This chapter may be cited as the "Uniform Management of Institutional Funds Law".

Approved January 17, 1976.

Chap. 887. AN ACT CLARIFYING THE CONFLICT OF INTEREST PROVISION RELATIVE TO INDUSTRIAL DEVELOPMENT FINANCING AUTHORITIES.

Be it enacted, etc., as follows:

Section 6 of chapter 40D of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 772 of the acts of 1967, and inserting in place thereof the following paragraph: —

In any city or town having a population of fifty thousand or more, no director, officer, agent or employee of an industrial development financing authority shall, directly or indirectly, have any financial interest in any property to be included in, or any contract for property or materials to be furnished or used in connection with, any project of such authority or any industrial occupant. In any city of town having a population of less than fifty thousand, no member of an industrial development financing authority who is a director, officer, agent, partner, stockholder, creditor or employee of a prospective industrial

occupant may vote or participate in any way in making a determination to approve the sale of a municipal bond issue the proceeds of which will be used by said prospective industrial occupant. Whoever violates any provision of this paragraph shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Approved January 17, 1976.

Chap. 888. AN ACT INCREASING THE POWERS OF THE BOARDS OF PARK COMMISSIONERS.

Be it enacted, etc., as follows:

Section 5 of chapter 45 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence: — Subject to appropriation, such boards shall also have the power to conduct park programs and recreation activities at places other than such public parks.

Approved January 17, 1976.

Chap. 889. AN ACT REGULATING THE ABANDONMENT OF TRAVELERS CHECKS ISSUED OR SOLD IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Chapter 200A of the General Laws is hereby amended by inserting after section 6A the following section: —

Section 6B. Any sum payable with respect to a travelers check issued or sold in the commonwealth by a corporation, partnership, limited partnership or other business association subject to the laws of the commonwealth, which has been outstanding for more than fifteen years from the date of its issuance, shall be presumed abandoned, unless the owner has within fifteen years corresponded in writing with such corporation, partnership, limited partnership, or other business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with such corporation, partnership, limited partnership or other business association.

SECTION 2. Section 11 of said chapter 200A is hereby amended by adding the following paragraph: —

(c) Any seller or issuer of travelers checks who has surrendered funds to the treasurer under the provisions of this chapter may make payment to any person appearing to such seller or issuer to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the treasurer shall forthwith reimburse the seller or issuer for such payment.

Approved January 17, 1976.

Chap. 890. AN ACT AUTHORIZING LOANS TO MASSACHUSETTS RESIDENTS STUDYING FULL TIME IN MIDICAL OR DENTAL SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section 4 of chapter 298 of the acts of 1956 is hereby amended by striking out the first paragraph, as most recently amended by chapter 444 of the acts of 1974, and inserting in place thereof the following paragraph: —

The purposes of the corporation shall be to aid and assist students to fulfill a program of higher education, medical education and dental education and to improve the distribution of physicians and dentists in the commonwealth.

SECTION 2. The second paragraph of said section 4 of said chapter 298 is hereby amended by striking out clause (*g*) and inserting in place thereof the following clause: —

(*g*) To repay loans for educational purposes made to students enrolled in a degree program in an accredited medical or dental school in the commonwealth, or to a resident of the commonwealth enrolled in a degree program in an accredited medical or dental school outside the commonwealth, in the following manner:

The commonwealth is authorized to pay to the lending institution a yearly sum consisting of the annual interest plus twenty-five per cent of the principal to be paid upon completion of the first year of practice, twenty-five per cent of the principal upon completion of the second year of practice and twenty-five per cent of the principal to be paid upon completion of the third year of practice of the debtor's loan, provided that the debtor agrees to practice for a minimum period of three years immediately following the residency period required in his medical education, or immediately following completion of his dental education, in a city or town within the commonwealth, or in the case of a city or town within the commonwealth having a population exceeding seventy-five thousand, in a section of said city or town, as shall be determined by an advisory committee consisting of the commissioner of public health, two physicians appointed by the governor upon the recommendation of the Massachusetts Medical Society, and two dentists appointed by the governor upon the recommendation of the Massachusetts Dental Society, to be in need of additional physicians or dentists.

The commonwealth is further authorized to pay the annual interest and an additional ten per cent of the principal of said loan upon the completion of a further year of practice by the debtor in said city of town or section thereof if agreed to by the commissioner of public health.

The commissioner of public health shall annually certify that the debtor has performed his obligations.

The maximum amount set by the corporation on a loan to a medical or dental student shall be above and beyond such amounts as may be applied to other loans secured by the student from the corporation or any other source including the Higher Education Act of 1965 (Public Law 89-329), however in no case shall this amount exceed three thousand dollars in any one academic year.

Repayment terms consistent with this act shall be determined by the corporation, along with any other procedures and regulations as may be necessary or expedient to furthering the purpose of this act.

Approved January 17, 1976.

Chap. 891. AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO PAY CERTAIN UNPAID BILLS.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Middlesex County are hereby authorized to pay, subject to appropriation, and after such appropriation, the treasurer of said county is hereby authorized to pay, such of the unpaid bills incurred by said county and totaling two hundred eighty-one thousand, eight hundred twenty-two dollars and eighty-three cents as are set forth in a list on file in the office of the director of accounts in the department of corporations and taxation for goods supplied and services rendered to said county during the years nineteen hundred and sixty-eight through nineteen hundred and seventy-four. Said bills are legally unenforceable against said county by reason of their being incurred in excess of available appropriations.

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

Approved January 17, 1976.

Chap. 892. AN ACT PERMITTING CERTAIN PAYMENTS OF BENEFITS BY DENTAL SERVICE CORPORATIONS IN CONNECTION WITH THE SERVICES OF NON-PARTICIPATING DENTISTS IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

SECTION 1. Section 7 of chapter 176E of the General Laws, as appearing in chapter 714 of the acts of 1962, is hereby amended by striking out the fifth sentence and inserting in place thereof the following two sentences: — A dental service corporation shall furnish lists of participating dentists to subscribers or the employer, employees or other representatives of group subscribers. A subscriber or covered dependent, subject to the by-laws, rules and regulations of a dental service corporation and the terms and provisions of his subscription certificate, shall be entitled to the benefits of this chapter upon receiving dental service from any participating dentist or nonparticipating dentist with the commonwealth or, in the discretion of the corporation, upon receiving dental service outside the commonwealth.

SECTION 2. Said section 7 of said chapter 176E is hereby further amended by adding the following paragraph: —

The words "Usual fee" as used in this paragraph means the fee usually charged by a nonparticipating dentist for substantially similar services to patients who are not subscribers or covered dependents of a dental service corporation. The subscriber, or the covered dependent if the covered dependent is not a minor, shall inform the dentist that he may be entitled to benefits from a dental service corporation. If so informed, a nonparticipating dentist, prior to establishing a dentist-patient relationship between himself and such person, shall inform such person that he is entitled to charge him, for covered services, an amount equal to his usual fee less a reduction in benefits equal to the reduction in fees paid to participating dentists approved by the commissioner in consideration of the ease and certainty of collection of said fees by participating dentists and that such amount may be more than would be incurred by such person if he obtained the services of a participating dentist. In addition, prior to beginning a particular procedure or plan of treatment, each nonparticipating dentist shall inform such person of his usual fee, which may be estimated for the purpose of complying with this paragraph for such procedure or plan of treatment. A subscriber or covered dependent shall be entitled to benefits determined in accordance with (*a*) the applicable table of allowances approved by the commissioner for services rendered by nonparticipating dentists within the commonwealth or (*b*) if the subscriber or covered dependent is entitled to benefits under a plan for which a table of allowances is not established, the methods approved by the commissioner for determining the amount of benefits for services rendered within the commonwealth by nonparticipating dentists; provided that, in determining the benefits in accordance with caluses (*a*) or (*b*), the commissioner shall give weight to the costs a dental service

corporation incurs in administering payments made directly to subscribers; and provided, further, that the benefits determined in accordance with clauses (*a*) or (*b*) shall be further reduced by such amount or percentage as is equal to the reduction in fees paid to participating dentists approved by the commissioner in consideration of the ease and certainty or collection of said fees by participating dentists. The usual fee for the treatment rendered or contemplated along with all other information usually required by a dental service corporation with respect to determining the benefits available to subscribers or covered dependents shall be reported by the nonparticipating dentist to the dental service corporation. Any by-laws or rules or regulations of a dental service corporation with respect to confirming patient eligibility and determining the extent of benefits available prior to treatment and any prior benefit approval provisions to which a subscriber is subject under the applicable certificate which apply to participating dentists shall also apply to nonparticipating dentists. The benefits available to a subscriber or covered dependent may not be assigned or seized, taken, appropriated or otherwise applied by means of any legal or equitable process without the prior consent of the applicable dental service corporation.

SECTION 3. This act shall take effect on July first, nineteen hundred and seventy-six.

Approved January 17, 1976.

Chap. 1. RESOLVE REVIVING AND CONTINUING CERTAIN SPECIAL COMMISSIONS.

Resolved, That the special commissions, established by chapters one hundred and sixty-two and one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven, chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, chapters fifty-seven, seventy-seven and ninety-seven of the resolves of nineteen hundred and sixty-nine, chapters nineteen and fifty-seven of the resolves of nineteen hundred and seventy, chapters forty-four, seventy-two, seventy-three, and seventy-eight of the resolves of nineteen hundred and seventy-one, chapters six, forty, forty-three, fifty-seven, seventy-three, and eighty-six of the resolves of nineteen hundred and seventy-two, chapters eight, twelve, eighteen, nineteen, twenty-eight, sixty-three, sixty-five, sixty-nine, seventy, seventy-one, eighty-two, one hundred and five, one hundred and fifteen, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-six, one hundred and thirty, one hundred and thirty-six, one hundred and forty-one and one hundred and fifty-seven of the reolves of nineteen hundred and seventy-three, chapters twenty-four, thirty-one, thirty-eight, forty-three, forty-nine, fifty, fifty-one, fifty-two, fifty-nine, seventy-three, seventy-six, seventy-seven, seventy-nine and ninety of the resolves of nineteen hundred and seventy-four are hereby revived and continued until the last Monday of April, nineteen hundred and seventy-five; provided, however, that each special commission hereby revived and continued which was established prior to January first, nineteen hundred and seventy-four, shall file a status report by the last Wednesday in April, nineteen hundred and seventy-five. Such report shall include information as to the activities of such commission. Such report shall be filed with the clerk of the house of representatives.

Approved February 14, 1975.

Chap. 2. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION RELATIVE TO THE OPERATION OF AND CONDITIONS AT BELCHERTOWN STATE SCHOOL AND MONSON STATE HOSPITAL.

Resolved, That the membership of the special commission established by chapter nineteen of the resolves of nineteen hundred and seventy, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-five, is hereby increased by four persons to be appointed by the governor.

Approved March 14, 1975.

Chap. 3. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE MASSACHUSETTS PORT AUTHORITY RELATIVE TO THE FEASIBILITY OF ESTABLISHING A FOREIGN-TRADE ZONE IN THE COMMONWEALTH.

Resolved, That the Massachusetts Port Authority is hereby authorized and directed to make an investigation and study relative to the feasibility of establishing a foreign-trade zone in the commonwealth.

Said Authority shall, in the course of its investigation, consult with the United States Foreign-Trade Zones Board, examine federal and state statutes in order to determine how such a foreign-trade zone would be established, and examine the experiences of other foreign-trade zones and their economic impact to the states in which they are located. Said Authority shall consider the feasibility of sites for such foreign-trade zone in the commonwealth, both within and without the jurisdiction of said Authority.

Said Authority shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before December first, nineteen hundred and seventy-five.

Approved March 28, 1975.

Chap. 4. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND MATERIALS BY COUNTIES, TOWNS AND DISTRICTS.

Resolved, That the special commission established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-four is hereby further revived and continued. Said commission shall report not later than March thirty-first, nineteen hundred and seventy-six.

Approved April 18, 1975.

Chap. 5. RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ESTABLISHMENT OF A MASSACHUSETTS STUDENT LOAN PROGRAM.

Resolved, That the special commission, established by chapter seventy-eight of the resolves of nineteen hundred and seventy-four, is hereby revived and continued.

Approved May 6, 1975.

Chap. 6. RESOLVE IN FAVOR OF DORIS O. WONG ASSOCIATES.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, to Doris O. Wong Associates, certified shorthand reporters, the sum of two hundred and seventeen dollars and fifty cents for stenographic services rendered by them on August twenty-fourth, nineteen hundred and seventy-three, at a solid waste disposal hearing held by the bureau of solid waste of the department of public works, payment for which is legally unenforceable.

Approved May 8, 1975.

Chap. 7. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE SECRETARY OF THE EXECUTIVE OFFICE OF COMMUNITY AFFAIRS RELATIVE TO THE IMPLEMENTATION OF CERTAIN FEDERAL RURAL HOUSING PROGRAMS.

Resolved, That secretary of the executive office of community affairs is hereby authorized and directed to make an investigation and study relative to methodologies the commonwealth may use to assist the Farmers' Home Administration in the operation of the rural housing assistance programs, as provided by sections 502, 504 and 515 of the National Housing Act of 1949, as amended, and various community facilities programs, as provided under Title I of the Rural Development Act of 1972, as amended. Said secretary shall report to the general court the results of his investigation and study and his recommendations, if any, together with drafts of legislation necessary to carry his recommendations into effect, by filing the same with the clerk of the house of representatives, from time to time, but in any event, shall file a final report not later than the last Wednesday of December, nineteen hundred and seventy-five.

Approved May 13, 1975.

Chap. 8. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CONSTRUCTION OF CERTAIN

PEDESTRIAN OVERPASSES AND WALKWAYS AND CERTAIN OTHER HIGHWAY CONSTRUCTION PROJECTS.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 715, authorizing the department of public works to enter into an agreement with an independent contractor for the maintenance of the lighting system along highway routes 3 and I-495 and the Lowell connector; 1614, directing the department of public works to construct a pedestrian overpass over route 1, at Coney street in the town of Walpole; 1615, directing the department of public works to construct a pedestrian overpass over route 1, at Dean street in the town of Norwood; 1619, directing the department of public works to construct a certain walkway in the city of Revere; 2027, authorizing the department of public works to construct a pedestrian walkway at the intersection of the tracks of the Boston and Maine Railroad and Brighton street in the town of Belmont; 2204, authorizing the department of public works to construct a pedestrian walkway at the intersection of the tracks of the Boston and Maine Railroad and Sherman street in the city of Cambridge; 4171, authorizing and directing the department of public works to construct a pedestrian overpass over Rutherford avenue in the Charlestown district of the city of Boston; 4176, authorizing the department of public works to construct a pedestrian overpass over route 128, at Grant circle in the city of Gloucester; 5095, authorizing the department of public works to reconstruct a portion of route 101 in the town of Templeton. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in December, nineteen hundred and seventy-five.

Approved May 16, 1975.

Chap. 9. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF NATURAL RESOURCES RELATIVE TO THE FEASIBILITY OF ESTABLISHING A STATE PARK IN HONOR OF HORACE MANN IN THE TOWN OF FRANKLIN.

Resolved, That the department of natural resources is hereby authorized and directed to make an investigation and study relative to the feasibility of establishing a state park in honor of Horace Mann within the town of Franklin. Such study shall include the feasibility of establishing such park on land now

owned by the commonwealth but shall not be limited to consideration of such land as a site for said park. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-five.

Approved May 19, 1975.

Chap. 10. RESOLVE REVIVING AND CONTINUING CERTAIN SPECIAL COMMISSIONS.

Resolved, That the special commissions, established by chapter seventy-one of the resolves of nineteen hundred and sixty-four, chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven, chapter ninety-seven of the resolves of nineteen hundred and sixty-eight, chapters fifty-seven and seventy-seven of the resolves of nineteen hundred and sixty-nine, chapters nineteen and fifty-seven of the resolves of nineteen hundred and seventy, chapters forty-four, seventy-two and seventy-eight of the resolves of nineteen hundred and seventy-one, chapters six, forty, forty-three, fifty-seven and eighty-six of the resolves of nineteen hundred and seventy-two, chapters eight, twelve, eighteen, nineteen, sixty-three, seventy-one, one hundred and five, one hundred and sixteen, one hundred and twenty-two, one hundred and twenty-six, one hundred and thirty, one hundred and thirty-six, one hundred and forty-one and one hundred and fifty-seven of the resolves of nineteen hundred and seventy-three, and chapters thirty-one, thirty-seven, thirty-eight, forty-three, forty-nine, fifty, fifty-two, fifty-nine, seventy-six, seventy-seven, seventy-nine, eighty-eight and ninety of the resolves of nineteen hundred and seventy-four are hereby revived and continued.

Approved May 21, 1975.

Chap. 11. RESOLVE CONTINUING THE INVESTIGATION AND STUDY BY THE WATER RESOURCES COMMISSION RELATIVE TO EXISTING AND POTENTIAL WATER SUPPLIES AVAILABLE TO MEET THE NEEDS OF THE TOWN OF AMHERST, THE TOWN OF HADLEY AND THE UNIVERSITY OF MASSACHUSETTS AT AMHERST.

Resolved, That the water resources commission is hereby authorized and directed to revive and continue its investigation and study authorized by chapter eighty-three of the resolves of nineteen hundred and seventy-four. Said commission shall file its final report not later than October thirty-first, nineteen hundred and seventy-five.

Approved May 23, 1975.

Chap. 12. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REORGANIZING THE SYSTEM OF PROBATION IN THE COMMONWEALTH.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 678, relative to reorganizing the system of probation in the commonwealth and to include in its conclusions and its recommendations, if any, in relation thereto together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved May 23, 1975.

Chap. 13. RESOLVE IN FAVOR OF DOROTHY W. SULLIVAN.

Resolved, That, for the purpose of discharging a moral obligation of the commonwealth, and subject to appropriation, there be allowed and paid out of the state treasury to Dorothy W. Sullivan, the sum of three hundred and seventy-five dollars for services performed as a telephone operator for the department of public welfare during the period from September seventh, nineteen hundred and seventy-one to November twenty-fourth, nineteen hundred and seventy-two. No payment shall be made hereunder until there is filed with the comptroller an agreement signed by said Dorothy W. Sullivan that the amount to be paid, if any, for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of said sum.

Approved May 27, 1975.

Chap. 14. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE TRAFFIC PROBLEM AT THE INTERSECTION OF STATE HIGHWAY ROUTE 128 AND WASHINGTON STREET IN THE CITY OF WOBURN AT THE NORTHBOUND EXIT.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the traffic problems, especially during peak traffic hours, at the intersection of state highway route 128 and Washington street in the city of Woburn at the northbound exit. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the senate on or before December first, nineteen hundred and seventy-five.

Approved June 6, 1975.

Chap. 15. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO FORECLOSURE PROCEDURES.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 947, relative to providing judicial procedure for the foreclosure of real estate mortgages; and of current house documents numbered 374, relative to providing for an adversary hearing before foreclosure of a mortgage; and 3682, relative to providing judicial procedure for the foreclosure of real estate mortgages, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 10, 1975.

Chap. 16. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING THAT AN ACCIDENT REPORT NOT BE USED IN EVIDENCE AGAINST THE PERSON MAKING SUCH REPORT.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1530, relative to providing that an accident report not be used in evidence against the person making such report, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 10, 1975.

Chap. 17. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE CONSTRUCTION OF A BY-PASS IN THE TOWN OF LEE.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study relative to traffic patterns, volume and problems attendant with the construction of a by-pass in the town of Lee on United States highway route 20. Said department shall consider the feasibility of construction, reconstruction, alteration and the relocation of said route 20 in said town. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of June, nineteen hundred and seventy-six.

Approved June 12, 1975.

Chap. 18. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO FURTHER DEFINING ATTACHMENTS OF EQUITABLE INTERESTS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 2965, further defining attachments of equitable interests, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 12, 1975.

Chap. 19. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR THE SPEEDY TRIAL OF CRIMINAL DEFENDANTS.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 2299, providing for the speedy trial of criminal defendants, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 12, 1975.

Chap. 20. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE REQUIRING OF A CERTIFICATE OF ACCEPTANCE AND THE FORM OF DEEDS.

Resolved, That the judicial council be requested to investigate the subject matter of current house documents numbered 1348, requiring a certificate of acceptance of a deed as a prerequisite to recording; and 4833, providing that a deed must be signed by the grantee and acknowledged before a notary public, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 12, 1975.

Chap. 21. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ENABLING THE CONSUMERS' COUNCIL TO SEEK CIVIL REMEDIES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 6019, enabling the consumers' council to seek civil remedies, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 12, 1975.

Chap. 22. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MODERNIZATION OF COUNTY GOVERNMENT.

Resolved, That the special commission, established by chapter fifty-seven of the resolves of nineteen hundred and sixty-nine and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 542, further regulating the conduct of county advisory boards; 1086, providing that certain county appropriations be made by a county budget board; 1873, allowing the chairman of a board of selectmen to appoint any elected town official as a designee on the county advisory board; 2675, providing that certain county appropriations be made by a county budget board; 3070, notifying city and towns of county advisory boards; 3072, establishing regional government, abolishing county government and redefining functions of local government; 3251, reconstituting county advisory boards as county appropriation boards and providing that the votes of cities and towns on such boards be weighted in proportion to population; 3621, further regulating the conduct of county advisory boards; 3819, prohibiting the incurring of any financial obligation of any county government without the approval of the county commissioners upon the recommendation of the county advisory board; 4196, further regulating expenditures of county government; 4197, further regulating insufficient appropriations of county government; 4379, further defining the powers and duties of advisory boards to county commissioners relative to proposed county expenditures; 4764, establishing a certain commission within the county advisory board; 4921, requiring the approval of the county advisory board to county budgets; 4925, creating county councils; and 5139, regulating the county advisory board.

Approved June 16, 1975.

Chap. 23. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE FEASIBILITY OF RECODIFYING THE LAW PERTAINING TO THE CONTROL OF DOGS AND CATS AND OTHER MATTERS RELATIVE THERETO.

Resolved, That the special commission, established by chapter one hundred and forty-one of the resolves of nineteen hundred and seventy-three and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of the investigation and study proposed by current house document numbered 5736, relative to the sale of puppies by pet shops.

Approved June 16, 1975.

Chap. 24. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING THAT MUNICIPALITIES MAY ACQUIRE CERTAIN GRAVES OF WHICH THE OWNERSHIP IS UNKNOWN.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 1080, providing that municipalities may acquire certain graves of which the ownership is unknown, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 16, 1975.

Chap. 25. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 1797, enabling awarding authorities to secure the lowest price in awarding building contracts after competitive bids; 2608, adjusting the minimum

requirement for filed sub-bids; and 3745, excluding employees on contracts under five hundred thousand dollars from provisions regarding payment of wages generally prevailing in the community with respect to construction of public works.

Approved June 18, 1975.

Chap. 26. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE EFFECT OF THE RATIFICATION OF THE PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS AND THE CONSTITUTION OF THE UNITED STATES PROHIBITING DISCRIMINATION ON ACCOUNT OF SEX UPON THE LAWS, BUSINESS COMMUNITIES AND PUBLIC IN THE COMMONWEALTH.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the review and reformulation of state laws in order to satisfy the provision of pending Equal Rights Amendments to the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts. Said commission shall specifically, but without limiting the generality of the foregoing, investigate and study existing statutory inequities between males and females resulting from distinctions based on sex in the areas of labor, law, domestic relations law, property and commercial law, criminal law, and such other areas as the commission shall determine.

Said commission may involve in advisory roles such persons, organizations, or public and private institutions as it may determine as appropriate.

Said commission may travel without the commonwealth.

Said commission may call upon officials of the commonwealth or its various subdivisions, and may also call upon officials of the federal government and its various agencies and departments for such information as it may desire in the course of its investigation and study. Said commission may seek, accept and expend any grants or gifts of money, professional services, consultant services, clerical and other services and supplies from the federal government or any other private or public source in the course of its investigation and study.

Approved June 21, 1975.

Chap. 27. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO CERTAIN RIGHTS OF THE UNEMPLOYED, ELDERLY AND ILLEGITIMATE CHILDREN.

Resolved, That the judicial council be requested to make an investigation of the subject matter of current senate document numbered 928, relative to the rights of children born out of wedlock, and of current house documents numbered 62, establishing a civil paternity action and prohibiting discrimination against children born out of wedlock; 1520, providing for the appointment of conservators for certain elderly persons; 1940, providing for public conservators; 2726, deleting the term "illegitimacy" from certain statutes; 3154, clarifying the law respecting tenancies of two or more in personal property; 4449, amending the laws pertaining to certain children; and 5647, prohibiting mortgage foreclosures against certain unemployed persons, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 21, 1975.

Chap. 28. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO REPEALING AN AUTHORIZATION OF CREDIT COUNSELING CORPORATION TO ENGAGE IN THE PRACTICE OF LAW.

Resolved, That the judicial council be requested to make an investigation of the subject matter of current house document numbered 1153, relative to repealing an authorization of credit counseling corporation to engage in the practice of law, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 21, 1975.

Chap. 29. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PRICING AND MARKETING PROCEDURES OF GROCERY STORE CHAINS IN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter ninety of the resolves of nineteen hundred and seventy-four and

most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 249, authorizing and directing the consumers' council to prohibit supermarkets from marking up unit priced packaged food and related commodities after such articles have been placed on retail display; of the investigation and study proposed by current senate document numbered 280, relative to the effects of rising prices on the necessities of life, such as clothing, food, housing, and heat, on the elderly, retired, and those of limited means; of current senate documents numbered 285, prohibiting a retailer from increasing prices on certain occasions; and 336, authorizing the consumers' council to prohibit the raising of prices on certain food and other items and of current house documents numbered 2052, prohibiting a retailer from increasing prices on certain occasions; 3247, clarifying the remarking of merchandise; 4370, prohibiting retail stores from increasing the cost of shelf or floor items which have already been priced; 4375, prohibiting the repricing of consumer goods; and 4914, providing criminal penalties for the practice of "double pricing", so called.

Approved June 30, 1975.

Chap. 30. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO EXCLUDING THE PUBLIC FROM CERTAIN COURTROOM PROCEEDINGS.

Resolved, That the judicial council be requested to investigate the subject matter of current senate document numbered 901, protecting the right of privacy of rape victims in courtroom proceedings; and of current house documents numbered 614, providing for the exclusion of the public from trials of certain sex offenses; and 1710, relative to the exclusion of the general public from courtrooms during trials of certain proceedings involving the crime of rape; and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved June 30, 1975.

Chap. 31. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE REGULATION OF THE LOCATION AND OPERATION OF ELECTRIC UTILITY GENERATION AND TRANSMISSION FACILITIES AND OTHER MATTERS.

Resolved, That the special commission, established under chapter seventy-eight of the resolves of nineteen hundred and seventy-one and most recently revived and continued under the provisions of chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 2150, relative to prohibiting the granting of exemptions for the storage of liquefied natural gas or propane gas in certain above ground storage tanks.

Approved July 8, 1975.

Chap. 32. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO PROVIDING FOR THE ISSUANCE OF CITATIONS BY POLICE OFFICERS TO PERSONS CHARGED WITH MISDEMEANORS AND VIOLATIONS OF ANY ORDINANCE, RULE, BY-LAW OR REGULATION PUNISHABLE BY LAW, AND ESTABLISHING AN EXPEDITIOUS PROCEDURE FOR THE PROSECUTION AND TRIAL OF SUCH OFFENSES.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 3536, relative to providing for the issuance of citations by police officers to persons charged with misdemeanors and violations of any ordinance, rule, by-law or regulation punishable by law, and establishing an expeditious procedure for the prosecution and trial of such offenses, and to include its conclusions and recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 8, 1975.

Chap. 33. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE IMPLEMENTATION AND EFFECTS OF ENVIRONMENTAL IMPACT LAWS IN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter fifty of the resolves of nineteen hundred and seventy-four and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 294, establishing a state economic policy act and requiring economic impact reports of works, projects and activities of state agencies and certain authorities; and current house documents numbered 1971,

establishing a mandatory energy impact statement on all state buildings; 2430, establishing a state economic policy act and requiring economic impact reports of works, projects and activities of state agencies and certain authorities; and 3248, providing for the filing of economic impact statements in conjunction with the filing of environmental impact statements.

Approved July 10, 1975.

Chap. 34. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 737, relative to giving preference to the products of sheltered workshops; 1321, excluding employees on contracts under five hundred thousand dollars from provisions regarding payment of wages generally prevailing in the community with respect to construction of public works; 1322, relative to allowing home rule in the determination of wage rates by awarding authorities; and 1697, providing fair competition by designating sub-trades for competitive sub-bids.

Approved July 10, 1975.

Chap. 35. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO SETTING UP A PUBLIC EMPLOYMENT PROGRAM FOR UNEMPLOYED PERSONS.

Resolved, That the special commission, established by chapter forty-nine of the resolves of nineteen hundred and seventy-four and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 256, providing job opportunity rights to citizens of the commonwealth; 315, guaranteeing full employment for citizens of the commonwealth; and 328, establishing a commonwealth of Massachusetts public

employment program to provide, during times of high unemployment, for programs of public service employment for unemployed persons, to assist Massachusetts state government and local communities in providing needed public services, and for other purposes.

Approved July 10, 1975.

Chap. 36. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 691, permitting the use of a surety bond in lieu of cash to accompany certain bids; 989, further regulating payment to contractors on contracts for certain public buildings; 1792, enabling awarding authorities to award building construction contracts at the lowest prices and to prevent bid shopping by general bidders; 1793, insuring that competitive bids provide the lowest prices to awarding authorities and to improve the flow of funds to contractors and subcontractors engaged in public and private construction; 1794, clarifying the requirement for listing sub-subcontractors in subbids; 1801, relating to consolidation of arbitration proceedings on public and private construction projects; 2609, permitting arbitration of disputes involving contracts for public building projects; and of the investigation proposed by current house document numbered 3746, relative to the awarding of contracts.

Approved July 10, 1975.

Chap. 37. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO DETERMINE THE FEASIBILITY OF INCLUDING A PROVISION FOR BICYCLE PATHS IN THE DESIGN OF FEDERALLY AIDED AND STATE AIDED ROADS.

Resolved, That the special commission established by chapter forty-three of the resolves of nineteen hundred and seventy-four, and most recently revived and continued by chapter ten of the

resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 5291, relative to permitting the construction of bicycle paths.

Approved July 10, 1975.

Chap. 38. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five, and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-five, shall in the course of its investigation and study, consider the subject matter of current house documents numbered 3025, relative to the payment of sums due contractors after completion of public works projects; and 3026, governing the payment of construction mortgage proceeds to subcontractors.

Approved July 10 1975.

Chap. 39. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ADVISABILITY OF PROVIDING A PAYROLL DISABILITY OR SALARY PROTECTION PLAN FOR EMPLOYEES OF THE COMMONWEALTH, WHO BECOME VICTIMS OF CATASTROPHIC ILLNESSES OR ACCIDENTS.

Resolved, That the special commission, established by chapter seventy-one of the resolves of nineteen hundred and seventy-three, and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 2924, regulating payment of premiums for catastrophic illness coverage.

Approved July 10, 1975.

Chap. 40. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE LAWS OF THE COM-

MONWEALTH PERTAINING TO ELEMENTARY AND SECONDARY EDUCATION AS THEY RELATE TO UNEQUAL EDUCATIONAL OPPORTUNITY AND SERVICES.

Resolved, That the special commission, established by chapter one hundred and fifty-seven of the resolves of nineteen hundred and seventy-three and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 1099, providing for the eligibility of certain additional school construction grants and other benefits for the town of Barnstable; 1308, providing for the eligibility of certain additional school construction grants and other benefits for the town of Sandwich; of the investigation and study proposed by current house document numbered 3460, relative to the feasibility of collaboration in school construction; and of current house document numbered 4204, authorizing the school building assistance commission to adopt certain school building plans.

Approved July 10, 1975.

Chap. 41. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS OR ILLEGAL DRUGS WITHIN THE COMMONWEALTH.

Resolved, That the special commission, established by chapter one hundred and sixty-four of the resolves of nineteen hundred and sixty-seven, and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house document numbered 418, requiring pharmacists to print a price list containing the prices and generic names of brand name drugs.

Approved July 10, 1975.

Chap. 42. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ESTABLISHMENT OF A MASSACHUSETTS STUDENT LOAN PROGRAM.

Resolved, That the special commission, established by chapter seventy-eight of the resolves of nineteen hundred and seventy-four and revived and continued by chapter five of the resolves of

nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 485, establishing a Massachusetts education and vocational training assistance agency (MHEVTAA) to implement and administer a self-supporting contingent-repayment loan system for students in higher education and vocational training institutions; and of current house documents numbered 2080, establishing the Massachusetts student loan board with authority to make loans to certain students; 2256, establishing the Massachusetts educational opportunity program; and 4205, providing for the establishment of a student loan bureau under the board of higher education.

Approved July 10, 1975.

Chap. 43. RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO ESTABLISHING PENALTIES FOR THE CRIME OF OBSTRUCTION OF JUSTICE.

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered 6169, relative to establishing penalties for the crime of obstruction of justice, and to include its conclusions and its recommendations, if any, in relation thereto, together with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year.

Approved July 10, 1975.

Chap. 44. RESOLVE PROVIDING FOR A COST ESTIMATE BY THE RETIREMENT LAW COMMISSION OF CERTAIN PROPOSED AMENDMENTS TO THE PUBLIC EMPLOYEE RETIREMENT LAW.

Resolved, That the retirement law commission shall determine the estimated cost of the subject matter of the current senate document numbered 1151, increasing the cost-of-living adjustments for retired public employees; and of current house documents numbered 675, increasing the cost-of-living adjustments for retired public employees; 980, providing for ordinary disability retirement eligibility after ten years of creditable service; 1576, establishing the veteran's retirement act of nineteen hundred and seventy-five; 1987, providing for ordinary disability retirement eligibility after ten years of creditable service; 2604, relative to the computation of the retirement allowances for certain persons in the public service; and 4292, relative to the cost-of-living increase for retired persons. Said commission shall report to the joint legislative

committee on public service the results of its investigation and study by filing a written report of estimated cost determinations with the chairman of said committee on or before the last Wednesday of September, nineteen hundred and seventy-five.

Approved July 11, 1975.

Chap. 45. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ENFORCEABILITY OF THE PROVISIONS OF LAW RESTRICTING THE WEIGHTS OF VEHICLES UPON PUBLIC WAYS.

Resolved, That the special commission, established by chapter eight of the resolves of nineteen hundred and seventy-three and most recently revived and continued under the provisions of chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, prepare and submit to the general court within twenty-four months after the passage of this resolve a recodification of the laws of the commonwealth pertaining to motor vehicle registration, licensing, equipment and operation so as to improve the clarity and consistency of those chapters and sections of the General Laws relating thereto.

Approved July 31, 1975.

Chap. 46. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE MANAGEMENT, OPERATION AND ACCESSIBILITY OF PUBLIC BEACHES ALONG THE SEA COAST AND OTHER RELATED MATTERS.

Resolved, That the special commission established by chapter forty of the resolves of nineteen hundred and seventy-two and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 1019, providing a two million dollar bond issue for the acquisition of salt water front property; and current house documents numbered 460 and 814, directing cities and towns to prepare a list of public rights of way leading to the shore line, common landing places, shore reservations, and rights of way to great ponds.

Approved July 31, 1975.

Chap. 47. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PENALTY FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.

Resolved, That the special commission, established by chapter one hundred and thirty of the resolves of nineteen hundred and seventy-three and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current senate document numbered 712, relative to establishing the Massachusetts Alcohol Safety Action Project under the Commissioner of Probation.

Approved July 31, 1975.

Chap. 48. RESOLVE IN FAVOR OF THE ESTATE OF LEO E. SNYDER AND THE ESTATE OF CARMINE J. FESTA.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, and subject to appropriation, there shall be allowed and paid out of the state treasury to Nora Snyder, administratrix of the estate of Leo E. Snyder the sum of twelve thousand five hundred dollars in full settlement and satisfaction of an execution issued by the superior court in the county of Suffolk, docket number 643319, dated March sixth, nineteen hundred and seventy-five, in favor of Nora Snyder, and to Georgianna Festa, executor of the will of Carmine J. Festa the sum of twelve thousand five hundred dollars in full settlement and satisfaction of an execution issued by the superior court in the county of Worcester, docket number 172541, dated March seventeenth, nineteen hundred and seventy-five, against John Horan of the city of Worcester, an engineer in the department of public works, resulting from claims of property damage, personal injury and death arising out of the accident on April sixteenth, nineteen hundred and sixty-eight and known as the Worcester Bridge collapse arising out of the construction of interstate highway 290 in said city.

Approved August 13, 1975.

Chap. 49. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE AWARDING OF CONTRACTS FOR CONSTRUCTION AND FOR MATERIALS BY COUNTIES, CITIES, TOWNS, AND DISTRICTS IN CASES OF EXTREME EMERGENCY AND OTHER RELATED MATTERS.

Resolved, That the special commission, established by chapter eighty-eight of the resolves of nineteen hundred and sixty-five and most recently revived and continued by chapter four of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 2175, providing for water conservation in public buildings; and 2760, establishing the state office of minority business assistance within the office of the governor.

Approved August 13, 1975.

Chap. 50. RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE LAWS OF THE COMMONWEALTH PERTAINING TO ELEMENTARY AND SECONDARY EDUCATION AS THEY RELATE TO UNEQUAL EDUCATIONAL OPPORTUNITY AND SERVICES.

Resolved, That the special commission, established by chapter one hundred and fifty-seven of the resolves of nineteen hundred and seventy-three and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five, shall, in the course of its investigation and study, consider the subject matter of current house documents numbered 128, revising the formula for state aid to the public schools in the commonwealth; 129, providing for the establishment of voluntary metropolitan educational programs; 295, granting educational rights and opportunities to certain children; 389, providing that school aid to cities and towns be distributed on the basis of the number of pupils from each city and town attending the public schools on October first of the previous year; 551, increasing the amount of school aid to cities and towns; 891, requiring the commonwealth to reimburse cities and towns for the total cost of operating the public schools; 896, providing that the commonwealth shall reimburse cities, towns and districts for the entire costs of education in public schools; 2680, requiring the commonwealth to reimburse cities and towns for the total cost of operating the public schools; 2683, requiring the commonwealth to reimburse cities and towns for the total cost of operating the public schools; 2876, equalizing fiscal ability for the support of local public schools; 3458, providing school aid for districts with a concentration of low-income pupils; 3470, insuring continuation of minimum school aid; 3628, revising the formula for state aid to the public schools in the commonwealth; 4390, requiring the commonwealth to reimburse cities and towns for the total cost of operating the public schools; and 5154, relative to improving educational opportunity for children in the commonwealth by establishing optimum class sizes.

Approved August 15, 1975.

Chap. 51. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE BOARD OF HIGHER EDUCATION RELATIVE TO FIXING TUITIONS IN STATE COLLEGES, PROVIDING FOR A CENTRAL COMMONWEALTH ENGINEERING STATION AT THE UNIVERSITY OF MASSACHUSETTS, AMHERST, AND OTHER RELATED MATTERS.

Resolved, That the board of higher education is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 2077, relating to the fixing of tuitions in the state colleges; 3258, providing for a central commonwealth engineering experiment station to be located at the university of Massachusetts at Amherst; 5147, prohibiting the reduction of the full tuition fee of any student in a public institution of higher learning by reason of the fact that he is an employee thereof or the member of a family of an employee thereof; and 5940, authorizing loans to Massachusetts residents studying full time in medical or dental schools located outside the United States. Said board shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-five.

Approved August 15, 1975.

Chap. 52. RESOLVE IN FAVOR OF COUTURE BROS., INC.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth there be allowed and paid out of the state treasury, subject to appropriation, to Couture Bros., Inc., the sum of two thousand two hundred and forty-two dollars and forty cents for work performed at the Greenfield Community college notwithstanding the failure of said college to comply with the provisions of section eight A of chapter twenty-nine of the General Laws.

Approved August 21, 1975.

Chap. 53. RESOLVE INCREASING THE MEMBERSHIP OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE PRICING AND MARKETING PROCEDURES OF GROCERY STORE CHAINS IN THE COMMONWEALTH.

Resolved, That the membership of the special commission, established by chapter ninety of the resolves of nineteen hundred and seventy-four and most recently revived and continued by chapter ten of the resolves of nineteen hundred and seventy-five,

is hereby increased by the secretary of the executive office of consumer affairs or designee and two members of the senate and two members of the house of representatives.

Approved September 2, 1975.

Chap. 54. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ESTABLISHMENT OF A WHALING VILLAGE IN THE CITY OF NEW BEDFORD.

Resolved, That a special commission to consist of two members of the senate, three members of the house of representatives, the secretary of the executive office of manpower affars or his designee, and seven persons to be appointed by the governor, of whom one shall be a representative from the division of tourism, one a representative of the Bristol county tourism council, one a representative of the Old Dartmouth Historical Society, Inc., one a representative of the organization of Descendants of Whaling Masters, one a representative of the Waterfront Historic Area League, Inc., one a representative of the Whaling Museum, and one a resident of the city of New Bedford, is hereby established to make an investigation and study relative to the feasibility, financing and planning for the establishment of a whaling village in the city of New Bedford. Said commission shall consult with all agencies concerned with the whaling heritage of the city of New Bedford, and may be assisted with technical advice, personnel, research data and other available resources from the department of commerce and development.

Approved September 12, 1975.

Chap. 55. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE SECRETARY OF ENVIRONMENTAL AFFAIRS RELATIVE TO THE USES OF THE LAND WITHIN THE QUABBIN RESERVOIR WATERSHED.

Resolved, That the secretary of the executive office of environmental affairs is hereby authorized and directed to make an investigation and study and prepare an overall master plan and report for all uses of the land within the Quabbin Reservoir watershed that is under the control of the metropolitan district commission.

Appropriate personnel of the department of natural resources and the metropolitan district commission shall assist in the preparation of the master plan and report. The secretary shall seek the advice of officials in the towns surrounding the Quabbin Reservoir; make full use, where appropriate, of the "Watershed Management Plan for metropolitan district commission lands

surrounding Quabbin Reservoir" as well as the report, "Conservation and regulation of certain lands under the control of the metropolitan district"; recognize the fact that such a plan shall not interfere with the ability of the metropolitan district commission to deliver water to its customers; and make efforts to set aside a portion of the area as a wildlife refuge where native species of wildlife may be observed in their natural habitat.

Said secretary shall report to the general court the results of his investigation and study and his recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same from time to time with the clerk of the house of representatives, but in any event, not later than October first, nineteen hundred and seventy-six.

Approved September 16, 1975.

Chap. 56. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE EXECUTIVE OFFICE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS RELATIVE TO LUMBER OPERATIONS CONDUCTED ON ALL PUBLIC LANDS WITHIN THE COMMONWEALTH.

Resolved, That the secretary of the executive office of environmental affairs is hereby authorized and directed to make an investigation and study of lumber operations conducted on all public lands within the commonwealth. The secretary of said executive office of environmental affairs shall consult with the various departments in the implementation of said study which shall include the extent of present lumbering operations and plans for future operations; the effect of all past lumbering operations upon the environment of the commonwealth; a report of the total income received by the commonwealth from such lumbering operations, and a list showing the disposition of all funds received; an explanation of the reasons for conducting such lumbering operations; the effects of lumbering operations as it relates to the environment, including without limitation, watersheds and water quality, soils and erosion, quality of timber stands, wildlife habitat, fire hazards and slash disposal, recreational uses, aesthetics and restoration; and an evaluation of the present public wood cutting program.

Said secretary shall report to the general court the results of his investigation and study and his recommendations, if any, together with drafts of such legislation as may be necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives, from time to time, but not later than the last Wednesday of December, nineteen hundred and seventy-five.

Approved September 16, 1975.

Chap. 57. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE NEED FOR AND FEASIBILITY OF ESTABLISHING MAJOR FOOD STORAGE, PROCESSING AND DISTRIBUTION CENTERS WITHIN THE COMMONWEALTH.

Resolved, That a special commission to consist of the commissioner of agriculture or his designee, who shall serve as chairman, the secretary of manpower affairs or his designee, the secretary of consumer affairs or her designee, the secretary of environmental affairs or her designee, and the Dean of the College of Food and Natural Resources at the University of Massachusetts, Amherst, or his designee, is hereby established for the purpose of making an investigation and study relative to the need for and feasibility of establishing and developing regional slaughterhouses and grain and food receiving storage, processing and distribution facilities through the cooperative efforts of public and private agencies. Said study shall be carried out by the Agricultural Experimental Station of the University of Massachusetts at Amherst at the direction of said commission. Said commission shall consider the possible use of portions of surplus federal property, such as Westover Air Force Base, as a location for such a regional facility. Said commission and said University may seek outside funding, such as from the New England Regional Commission. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, on or before April first, nineteen hundred and seventy-six.

Approved September 16, 1975.

Chap. 58. RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO EVALUATING THE EXTENT OF THE USE OF ASBESTOS AS FIREPROOFING IN THE SCHOOLS AND PUBLIC BUILDINGS OF THE COMMONWEALTH AND ITS CONTAINMENT AND REMOVAL.

Resolved, That a special commission to consist of two members of the senate, three members of the house of representatives, the commissioner of public health or his designee, the director of the division of occupational hygiene of the department of labor and industries or his designee, and seven persons to be appointed by the governor, one of whom shall be a physician whose field of expertise is pulmonary disease, one of whom shall be an expert in construction and asbestos, one of whom shall be a structural engineer, one of whom shall be an expert in environmental health sciences, one of whom shall be

an architect, one of whom shall be a chemist, and one of whom shall be a physician whose field of expertise is cancer, is hereby established for the purpose of making an investigation and study relative to evaluating the public health hazard of asbestos in schools and public buildings of the commonwealth.

Approved September 16, 1975.

Chap. 59. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE REGISTRY OF MOTOR VEHICLES RELATIVE TO PROVIDING FOR SPECIAL INTEREST VEHICLES, AND FOR ESTABLISHING A BRANCH OFFICE FOR THE REGISTRY OF MOTOR VEHICLES IN THE TOWN OF NORWOOD OR WALPOLE.

Resolved, That the registry of motor vehicles is hereby autorized and directed to make an investigation and study of the subject matter of current house documents numbered 1552, providing for special interest vehicles; 1555, authorizing the registrar of motor vehicles to establish a branch office for the registry of motor vehicles in the town of Norwood or Walpole. Said registry of motor vehicles shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-five.

Approved September 29, 1975.

Chap. 60. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADEQUACY AND SCOPE OF VOCATIONAL EDUCATION IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, three members of the house of representatives, the commissioner of education, or his designee, and one person to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the adequacy and scope of vocational education in the commonwealth. Said commission shall, in the course of its investigation and study, consider the availability of various forms of vocational education; means of financing such education, and employment opportunities for graduates of vocational education programs.

Approved October 2, 1975.

Chap. 61. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC UTILITIES RELATIVE TO THE POWER OF SAID DEPARTMENT TO REGULATE COMMUNITY ANTENNA TELEVISION SERVICE.

Resolved, That the department of public utilities is hereby authorized and directed to make an investigation and study of the subject matter of current house document numbered 2904, increasing the power of the department of public utilities to regulate community antenna television service. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives by the first Wednesday in January, nineteen hundred and seventy-six.

Approved October 2, 1975.

Chap. 62. RESOLVE IN FAVOR OF FEDERAL DISTILLERS INC.

Resolved, That for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury, subject to appropriation, to Federal Distillers Inc. the sum of eighty-five thousand five hundred and fifty dollars in full satisfaction of the cost of relocation of a pump house owned by said corporation due to the relocation of Prison Point bridge by the metropolitan district commission, said sum being the amount agreed upon by said corporation and the metropolitan district commission as reasonable damages for such relocation.

Approved October 6, 1975.

Chap. 63. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO DIRECTING SAID DEPARTMENT TO TAKE CERTAIN LAND BY EMINENT DOMAIN IN THE CITY OF BOSTON, REQUIRING TRAFFIC SIGNALS TO BE MADE OF GLARE PROOF GLASS, FURTHER REGULATING THE BUSINESS HOURS OF RESTAURANTS AND GAS STATIONS SITUATED ON STATE HIGHWAYS, AND OTHER RELATED MATTERS.

Resolved, That the department of public works is hereby authorized and directed to make an investigation and study of the subject matter of current senate document numbered 876,

directing the department of public works to take certain land by eminent domain in the city of Boston and of current house documents numbered 311, relative to the highway engineer intern program and the co-operative engineer program of the department of public works; 966, requiring traffic signals to be made of glare proof glass; 1010, further regulating the business hours of restaruants and gas stations situated on state highways; 1242, further regulating the installation of information facilities on certain highways; 1431, authorizing the department of public works to install a three phase traffic signal in a certain part of the West Roxbury district of the city of Boston; 1439, relative to providing an access road from the Southeast Expressway to the Wompatuck state park in Norwell to the town of Scituate; 3368, providing that the word "historic" be stamped on motor vehicle number plates; 3420, authorizing the department of public works to take over the care, control and maintenance of part of route 43 in the towns of Williamstown and Hancock; 3590, authorizing and directing the department of public works to construct certain ramps leading to and from the Southeast Expressway in the town of Weymouth; 4335, authorizing the department of public works to convey certain land to the town of Saugus and to initiate a program to upgrade said land; 5567, providing for the repair by the department of public works of the westerly bank of the Annisquam river canal in Gloucester harbor northwesterly of Blynman bridge, so called; and 5962, authorizing the department of public works to grant a license for the construction of a bridge over Millett creek, so called, an estuary of the Porter river in the town of Danvers. Said department shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives on or before the last Wednesday of December, nineteen hundred and seventy-five.

Approved October 8, 1975.

Chap. 64. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO QUALIFICATIONS OF THE PRACTICE OF OPHTHALMOLOGY AND OPTOMETRY.

Resolved, That a special commission, to consist of three members of the senate, five members of the house of representatives, the commissioner of the department of public health or his designee, the chairman of the board of pharmacy or his designee, the chairman of the board of medicine or his designee, the chairman of the board of registration in optometry, and four persons to be appointed by the governor two of whom shall be

certified ophthalmologists and two of whom shall be certified optometrists, is hereby established for the purpose of making an investigation and study of the use by optometrists of certain drugs in the diagnosing and treatment of vision deficiencies or the requirement that certain visual deficiencies be only treated by ophthalmologists and for the investigation and study of the qualifications for the practice of ophthalmology and optometry. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday in January, nineteen hundred and seventy-six.

Approved October 20, 1975.

Chap. 65. RESOLVE PROVIDING FOR AN INVESTIGATION, STUDY AND PROPOSED MODIFICATIONS OF EXISTING LAWS AND OFFICIAL PRACTICES RELATING TO THE SOCIAL INSTITUTIONS OF MARRIAGE, THE FAMILY AND OTHER CHANGES IN FAMILY STATUS.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives, and seven persons to be appointed by the governor, one of whom shall be a marriage counselor with at least five years of experience, one of whom shall be a lawyer with experience in the field of children's rights, one of whom shall be a judge of the Probate court, one of whom shall be a female parent who has been divorced, one of whom shall be a male parent who has been divorced, and two members of the clergy with experience in marriage counseling, is hereby established for the purpose of making a comprehensive investigation and study of existing laws and official practices relating to the social institutions of marriage, the family and other changes in family status; and further, to propose modifications thereof with a view toward strengthening the structure of the family and to provide more adequately for the interests of all members of families under stress.

Approved November 6, 1975.

Chap. 66. RESOLVE REVIVING AND CONTINUING AND INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE EFFECT OF PRESENT GROWTH PATTERNS ON THE QUALITY OF LIFE IN THE COMMONWEALTH.

Resolved, That the special commission established by chapter ninety-eight of the resolves of nineteen hundred and seventy-three is hereby revived and continued. Said commission shall, in the course of its investigation and study, consider the formulation of a procedure by which certain legislative petitions, filed with the general court, might be systematically evaluated for their impact on the growth patterns of the commonwealth, and said commission shall recommend to the general court means by which such evaluation of legislation may be established, including the possible establishment of a legislative committee for such purpose.

Said commission may cooperate with any agency of the commonwealth, or its political subdivisions, including the office of state planning and the regional planning agencies, in the conduct of its investigation and study; and may enter into cooperative agreements for the receipt and expenditure of federal and other grants and gifts and for professional services, clerical and other services in connection therewith.

Said commission shall report to the general court on or before the first Wednesday of December, nineteen hundred and seventy-seven.

Approved December 12, 1975.

Chap. 67. RESOLVE IN FAVOR OF DEIGHTON C. ASHBY OF CAMBRIDGE.

Resolved, That, for the purpose of discharging a moral obligation, there shall be allowed and paid out of the state treasury, subject to appropriation, to Deighton C. Ashby, an employee of the department of mental health, the sum of eight thousand one hundred and nine dollars and ninety cents, as reimbursement for legal expenses incurred by him in defending himself against criminal proceedings instituted against him in the case of Commonwealth vs. Ashby.

(*The foregoing was laid before the Governor on the fourth day of December, 1975 and after ten days it had "the force of a law", as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

Chap. 68. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO FURTHER DEVELOPING COMMUNITY EDUCATION PROGRAMS IN THE COMMONWEALTH.

Resolved, That a special commission, to consist of three members of the senate, six members of the house of representatives, the commissioner of education or his designee, the

president of the Massachusetts Association for Community Schools, and six persons to be appointed by the governor, three of whom shall be members, other than the president, of the Massachusetts Association of Community Schools and one of whom shall be a member of the Community Educational Development Center at Worcester State College, is hereby established for the purpose of making an investigation and study relative to further developing community education programs within the commonwealth. Said commission shall, in the course of its investigation and study, consider the maximum community use of school facilities, and whether or not to provide state leadership and financial support to assist local school districts in the establishment and expansion of programs that encourage the maximum community use of school facilities.

Said commission shall file its final report on or before May first, nineteen hundred and seventy-seven.

Approved December 20, 1975.

Chap. 69. RESOLVE VALIDATING THE PAYMENT OF CERTAIN OVERTIME WAGES TO A CERTAIN EMPLOYEE OF THE DEPARTMENT OF PUBLIC WORKS.

Resolved, That the payment of overtime wages in the amount of twelve thousand five hundred and thirty-eight dollars and ninety-seven cents by the department of public works to Robert Cleigh, an employee of said department, for overtime services performed by him for said department between November twenty-fourth, nineteen hundred and seventy, and October fourteenth, nineteen hundred and seventy-two, inclusive, is hereby validated and confirmed.

Approved December 20, 1975.

Chap. 70. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE FEASIBILITY OF CONSTRUCTING A MARINA, PUBLIC LANDING AND HARBOR OF REFUGE IN BOSTON HARBOR.

Resolved, That a special commission to consist of the executive director of the Port Authority or his designee, the director of the Boston Redevelopment Authority or his designee, the mayor of the city of Boston or his designee, the commissioner of the metropolitan district commission or his designee, the commissioner of the department of public works or his designee, the director of the division of marine and recreational vehicles or his designee, and four persons to be appointed by the governor,

one of whom shall be appointed from a list submitted by the Massachusetts Bay Yacht Club, one of whom shall be appointed from a list submitted by the Massachusetts Marine Trade Association, Inc.; and one of whom shall be a harbormaster in Boston harbor, is hereby established for the purpose of making an investigation and study relative to the subject matter of current senate documents numbered 1060, authorizing and directing the department of public works to construct a marina in Boston Harbor and 1081, authorizing the department of public works to operate a public landing and harbor of refuge-state pier in Boston Harbor.

Approved December 22, 1975.

Chap. 71. RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO PERMITTING LOCAL OPTION REGARDING THE SUNDAY OPENING OF RETAIL STORES, INCLUDING PACKAGE STORES.

Resolved, That a special commission to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study of the subject matter of current House document 6797, relative to permitting local option regarding the Sunday opening of retail stores, including package stores. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives on or before the last Wednesday in April, nineteen hundred and seventy-six.

Approved December 23, 1975.

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, ACTS VETOED BY THE GOVERNOR, PASSED OVER HIS VETO AND ACTS DECLARED EMERGENCY LAWS BY THE GOVERNOR UNDER AUTHORITY OF THE CONSTITUTION.

The General Court during its first session held in 1975 passed 892 Acts and 71 Resolves of which 875 Acts and 70 Resolves received executive approval. 17 Acts and 1 Resolve from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

The nine (9) Acts and one (1) Resolve entitled, respectively, "An Act relative to periodic review of ambient air quality standards." (Chapter 200); "An Act providing for judicial review in cases of dismissal, demotion or removal from position of teachers serving at discretion, and supervisors, principals and superintendents." (Chapter 337); "An Act regulating reviews of and appeals on markings of civil service examinations and other matters related thereto." (Chapter 358); "An Act designating the Attorney General as the Chairman of the Committee on Criminal Justice." (Chapter 408); "An Act providing that an Assistant Clerk in the Boston Juvenile Court shall administer the Appellate Division." (Chapter 506); "An Act providing tenure of office to James Kelly incumbent of the position of Coordinating Safety Officer in the School Department of the City of Boston." (Chapter 714); "An Act authorizing the City of Boston to appropriate funds for the payment of and to pay legal counsel to the Boston Home and School Association." (Chapter 716); "An Act providing tenure of office until age seventy for Dawn Fournier, incumbent of the Office of Laboratory Technician in the Department of Public Works in the City of New Bedford." (Chapter 745); "An Act further regulating the deposits made by the State Treasurer." (Chapter 849) and "Resolve in favor of Deighton C. Ashby of Cambridge." (Chapter 67) were passed, but failed to receive executive approval; as, however, they were not returned, with objections thereto, within ten days after they had been received in the executive department, the General Court not having been dissolved in the meantime, said Acts and Resolve have the force of law, under the provisions of the Constitution governing such cases and have been so certified.

The Governor returned 12 Acts with his objections thereto in writing. Upon said 4 Acts his objections were sustained and upon 8 Acts his objections were not sustained.

Four (4) Acts entitled, respectively, "An Act prohibiting the Massachusetts Bay Transportation Authority from constructing a rapid transit station in South Quincy."; "An Act regulating

certain compensation payable for the procurement of teaching positions."; "An Act further regulating access to records, reports and proceedings of hospital medical staff review committees and professional standards review committees." and "An Act increasing the amount clerks of certain courts may expend to pay certain witness fees in criminal cases." were passed and laid before the Governor for his approval, were returned by him with his objections thereto, to the branch in which they respectively originated, were reconsidered and, the vote being taken on their passage, the objections of the Governor thereto notwithstanding, they were rejected, and said Acts thereby became void.

Eight (8) Acts entitled, respectively, "An Act further regulating the standard of conduct for public employees." (Chapter 508); "An Act relative to the collective bargaining unit of the uniformed branch of the Division of State Police." (Chapter 591); "An Act further regulating certain agreements between certain insurers and their agents." (Chapter 759); "An Act authorizing the local licensing authority of the Town of Barnstable to issue an all alcoholic beverages license to the West Barnstable Deer Club, Inc." (Chapter 854); "An Act authorizing the local licensing authority of the Town of Barnstable to issue an all alcoholic beverages license to the Oyster Harbors Club, Inc." (Chapter 855); "An Act authorizing the local licensing authority of the Town of Barnstable to issue all alcoholic beverages licenses to Wianno Club." (Chapter 856); "An Act authorizing the local licensing authority of the Town of Barnstable to issue an all alcoholic beverages license to the Hyannisport Club." (Chapter 857) and "An Act further regulating adoption procedures." (Chapter 858) were passed and laid before the Governor for his approval, were returned by him with his objections thereto, to the branch in which they originated, were reconsidered, agreeably to the provisions of the Constitution and, the vote being taken on their passage, the objections of the Governor thereto notwithstanding, they were passed and said Acts have thereby the force of law.

Sixty-five (65) Acts, Chapters 36, 37, 43, 54, 66, 84, 93, 115, 121, 165, 222, 236, 250, 274, 276, 277, 289, 291, 300, 319, 321, 325, 361, 363, 368, 402, 415, 419, 432, 487, 505, 522, 531, 564, 573, 585, 600, 665, 666, 668, 681, 683, 684, 686, 687, 689, 690, 692, 698, 704, 709, 710, 713, 724, 737, 752, 758, 773, 781, 807, 808, 829, 853, 871 and 882 were declared to be emergency laws by the Governor in accordance with the provisions of the Forty-eighth Amendment to the Constitution, the Referendum II, Emergency Measures.

Six (6) Acts, having been passed by the General Court and the General Court having dissolved, failed to become effective as they did not receive executive approval within ten days.

The General Court was dissolved on Tuesday, January 6, 1976 at twelve o'clock midnight, the session having occupied 371 days.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-five.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING THAT EQUALITY UNDER THE LAW SHALL NOT BE DENIED OR ABRIDGED BECAUSE OF SEX, RACE, COLOR, CREED OR NATIONAL ORIGIN.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ART. . Article I of Part the First of the Constitution is hereby annulled and the following is adopted: —

All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.

IN JOINT SESSION, August 15, 1973.

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

NORMAN L. PIDGEON,
Clerk of the Joint Session.

IN JOINT SESSION, May 14, 1975.

The foregoing legislative amendment is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and this fact is hereby certified to the Secretary of the Commonwealth, in accordance with a provision of the Constitution.

EDWARD B. O'NEILL,
Clerk of the Joint Session.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-five.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION AUTHORIZING THE GENERAL COURT TO IMPOSE AND LEVY A GRADUATED TAX ON PERSONAL INCOME AND TO BASE SUCH TAX UPON THE FEDERAL INCOME TAX.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ART. . As an alternative to levying a tax on incomes in the manner provided in Article XLIV of the Amendments to the Constitution, the General Court shall have full power and authority to levy a tax on personal incomes at rates which are graduated according to the total amount of income received, regardless of the sources from which it may be derived, and to grant reasonable exemptions, deductions, credits and abatements to such tax. Further, the General Court may define the tax liability or the total income upon which such tax is levied or the graduated rates at which it is taxed by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time and may prescribe reasonable exceptions to and modifications of such provision.

IN JOINT SESSION, August 15, 1973

The foregoing legislative amendment of the Constitution is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and it is referred to the next General Court in accordance with a provision of the Constitution.

NORMAN L. PIDGEON,
Clerk of the Joint Session.

IN JOINT SESSION, May 7, 1975.

The foregoing legislative amendment is agreed to in joint session of the two houses of the General Court, said amendment having received the affirmative votes of a majority of all the members elected; and this fact is hereby certified to the Secretary of the Commonwealth, in accordance with a provision of the Constitution.

EDWARD B. O'NEILL,
Clerk of the Joint Session.

RETURN OF VOTES ON QUESTION NO. 1, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 1 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an amendment to the constitution summarized below which was approved by the General Court in a joint session of the two branches held August 25, 1971, received 212 votes in the affirmative and 39 in the negative, and in a joint session of the two branches held June 6, 1973, received 235 votes in the affirmative and 19 in the negative?

Summary

The proposed constitutional amendment, if approved, would replace the present Article 52 of the Articles of Amendment to the Constitution of the Commonwealth and would empower the General Court, by concurrent vote of the two houses, to take a recess or recesses amounting to not more than thirty days. The present Article 52 permits such recesses but provides that "no such recess shall extend beyond the sixtieth day" from the beginning of the legislative session.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	5,726	2,446	1,510	9,682
Bourne	1,667	908	710	3,285
Brewster	1,056	437	213	1,706
Chatham	1,587	667	340	2,594
Dennis	2,690	1,148	697	4,535
Eastham	856	351	145	1,352
Falmouth	3,855	1,901	1,191	6,947
Harwich	1,981	921	389	3,291
Mashpee	557	252	156	965
Orleans	1,448	508	319	2,275
Provincetown	815	249	273	1,337
Sandwich	1,345	625	318	2,288
Truro	345	120	77	542
Wellfleet	572	220	164	956
Yarmouth	3,740	1,818	1,229	6,787
Totals	28,240	12,571	7,731	48,542

County of Berkshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Adams	1,491	1,718	1,085	4,294
Alford	87	48	21	156
Becket	163	94	26	283
Cheshire	411	436	259	1,106
Clarksburg	212	256	99	567
Dalton	1,114	1,009	382	2,505
Egremont	229	153	68	450
Florida	67	89	38	194
Great Barrington	770	684	948	2,402

County of Berkshire—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hancock	79	79	46	204
Hinsdale	203	174	100	477
Lanesborough	319	401	185	905
Lee	570	589	645	1,804
Lenox	702	615	564	1,881
Monterey	132	65	32	229
Mt. Washington	22	11	13	46
New Ashford	34	30	4	68
New Marlborough	146	91	91	328
North Adams	2,083	2,471	1,414	5,968
Otis	137	83	71	291
Peru	68	39	18	125
Pittsfield	4,981	7,423	6,748	19,152
Richmond	248	243	73	564
Sandisfield	91	40	48	179
Savoy	54	56	32	142
Sheffield	425	256	135	816
Stockbridge	484	341	205	1,030
Tyringham	49	50	28	127
Washington	60	48	21	129
West Stockbridge	220	126	118	464
Williamstown	1,090	1,233	332	2,655
Windsor	86	74	33	193
Totals	16,827	19,025	13,882	49,734

County of Bristol.

Acushnet	1,505	1,157	863	3,525
Attleboro	4,593	2,354	1,303	8,250
Berkley	299	157	134	590
Dartmouth	3,461	2,944	1,607	8,012
Dighton	717	444	278	1,439
Easton	2,606	1,115	654	4,375
Fairhaven	2,831	1,864	1,156	5,851
Fall River	12,175	5,838	12,172	30,185
Freetown	777	489	258	1,524
Mansfield	1,854	922	601	3,377
New Bedford	12,455	10,741	9,485	32,681
N. Attleborough	3,091	1,513	1,205	5,809
Norton	1,532	636	416	2,584
Raynham	1,265	770	544	2,579
Rehoboth	1,018	545	370	1,933
Seekonk	1,987	1,025	534	3,546
Somerset	3,423	1,703	1,799	6,925
Swansea	2,366	1,417	1,184	4,967
Taunton	5,461	3,506	5,325	14,292
Westport	1,926	1,168	1,232	4,326
Totals	65,342	40,308	41,120	146,770

County of Dukes.

Chilmark	152	58	29	239
Edgartown	516	205	218	939
Gay Head	32	11	44	87
Gosnold	23	19	5	47
Oak Bluffs	433	177	224	834
Tisbury	626	240	299	1,165
West Tisbury	254	71	66	391
Totals	2,036	781	885	3,702

County of Essex.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amesbury	1,917	916	1,163	3,996
Andover	5,461	3,030	1,415	9,906
BEVERLY	7,895	3,477	3,183	14,555
Boxford	1,007	475	184	1,666
Danvers	4,332	2,426	1,480	8,238
Essex	526	227	188	941
Georgetown	998	516	340	1,854
GLOUCESTER	3,979	1,767	2,383	8,129
Groveland	965	511	270	1,746
Hamilton	1,589	653	432	2,674
HAVERHILL	7,058	3,858	3,919	14,835
Ipswich	2,133	864	801	3,798
LAWRENCE	9,026	5,399	8,413	22,838
LYNN	12,956	6,926	6,503	26,385
Lynnfield	2,927	1,357	656	4,940
Manchester	1,392	494	387	2,273
Marblehead	5,814	2,223	1,295	9,332
Merrimac	718	362	249	1,329
Methuen	5,953	4,157	3,851	13,961
Middleton	708	413	238	1,359
Nahant	920	456	280	1,656
Newbury	934	416	317	1,667
NEWBURYPORT	2,762	1,529	1,761	6,052
North Andover	3,365	1,763	1,265	6,393
PEABODY	8,138	4,128	4,138	16,404
Rockport	1,415	582	539	2,536
Rowley	585	324	181	1,090
SALEM	6,686	3,613	4,234	14,533
Salisbury	761	475	503	1,739
Saugus	5,009	2,518	1,851	9,378
Swampscott	2,868	1,255	1,500	5,623
Topsfield	1,329	476	217	2,022
Wenham	900	319	178	1,397
West Newbury	571	299	231	1,101
Totals	113,597	58,204	54,545	226,346

County of Franklin.

Ashfield	253	156	98	507
Bernardston	278	191	87	556
Buckland	309	236	157	702
Charlemont	160	132	78	370
Colrain	210	180	74	464
Conway	231	137	61	429
Deerfield	814	527	242	1,583
Erving	248	146	85	479
Gill	215	155	67	437
Greenfield	2,651	2,871	1,140	6,662
Hawley	47	16	12	75
Heath	82	31	31	144
Leverett	304	90	77	471
Leyden	91	56	43	190
Monroe	25	35	15	75
Montague	1,529	616	3,255	
New Salem	149	55	34	238
Northfield	511	306	135	952
Orange	835	488	306	1,629
Rowe	68	68	27	163
Shelburne	338	196	140	674
Shutesbury	164	47	41	252
Sunderland	469	186	98	753
Warwick	82	61	53	196
Wendell	95	42	45	182
Whately	260	129	94	483
Totals	10,418	7,647	3,856	21,921

County of Hampden.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Agawam	3,702	1,266	1,553	6,521
Blandford	197	121	58	376
Brimfield	394	184	122	700
Chester	177	85	78	340
CHICOPEE	9,500	4,934	4,729	19,163
E. Longmeadow	2,673	844	858	4,375
Granville	189	122	57	368
Hampden	851	272	125	1,248
Holland	222	123	65	410
HOLYOKE	5,096	4,050	5,665	14,811
Longmeadow	4,720	946	766	6,432
Ludlow	3,033	1,274	985	5,292
Monson	1,267	516	497	2,280
Montgomery	128	62	30	220
Palmer	2,078	944	1,086	4,108
Russell	243	137	87	467
Southwick	1,109	549	284	1,942
SPRINGFIELD	17,762	5,252	16,008	39,022
Tolland	51	17	13	81
Wales	191	66	54	311
West Springfield	4,551	2,290	2,065	8,906
WESTFIELD	5,609	3,107	2,157	10,873
Wilbraham	2,832	619	760	4,211
Totals	66,575	27,780	38,102	132,457

County of Hampshire.

Amherst	3,872	999	948	5,819
Belchertown	894	384	288	1,566
Chesterfield	142	67	59	268
Cummington	168	67	35	270
Easthampton	2,778	1,404	1,159	5,341
Goshen	112	52	32	196
Granby	802	438	283	1,523
Hadley	831	373	378	1,582
Hatfield	603	282	308	1,193
Huntington	273	129	106	508
Middlefield	56	40	23	119
NORTHAMPTON	5,236	2,388	2,100	9,724
Pelham	257	73	43	373
Plainfield	63	28	30	121
South Hadley	3,107	1,819	933	5,859
Southampton	694	351	161	1,206
Ware	1,679	809	1,044	3,532
Westhampton	192	105	40	337
Williamsburg	457	210	142	809
Worthington	168	69	48	285
Totals	22,384	10,087	8,160	40,631

County of Middlesex.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Acton	3,679	1,378	517	5,574
Arlington	12,245	5,661	3,701	21,607
Ashby	417	185	124	726
Ashland	1,411	958	362	2,731
Ayer	740	381	232	1,353
Bedford	2,786	1,171	615	4,572
Belmont	7,339	2,964	2,361	12,664
Billerica	5,105	3,041	1,385	9,531
Boxborough	448	152	55	655
Burlington	4,229	1,463	1,192	6,884
CAMBRIDGE	17,559	5,759	7,446	30,764

County of Middlesex—Concluded.

Cities and towns.	Yes.	No.	Blanks.	Total Ballots.
Carlisle	870	256	132	1,258
Chelmsford	5,672	3,569	1,408	10,649
Concord	4,478	1,053	778	6,309
Dracut	2,903	2,629	1,644	7,176
Dunstable	268	160	93	521
EVERETT	4,450	2,639	7,258	14,347
Framingham	12,184	5,114	3,209	20,507
Groton	1,156	502	236	1,894
Holliston	2,570	1,012	511	4,093
Hopkinton	1,174	587	356	2,117
Hudson	2,406	1,234	1,070	4,710
Lexington	7,898	2,434	2,516	12,848
Lincoln	1,570	364	237	2,171
Littleton	1,257	584	221	2,062
LOWELL	12,257	9,839	8,814	30,910
MALDEN	7,575	4,981	5,788	18,344
MARLBOROUGH	5,397	2,536	2,316	10,249
Maynard	1,716	887	740	3,343
MEDFORD	11,185	5,664	6,051	22,900
MELROSE	6,373	3,447	2,478	12,298
Natick	6,078	2,338	2,061	10,477
NEWTON	21,418	5,914	7,733	35,065
North Reading	2,417	1,035	571	4,023
Pepperell	1,040	585	402	2,027
Reading	5,059	2,290	991	8,340
Sherborn	911	525	144	1,580
Shirley	638	217	189	1,044
SOMERVILLE	11,901	5,520	7,003	24,424
Stoneham	4,190	2,061	1,439	7,690
Stow	962	357	176	1,495
Sudbury	2,884	1,411	660	4,955
Tewksbury	4,528	2,466	1,093	8,087
Townsend	786	351	246	1,383
Tyngsborough	624	501	258	1,383
Wakefield	5,185	2,645	1,751	9,581
WALTHAM	6,927	3,326	6,064	16,317
Watertown	7,332	3,219	3,687	14,238
Wayland	3,416	1,176	570	5,162
Westford	2,066	1,364	571	4,001
Weston	3,265	971	458	4,694
Wilmington	2,527	1,314	1,136	4,977
Winchester	5,310	2,110	1,813	9,233
WOBURN	5,729	3,396	3,295	12,420
Totals	254,510	117,696	106,157	478,363

County of Nantucket and Norfolk.

Nantucket	745	405	332	1,482
Totals	745	405	332	1,482

County of Norfolk.

Avon	877	452	335	1,664
Bellingham	2,259	1,174	791	4,224
Braintree	8,076	3,919	2,175	14,170
Brookline	10,217	3,969	7,998	22,184
Canton	4,018	1,828	1,147	6,993
Cohasset	1,919	688	467	3,074
Dedham	5,526	2,864	2,099	10,489
Dover	1,464	501	268	2,233
Foxborough	2,516	1,120	497	4,133
Franklin	3,238	1,450	1,129	5,817
Holbrook	2,294	1,067	764	4,125
Medfield	1,912	1,072	358	3,342

County of Norfolk—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Medway	1,508	690	479	2,677
Millis	1,232	577	326	2,135
Milton	7,867	3,029	1,897	12,793
Needham	7,947	3,221	1,781	12,949
Norfolk	911	439	187	1,537
Norwood	6,654	2,803	1,978	11,435
Plainville	988	442	247	1,677
QUINCY	17,624	8,899	7,860	34,383
Randolph	5,478	2,409	2,102	9,989
Sharon	2,982	1,222	648	4,852
Stoughton	3,852	1,956	2,118	7,926
Walpole	4,095	1,547	922	6,564
Wellesley	7,563	2,455	1,319	11,337
Westwood	3,556	1,527	789	5,872
Weymouth	11,060	5,259	3,040	19,359
Wrentham	1,128	569	305	2,002
Totals	128,761	57,148	44,026	229,935

County of Plymouth.

Abington	2,421	1,067	736	4,224
Bridgewater	2,450	1,032	784	4,266
BROCKTON	13,334	6,273	5,517	25,124
Carver	616	313	225	1,154
Duxbury	2,487	864	456	3,807
East Bridgewater	1,985	625	598	3,208
Halifax	850	381	244	1,475
Hanover	2,481	884	560	3,925
Hanson	1,392	651	417	2,460
Hingham	4,838	1,760	1,076	7,674
Hull	1,951	818	791	3,560
Kingston	1,175	530	436	2,141
Lakeville	846	504	269	1,619
Marion	615	614	157	1,386
Marshfield	3,948	1,557	867	6,372
Mattapoisett	1,160	708	287	2,155
Middleborough	2,415	1,292	882	4,589
Norwell	1,924	722	555	3,201
Pembroke	2,094	905	585	3,584
Plymouth	4,387	1,449	1,859	7,695
Plympton	268	146	92	506
Rochester	290	288	116	694
Rockland	2,601	1,151	830	4,582
Scituate	3,831	1,410	890	6,131
Wareham	2,195	1,456	1,083	4,734
West Bridgewater	1,462	632	352	2,446
Whitman	2,653	1,142	773	4,568
Totals	66,669	29,174	21,437	117,280

County of Suffolk.

BOSTON	51,183	35,027	67,285	153,495
CHELSEA	3,369	1,739	3,837	8,945
REVERE	6,894	4,026	5,287	16,207
Winthrop	4,470	1,508	2,417	8,395
Totals	65,916	42,300	78,826	187,042

County of Worcester.

Ashburnham	625	311	240	1,176
Athol	1,596	802	655	3,053
Auburn	3,464	1,460	1,210	6,134
Barre	711	353	497	1,561
Berlin	427	192	113	732

County of Worcester—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Blackstone	1,062	449	516	2,027
Bolton	464	205	94	763
Boylston	705	268	190	1,163
Brookfield	339	180	176	695
Charlton	713	356	281	1,350
Clinton	2,039	1,061	1,401	4,501
Douglas	589	310	349	1,248
Dudley	1,211	607	755	2,573
East Brookfield	328	143	167	638
FITCHBURG	6,422	2,988	4,074	13,484
GARDNER	3,074	1,509	1,921	6,504
Grafton	2,093	881	948	3,922
Hardwick	387	187	207	781
Harvard	808	423	113	1,344
Holden	3,012	1,142	780	4,934
Hopedale	822	405	415	1,642
Hubbardston	265	133	115	513
Lancaster	771	422	321	1,514
Leicester	1,591	694	656	2,941
LEOMINSTER	5,397	2,452	2,674	10,523
Lunenburg	1,597	649	546	2,792
Mendon	422	272	208	902
Milford	3,052	1,923	2,380	7,355
Millbury	2,038	882	1,115	4,035
Millville	294	129	182	605
New Braintree	117	44	49	210
North Brookfield	704	388	367	1,459
Northborough	2,044	836	453	3,333
Northbridge	2,376	813	963	4,152
Oakham	184	73	71	328
Oxford	1,486	469	465	2,420
Paxton	865	313	192	1,370
Petersham	246	106	63	415
Phillipston	127	76	28	231
Princeton	425	149	89	663
Royalston	137	62	41	240
Rutland	741	287	132	1,160
Shrewsbury	4,810	1,879	1,701	8,390
Southborough	1,333	636	272	2,241
Southbridge	2,242	946	2,018	5,206
Spencer	1,582	763	951	3,296
Sterling	861	390	242	1,493
Sturbridge	990	374	388	1,752
Sutton	865	424	376	1,665
Templeton	868	424	368	1,660
Upton	671	366	332	1,369
Uxbridge	1,437	659	801	2,897
Warren	611	288	359	1,258
Webster	2,040	1,061	1,741	4,842
West Boylston	1,581	544	379	2,504
West Brookfield	429	242	221	892
Westborough	2,819	1,132	706	4,657
Westminster	964	446	313	1,723
Winchendon	795	421	365	1,581
WORCESTER	29,319	11,562	16,523	57,404
Totals	109,987	47,961	54,268	212,216

Aggregate of Votes.

BARNSTABLE	28,240	12,571	7,731	48,542
BERKSHIRE	16,827	19,025	13,882	49,734
BRISTOL	65,342	40,308	41,120	146,770
DUKES	2,036	781	885	3,702
ESSEX	113,597	58,204	54,545	226,346
FRANKLIN	10,418	7,647	3,856	21,921

Aggregate of Votes—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
HAMPDEN	66,575	27,780	38,102	132,457
HAMPSHIRE	22,384	10,087	8,160	40,631
MIDDLESEX	254,510	117,696	106,157	478,363
NANTUCKET	745	405	332	1,482
NORFOLK	128,761	57,148	44,026	229,935
PLYMOUTH	66,669	29,174	21,437	117,280
SUFFOLK	65,916	42,300	78,826	187,042
WORCESTER	109,987	47,961	54,268	212,216
TOTALS	952,007	471,087	473,327	1,896,421

RETURN OF VOTES ON QUESTION NO. 2, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 2 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an amendment to the constitution summarized below which was approved by the General Court in a joint session of the two branches held August 25, 1971, received 177 votes in the affirmative and 65 in the negative, and in a joint session of the two branches held June 6, 1973 received 166 votes in the affirmative and 93 in the negative?

Summary

The proposed constitutional amendment, if approved, would provide for a census in the year 1975 and every tenth year thereafter of the inhabitants of each city and town as a basis for determining the representative, senatorial and councillor districts for the ten year period beginning with the first Wednesday in the fourth January following the taking of the census, provided that the districts as established based on the 1971 census shall terminate on the first Wednesday in January, 1979. The census shall specify the number of inhabitants residing in each precinct of a town and each precinct and ward of a city.

Under the proposed amendment, the House of Representatives would consist of 160 members, in contrast to the present membership of 240, and the Senate of 40 members. The General Court would, at its first regular session after the year in which the census is taken, divide the Commonwealth into 160 representative districts and 40 senatorial districts of contiguous territory so that each representative and each senator will represent an equal number of inhabitants as nearly as may be; and such districts shall be formed, as nearly as may be, without uniting two counties or parts of two or more counties and, with respect to representative districts, without uniting, as nearly as may be, two towns or parts of two or more towns, to cities or parts of two or more cities, or a city and a town, or parts of cities and towns, into one district, and without dividing any town containing less than 2500 inhabitants. The General Court would be permitted to pass laws to limit the time within which judicial proceeding may be instituted calling in question any such division. The proposed amendment further provides that every representative, for one year at least immediately preceding his election, shall have been an inhabitant of the district for which he is chosen, and every senator shall be an inhabitant of this Commonwealth for five years at least preceding his election and at the time of his election shall be an inhabitant of the district for which he is chosen. Every representative and senator shall cease to represent his district when he shall cease to be an inhabitant of the Commonwealth. The manner of calling and conducting the elections for representatives and for senators and coun-

cillors, and of ascertaining their election, shall be prescribed by law. The amendment vests original jurisdiction in the Supreme Judicial Court, upon petition of any voter of the Commonwealth, filed with the clerk of said court, for judicial relief relative to the establishment of House of Representatives, councillor and senatorial districts.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	6,751	1,338	1,593	9,682
Bourne	2,019	504	762	3,285
Brewster	1,283	232	191	1,706
Chatham	1,964	285	345	2,594
Dennis	3,271	565	699	4,535
Eastham	1,031	176	145	1,352
Falmouth	4,995	842	1,110	6,947
Harwich	2,483	438	370	3,291
Mashpee	704	101	160	965
Orleans	1,768	224	283	2,275
Provincetown	857	206	274	1,337
Sandwich	1,606	342	340	2,288
Truro	384	85	73	542
Wellfleet	683	119	154	956
Yarmouth	4,566	928	1,293	6,787
Totals	34,365	6,385	7,792	48,542

County of Berkshire.

Adams	2,408	814	1,072	4,294
Alford	101	36	19	156
Becket	185	72	26	283
Cheshire	645	193	268	1,106
Clarksburg	353	108	106	567
Dalton	1,749	357	399	2,505
Egremont	262	116	72	450
Florida	104	51	39	194
Great Barrington	1,005	399	998	2,402
Hancock	113	45	46	204
Hinsdale	312	70	95	477
Lanesborough	531	175	199	905
Lee	890	296	618	1,804
Lenox	1,146	277	458	1,881
Monterey	149	52	28	229
Mt. Washington	24	9	13	46
New Ashford	37	17	14	68
New Marlborough	173	61	94	328
NORTH ADAMS	3,632	1,006	1,330	5,968
Otis	142	82	67	291
Peru	75	26	24	125
PITTSFIELD	9,791	2,565	6,796	19,152
Richmond	407	78	79	564
Sandisfield	90	39	50	179
Savoy	87	22	33	142
Sheffield	490	180	146	816
Stockbridge	709	128	193	1,030
Tyringham	67	33	27	127
Washington	82	26	21	129
West Stockbridge	280	60	124	464
Williamstown	1,997	353	305	2,655
Windsor	122	41	30	193
Totals	28,158	7,787	13,789	49,734

County of Bristol.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Acushnet	1,940	685	900	3,525
ATTLEBORO	5,560	1,377	1,313	8,250
Berkley	339	110	141	590
Dartmouth	4,986	1,386	1,640	8,012
Dighton	864	289	286	1,439
Easton	3,075	638	662	4,375
Fairhaven	3,473	1,193	1,185	5,851
FALL RIVER	14,249	4,011	11,925	30,185
Freetown	964	294	266	1,524
Mansfield	2,101	711	565	3,377
NEW BEDFORD	17,261	5,672	9,748	32,681
N. Attleborough	3,752	873	1,184	5,809
Norton	1,754	411	419	2,584
Raynham	1,550	505	524	2,579
Rehoboth	1,201	365	367	1,933
Seekonk	2,286	715	545	3,546
Somerset	4,171	973	1,781	6,925
Swansea	2,837	903	1,227	4,967
TAUNTON	6,634	2,341	5,317	14,292
Westport	2,319	768	1,239	4,326
Totals	81,316	24,220	41,234	146,770

County of Dukes.

Chilmark	101	109	29	239
Edgartown	376	341	222	939
Gay Head	25	19	43	87
Gosnold	29	12	6	47
Oak Bluffs	374	225	235	834
Tisbury	524	352	289	1,165
West Tisbury	166	166	59	391
Totals	1,595	1,224	883	3,702

County of Essex.

Amesbury	1,873	979	1,144	3,996
Andover	7,072	1,432	1,402	9,906
BEVERLY	9,418	2,078	3,059	14,555
Boxford	1,307	200	159	1,666
Danvers	5,446	1,354	1,438	8,238
Essex	603	148	190	941
Georgetown	1,241	274	339	1,854
GLOUCESTER	4,487	1,256	2,386	8,129
Groveland	1,128	336	282	1,746
Hamilton	1,928	333	413	2,674
HAVERHILL	8,291	2,572	3,972	14,835
Ipswich	2,480	554	764	3,798
LAWRENCE	11,366	3,073	8,399	22,838
LYNN	15,408	4,656	6,321	26,385
Lynnfield	3,589	685	666	4,940
Manchester	1,616	291	366	2,273
Marblehead	6,756	1,435	1,141	9,332
Merrimac	804	263	262	1,329
Methuen	7,862	2,231	3,868	13,961
Middleton	892	216	251	1,359
Nahant	1,144	240	272	1,656
Newbury	995	359	313	1,667
NEWBURYPORT	3,020	1,323	1,709	6,052
North Andover	4,206	941	1,246	6,393
PEABODY	9,622	2,598	4,184	16,404
Rockport	1,632	352	552	2,536
Rowley	666	225	199	1,090
SALEM	8,073	2,285	4,175	14,533
Salisbury	824	405	510	1,739
Saugus	6,010	1,530	1,838	9,378

County of Essex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Swampscott	3,427	722	1,474	5,623
Topsfield	1,658	205	159	2,022
Wenham	1,066	155	176	1,397
West Newbury	639	236	226	1,101
Totals	136,549	35,942	53,855	226,346

County of Franklin.

Ashfield	241	178	88	507
Bernardston	278	184	94	556
Buckland	312	232	158	702
Charlemont	163	117	90	370
Colrain	223	159	82	464
Conway	216	152	61	429
Deerfield	882	461	240	1,583
Erving	264	128	87	479
Gill	220	146	71	437
Greenfield	2,854	2,611	1,197	6,662
Hawley	38	21	16	75
Heath	76	40	28	144
Leverett	273	129	69	471
Leyden	99	47	44	190
Monroe	38	22	15	75
Montague	1,679	927	649	3,255
New Salem	153	50	35	238
Northfield	522	285	145	952
Orange	990	324	315	1,629
Rowe	91	43	29	163
Shelburne	309	223	142	674
Shutesbury	172	39	41	252
Sunderland	444	211	98	753
Warwick	85	57	54	196
Wendell	94	47	41	182
Whately	260	124	99	483
Totals	10,976	6,957	3,988	21,921

County of Hampden.

Agawam	3,766	1,093	1,662	6,521
Blandford	211	100	65	376
Brimfield	445	134	121	700
Chester	194	67	79	340
CHICOPEE	11,100	3,492	4,571	19,163
E. Longmeadow	2,816	780	779	4,375
Granville	209	96	63	368
Hampden	896	236	116	1,248
Holland	275	70	65	410
HOLYOKE	7,041	2,916	4,854	14,811
Longmeadow	4,948	745	739	6,432
Ludlow	3,185	1,151	956	5,292
Monson	1,377	407	496	2,280
Montgomery	138	54	28	220
Palmer	2,269	742	1,097	4,108
Russell	258	115	94	467
Southwick	1,172	477	293	1,942
SPRINGFIELD	18,943	5,157	14,922	39,022
Tolland	50	17	14	81
Wales	162	92	57	311
West Springfield	5,025	1,824	2,057	8,906
WESTFIELD	6,236	2,432	2,205	10,873
Wilbraham	2,792	657	762	4,211
Totals	73,508	22,854	36,095	132,457

County of Hampshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amherst	3,851	995	973	5,819
Belchertown	992	310	264	1,566
Chesterfield	154	57	57	268
Cummington	177	60	33	270
Easthampton	3,001	1,192	1,148	5,341
Goshen	99	54	43	196
Granby	906	349	268	1,523
Hadley	869	329	384	1,582
Hatfield	638	244	311	1,193
Huntington	322	85	101	508
Middlefield	64	34	21	119
NORTHAMPTON	5,486	2,093	2,145	9,724
Pelham	272	59	42	373
Plainfield	55	37	29	121
South Hadley	3,832	1,109	918	5,859
Southampton	740	292	174	1,206
Ware	1,953	548	1,031	3,532
Westhampton	187	105	45	337
Williamsburg	468	198	143	809
Worthington	174	57	54	285
Totals	24,240	8,207	1,184	40,631

County of Middlesex.

Acton	4,405	677	492	5,574
Arlington	14,935	2,960	3,712	21,607
Ashby	471	139	116	726
Ashland	1,920	429	382	2,731
Ayer	880	234	239	1,353
Bedford	3,512	477	583	4,572
Belmont	8,900	1,544	2,220	12,664
Billerica	6,503	1,665	1,363	9,531
Boxborough	524	84	47	655
Burlington	4,569	1,080	1,235	6,884
CAMBRIDGE	18,191	5,384	7,189	30,764
Carlisle	1,054	104	100	1,258
Chelmsford	7,692	1,584	1,373	10,649
Concord	4,940	660	709	6,309
Dracut	3,974	1,508	1,694	7,176
Dunstalbe	334	102	85	521
EVERETT	5,313	1,664	7,370	14,347
Framingham	15,188	2,359	2,960	20,507
Groton	1,297	371	226	1,894
Holliston	3,072	542	479	4,093
Hopkinton	1,471	298	348	2,117
Hudson	2,826	878	1,006	4,710
Lexington	9,070	1,344	2,434	12,848
Lincoln	1,687	289	195	2,171
Littleton	1,569	300	193	2,062
LOWELL	16,786	5,239	8,885	30,910
MALDEN	8,870	3,532	5,942	18,344
MILBOROUGH	6,557	1,554	2,138	10,249
Maynard	2,100	516	727	3,343
MEDFORD	13,416	3,349	6,135	22,900
MELROSE	8,000	1,756	2,542	12,298
Natick	6,974	1,421	2,082	10,477
NEWTON	23,048	4,395	7,622	35,065
North Reading	2,731	695	597	4,023
Pepperell	1,181	442	404	2,027
Reading	6,400	975	965	8,340
Sherborn	1,247	202	131	1,580
Shirley	717	158	169	1,044
SOMERVILLE	13,653	3,818	6,953	24,424
Stoneham	5,082	1,215	1,393	7,690
Stow	1,166	159	170	1,495
Sudbury	3,899	532	524	4,955

County of Middlesex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Tewksbury	5,391	1,577	1,119	8,087
Townsend	898	242	243	1,383
Tyngsborough	847	257	279	1,383
Wakefield	6,400	1,429	1,752	9,581
WALTHAM	8,243	2,104	5,970	16,317
Watertown	8,489	2,203	3,546	14,238
Wayland	4,180	503	479	5,162
Westford	2,823	623	555	4,001
Weston	3,871	432	391	4,694
Wilmington	2,845	896	1,236	4,977
Winchester	6,038	1,344	1,851	9,233
WOBURN	7,024	1,911	3,485	12,420
Totals	303,173	70,155	105,035	478,363

County of Nantucket.

Nantucket	613	573	296	1,482
Totals	613	573	296	1,482

County of Norfolk.

Avon	1,060	276	328	1,664
Bellingham	2,649	781	794	4,224
Braintree	9,732	2,234	2,204	14,170
Brookline	11,677	2,610	7,897	22,184
Canton	4,756	1,078	1,159	6,993
Cohasset	2,224	405	445	3,074
Dedham	6,452	1,915	2,122	10,489
Dover	1,807	213	213	2,233
Foxborough	2,987	653	493	4,133
Franklin	3,698	964	1,155	5,817
Holbrook	2,631	713	781	4,125
Medfield	2,650	358	334	3,342
Medway	1,780	410	487	2,677
Millis	1,497	337	301	2,135
Milton	9,025	1,822	1,946	12,793
Needham	9,836	1,404	1,709	12,949
Norfolk	1,068	278	191	1,537
Norwood	7,814	1,697	1,924	11,435
Plainville	1,172	257	248	1,677
QUINCY	21,065	5,462	7,856	34,383
Randolph	6,386	1,502	2,101	9,989
Sharon	3,603	581	668	4,852
Stoughton	4,375	1,314	2,237	7,926
Walpole	4,795	860	909	6,564
Wellesley	8,957	1,199	1,181	11,337
Westwood	4,343	752	777	5,872
Weymouth	12,929	3,190	3,240	19,359
Wrentham	1,342	354	306	2,002
Totals	152,310	33,619	44,006	229,935

County of Plymouth.

Abington	2,754	694	776	4,224
Bridgewater	2,799	637	830	4,266
BROCKTON	15,780	3,774	5,570	25,124
Carver	706	211	237	1,154
Duxbury	2,987	418	402	3,807
East Bridgewater	1,974	617	617	3,208
Halifax	959	269	247	1,475

County of Plymouth—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hanover	2,821	556	548	3,925
Hanson	1,616	419	425	2,460
Hingham	5,606	1,038	1,030	7,674
Hull	2,154	564	842	3,560
Kingston	1,383	315	443	2,141
Lakeville	1,037	301	281	1,619
Marion	1,038	189	159	1,386
Marshfield	4,603	932	837	6,372
Mattapoisett	1,491	364	300	2,155
Middleborough	2,842	840	907	4,589
Norwell	2,139	485	577	3,201
Pembroke	2,310	651	623	3,584
Plymouth	4,678	1,132	1,885	7,695
Plympton	315	97	94	506
Rochester	428	161	105	694
Rockland	3,031	679	872	4,582
Scituate	4,463	785	883	6,131
Wareham	2,806	777	1,151	4,734
West Bridgewater	1,637	436	373	2,446
Whitman	3,082	709	777	4,568
Totals	77,439	18,050	21,791	117,280

County of Suffolk.

BOSTON	57,615	31,355	64,525	153,495
CHELSEA	3,872	1,201	3,872	8,945
REVERE	8,021	2,878	5,308	16,207
Winthrop	4,439	1,528	2,428	8,395
Totals	73,947	36,962	76,133	187,042

County of Worcester.

Ashburnham	760	194	222	1,176
Athol	1,967	438	648	3,053
Auburn	4,134	792	1,208	6,134
Barre	811	261	489	1,561
Berlin	505	112	115	732
Blackstone	1,171	332	524	2,027
Bolton	584	100	79	763
Boylston	848	119	196	1,163
Brookfield	407	115	173	695
Charlton	851	229	270	1,350
Clinton	2,422	650	1,429	4,501
Douglas	739	172	337	1,248
Dudley	1,458	366	749	2,573
East Brookfield	387	86	165	638
FITCHBURG	7,539	1,997	3,948	13,484
GARDNER	3,751	925	1,828	6,504
Grafton	2,470	489	963	3,922
Hardwick	427	152	202	781
Harvard	1,098	162	84	1,344
Holden	3,639	639	656	4,934
Hopedale	977	240	425	1,642
Hubbardston	318	89	106	513
Lancaster	981	215	318	1,514
Leicester	1,866	438	637	2,941
LEOMINSTER	6,348	1,609	2,566	10,523
Lunenburg	1,958	314	520	2,792
Mendon	551	149	202	902
Milford	3,752	1,202	2,401	7,355
Millbury	2,377	586	1,072	4,035
Millville	320	102	183	605
New Braintree	114	43	53	210
North Brookfield	797	297	365	1,459

County of Worcester—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Northborough	2,461	437	435	3,333
Northbridge	2,655	618	879	4,152
Oakham	201	52	75	328
Oxford	1,600	340	480	2,420
Paxton	1,030	165	175	1,370
Petersham	279	75	61	415
Phillipston	153	53	25	231
Princeton	500	76	87	663
Royalston	144	61	35	240
Rutland	827	205	128	1,160
Shrewsbury	5,772	924	1,694	8,390
Southborough	1,661	295	285	2,241
Southbridge	2,615	551	2,040	5,206
Spencer	1,886	512	898	3,296
Sterling	1,056	204	233	1,493
Sturbridge	1,129	220	403	1,752
Sutton	1,052	234	379	1,665
Templeton	1,025	276	359	1,660
Upton	834	205	330	1,369
Uxbridge	1,658	433	806	2,897
Warren	659	261	338	1,258
Webster	2,429	679	1,734	4,842
West Boylston	1,849	281	374	2,504
West Brookfield	521	144	227	892
Westborough	3,339	627	691	4,657
Westminster	1,171	258	294	1,723
Winchendon	932	277	372	1,581
WORCESTER	34,361	6,996	16,047	57,404
Totals	130,126	29,073	53,017	212,216

Aggregate of Votes.

BARNSTABLE	34,365	6,385	7,792	48,542
BERKSHIRE	28,158	7,787	13,789	49,734
BRISTOL	81,316	24,220	41,234	146,770
DUKES	1,595	1,224	883	3,702
ESSEX	136,549	35,942	53,855	226,346
FRANKLIN	10,976	6,957	3,988	21,921
HAMPDEN	73,508	22,854	36,095	132,457
HAMPSHIRE	24,240	8,207	8,184	40,631
MIDDLESEX	303,173	70,155	105,035	478,363
NANTUCKET	613	573	296	1,482
NORFOLK	152,310	33,619	44,006	229,935
PLYMOUTH	77,439	18,050	21,791	117,280
SUFFOLK	73,947	36,962	76,133	187,042
WORCESTER	130,126	29,073	53,017	212,216
TOTALS	1,128,315	302,008	466,098	1,896,421

RETURN OF VOTES ON QUESTION NO. 3, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 3 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an amendment to the constitution summarized below which was approved by the General Court in a joint session of the two branches held June 7, 1972, received 250 votes in the affirmative and 3 in the negative, and in a joint session of the two branches held June 6, 1973, received 253 votes in the affirmative and 0 in the negative?

Summary

The proposed constitutional amendment would repeal section 2 of Article 46 of the Articles of Amendment to the Constitution of the Commonwealth (the "anti-aid amendment", so-called), and replace it with a new section 2, for the purpose of allowing grants in aid to private higher educational institutions or to students, or parents or guardians of students, attending such institutions.

The proposed amendment would delete the first clause of the present section 2, which requires that all moneys raised by taxation in the towns and cities for the support of public schools, and all moneys appropriated by the Commonwealth for the support of common schools shall be applied to or expended in only those schools conducted according to law under the order and superintendence of the authorities of the town or city in which the money is expended. The effect of the deletion of the first clause of section 2 would be to remove the constitutional prohibition against the use of public moneys, which have been raised by taxation or appropriated for support of public schools, for grants in aid to private higher educational institutions or to students, or parents or guardians of students, attending such institutions.

The poposed amendment would also alter the second clause of the present section 2 by removing the prohibition against a grant, appropriation or use of public money or property or loan of public credit by the Commonwealth or any political subdivision for the purpose of founding, maintaining or aiding any school or institution of learning, whether under public control or otherwise, wherein any denominational doctrine is inculcated, or any other school or any college which is not publicly owned and under the exclusive control, order and superintendence of public officers or public agents. In place of the foregoing, the proposed amendment would prohibit the grant, appropriation or use of public money or property or loan of credit by the Commonwealth or any political subdivision for the purpose of founding, maintaining or aiding any primary or secondary school which is

not publicly owned and under the exclusive control, order and superintendence of public officers or public agents.

The proposed amendment would also add to the present section 2 a provision that nothing therein shall be construed to prohibit grants in aid to private higher educational institutions or to students, or parents or guardians of students, attending such institutions.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	4,254	3,784	1,644	9,682
Bourne	1,230	1,257	798	3,285
Brewster	793	698	215	1,706
Chatham	1,175	1,041	378	2,594
Dennis	1,979	1,769	787	4,535
Eastham	626	579	147	1,352
Falmouth	3,366	2,319	1,262	6,947
Harwich	1,479	1,384	428	3,291
Mashpee	445	342	178	965
Orleans	1,158	803	314	2,275
Provincetown	686	372	279	1,337
Sandwich	887	1,025	376	2,288
Truro	262	210	70	542
Wellfleet	478	319	159	956
Yarmouth	2,703	2,745	1,339	6,787
Totals	21,521	18,647	8,374	48,542

County of Berkshire.

Adams	1,401	1,786	1,107	4,294
Alford	58	73	25	156
Becket	99	157	27	283
Cheshire	378	459	269	1,106
Clarksburg	165	294	108	567
Dalton	963	1,115	427	2,505
Egremont	180	206	64	450
Florida	61	94	39	194
Great Barrington	667	749	986	2,402
Hancock	64	94	46	204
Hinsdale	207	161	109	477
Lanesborough	312	381	212	905
Lee	590	555	659	1,804
Lenox	651	756	474	1,881
Monterey	85	110	34	229
Mt. Washington	12	20	14	46
New Ashford	21	36	11	68
New Marlborough	130	103	95	328
North Adams	1,933	2,624	1,411	5,968
Otis	95	128	68	291
Peru	43	54	28	125
Pittsfield	5,387	6,780	6,985	19,152
Richmond	213	266	85	564
Sandisfield	72	59	48	179
Savoy	51	58	33	142
Sheffield	338	320	158	816
Stockbridge	420	409	201	1,030
Tyringham	54	41	32	127
Washington	46	56	27	129
West Stockbridge	207	133	124	464
Williamstown	1,091	1,240	324	2,655
Windsor	71	93	29	193
Totals	16,065	19,410	14,259	49,734

County of Bristol.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Acushnet	1,441	1,131	953	3,525
ATTLEBORO	4,200	2,725	1,325	8,250
Berkley	246	195	149	590
Dartmouth	3,058	3,171	1,783	8,012
Dighton	579	555	305	1,439
Easton	2,306	1,402	667	4,375
Fairhaven	1,702	2,822	1,327	5,851
FALL RIVER	11,228	6,272	12,685	30,185
Freetown	696	551	277	1,524
Mansfield	1,554	1,198	625	3,377
NEW BEDFORD	12,388	10,138	10,155	32,681
N. Attleborough	2,887	1,677	1,245	5,809
Norton	1,269	866	449	2,584
Raynham	1,017	1,024	538	2,579
Rehoboth	834	703	396	1,933
Seekonk	1,782	1,198	566	3,546
Somerset	3,049	1,945	1,931	6,925
Swansea	2,116	1,592	1,259	4,967
TAUNTON	5,140	3,618	5,534	14,292
Westport	1,744	1,327	1,255	4,326
Totals	59,236	44,110	43,424	146,770

County of Dukes.

Chilmark	128	74	37	239
Edgartown	466	241	232	939
Gay Head	26	19	42	87
Gosnold	21	19	7	47
Oak Bluffs	355	236	243	834
Tisbury	543	319	303	1,165
West Tisbury	199	129	63	391
Totals	1,738	1,037	927	3,702

County of Essex.

Amesbury	1,357	1,466	1,173	3,996
Andover	5,171	3,372	1,363	9,906
BEVERLY	6,542	4,770	3,243	14,555
Boxford	853	616	197	1,666
Danvers	3,775	2,996	1,467	8,238
Essex	435	310	196	941
Georgetown	897	598	359	1,854
GLOUCESTER	3,244	2,360	2,525	8,129
Groveland	843	631	272	1,746
Hamilton	1,313	922	439	2,674
HAVERHILL	6,162	4,541	4,132	14,835
Ipswich	1,825	1,178	795	3,798
LAWRENCE	9,548	4,644	8,646	22,838
LYNN	11,433	8,368	6,584	26,385
Lynnfield	2,523	1,739	678	4,940
Manchester	1,204	680	389	2,273
Marblehead	4,753	3,361	1,218	9,332
Merrimac	536	530	263	1,329
Methuen	6,053	3,860	4,048	13,961
Middleton	577	519	263	1,359
Nahant	802	557	297	1,656
Newbury	768	583	316	1,667
NEWBURYPORT	2,379	1,934	1,739	6,052
North Andover	3,228	1,873	1,292	6,393
PEABODY	7,255	4,798	4,351	16,404
Rockport	1,106	872	558	2,536
Rowley	478	401	211	1,090
SALEM	6,403	3,738	4,392	14,533
Salisbury	633	562	544	1,739

County of Essex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Saugus	4,205	3,261	1,912	9,378
Swampscott	2,512	1,556	1,555	5,623
Topsfield	1,081	717	224	2,022
Wenham	760	473	164	1,397
West Newbury	485	387	229	1,101
Totals	101,139	69,173	56,034	226,346

County of Franklin.

Ashfield	232	182	93	507
Bernardston	242	206	108	556
Buckland	263	279	160	702
Charlemont	148	129	93	370
Colrain	200	174	90	464
Conway	197	163	69	429
Deerfield	675	654	254	1,583
Erving	227	149	103	479
Gill	204	161	72	437
Greenfield	2,350	2,988	1,324	6,662
Hawley	33	26	16	75
Heath	63	52	29	144
Leverett	224	176	71	471
Leyden	72	69	49	190
Monroe	28	30	17	75
Montague	1,464	1,070	721	3,255
New Salem	109	88	41	238
Northfield	429	371	152	952
Orange	653	645	331	1,629
Rowe	70	61	32	163
Shelburne	268	256	150	674
Shutesbury	130	78	44	252
Sunderland	366	287	100	753
Warwick	56	79	61	196
Wendell	89	53	40	182
Whately	214	162	107	483
Totals	9,006	8,588	4,327	21,921

County of Hampden.

Agawam	2,948	1,839	1,734	6,521
Blandford	155	156	65	376
Brimfield	343	232	125	700
Chester	130	119	91	340
CHICOPEE	8,813	5,305	5,045	19,163
E. Longmeadow	2,182	1,367	826	4,375
Granville	163	138	67	368
Hampden	720	401	127	1,248
Holland	189	147	74	410
HOLYOKE	5,081	3,865	5,865	14,811
Longmeadow	4,077	1,621	734	6,432
Ludlow	2,724	1,502	1,066	5,292
Monson	1,136	614	530	2,280
Montgomery	97	88	35	220
Palmer	1,832	1,108	1,168	4,108
Russell	217	147	103	467
Southwick	949	678	315	1,942
SPRINGFIELD	15,845	6,731	16,446	39,022
Tolland	44	25	12	81
Wales	142	109	60	311
West Springfield	4,184	2,522	2,200	8,906
WESTFIELD	4,949	3,524	2,400	10,873
Wilbraham	2,053	1,360	798	4,211
Totals	58,973	33,598	39,886	132,457

County of Hampshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amherst	2,993	1,840	986	5,819
Belchertown	765	498	303	1,566
Chesterfield	126	83	59	268
Cummington	136	96	38	270
Easthampton	2,483	1,614	1,244	5,341
Goshen	77	83	36	196
Granby	625	597	301	1,523
Hadley	690	485	407	1,582
Hatfield	575	306	312	1,193
Huntington	233	166	109	508
Middlefield	49	46	24	119
NORTHAMPTON	4,652	2,796	2,276	9,724
Pelham	177	152	44	373
Plainfield	47	43	31	121
South Hadley	2,884	1,921	1,054	5,859
Southampton	549	457	200	1,206
Ware	1,481	888	1,163	3,532
Westhampton	152	135	50	337
Williamsburg	372	282	155	809
Worthington	124	108	53	285
Totals	19,190	12,596	8,845	40,631

County of Middlesex.

Acton	2,943	2,101	530	5,574
Arlington	11,107	6,682	3,818	21,607
Ashby	297	308	121	726
Ashland	1,214	1,103	414	2,731
Ayer	638	458	257	1,353
Bedford	2,405	1,559	608	4,572
Belmont	6,586	3,781	2,297	12,664
Billerica	4,576	3,538	1,417	9,531
Boxborough	306	294	55	655
Burlington	2,581	2,971	1,332	6,884
CAMBRIDGE	16,350	7,211	7,203	30,764
Carlisle	689	457	112	1,258
Chelmsford	4,812	4,370	1,467	10,649
Concord	3,242	2,339	728	6,309
Dracut	2,719	2,682	1,775	7,176
Dunstable	215	209	97	521
EVERETT	4,052	2,993	7,302	14,347
Framingham	10,778	6,674	3,055	20,507
Groton	774	882	238	1,894
Holliston	2,070	1,554	469	4,093
Hopkinton	991	757	369	2,117
Hudson	2,106	1,496	1,108	4,710
Lexington	6,089	4,331	2,428	12,848
Lincoln	1,374	585	212	2,171
Littleton	920	904	238	2,062
LOWELL	11,936	9,684	9,290	30,910
MALDEN	6,616	5,694	6,034	18,344
MARLBOROUGH	4,832	2,990	2,427	10,249
Maynard	1,422	1,130	791	3,343
MEDFORD	10,169	6,230	6,501	22,900
MELROSE	5,057	4,560	2,681	12,298
Natick	4,537	3,855	2,085	10,477
NEWTON	16,661	10,861	7,543	35,065
North Reading	2,045	1,355	623	4,023
Pepperell	875	731	421	2,027
Reading	4,248	3,089	1,003	8,340
Sherborn	866	581	133	1,580
Shirley	421	446	177	1,044
SOMERVILLE	11,325	5,858	7,241	24,424
Stoneham	3,626	2,598	1,466	7,690
Stow	745	564	186	1,495
Sudbury	2,325	2,018	612	4,955

County of Middlesex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Tewksbury	3,330	3,610	1,147	8,087
Townsend	609	529	245	1,383
Tyngsborough	554	560	269	1,383
Wakefield	4,095	3,771	1,715	9,581
WALTHAM	5,330	5,073	5,914	16,317
Watertown	6,757	3,885	3,596	14,238
Wayland	2,842	1,798	522	5,162
Westford	1,720	1,692	589	4,001
Weston	2,682	1,616	396	4,694
Wilmington	1,901	1,821	1,255	4,977
Winchester	4,661	2,670	1,902	9,233
WOBURN	5,055	3,754	3,611	12,420
Totals	217,076	153,262	108,025	478,363

County of Nantucket.

Nantucket	721	418	343	1,482
Totals	721	418	343	1,482

County of Norfolk.

Avon	785	519	360	1,664
Bellingham	2,012	1,358	854	4,224
Braintree	6,956	4,875	2,339	14,170
Brookline	9,708	5,096	7,380	22,184
Canton	3,579	2,247	1,167	6,993
Cohasset	1,735	857	482	3,074
Dedham	4,971	3,340	2,178	10,489
Dover	1,313	684	236	2,233
Foxborough	2,014	1,578	541	4,133
Franklin	2,884	1,779	1,154	5,817
Holbrook	2,086	1,201	838	4,125
Medfield	1,806	1,188	348	3,342
Medway	1,260	884	533	2,677
Millis	1,102	707	326	2,135
Milton	7,226	3,612	1,955	12,793
Needham	7,122	4,084	1,743	12,949
Norfolk	734	615	188	1,537
Norwood	6,085	3,365	1,985	11,435
Plainville	801	630	246	1,677
QUINCY	16,091	10,192	8,100	34,383
Randolph	4,945	2,909	2,135	9,989
Sharon	2,604	1,656	592	4,852
Stoughton	2,956	2,675	2,295	7,926
Walpole	3,414	2,176	974	6,564
Wellesley	6,841	3,300	1,196	11,337
Westwood	3,140	1,967	765	5,872
Weymouth	9,509	6,559	3,291	19,359
Wrentham	1,005	684	313	2,002
Totals	114,684	70,737	44,514	229,935

County of Plymouth.

Abington	2,001	1,414	809	4,224
Bridgewater	2,028	1,377	861	4,266
BROCKTON	12,059	7,239	5,826	25,124
Carver	500	414	240	1,154
Duxbury	2,093	1,264	450	3,807
East Bridgewater	976	1,596	636	3,208
Halifax	573	645	257	1,475
Hanover	1,974	1,385	566	3,925
Hanson	1,143	861	456	2,460
Hingham	4,277	2,303	1,094	7,674
Hull	1,715	956	889	3,560

County of Plymouth—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Kingston	1,030	634	477	2,141
Lakeville	729	586	304	1,619
Marion	627	571	188	1,386
Marshfield	3,254	2,158	960	6,372
Mattapoisett	835	1,009	311	2,155
Middleborough	2,029	1,629	931	4,589
Norwell	1,499	1,120	582	3,201
Pembroke	1,734	1,191	659	3,584
Plymouth	2,975	2,700	2,020	7,695
Plympton	233	183	90	506
Rochester	249	323	122	694
Rockland	2,264	1,395	923	4,582
Scituate	3,373	1,834	924	6,131
Wareham	2,053	1,471	1,210	4,734
West Bridgewater	1,117	947	382	2,446
Whitman	2,036	1,692	840	4,568
Totals	55,376	38,897	23,007	117,280

County of Suffolk.

BOSTON	47,689	39,163	66,643	153,495
CHELSEA	3,281	1,782	3,882	8,945
REVERE	6,345	4,393	5,469	16,207
Winthrop	2,905	2,954	2,536	8,395
Totals	60,220	48,292	78,530	187,042

County of Worcester.

Ashburnham	507	423	246	1,176
Athol	1,230	1,079	744	3,053
Auburn	2,946	1,895	1,293	6,134
Barre	620	416	525	1,561
Berlin	343	270	119	732
Blackstone	931	534	562	2,027
Bolton	367	302	94	763
Boylston	568	389	206	1,163
Brookfield	316	197	182	695
Charlton	586	453	311	1,350
Clinton	1,822	1,185	1,494	4,501
Douglas	528	359	361	1,248
Dudley	1,117	661	795	2,573
East Brookfield	302	161	175	638
FITCHBURG	5,726	3,736	4,022	13,484
GARDNER	2,691	1,793	2,020	6,504
Grafton	1,735	1,186	1,001	3,922
Hardwick	326	236	219	781
Harvard	685	557	102	1,344
Holden	2,349	1,747	838	4,934
Hopedale	758	439	445	1,642
Hubbardston	185	211	117	513
Lancaster	531	689	294	1,514
Leicester	1,432	849	660	2,941
LEOMINSTER	4,785	3,047	2,691	10,523
Lunenburg	1,227	1,017	548	2,792
Mendon	365	305	232	902
Milford	2,851	1,979	2,525	7,355
Millbury	1,852	1,002	1,181	4,035
Millville	253	152	200	605
New Braintree	71	94	45	210
North Brookfield	646	438	375	1,459
Northborough	1,761	1,126	446	3,333
Northbridge	1,578	1,662	912	4,152
Oakham	137	125	66	328
Oxford	904	1,017	499	2,420
Paxton	745	434	191	1,370

County of Worcester—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Petersham	190	160	65	415
Phillipston	87	116	28	231
Princeton	330	253	80	663
Royalston	99	103	38	240
Rutland	527	508	125	1,160
Shrewsbury	4,189	2,336	1,865	8,390
Southborough	1,150	800	291	2,241
Southbridge	1,713	1,291	2,202	5,206
Spencer	1,531	788	977	3,296
Sterling	681	557	255	1,493
Sturbridge	714	592	446	1,752
Sutton	716	536	413	1,665
Templeton	721	541	398	1,660
Upton	614	415	340	1,369
Uxbridge	1,335	719	843	2,897
Warren	539	335	384	1,258
Webster	1,964	1,076	1,802	4,842
West Boylston	1,214	883	407	2,504
West Brookfield	380	269	243	892
Westborough	2,251	1,627	779	4,657
Westminster	767	617	339	1,723
Winchendon	657	555	369	1,581
WORCESTER	26,375	14,291	16,738	57,404
Totals	94,520	61,533	56,163	212,216

Aggregate of Votes.

BARNSTABLE	21,521	18,647	8,374	48,542
BERKSHIRE	16,065	19,410	14,259	49,734
BRISTOL	59,236	44,110	43,424	146,770
DUKES	1,738	1,037	927	3,702
ESSEX	101,139	69,173	56,034	226,346
FRANKLIN	9,006	8,588	4,327	21,921
HAMPDEN	58,973	33,598	39,886	132,457
HAMPSHIRE	19,190	12,596	8,845	40,631
MIDDLESEX	217,076	153,262	108,025	478,363
NANTUCKET	721	418	343	1,482
NORFOLK	114,684	70,737	44,514	229,935
PLYMOUTH	55,376	38,897	23,007	117,280
SUFFOLK	60,220	48,292	78,530	187,042
WORCESTER	94,520	61,533	56,163	212,216
TOTALS	829,465	580,298	486,658	1,896,421

RETURN OF VOTES ON QUESTION NO. 4, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 4 (Proposed Amendment to the Constitution).

Do you approve of the adoption of an amendment to the constitution summarized below, which was approved by the General Court in a joint session of the two branches held May 17, 1972, received 131 votes in the affirmative and 121 in the negative, and in a joint session of the two branches held May 8, 1974, received 139 votes in the affirmative and 119 in the negative?

Summary

The proposed constitutional amendment would revise Article 78 of the Articles of Amendment to the Constitution to permit the expenditure of money from the highway fund for mass transportation lines and other mass transportation purposes in such manner as the Legislature may direct. The highway fund includes receipts from fees, duties, excises and license taxes relating to registration, operation or use of motor vehicles and taxes from the sale of motor vehicle fuels. The expenditure of money from such fund is presently restricted to highway and bridge construction, reconstruction, maintenance and repair, enforcement of state traffic laws, and administration of the tax statutes which provide highway fund receipts.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	4,798	3,246	1,638	9,682
Bourne	1,403	1,103	779	3,285
Brewster	902	584	220	1,706
Chatham	1,489	729	376	2,594
Dennis	2,119	1,639	777	4,535
Eastham	712	495	145	1,352
Falmouth	3,757	1,988	1,202	6,947
Harwich	1,696	1,192	403	3,291
Mashpee	492	308	165	965
Orleans	1,254	720	301	2,275
Provincetown	721	341	275	1,337
Sandwich	1,114	824	350	2,288
Truro	289	173	80	542
Wellfleet	548	254	154	956
Yarmouth	2,967	2,501	1,319	6,787
Totals	24,261	16,097	8,184	48,542

County of Berkshire.

Adams	1,607	1,506	1,181	4,294
Alford	73	64	19	156
Becket	92	163	28	283
Cheshire	421	406	279	1,106

County of Berkshire—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Clarksburg	238	214	115	567
Dalton	1,105	968	432	2,505
Egremont	227	152	71	450
Florida	87	76	31	194
Great Barrington	831	563	1,008	2,402
Hancock	94	68	42	204
Hinsdale	216	160	101	477
Lanesborough	408	285	212	905
Lee	670	471	663	1,804
Lenox	872	522	487	1,881
Monterey	123	76	30	229
Mt. Washington	17	16	13	46
New Ashford	37	17	14	68
New Marlborough	119	125	84	328
North Adams	2,481	1,964	1,523	5,968
Otis	73	147	71	291
Peru	46	56	23	125
Pittsfield	7,806	4,220	7,126	19,152
Richmond	272	211	81	564
Sandisfield	77	55	47	179
Savoy	51	55	36	142
Sheffield	342	316	158	816
Stockbridge	609	220	201	1,030
Tyringham	50	49	28	127
Washington	54	50	25	129
West Stockbridge	177	161	126	464
Williamstown	1,485	838	332	2,655
Windsor	77	85	31	193
Totals	20,837	14,279	14,618	49,734

County of Bristol.

Acushnet	1,289	1,296	940	3,525
Attleboro	3,727	3,211	1,312	8,250
Berkley	202	240	148	590
Dartmouth	3,208	3,038	1,766	8,012
Dighton	550	577	312	1,439
Easton	2,225	1,511	639	4,375
Fairhaven	1,889	2,717	1,245	5,851
Fall River	10,056	7,326	12,803	30,185
Freetown	607	609	308	1,524
Mansfield	1,492	1,260	625	3,377
New Bedford	12,141	10,293	10,247	32,681
N. Attleborough	2,426	2,148	1,235	5,809
Norton	1,225	918	441	2,584
Raynham	964	1,053	562	2,579
Rehoboth	822	704	407	1,933
Seekonk	1,592	1,388	566	3,546
Somerset	2,667	2,337	1,921	6,925
Swansea	1,884	1,831	1,252	4,967
Taunton	4,322	4,418	5,552	14,292
Westport	1,576	1,466	1,284	4,326
Totals	54,864	48,341	43,565	146,770

County of Dukes.

Chilmark	139	63	37	239
Edgartown	479	226	234	939
Gay Head	32	11	44	87
Gosnold	20	22	5	47
Oak Bluffs	370	214	250	834
Tisbury	591	278	296	1,165

County of Dukes—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
West Tisbury	244	84	63	391
Totals	1,875	898	929	3,702

County of Essex.

Amesbury	1,279	1,573	1,144	3,996
Andover	5,198	3,256	1,452	9,906
BEVERLY	7,171	4,149	3,235	14,555
Boxford	966	545	155	1,666
Danvers	3,829	2,928	1,481	8,238
Essex	460	300	181	941
Georgetown	798	726	330	1,854
GLOUCESTER	3,614	2,091	2,424	8,129
Groveland	708	758	280	1,746
Hamilton	1,392	851	431	2,674
HAVERHILL	5,988	4,693	4,154	14,835
Ipswich	1,911	1,096	791	3,798
LAWRENCE	8,013	6,009	8,816	22,838
LYNN	10,821	8,220	7,344	26,385
Lynnfield	2,470	1,795	675	4,940
Manchester	1,342	536	395	2,273
Marblehead	5,593	2,514	1,225	9,332
Merrimac	538	519	272	1,329
Methuen	5,133	4,845	3,983	13,961
Middleton	581	516	262	1,359
Nahant	882	471	303	1,656
Newbury	761	592	314	1,667
NEWBURYPORT	2,458	1,723	1,871	6,052
North Andover	2,821	2,243	1,329	6,393
PEABODY	7,134	5,101	4,169	16,404
Rockport	1,418	597	521	2,536
Rowley	470	411	209	1,090
SALEM	6,182	4,003	4,348	14,533
Salisbury	574	620	545	1,739
Saugus	4,064	3,432	1,882	9,378
Swampscott	2,767	1,386	1,470	5,623
Topsfield	1,217	630	175	2,022
Wenham	830	406	161	1,397
West Newbury	469	418	214	1,101
Totals	99,852	69,953	56,541	226,346

County of Franklin.

Ashfield	179	252	76	507
Bernardston	144	322	90	556
Buckland	173	391	138	702
Charlemont	93	193	84	370
Colrain	106	277	81	464
Conway	185	173	71	429
Deerfield	551	810	222	1,583
Erving	139	246	94	479
Gill	165	205	67	437
Greenfield	1,648	3,724	1,290	6,662
Hawley	35	28	12	75
Heath	48	67	29	144
Leverett	259	140	72	471
Leyden	51	104	35	190
Monroe	17	42	16	75
Montague	934	1,647	674	3,255
New Salem	58	145	35	238
Northfield	303	519	130	952
Orange	380	983	266	1,629

County of Franklin—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Rowe	50	86	27	163
Shelburne	184	369	121	674
Shutesbury	154	62	36	252
Sunderland	380	280	93	753
Warwick	37	116	43	196
Wendell	80	65	37	182
Whately	176	214	93	483
Totals	6,529	11,460	3,932	21,921

County of Hampden.

Agawam	2,204	2,638	1,679	6,521
Blandford	121	195	60	376
Brimfield	250	328	122	700
Chester	113	154	73	340
CHICOPEE	6,019	8,127	5,017	19,163
E. Longmeadow	1,569	1,973	833	4,375
Granville	133	154	81	368
Hampden	498	608	142	1,248
Holland	142	189	79	410
HOLYOKE	4,151	4,654	6,006	14,811
Longmeadow	3,135	2,519	778	6,432
Ludlow	1,898	2,369	1,025	5,292
Monson	799	936	545	2,280
Montgomery	66	122	32	220
Palmer	1,284	1,680	1,144	4,108
Russell	169	204	94	467
Southwick	692	942	308	1,942
SPRINGFIELD	12,140	10,703	16,179	39,022
Tolland	31	37	13	81
Wales	99	150	62	311
West Springfield	3,046	3,793	2,067	8,906
WESTFIELD	3,803	4,669	2,401	10,873
Wilbraham	1,358	2,063	790	4,211
Totals	43,720	49,207	39,530	132,457

County of Hampshire.

Amherst	3,913	1,003	903	5,819
Belchertown	636	636	294	1,566
Chesterfield	85	133	50	268
Cummington	121	112	37	270
Easthampton	1,777	2,338	1,226	5,341
Goshen	63	106	27	196
Granby	496	729	298	1,523
Hadley	576	627	379	1,582
Hatfield	409	505	279	1,193
Huntington	166	232	110	508
Middlefield	40	57	22	119
NORTHAMPTON	3,915	3,638	2,171	9,724
Pelham	214	127	32	373
Plainfield	32	68	21	121
South Hadley	2,317	2,511	1,031	5,859
Southampton	388	620	198	1,206
Ware	1,134	1,303	1,095	3,532
Westhampton	107	181	49	337
Williamsburg	284	373	152	809
Worthington	107	122	56	285
Totals	16,780	15,421	8,430	40,631

County of Middlesex.

Acton	3,373	1,671	530	5,574

County of Middlesex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Arlington	11,892	5,969	3,746	21,607
Ashby	229	362	135	726
Ashland	1,317	1,024	390	2,731
Ayer	586	516	251	1,353
Bedford	2,793	1,211	568	4,572
Belmont	7,314	3,120	2,230	12,664
Billerica	4,286	3,836	1,409	9,531
Boxborough	353	250	52	655
Burlington	2,840	2,787	1,257	6,884
CAMBRIDGE	19,192	4,769	6,803	30,764
Carlisle	849	299	110	1,258
Chelmsford	4,857	4,350	1,442	10,649
Concord	4,153	1,447	709	6,309
Dracut	2,253	3,210	1,713	7,176
Dunstable	213	225	83	521
EVERETT	4,011	3,073	7,263	14,347
Framingham	11,504	5,785	3,218	20,507
Groton	851	812	231	1,894
Holliston	2,143	1,455	495	4,093
Hopkington	993	780	344	2,117
Hudson	1,856	1,792	1,062	4,710
Lexington	7,703	2,738	2,407	12,848
Lincoln	1,615	375	181	2,171
Littleton	1,005	849	208	2,062
LOWELL	10,858	10,770	9,282	30,910
MALDEN	7,606	4,613	6,125	18,344
MARLBOROUGH	4,286	3,615	2,348	10,249
Maynard	1,348	1,201	794	3,343
MEDFORD	10,606	6,037	6,257	22,900
MELROSE	5,963	3,734	2,601	12,298
Natick	5,365	3,115	1,997	10,477
NEWTON	20,212	7,184	7,669	35,065
North Reading	2,114	1,325	584	4,023
Pepperell	802	808	417	2,027
Reading	4,743	2,666	931	8,340
Sherborn	1,024	406	150	1,580
Shirley	363	504	177	1,044
SOMERVILLE	11,667	5,773	6,984	24,424
Stoneham	3,693	2,576	1,421	7,690
Stow	777	548	170	1,495
Sudbury	3,140	1,331	484	4,955
Tewksbury	3,264	3,778	1,045	8,087
Townsend	528	633	222	1,383
Tyngsborough	514	614	255	1,383
Wakefield	4,552	3,240	1,789	9,581
WALTHAM	5,819	4,297	6,201	16,317
Watertown	6,803	3,347	4,088	14,238
Wayland	3,371	1,285	506	5,162
Westford	1,749	1,675	577	4,001
Weston	3,228	1,064	402	4,694
Wilmington	1,976	1,793	1,208	4,977
Winchester	5,054	2,226	1,953	9,233
WOBURN	5,080	3,851	3,489	12,420
Totals	234,686	136,714	106,963	478,363

County of Nantucket.

Nantucket	742	420	320	1,482
Totals	742	420	320	1,482

County of Norfolk.

Avon	761	560	343	1,664
Bellingham	1,414	2,012	798	4,224
Braintree	6,714	5,161	2,295	14,170

County of Norfolk—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Brookline	11,515	2,764	7,905	22,184
Canton	3,443	2,353	1,197	6,993
Cohasset	1,874	728	472	3,074
Dedham	4,821	3,471	2,197	10,489
Dover	1,406	590	237	2,233
Foxborough	1,900	1,723	510	4,133
Franklin	2,563	2,088	759	4,133
Holbrook	1,998	1,368	759	14,125
Medfield	1,903	1,368	380	4,125
Medway	1,131	1,041	505	2,677
Millis	1,016	806	313	2,135
Milton	7,164	3,632	1,997	12,793
Needham	7,544	3,713	1,692	12,949
Norfolk	696	643	198	1,537
Norwood	5,660	3,744	2,031	11,435
Plainville	659	768	250	1,677
QUINCY	16,019	10,471	7,893	34,383
Randolph	4,700	3,070	2,219	9,989
Sharon	2,983	1,314	555	4,852
Stoughton	3,027	2,615	2,284	7,926
Walpole	3,227	2,375	962	6,564
Wellesley	7,496	2,694	1,147	11,337
Westwood	3,156	1,919	797	5,872
Weymouth	9,288	6,893	3,178	19,359
Wrentham	886	807	309	2,002
Totals	114,964	70,382	44,589	229,935

County of Plymouth.

Abington	1,987	1,455	782	4,224
Bridgewater	1,990	1,461	815	4,266
BROCKTON	11,231	7,926	5,967	25,124
Carver	442	477	235	1,154
Duxbury	2,347	1,016	444	3,807
East Bridgewater	1,157	1,426	625	3,208
Halifax	578	672	225	1,475
Hanover	1,979	1,408	538	3,925
Hanson	1,115	906	439	2,460
Hingham	4,620	2,027	1,027	7,674
Hull	1,752	937	871	3,560
Kingston	1,045	650	446	2,141
Lakeville	578	748	293	1,619
Marion	701	502	183	1,386
Marshfield	3,557	1,935	880	6,372
Mattapoisett	824	1,021	310	2,155
Middleborough	1,858	1,841	890	4,589
Norwell	1,602	1,002	597	3,201
Pembroke	1,702	1,253	629	3,584
Plymouth	3,284	2,411	2,000	7,695
Plympton	217	353	84	506
Rochester	228	353	113	694
Rockland	2,232	1,467	883	4,582
Scituate	3,567	1,643	921	6,131
Wareham	1,875	1,706	1,153	4,734
West Bridgewater	1,021	1,075	350	2,446
Whitman	1,897	1,855	816	4,568
Totals	55,386	39,378	22,516	117,280

County of Suffolk.

BOSTON	56,818	29,716	66,961	153,495
CHELSEA	3,120	1,850	3,975	8,945
REVERE	6,169	4,541	5,497	16,207
Winthrop	3,143	2,386	2,866	8,395
Totals	69,250	38,493	79,299	187,042

County of Worcester.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Ashburnham	462	482	232	1,176
Athol	556	1,962	535	3,053
Auburn	2,467	2,370	1,297	6,134
Barre	517	524	520	1,561
Berlin	314	289	129	732
Blackstone	718	750	559	2,027
Bolton	398	280	85	763
Boylston	498	460	205	1,163
Brookfield	253	257	185	695
Charlton	460	586	304	1,350
Clinton	1,590	1,413	1,498	4,501
Douglas	426	457	365	1,248
Dudley	866	917	790	2,573
East Brookfield	227	241	170	638
FITCHBURG	4,531	4,731	4,222	13,484
GARDNER	2,156	2,362	1,986	6,504
Grafton	1,571	1,294	1,057	3,922
Hardwick	263	300	218	781
Harvard	808	446	90	1,344
Holden	2,316	1,723	895	4,934
Hopedale	509	721	412	1,642
Hubbardston	151	244	118	513
Lancaster	598	582	334	1,514
Leicester	1,206	1,039	696	2,941
LEOMINSTER	3,618	4,087	2,818	10,523
Lunenburg	1,077	1,170	545	2,792
Mendon	288	396	218	902
Milford	2,115	2,917	2,323	7,355
Millbury	1,576	1,272	1,187	4,035
Millville	209	201	195	605
New Braintree	67	93	50	210
North Brookfield	499	592	368	1,459
Northborough	1,555	1,342	436	3,333
Northbridge	1,185	2,036	931	4,152
Oakham	103	154	71	328
Oxford	724	1,222	474	2,420
Paxton	615	564	191	1,370
Petersham	125	233	57	415
Phillipston	60	155	16	231
Princeton	332	240	91	663
Royalston	79	131	30	240
Rutland	451	584	125	1,160
Shrewsbury	3,789	2,771	1,830	8,390
Southborough	1,169	772	300	2,241
Southbridge	1,469	1,613	2,124	5,206
Spencer	1,180	1,145	971	3,296
Sterling	598	656	239	1,493
Sturbridge	648	670	434	1,752
Sutton	581	691	393	1,665
Templeton	529	738	393	1,660
Upton	486	530	353	1,369
Uxbridge	1,010	1,065	822	2,897
Warren	400	489	369	1,258
Webster	1,499	1,538	1,805	4,842
West Boylston	1,118	956	430	2,504
West Brookfield	320	339	233	892
Westborough	2,069	1,822	766	4,657
Westminster	618	790	315	1,723
Winchendon	462	744	375	1,581
WORCESTER	23,847	16,367	17,190	57,404
Totals	80,331	75,515	56,370	212,216

Aggregate of Votes.

BARNSTABLE	24,261	16,097	8,184	48,542
BERKSHIRE	20,837	14,279	14,618	49,734

Aggregate of Votes—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
BRISTOL	54,864	48,341	43,565	146,770
DUKES	1,875	898	929	3,702
ESSEX	99,852	69,953	56,541	226,346
FRANKLIN	6,529	11,460	3,932	21,921
HAMPDEN	43,720	49,207	39,530	132,457
HAMPSHIRE	16,780	15,421	8,430	40,631
MIDDLESEX	234,686	136,714	106,963	478,363
NANTUCKET	742	420	320	1,482
NORFOLK	114,964	70,382	44,589	229,935
PLYMOUTH	55,386	39,378	22,516	117,280
SUFFOLK	69,250	38,493	79,299	187,042
WORCESTER	80,331	75,515	56,370	212,216
TOTALS	824,077	586,558	485,786	1,896,421

RETURN OF VOTES ON QUESTION NO. 5, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 5 (Proposed Amendment to the Constitution).

Do you approve of a law summarized below which was disapproved in the House of Representatives by a vote of 73 in the affirmative and 150 in the negative and was disapproved in the Senate by a vote of 16 in the affirmative and 22 in the negative?

Summary

Provisions of the act establish an independent Corrupt Practices Commission, with five members to be appointed by the Governor to staggered five year terms. The Commission has subpoena powers and is to investigate, by means of secret hearings, candidates' compliance with all state and federal laws relating to political campaign contributions and expenditures and corrupt practices. If probable cause is shown, the Commission is required to direct the Attorney General to take further action in the proper form and is required to make public a report of such action. In cases involving the campaign practices of the Attorney General himself, a special attorney is to be appointed. If no probable cause is shown, the Commission is to state so publicly.

Further, the proposed act extends the application of the current statute regarding the disclosure of campaign expenditures and contributions, to all candidates for office above town and city level, with the exception of President and Vice President of the United States. The act requires all such candidates to receive and disburse all amounts greater than $25 by check, and makes it a crime to knowingly receive cash payment from a candidate or his committee for a service costing more than $25. The act also requires candidates to designate a single bank as depository of funds and as recordkeeper, with records of receipts and expenditures to be open to public scrutiny.

Provisions of the act extend present campaign spending limits to cover all media expenses and require all media firms (including: television, radio, newspaper, bill-board, magazine, advertising, public relations, printing, opinion polling, computer, telephone, telegraph) to report the purchase of media services by candidates. Media expenses of candidates for the offices of district attorney, clerk of court, register of probate and insolvency, register of deeds, county commissioner, county treasurer and sheriff are limited to $.07 for each resident of the respective electoral district. Other provisions of the act require candidates, upon official announcement or filing of nomination papers, to report all political receipts and expenditures since the date of the last general election for the office sought, and count

such expenditures toward spending limits. The act also limits candidates to one political committee.

The act establishes a maximum penalty of one year imprisonment and/or $10,000 fine for individuals engaged in corrupt practices, and a $50,000 fine for corporations so involved. In addition, the Attorney General is permitted to bring an action for the removal of a candidate whose election was materially aided by corrupt practices on the part of the candidate or one acting in his behalf, where such removal is otherwise authorized by law.

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	5,379	2,508	1,795	9,682
Bourne	1,634	759	892	3,285
Brewster	1,026	445	235	1,706
Chatham	1,570	601	423	2,594
Dennis	2,474	1,171	890	4,535
Eastham	791	396	165	1,352
Falmouth	3,711	1,924	1,312	6,947
Harwich	1,892	930	469	3,291
Mashpee	540	236	189	965
Orleans	1,304	619	352	2,275
Provincetown	757	314	266	1,337
Sandwich	1,288	609	391	2,288
Truro	306	154	82	542
Wellfleet	539	232	185	956
Yarmouth	3,614	1,667	1,506	6,787
Totals	26,825	12,565	9,152	48,542

County of Berkshire.

Adams	2,124	979	1,191	4,294
Alford	90	56	10	156
Becket	184	57	42	283
Cheshire	544	283	279	1,106
Clarksburg	323	128	116	567
Dalton	1,445	647	413	2,505
Egremont	239	145	66	450
Florida	106	44	44	194
Great Barrington	986	315	1,101	2,402
Hancock	111	44	49	204
Hinsdale	241	126	110	477
Lanesborough	519	140	246	905
Lee	799	372	633	1,804
Lenox	1,036	286	559	1,881
Monterey	142	56	31	229
Mt. Washington	23	10	13	46
New Ashford	31	20	17	68
New Marlborough	151	89	88	328
North Adams	3,227	1,227	1,514	5,968
Otis	137	82	72	291
Peru	60	33	32	125
Pittsfield	9,302	2,619	7,231	19,152
Richmond	346	143	75	564
Sandisfield	76	57	46	179
Savoy	77	26	39	142
Sheffield	418	229	169	816
Stockbridge	608	227	195	1,030
Tyringham	69	26	32	127
Washington	69	35	25	129
West Stockbridge	219	109	136	464
Williamstown	1,785	499	371	2,655
Windsor	107	54	32	193
Totals	25,594	9,163	14,977	49,734

County of Bristol.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Acushnet	1,162	956	957	3,525
ATTLEBORO	3,956	2,798	1,496	8,250
Berkley	266	177	147	590
Dartmouth	3,910	2,268	1,834	8,012
Dighton	664	456	319	1,439
Easton	2,371	1,283	721	4,375
Fairhaven	3,466	993	1,392	5,851
FALL RIVER	11,801	5,749	12,635	30,185
Freetown	730	506	288	1,524
Mansfield	1,703	1,019	655	3,377
NEW BEDFORD	14,367	7,947	10,367	32,681
N. Attleborough	2,659	1,830	1,320	5,809
Norton	1,341	781	462	2,584
Raynham	1,211	775	593	2,579
Rehoboth	890	636	407	1,933
Seekonk	1,860	1,161	525	3,546
Somerset	3,236	1,805	1,884	6,925
Swansea	2,183	1,520	1,264	4,967
TAUNTON	5,390	3,337	5,565	14,292
Westport	1,885	1,173	1,268	4,326
Totals	65,501	37,170	44,099	146,770

County of Dukes.

Chilmark	135	71	33	239
Edgartown	462	242	235	939
Gay Head	32	13	42	87
Gosnold	31	10	6	47
Oak Bluffs	335	241	258	834
Tisbury	511	338	316	1,165
West Tisbury	204	122	65	391
Totals	1,710	1,037	955	3,702

County of Essex.

Amesbury	1,987	711	1,298	3,996
Andover	5,297	2,957	1,652	9,906
BEVERLY	7,254	3,942	3,359	14,555
Boxford	900	574	192	1,666
Danvers	4,106	2,410	1,722	8,238
Essex	439	276	226	941
Georgetown	874	583	397	1,854
GLOUCESTER	3,575	2,022	2,532	8,129
Groveland	878	553	315	1,746
Hamilton	1,391	817	466	2,674
HAVERHILL	6,600	3,727	4,508	14,835
Ipswich	1,891	1,064	843	3,798
LAWRENCE	8,752	5,182	8,904	22,838
LYNN	11,783	7,438	7,164	26,835
Lynnfield	2,666	1,532	742	4,940
Manchester	1,165	685	423	2,273
Marblehead	5,676	2,303	1,353	9,332
Merrimac	672	383	274	1,329
Methuen	5,949	3,857	4,155	13,961
Middleton	725	367	267	1,359
Nahant	867	490	299	1,656
Newbury	820	487	360	1,667
NEWBURYPORT	2,627	1,511	1,914	6,052
North Andover	3,120	1,929	1,344	6,393
PEABODY	7,878	4,118	4,408	16,404
Rockport	1,295	634	607	2,536
Rowley	539	345	206	1,090
SALEM	6,677	3,505	4,351	14,533
Salisbury	743	487	509	1,739
Saugus	4,608	2,793	1,977	9,378

County of Essex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Swampscott	2,772	1,161	1,690	5,623
Topsfield	1,129	651	242	2,022
Wenham	756	451	190	1,397
West Newbury	570	290	241	1,101
Totals	106,981	60,235	59,130	226,346

County of Franklin.

Ashfield	255	151	101	507
Bernardston	276	171	109	556
Buckland	304	227	171	702
Charlemont	162	114	94	370
Colrain	237	129	98	464
Conway	242	110	77	429
Deerfield	854	464	265	1,583
Erving	211	162	106	479
Gill	215	137	85	437
Greenfield	3,320	1,751	1,591	6,662
Hawley	44	14	17	75
Heath	62	47	35	144
Leverett	273	105	93	471
Leyden	90	56	44	190
Monroe	33	25	17	75
Montague	1,591	897	767	3,255
New Salem	130	70	38	238
Northfield	470	319	163	952
Orange	793	494	342	1,629
Rowe	74	60	29	163
Shelburne	334	195	145	674
Shutesbury	158	52	42	252
Sunderland	437	203	113	753
Warwick	80	58	58	196
Wendell	100	43	39	182
Whately	237	132	114	483
Totals	10,982	6,186	4,753	21,921

County of Hampden.

Agawam	3,416	1,220	1,885	6,521
Blandford	191	114	71	376
Brimfield	372	198	130	700
Chester	142	102	96	340
CHICOPEE	9,087	4,892	5,184	19,163
E. Longmeadow	2,610	852	913	4,375
Granville	173	121	74	368
Hampden	734	371	143	1,248
Holland	207	127	76	410
HOLYOKE	5,326	3,054	6,431	14,811
Longmeadow	4,119	1,482	831	6,432
Ludlow	2,773	1,472	1,047	5,292
Monson	1,146	581	553	2,280
Montgomery	118	65	37	220
Palmer	1,867	1,044	1,197	4,108
Russell	231	138	98	467
Southwick	1,016	607	319	1,942
SPRINGFIELD	16,657	5,003	17,362	39,022
Tolland	38	27	16	81
Wales	176	75	60	311
West Springfield	4,360	1,979	2,567	8,906
WESTFIELD	5,576	2,780	2,517	10,873
Wilbraham	2,683	655	873	4,211
Totals	63,018	26,959	42,480	132,457

County of Hampshire.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Amherst	3,728	1,033	1,058	5,819
Belchertown	842	413	311	1,566
Chesterfield	133	68	67	268
Cummington	145	86	39	270
Easthampton	2,518	1,508	1,315	5,341
Goshen	79	74	43	196
Granby	806	410	307	1,523
Hadley	732	431	419	1,582
Hatfield	543	327	323	1,193
Huntington	239	150	119	508
Middlefield	54	33	32	119
NORTHAMPTON	4,753	2,494	2,477	9,724
Pelham	225	105	43	373
Plainfield	49	37	35	121
South Hadley	3,026	1,754	1,079	5,859
Southampton	634	377	195	1,206
Ware	1,548	876	1,108	3,532
Westhampton	177	109	51	337
Williamsburg	400	235	174	809
Worthington	146	82	57	285
Totals	20,777	10,602	9,252	40,631

County of Middlesex.

Acton	3,154	1,799	621	5,574
Arlington	11,369	6,071	4,167	21,607
Ashby	356	242	128	726
Ashland	1,387	926	418	2,731
Ayer	661	424	268	1,353
Bedford	2,620	1,298	654	4,572
Belmont	6,511	3,641	2,512	12,664
Billerica	5,175	2,847	1,509	9,531
Boxborough	433	163	59	655
Burlington	4,176	1,494	1,214	6,884
CAMBRIDGE	15,605	7,559	7,600	30,764
Carlisle	755	364	139	1,258
Chelmsford	5,885	3,173	1,591	10,649
Concord	4,103	1,324	882	6,309
Dracut	3,146	2,252	1,778	7,176
Dunstable	264	159	98	521
EVERETT	4,215	2,450	7,682	14,347
Framingham	11,001	6,076	3,430	20,507
Groton	1,165	474	255	1,894
Holliston	2,262	1,293	538	4,093
Hopkinton	1,084	644	389	2,117
Hudson	2,167	1,408	1,135	4,710
Lexington	6,676	3,224	2,948	12,848
Lincoln	1,312	592	267	2,171
Littleton	1,270	544	248	2,062
LOWELL	13,760	7,825	9,325	30,910
MALDEN	7,501	4,344	6,499	18,344
MARLBOROUGH	4,907	2,806	2,536	10,249
Maynard	1,549	985	809	3,343
MEDFORD	10,536	5,674	6,690	22,900
MELROSE	6,419	2,763	3,116	12,298
Natick	5,714	2,385	2,378	10,477
NEWTON	19,067	7,590	8,408	35,065
North Reading	2,238	1,167	618	4,023
Pepperell	936	646	445	2,027
Reading	4,549	2,501	1,290	8,340
Sherborn	913	499	168	1,580
Shirley	632	222	190	1,044
SOMERVILLE	11,142	6,105	7,177	24,424
Stoneham	3,713	2,310	1,667	7,690
Stow	816	485	194	1,495
Sudbury	2,771	1,431	753	4,955

County of Middlesex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Tewksbury	4,192	2,768	1,127	8,087
Townsend	686	425	272	1,383
Tyngsborough	695	405	283	1,383
Wakefield	4,633	2,841	2,107	9,581
WALTHAM	6,604	3,041	6,672	16,317
Watertown	6,478	3,720	4,040	14,238
Wayland	2,970	1,565	627	5,162
Westford	2,099	1,260	642	4,001
Weston	2,806	1,395	493	4,694
Wilmington	2,347	1,231	1,399	4,977
Winchester	4,604	2,293	2,336	9,233
WOBURN	5,606	2,970	3,844	12,420
Totals	237,635	124,093	116,635	478,363

County of Nantucket and Norfolk.

Nantucket	654	469	359	1,482
Totals	654	469	359	1,482

County of Norfolk.

Avon	853	461	350	1,664
Bellingham	2,047	1,255	872	4,224
Braintree	7,504	4,195	2,471	14,170
Brookline	9,233	4,145	8,806	22,184
Canton	3,673	2,078	1,242	6,993
Cohasset	1,704	824	546	3,074
Dedham	4,869	3,111	2,509	10,489
Dover	1,369	627	237	2,233
Foxborough	2,319	1,239	575	4,133
Franklin	2,866	1,749	1,202	5,817
Holbrook	2,022	1,259	844	4,125
Medfield	2,003	947	392	3,342
Medway	1,402	765	510	2,677
Millis	1,179	625	331	2,135
Milton	6,029	4,533	2,231	12,793
Needham	7,125	3,753	2,071	12,949
Norfolk	819	512	206	1,537
Norwood	6,230	3,127	2,078	11,435
Plainville	865	557	255	1,677
Quincy	16,674	9,295	8,414	34,383
Randolph	4,761	2,755	2,473	9,989
Sharon	2,858	1,232	762	4,852
Stoughton	3,543	1,694	2,689	7,926
Walpole	3,704	1,845	1,015	6,564
Wellesley	6,383	3,381	1,573	11,337
Westood	3,206	1,805	861	5,872
Weymouth	10,237	5,640	3,482	19,359
Wrentham	971	683	348	2,002
Totals	116,498	64,092	49,345	229,935

County of Plymouth.

Abington	2,032	1,347	845	4,224
Bridgewater	2,199	1,189	878	4,266
BROCKTON	11,846	6,806	6,472	25,124
Carver	569	334	251	1,154
Duxbury	2,096	1,199	512	3,807
East Bridgewater	1,914	618	676	3,208
Halifax	781	421	273	1,475

County of Plymouth—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hanover	2,246	1,067	612	3,925
Hanson	1,269	696	495	2,460
Hingham	4,127	2,290	1,257	7,674
Hull	1,741	920	899	3,560
Kingston	1,056	572	513	2,141
Lakeville	806	493	320	1,619
Marion	771	421	194	1,386
Marshfield	3,481	1,922	969	6,372
Mattapoisett	1,263	557	335	2,155
Middleborough	2,204	1,434	951	4,589
Norwell	1,627	826	748	3,201
Pembroke	1,789	1,113	682	3,584
Plymouth	3,661	1,637	2,397	7,695
Plympton	233	164	109	506
Rochester	296	269	129	694
Rockland	2,313	1,290	979	4,582
Scituate	3,401	1,758	972	6,131
Wareham	2,216	1,305	1,213	4,734
West Bridgewater	1,286	769	391	2,446
Whitman	2,313	1,355	900	4,568
Totals	59,536	32,772	24,972	117,280

County of Suffolk.

BOSTON	47,625	31,272	74,598	153,495
CHELSEA	3,123	1,908	3,914	8,945
REVERE	6,052	4,313	5,842	16,207
Winthrop	4,614	1,512	2,269	8,395
Totals	61,414	39,005	86,623	187,042

County of Worcester.

Ashburnham	615	313	248	1,176
Athol	1,426	875	752	3,053
Auburn	3,221	1,542	1,371	6,134
Barre	627	383	551	1,561
Berlin	370	218	144	732
Blackstone	891	586	550	2,027
Bolton	425	226	112	763
Boylston	669	275	219	1,163
Brookfield	337	168	190	695
Charlton	651	382	317	1,350
Clinton	1,930	1,000	1,571	4,501
Douglas	569	312	367	1,248
Dudley	1,146	625	802	2,573
East Brookfield	297	166	175	638
FITCHBURG	5,946	3,313	4,225	13,484
GARDNER	2,907	1,546	2,051	6,504
Grafton	1,858	984	1,080	3,922
Hardwick	377	194	210	781
Harvard	784	421	139	1,344
Holden	2,852	987	1,095	4,934
Hopedale	726	428	488	1,642
Hubbardston	252	145	116	513
Lancaster	743	417	354	1,514
Leicester	1,493	750	698	2,941
LEOMINSTER	4,690	2,788	3,045	10,523
Lunenburg	1,448	758	586	2,792
Mendon	423	251	228	902
Milford	2,856	1,910	2,589	7,355
Millbury	1,794	982	1,259	4,035
Millville	247	164	194	605

County of Worcester—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
New Braintree	103	47	60	210
North Brookfield	671	381	407	1,459
Northborough	1,872	950	511	3,333
Northbridge	2,468	670	1,014	4,152
Oakham	149	85	94	328
Oxford	1,499	390	531	2,420
Paxton	800	354	216	1,370
Petersham	213	129	73	415
Phillipston	119	84	28	231
Princeton	379	180	104	663
Royalston	106	89	45	240
Rutland	736	280	144	1,160
Shrewsbury	4,462	1,980	1,948	8,390
Southborough	1,157	758	326	2,241
Southbridge	2,018	871	2,317	5,206
Spencer	1,458	817	1,021	3,296
Sterling	818	400	275	1,493
Sturbridge	846	376	530	1,752
Sutton	796	442	427	1,665
Templeton	743	496	421	1,660
Upton	659	342	368	1,369
Uxbridge	1,273	754	870	2,897
Warren	550	358	350	1,258
Webster	1,905	1,110	1,827	4,842
West Boylston	1,413	650	441	2,504
West Brookfield	424	216	252	892
Westborough	2,489	1,314	854	4,657
Westminster	886	490	347	1,723
Winchendon	689	486	406	1,581
Worcester	27,151	12,738	17,515	57,404
Totals	101,422	51,346	59,448	212,216

Aggregate of Votes.

BARNSTABLE	26,825	12,565	9,152	48,542
BERKSHIRE	25,594	9,163	14,977	49,734
BRISTOL	65,501	37,170	44,099	146,770
DUKES	1,710	1,037	955	3,702
ESSEX	106,981	60,235	59,130	226,346
FRANKLIN	10,982	6,186	4,753	21,921
HAMPDEN	63,018	26,959	42,480	132,457
HAMPSHIRE	20,777	10,602	9,252	40,631
MIDDLESEX	237,635	124,093	116,635	478,363
NANTUCKET	654	469	359	1,482
NORFOLK	116,498	64,092	49,345	229,935
PLYMOUTH	59,536	32,772	24,972	117,280
SUFFOLK	61,414	39,005	86,623	187,042
WORCESTER	101,422	51,346	59,448	212,216
TOTALS	898,547	475,694	522,180	1,896,421

RETURN OF VOTES ON QUESTION NO. 6, BEING A LEGISLATIVE AMENDMENT TO THE CONSTITUTION, SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 5, 1974.

Votes for Question No. 6 (Proposed Amendment to the Constitution).

Should the General Court enact legislation during the nineteen hundred and seventy-five session reorganizing state government by creating a Department of Health Systems Regulation which shall have the power to administer the medicaid program, control and set rates for nursing homes, hospitals, and other health providers under medicaid, license and inspect health facilities, and regulate private health insurance policies, medical and hospital service plans?

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	6,505	1,811	1,366	9,682
Bourne	1,888	658	739	3,285
Brewster	1,140	368	198	1,706
Chatham	1,694	538	362	2,594
Dennis	3,029	905	601	4,535
Eastham	946	277	129	1,352
Falmouth	4,576	1,232	1,139	6,947
Harwich	2,263	679	349	3,291
Mashpee	657	145	163	965
Orleans	1,503	485	287	2,275
Provincetown	907	196	234	1,337
Sandwich	1,521	467	300	2,288
Truro	359	102	81	542
Wellfleet	629	176	151	956
Yarmouth	4,274	1,239	1,274	6,787
Totals	31,891	9,278	7,373	48,542

County of Berkshire.

Adams	2,488	675	1,131	4,294
Alford	105	31	20	156
Becket	157	84	42	283
Cheshire	604	213	289	1,106
Clarksburg	378	87	102	567
Dalton	1,556	562	387	2,505
Egremont	266	112	72	450
Florida	107	43	44	194
Great Barrington	976	417	1,009	2,402
Hancock	128	35	41	204
Hinsdale	282	83	112	477
Lanesborough	488	182	235	905
Lee	834	288	682	1,804
Lenox	947	390	544	1,881
Monterey	147	47	35	229
Mount Washington	25	7	14	46
New Ashford	40	12	16	68
New Marlborough	184	71	73	328
NORTH ADAMS	3,619	942	1,407	5,968
Otis	136	81	74	291
Peru	71	30	24	125
PITTSFIELD	8,792	3,237	7,123	19,152

County of Berkshire—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Richmond	365	123	76	564
Sandisfield	115	26	38	179
Savoy	82	25	35	142
Sheffield	481	180	155	816
Stockbridge	660	182	188	1,030
Tyringham	83	16	28	127
Washington	82	24	23	129
West Stockbridge	245	76	143	464
Williamstown	1,846	446	363	2,655
Windsor	108	54	31	193
Totals	26,397	8,781	14,556	49,734

County of Bristol.

Acushnet	1,896	703	926	3,525
ATTLEBORO	4,904	1,809	1,537	8,250
Berkley	371	105	114	590
Dartmouth	4,439	1,880	1,693	8,012
Dighton	866	319	254	1,439
Easton	2,829	906	640	4,375
Fairhaven	3,009	1,464	1,378	5,851
FALL RIVER	14,087	4,145	11,953	30,185
Freetown	955	357	212	1,524
Mansfield	2,022	719	636	3,377
NEW BEDFORD	17,553	5,900	9,228	32,681
North Attleborough	3,349	1,212	1,248	5,809
Norton	1,641	495	448	2,584
Raynham	1,469	620	490	2,579
Rehoboth	1,148	441	344	1,933
Seekonk	2,340	730	476	3,546
Somerset	3,945	1,296	1,684	6,925
Swansea	2,743	1,084	1,140	4,967
TAUNTON	7,252	2,238	4,802	14,292
Westport	2,274	861	1,191	4,326
Totals	79,092	27,284	40,394	146,770

County of Dukes.

Chilmark	149	48	42	239
Edgartown	551	163	225	939
Gay Head	49	4	34	87
Gosnold	29	10	8	47
Oak Bluffs	475	134	225	834
Tisbury	769	185	211	1,165
West Tisbury	250	72	69	391
Totals	2,272	616	814	3,702

County of Essex.

Amesbury	1,782	926	1,288	3,996
Andover	6,026	2,431	1,449	9,906
BEVERLY	8,853	2,640	3,062	14,555
Boxford	940	531	195	1,666
Danvers	5,092	1,768	1,378	8,238
Essex	527	214	200	941
Georgetown	1,090	405	359	1,854
GLOUCESTER	4,381	1,424	2,324	8,129
Groveland	1,087	394	265	1,746
Hamilton	1,631	593	450	2,674
HAVERHILL	8,716	2,357	3,762	14,835
Ipswich	2,301	715	782	3,798
LAWRENCE	11,530	3,476	7,832	22,838
LYNN	15,609	4,896	5,880	26,385
Lynnfield	2,965	1,246	729	4,940
Manchester	1,359	512	402	2,273

County of Essex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Marblehead	5,736	2,168	1,428	9,332
Merrimac	804	291	234	1,329
Methuen	7,759	2,606	3,596	13,961
Middleton	824	280	255	1,359
Nahant	1,002	340	314	1,656
Newbury	1,018	354	295	1,667
NEWBURYPORT	3,304	1,099	1,649	6,052
North Andover	3,627	1,466	1,300	6,393
PEABODY	9,918	2,677	3,809	16,404
Rockport	1,500	450	586	2,536
Rowley	606	280	204	1,090
SALEM	8,395	2,206	3,932	14,533
Salisbury	951	333	455	1,739
Saugus	6,119	1,646	1,613	9,378
Swampscott	2,908	1,145	1,570	5,623
Topsfield	1,293	487	242	2,022
Wenham	870	298	229	1,397
West Newbury	635	245	221	1,101
Totals	131,158	42,899	52,289	226,346

County of Franklin.

Ashfield	291	133	83	507
Bernardston	317	152	87	556
Buckland	352	217	133	702
Charlemont	197	98	75	370
Colrain	265	132	67	464
Conway	235	119	75	429
Deerfield	982	384	217	1,583
Erving	286	112	81	479
Gill	240	136	61	437
Greenfield	3,312	2,013	1,337	6,662
Hawley	38	17	20	75
Heath	77	40	27	144
Leverett	311	89	71	471
Leyden	105	54	31	190
Monroe	42	21	12	75
Montague	1,968	783	504	3,255
New Salem	142	58	38	238
Northfield	550	287	115	952
Orange	896	385	348	1,629
Rowe	80	56	27	163
Shelburne	353	204	117	674
Shutesbury	171	44	37	252
Sunderland	491	171	91	753
Warwick	101	44	51	196
Wendell	123	29	30	182
Whately	275	112	96	483
Totals	12,200	5,890	3,831	21,921

County of Hampden

Agawam	3,209	1,165	2,147	6,521
Blandford	207	101	68	376
Brimfield	434	159	107	700
Chester	197	66	77	340
CHICOPEE	11,472	3,397	4,294	19,163
East Longmeadow	2,120	1,065	1,190	4,375
Granville	209	91	68	368
Hampden	822	213	114	1,248
Holland	245	95	70	410
HOLYOKE	5,635	2,943	6,233	14,811
Longmeadow	4,266	1,385	781	6,432
Ludlow	3,371	1,028	893	5,292

County of Hampden—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Monson	1,418	414	448	2,280
Montgomery	112	80	28	220
Palmer	2,441	754	913	4,108
Russell	286	87	94	467
Southwick	1,227	430	285	1,942
SPRINGFIELD	15,075	5,742	18,205	39,022
Tolland	48	20	13	81
Wales	194	67	50	311
West Springfield	4,265	1,865	2,776	8,906
WESTFIELD	6,535	2,249	2,089	10,873
Wilbraham	2,085	990	1,136	4,221
Totals	65,873	24,505	42,079	132,457

County of Hampshire.

Amherst	3,804	860	1,155	5,819
Belchertown	1,032	296	238	1,566
Chesterfield	146	66	56	268
Cummington	175	65	30	270
Easthampton	3,192	1,092	1,057	5,341
Goshen	109	57	30	196
Granby	769	413	341	1,523
Hadley	942	329	311	1,582
Hatfield	707	219	267	1,193
Huntington	290	104	114	508
Middlefield	64	23	32	119
NORTHAMPTON	5,764	1,957	2,003	9,724
Pelham	236	96	41	373
Plainfield	56	39	26	121
South Hadley	3,723	1,258	878	5,859
Southampton	718	326	162	1,206
Ware	2,000	620	912	3,532
Westhampton	187	118	32	337
Williamsburg	460	211	138	809
Worthington	184	61	40	285
Totals	24,558	8,210	7,863	40,631

County of Middlesex.

Acton	3,634	1,308	632	5,574
Arlington	14,316	3,990	3,301	21,607
Ashby	399	208	119	726
Ashland	1,768	599	364	2,731
Ayer	874	268	211	1,353
Bedford	3,138	801	633	4,572
Belmont	7,923	2,532	2,209	12,664
Billerica	6,490	1,818	1,223	9,531
Boxborough	397	204	54	655
Burlington	3,916	1,648	1,320	6,884
CAMBRIDGE	20,153	4,036	6,575	30,764
Carlisle	820	281	157	1,258
Chelmsford	6,923	2,424	1,302	10,649
Concord	3,708	1,532	1,069	6,309
Dracut	4,211	1,514	1,451	7,176
Dunstable	314	128	79	521
EVERETT	4,917	2,185	7,245	14,347
Framingham	13,753	3,806	2,948	20,507
Groton	1,169	480	245	1,894
Holliston	2,699	924	470	4,093
Hopkinton	1,312	471	334	2,117
Hudson	2,743	942	1,025	4,710
Lexington	7,571	2,362	2,915	12,848
Lincoln	1,397	418	356	2,171
Littleton	1,359	465	238	2,062

County of Middlesex—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
LOWELL	18,375	5,557	6,978	30,910
MALDEN	7,794	2,830	7,720	18,344
MARLBOROUGH	6,177	1,864	2,208	10,249
Maynard	1,997	580	766	3,343
MEDFORD	14,645	3,484	4,771	22,900
MELROSE	6,648	2,647	3,003	12,298
Natick	5,938	2,301	2,238	10,477
NEWTON	20,242	6,309	8,514	35,065
North Reading	2,702	756	565	4,023
Pepprell	1,199	455	373	2,027
Reading	5,514	1,650	1,176	8,340
Sherborn	1,015	407	158	1,580
Shirley	632	222	190	1,044
SOMERVILLE	14,972	3,367	6,085	24,424
Stoneham	4,595	1,542	1,553	7,690
Stow	942	351	202	1,495
Sudbury	2,925	1,230	800	4,955
Tewksbury	5,246	1,866	975	8,087
Townsend	849	303	231	1,383
Tyngsborough	887	273	223	1,383
Wakefield	5,858	1,806	1,917	9,581
WALTHAM	6,856	3,027	6,434	16,317
Watertown	8,645	2,161	3,432	14,238
Wayland	3,375	1,133	654	5,162
Westford	2,503	894	604	4,001
Weston	2,930	1,220	544	4,694
Wilmington	2,578	1,060	1,339	4,977
Winchester	5,152	2,039	2,042	9,233
WOBURN	6,129	2,387	3,904	12,420
Totals	283,224	89,065	106,074	478,363

County of Nantucket and Norfolk.

Nantucket	911	311	260	1,482
Totals	911	311	260	1,482

County of Norfolk.

Avon	1,088	312	264	1,664
Bellingham	2,747	743	734	4,224
Braintree	8,861	3.112	2,197	14,170
Brookline	10,563	3,323	8,298	22,184
Canton	4,411	1,495	1,087	6,993
Cohasset	1,884	688	502	3,074
Dedham	6,237	2,078	2,174	10,489
Dover	1,291	597	345	2,233
Foxborough	2,688	879	566	4,133
Franklin	3,661	1,094	1,062	5,817
Holbrook	2,699	735	691	4,125
Medfield	2,187	737	418	3,342
Medway	1,734	475	468	2,677
Millis	1,404	434	297	2,135
Milton	6,831	3,853	2,109	12,793
Needham	8,282	2,979	1,688	12,949
Norfolk	997	359	181	1,537
Norwood	7,315	2,160	1,960	11,435
Plainville	1,038	384	255	1,677
QUINCY	20,448	6,558	7,377	34,383
Randolph	6,322	1,669	1,998	9,989
Sharon	3,474	816	562	4,852
Stoughton	3,905	1,634	2,387	7,926
Walpole	4,288	1,321	955	6,564

County of Norfolk—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total. Ballots.
Wellesley	7,088	2,680	1,569	11,337
Westwood	3,602	1,403	867	5,872
Weymouth	12,283	3,863	3,213	19,359
Wrentham	1,241	469	292	2,002
Totals	138,569	46,850	44,516	229,935

County of Plymouth.

Abington	2,680	862	682	4,224
Bridgewater	2,788	782	696	4,266
BROCKTON	15,291	4,049	5,784	25,124
Carver	746	216	192	1,154
Duxbury	2,366	935	506	3,807
East Bridgewater	1,553	831	824	3,208
Halifax	916	325	234	1,475
Hanover	2,513	899	513	3,925
Hanson	1,551	490	419	2,460
Hingham	4,796	1,710	1,168	7,674
Hull	2,316	542	702	3,560
Kingston	1,425	346	370	2,141
Lakeville	992	388	239	1,619
Marion	822	369	195	1,386
Marshfield	4,204	1,349	819	6,372
Mattapoisett	1,239	610	306	2,155
Middleborough	2,873	1,002	714	4,589
Norwell	1,620	811	770	3,201
Pembroke	2,362	692	530	3,584
Plymouth	4,182	1,289	2,224	7,695
Plympton	313	114	79	506
Rochester	408	197	89	694
Rockland	3,010	803	769	4,582
Scituate	3,889	1,294	948	6,131
Wareham	2,990	779	965	4,734
West Bridgewater	1,556	576	314	2,446
Whitman	2,928	909	731	4,568
Totals	72,329	23,169	21,782	117,280

County of Suffolk.

BOSTON	58,755	24,017	70,723	153,495
CHELSEA	4,319	1,171	3,455	8,945
REVERE	8,709	2,529	4,969	16,207
Winthrop	4,490	1,659	2,246	8,395
Totals	76,273	29,376	81,393	187,042

County of Worcester.

Ashburnham	734	238	204	1,176
Athol	1,768	681	604	3,053
Auburn	3,734	1,155	1,245	6,134
Barre	833	253	475	1,561
Berlin	422	166	144	732
Blackstone	1,278	327	422	2,027
Bolton	477	182	104	763
Boylston	727	227	209	1,163
Brookfield	381	138	176	695
Charlton	815	265	270	1,350
Clinton	2,419	699	1,383	4,501
Douglas	690	220	338	1,248
Dudley	1,434	412	727	2,573
East Brookfield	361	111	166	638

County of Worcester—Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
FITCHBURG	7,753	2,186	3,545	13,484
GARDNER	3,846	1,017	1,641	6,504
Grafton	2,185	732	1,005	3,932
Hardwick	430	156	195	781
Harvard	860	340	144	1,344
Holden	2,259	1,185	1,490	4,934
Hopedale	971	270	401	1,642
Hubbardston	298	105	110	513
Lancaster	860	346	308	1,514
Leicester	1,812	488	641	2,941
LEOMINSTER	5,972	1,718	2,833	10,523
Lunenburg	1,725	579	488	2,792
Mendon	501	207	194	902
Milford	4,142	1,122	2,091	7,355
Millbury	2,374	625	1,036	4,035
Millville	345	94	166	605
New Braintree	119	46	45	210
North Brookfield	806	269	384	1,459
Northborough	2,175	664	494	3,333
Northbridge	2,004	881	1,267	4,152
Oakham	195	60	73	328
Oxford	1,212	516	692	2,420
Paxton	794	325	251	1,370
Petersham	234	114	67	415
Phillipston	141	57	33	231
Princeton	412	153	98	663
Royalston	147	55	38	240
Rutland	704	312	144	1,160
Shrewsbury	5,087	1,469	1,834	8,390
Southborough	1,436	510	295	2,241
Southbridge	1,983	779	2,444	5,206
Spencer	1,858	577	861	3,296
Sterling	870	375	248	1,493
Sturbridge	728	405	619	1,752
Sutton	994	297	374	1,665
Templeton	1,023	304	333	1,660
Upton	802	257	310	1,369
Uxbridge	1,627	497	773	2,897
Warren	700	245	313	1,258
Webster	2,563	688	1,591	4,842
West Boylston	1,470	573	461	2,504
West Brookfield	519	170	203	892
Westborough	2,809	1,000	848	4,657
Westminster	1,123	346	254	1,723
Winchendon	859	416	306	1,581
WORCESTER	32,732	9,016	15,656	57,404
Totals	120,532	37,620	54,064	212,216

Aggregate of Votes.

BARNSTABLE	31,891	9,278	7,373	48,542
BERKSHIRE	26,397	8,781	14,556	49,734
BRISTOL	79,092	27,284	40,394	146,770
DUKES	2,272	616	814	3,702
ESSEX	131,158	42,899	52,289	226,346
FRANKLIN	12,200	5,890	3,831	21,921
HAMPDEN	65,873	24,505	42,079	132,457
HAMPSHIRE	24,558	8,210	7,863	40,631
MIDDLESEX	283,224	89,065	106,074	478,363
NANTUCKET	911	311	260	1,482
NORFOLK	138,569	46,850	44,516	229,935
PLYMOUTH	72,329	23,169	21,782	117,280
SUFFOLK	76,273	29,376	81,393	187,042
WORCESTER	120,532	37,620	54,064	212,216
TOTALS	1,065,279	353,854	477,288	1,896,421

APPENDIX

The following table and index have been prepared by JAMES R. MCINTYRE, ESQ., counsel to the Senate and JOHN F. DONOVAN, JR., ESQ., counsel to the House of Representatives, in accordance with section fifty-one of chapter three of the General Laws.

TABLE OF CHANGES

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE COMMONWEALTH, AS APPEARING IN THE TERCENTENARY EDITION, HAVE BEEN AFFECTED BY LEGISLATION PASSED BY THE GENERAL COURT SINCE JANUARY FIRST, NINETEEN HUNDRED AND THIRTY-TWO THROUGH THE YEAR NINETEEN HUNDRED AND SEVENTY-FIVE.*†

Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

SECT. 3 revised, 1933, 278 § 1; 1970, 810 § 1; paragraph added, 1971, 1035 § 1. (See 1970, 810 § 3; 1971, 1035 § 2.)

Chapter 2. — Arms, Great Seal and Other Emblems of the Commonwealth.

SECT. 1-6 revised, 1971, 360 § 1. (See 1971, 360 § 3.)

SECT. 6A added, 1960, 304 (relative to flying the flag of the commonwealth at half-staff on state-owned or state-controlled buildings and on state installations.

SECT. 7 sentence added, 1953, 245; revised, 1975, 706 § 1. (See 1975, 706 § 312.)

SECT. 8 added, 1941, 121 (designating the American elm as the state tree).

SECT. 9 added, 1941, 121 (designating the Chickadee as the state bird).

SECT. 10 added, 1970, 262 (designating cranberry juice as the state beverage).

SECT. 11 added, 1970, 586 (designating the Morgan horse as the state horse or horse emblem).

SECT. 12 added, 1974, 121 (designating the lady bug as the state insect or insect emblem).

SECT. 13 added, 1974, 164 (designating the cod as the state fish or fish emblem).

Chapter 3. — The General Court.

SECT. 1 revised, 1946, 130 § 1.

SECT. 5 amended, 1937, 364 § 1; 1939, 508 § 1; 1956, 31.

SECT. 6 revised, 1937, 364 § 2; amended, 1939, 424 § 1; repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

SECT. 6A added, 1939, 424 § 2 (imposing restrictions on the granting of authority to use the designation of junior college); repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

*For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

†References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

SECT. 7 revised, 1937, 364 § 3; first sentence amended, 1943, 549 § 2A; section revised, 1962, 750 § 1.

SECT. 8A added, 1973, 896 (relative to the filing of petitions with general court by cities and towns under the home rule amendment).

SECT. 9 revised, 1937, 236 § 1; 1941, 307 § 1; amended, 1941, 600 § 1; revised, 1945, 38 § 1. (See 1941, 307 § 2; 1941, 600 § 2.)

SECT. 9 stricken out and sections 9 and 9A (relative to payment of allowances for travel and other expenses to members of the general court) inserted, 1945, 248 § 1. (See 1945, 248 §§ 4, 5.)

SECT. 9, first two sentences amended, 1948, 655 § 1; revised, 1949, 784 § 1; two sentences inserted after second sentence, 1949, 801 § 1; third sentence amended, 1950, 247 § 1; first four sentences revised, 1951, 803 § 1; last sentence revised, 1953, 171; section revised, 1956, 742 § 1; first four sentences revised, 1960, 783 § 1; act of 1960 submitted upon referendum after passage and repealed by the people at state election on November 6, 1962. This action revived section as most recently amended by the 1956, 742 § 1; section revised, 1963, 506 § 1; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as most recently amended by 1956, 742 § 1 (see G.L.c. 4 § 6); sentence inserted after third sentence, 1966, 441 § 1; same sentence amended, 1966, 688 § 1; section revised, 1969, 19 § 4; amended, 1970, 242 § 2; 1971, 536 § 1, 1008 § 2; first sentence revised, 1972, 148 §§ 1, 2; section revised, 1972, 674 § 1; second sentence revised, 1972, 679 § 1. (See 1948, 655 §§ 3, 4; 1949, 784 § 3, 801 § 2; 1950, 247 § 2; 1951, 803 § 2; 1956, 742 §§ 2, 3; 1960, 783 § 3; 1963, 506 §§ 4, 7.) For temporary act see 1965, 271 § 1; 1966, 441 § 2, 688 § 2. (See 1965, 271 § 4; 1966, 441 § 3, 688 § 3; 1969, 19 § 7; 1970, 242 § 3; 1971, 536 § 2; 1972, 148 §§ 3, 4, 674 § 2, 679 § 2.)

SECT. 9A repealed, 1952, 635 § 1.

SECT. 9B added, 1953, 263 § 1 (relative to travel and expense allowances for members of the general court); revised, 1963, 506 § 2; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as added by 1953, 263 § 1 (see G. L. c. 4 § 6); section revised, 1969, 19 § 5. (See 1963, 506 §§ 5-7; 1969, 19 § 7.) For temporary act see 1965, 271 § 2. (See 1965, 271 § 4.)

SECT. 10 amended, 1945, 38 § 2; revised, 1945, 248 § 2; 1948, 655 § 2; 1949, 784 § 2; amended, 1951, 803 § 1A; 1952, 635 § 3; revised, 1957, 733 § 1; amended 1960, 783 § 2; act of 1960 submitted upon referendum after passage and repealed by the people at state election on November 6, 1962. This action revived section as most recently amended by 1957, 733 § 1; revised, 1963, 506 § 3; act of 1963 submitted upon referendum after passage and repealed by the people at state election on November 3, 1964. This action revives section as most recently amended by 1957, 733 § 1 (see G. L. c. 4 § 6); section revised, 1969, 19 § 6; 1975, 366 § 1. (See 1945, 248 §§ 4, 5; 1948, 655 §§ 3, 4; 1949, 784 § 3; 1951, 803 § 2; 1957, 733 § 2; 1960, 783 § 3; 1969, 19 § 7; 1975, 366 § 2.) For temporary act see 1965, 271 § 3. (See 1965, 271 § 4.)

SECT. 11 repealed, 1937, 236 § 2.

SECT. 12 revised, 1937, 360 § 1; 1943, 260 § 1. (See 1937, 360 §§ 3-5; 1943, 260 § 3.)

SECT. 12A added, 1952, 3 (authorizing the use of facsimiles of the signatures of the clerks of the senate and house of representatives in certain cases).

SECT. 13 revised, 1937, 360 § 2; amended, 1941, 230; revised, 1943, 260 § 2; 1967, 1. (See 1937, 260 §§ 3-5; 1943, 260 § 3.)

SECT. 14 revised, 1948, 139.

SECT. 15 revised, 1945, 421 § 1; paragraph added at end, 1949, 806 § 1. (See 1945, 421 § 5.)

SECT. 16 revised, 1949, 806 § 2.

SECTS. 17-19 stricken out and four sections inserted, 1974, 333.

SECT. 18 amended, 1941, 433 § 1; 1943, 104; revised, 1945, 421 § 2; amended, 1962, 686. (See 1941, 433 § 4; 1945, 421 § 5.)

SECT. 19 amended, 1935, 210; 1949, 806 § 3; 1955, 782; 1956, 81, 732; 1960, 809.

SECT. 20 revised, 1939, 508 § 2; amended, 1941, 433 § 2; 1945, 38 § 3; 421 § 4; revised, 1945, 488 § 1; 1952, 572 § 1; repealed, 1952, 635 § 2. (See 1941, 433 § 4; 1945, 421 § 5; 488 §§ 2, 3; 1952, 572 § 2.)

SECT. 20A added, 1937, 189 (relative to the purchase of uniforms for the sergeant-at-arms, doorkeepers, assistant doorkeepers general court officers and pages of the general court).

SECT. 21 revised, 1945, 421 § 3. (See 1945, 421 § 5.)

SECT. 22 amended, 1939, 508 § 3.

SECT. 23 revised, 1941, 347; 1971, 34; two paragraphs added, 1973, 759.

SECT. 28A added, 1954, 454 (providing a penalty for refusal to appear and testify before the General Court or a committee or commission thereof in certain cases).

SECT. 31 revised, 1972, 349 § 1.

SECT. 32 amended, 1972, 349 § 2.

SECT. 32A added, 1950, 808 § 1 (relative to travel expenses of certain special commissions and committees); revised, 1961, 328. (See 1950, 808 § 2.)

SECT. 38A added, 1971, 272 § 1 (providing for the inclusion of fiscal notes of estimated cost with certain bills reported favorably by certain committees of the general court).

SECT. 38B added, 1974, 844 § 1 (providing for public hearings on certain appropriation requests).

SECT. 39 revised, 1973, 981 § 2. (See 1973, 981 § 14.)

SECT. 40 revised, 1973, 981 § 3. (See 1973, 981 § 14.)

SECT. 41 revised, 1973, 981 § 4. (See 1973, 981 § 14.)

SECT. 42 revised, 1973, 981 § 5. (See 1973, 981 § 14.)

SECT. 43 revised, 1973, 981 § 6. (See 1973, 981 § 14.)

SECT. 44 revised, 1973, 981 § 7. (See 1973, 981 § 14.)

SECT. 45 revised, 1973, 981 § 8. (See 1973, 981 § 14.)

SECT. 46 amended, 1939, 508 § 4; revised, 1973, 981 § 9. (See 1973, 981 § 14.)

SECT. 47 amended, 1939, 508 § 5; revised, 1973, 981 § 10. (See 1973, 981 § 14.)

SECT. 48 revised, 1973, 981 § 11. (See 1973, 981 § 14.)

SECT. 49 amended, 1939, 508 § 6; revised, 1973, 981 § 12. (See 1973, 981 § 14.)

SECT. 50 revised, 1974, 382.

SECT. 51 amended, 1939, 508 § 7.

SECT. 53 revised, 1939, 376 § 1; sentence inserted after first sentence, 1958, 672 § 2. (See 1939, 376 § 2.)

SECT. 55A added, 1958, 672 § 1 (providing for the appointment of recodification counsel). (See 1958, 672 § 3.)

SECTS. 56-61 added, 1954, 607 § 2 (establishing a legislative research council and legislative research bureau).

SECT. 56, first sentence amended, 1961, 118; revised, 1965, 443; 1967, 291 § 1; fourth sentence stricken out, 1967, 291 § 2.

SECT. 58 amended, 1955, 137.

SECT. 60, two sentences added at end, 1955, 579.

SECT. 62 added, under caption, 1966, 518 (establishing the municipal problems commission).

SECTS. 63-64 added, under caption, 1971, 1008 § 1 (establishing a legislative post audit and oversight bureau).

SECT. 63, second paragraph revised, 1972, 243.

SECT. 65 added, 1972, 462 (establishing a senate art committee).

Chapter 4. — Statutes.

SECT. 1A added, 1969, 427 (relative to a reorganization plan procedure for the executive department).

SECT. 2A added, 1962, 68 (relative to the powers and duties of certain special commissions); third paragraph amended, 1972, 120; revised, 1973, 93; paragraph inserted after third paragraph, 1973, 907.

SECT. 4 revised, 1962, 182; 1966, 253.

SECT. 4A added, 1952, 223 (permitting certain towns to revoke their acceptance of certain special acts).

SECT. 5 revised, 1935, 69.

SECT. 6, clause Tenth added, 1967, 867 § 1.

SECT. 7, clause Third revised, 1951, 215 § 1; clause Sixth A added, 1967, 844 § 23; clause Ninth revised, 1941, 509 § 1; 1945, 242 § 1; 637 § 1; clause Eighteenth amended, 1934, 283; 1935, 26; 1936, 180; 1937, 38; 1938, 245; 1941, 91 § 1; 1946, 190; 1948, 241; revised, 1958, 140; 1960, 812 § 1; 1962, 616 § 1; 1968, 24 § 1; 1970, 215 § 1; amended, 1974, 205 § 1, 493 § 1; clause Twenty-sixth revised, 1958, 626 § 1; 1962, 427 § 1; amended, 1969, 831 § 2; revised, 1973, 1050 § 1; clause Forty-second stricken out, 1953, 319 § 2; clause Forty-third added, 1954, 627 § 1; first paragraph amended, 1960, 299; revised, 1960, 544 § 1; second paragraph revised, 1965, 875 § 1; fifth paragraph amended, 1957, 164 § 1; sixth and seventh paragraphs revised, 1955, 403 § 1; paragraph inserted after seventh paragraph, 1965, 875 § 2; revised, 1966, 716; 1967, 437; 1968, 531 § 1; paragraph added, 1968, 531 § 2; clause Forty-fourth added, 1955, 683; clause Forty-fifth added, 1957, 765 § 3; clause Forty-sixth added, 1964, 322; amended, 1975, 706 § 2; clause Forty-seventh added, 1969, 544 § 1; clauses Forty-eighth to Fifty-first added, 1973,

925 § 1. (See 1941, 509 § 9; 1945, 279; 1953, 319 §§ 39, 40; 1954, 128 § 2, 627 §§ 65, 67; 1955, 403 §§ 7-14; 1956, 281 § 3; 1957, 164 § 2, 765 § 21; 1960, 544 § 2; 1968, 24 § 7; 1970, 215 § 4; 1973, 925 § 84, 1050 § 7; 1974, 205 § 3; 1975, 706 § 312.)

SECT. 10, first sentence amended, 1954, 180.

SECT. 12 added, 1960, 295 § 1 (relative to the date of establishment, cancellation or change of enrollment in cases affecting the membership of bipartisan boards). (See 1960, 295 § 2.)

Chapter 5. — Printing and Distribution of Laws and Public Documents.

As to the distribution of the Tercentenary Edition of the General Laws, see 1941, Resolve 19.

SECT. 1, last paragraph revised, 1932, 254; two paragraphs added at end, 1937, 373; section revised, 1938, 419; amended, 1941, 428; first paragraph amended, 1945, 580 § 1; last five paragraphs stricken out and six paragraphs inserted, 1955, 614. (See 1945, 580 § 9.)

SECT. 2, paragraphs (4) and (6) revised, 1939, 508 § 8; 1945, 252; paragraph (7) revised, 1957, 681 § 1.

SECT. 3, paragraph in lines 10-11 revised, 1947; 320 § 1; paragraphs in lines 12-42 amended, 1938, 196; second of said paragraphs amended, 1947, 320 § 2; 1941, 351 § 1; 1958, 613 § 1A; paragraph in lines 52-62 amended, 1953, 319 § 3; paragraphs in lines 63-68 revised, 1947, 320 § 1.

SECT. 4, second paragraph amended, 1953, 319 § 4; 1957, 681 § 2.

SECT. 4A added, 1947, 569 (providing for the printing and distribution of a cumulative table of changes in the general statutes from time to time during the session of the general court).

SECT. 6 amended, 1939, 508 § 9; revised, 1943, 344 § 1; amended, 1945; 580 § 2. (See 1945, 580 § 9.)

SECT. 8 amended, 1945, 580 § 3. (See 1945, 580 § 9.)

SECT. 9 amended, 1933, 245 § 1; 1946, 209 § 1; 1951, 68, 474; 1953, 22; revised, 1960, 404; amended, 1960, 626 § 1; revised, 1963, 368.

SECT. 10 revised, 1939, 508 § 10; first paragraph amended, 1945, 38 § 4 section revised, 1968, 401; 1969, 150; first paragraph amended, 1971, 226 § 1; second paragraph amended, 1971, 226 § 2; fourth paragraph stricken out and two paragraphs inserted, 1971, 266 § 3.

SECT. 11, paragraph in thirteenth line revised, 1941, 329; paragraph in lines 14-31 striken out, and two paragraphs inserted, 1945, 538; section amended, 1947, 295; 1962, 170.

SECT. 12 amended, 1948, 1; 1952, 179; third sentence revised, 1970, 22 § 1. (See 1970, 22 § 3.)

SECT. 13 revised, 1970, 22 § 2. (See 1970, 22 § 3.)

SECT. 18 amended, 1935, 226 § 1; revised, 1943, 313; first paragraph amended, 1946, 466; 1967, 294; 1969, 239; second paragraph, last sentence revised, 1971, 226 § 4; paragraph added at end, 1950, 811.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

For temporary legislation establishing an emergency finance board and defining its powers and duties, see 1933, 49.

SECT. 1 amended, 1946, 591 § 1; 1963, 744 § 1; 1969, 835 § 1. (See 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 amended, 1946, 591 § 2; 1949, 722; 1955, 730 § 1; 1963, 744 § 2; 1965, 844 § 1; 1969, 835 § 2. (See 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 3 amended, 1943, 314 § 1; 1949, 781 § 1; revised, 1963, 744 § 7. (See 1943, 314 § 2; 1949, 781 § 2; 1963, 744 § 8.)

SECT. 6 revised, 1954, 156.

SECT. 6A added, 1952, 457 (establishing the offices of administrative secretary and executive stenographer in the executive department).

SECT. 8 amended, 1941, 722 § 1; revised, 1943, 348 § 1.

SECT. 10, last sentence stricken out. 1973, 1230 § 1.

SECT. 12A revised, 1954, 661 § 1; amended, 1970, 215 § 3; 1974, 205 § 2. (See 1954, 661 § 2; 1970, 215 § 4; 1974, 205 § 3.)

SECT. 12B added, 1932, 14 (relative to the observance of the anniversary of the death of Brigadier General Casimir Pulaski).

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1941, 91.)

SECT. 12D added, 1932, 242 (relative to the observance of the anniversary of the Boston Massacre, etc.).

SECT. 12E added, 1934, 191 (relative to the observance of the anniversary of the death of Commodore John Barry).

SECT. 12F added, 1935, 23 (relative to the observance of the anniversary of the battle of New Orleans); amended, 1938, 49; 1969, 93.

SECT. 12G added, 1935, 96 (providing for an annual proclamation by the governor relative to American Education Week); revised, 1964, 301; 1972, 16.

SECT. 12H added, 1935, 148 (relative to the observance of the anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 184 (relative to the annual observance of Indian Day); revised, 1939, 56; 1972, 124.

SECT. 12J added, 1938, 22 (relative to the annual observance of April nineteenth as Patriots' Day).

SECT. 12K added, 1938, 80 (relative to the annual observance of Evacuation Day, so called).

SECT. 12L added, 1941, 387 (relative to the annual observance of Veteran Firemen's Muster Day).

SECT. 12M. added, 1947, 561 (relative to the annual observance of Good Government Day); revised, 1951, 650; amended, 1959, 368; first paragraph revised, 1969, 91 § 1; third paragraph, fourth sentence revised, 1969, 91 § 2.

SECT. 12N added, 1949, 75 (relative to the annual observance of United Nations Day); sentence added at end, 1955, 265 § 1; paragraph added at end, 1962, 640; amended, 1964, 328.

SECT. 12O added, 1949, 263 (relative to the annual observance of Loyalty Day).

SECT. 12P added, 1952, 104 (relative to the annual observance of civil rights week).

SECT. 12Q added, 1953, 84 (relative to the annual observance of Memorial Day); amended, 1968, 24 § 2. (See 1968, 24 § 7.)

SECT. 12R added, 1953, 172 (relative to the annual observance of Polish Constitution Day).

SECT. 12S added, 1954, 124 (relative to the annual observance of March fifteenth as Peter Francisco Day).

SECT. 12T added, 1955, 265 § 2 (relative to the annual observance of Washington Day, Mothers' Day, Fathers' Day, Purple Heart Day, Disabled American Veterans' Hospital Day and Army and Navy Union Day); revised, 1963, 297; amended, 1968, 19 (providing for annual observance of Grandparents' Day); amended, 1968, 24 § 3; revised, 1970, 14 (providing for annual observance of Senior Citizens' Day); 1975, 21 (providing for the annual observance of Horace Mann Day). (See 1968, 24 § 7.)

SECT. 12U added, 1956, 618 (relative to the annual observance of Children's Day); revised, 1958, 81.

SECT. 12V added, 1958, 110 (relative to the annual observance of Columbus Day); amended, 1970, 215 § 2. (See 1970, 215 § 4.)

SECT. 12W added, 1959, 358 (relative to the annual observance of September as sight-saving month).

SECT. 12X added, 1960, 46 (relative to the observance of Teachers' Day).

SECT. 12Y added, 1964, 282 (relative to the observance of Maritime Day).

SECT.12Z added, 1967, 153 (relative to the observance of Jamaican Independence Day).

SECT. 12AA added, 1972, 19 (relative to the annual observance of Iwo Jima Day).

SECT. 14B added, 1964, 291 (providing for the annual observance of October twenty-fifth as State Constitution Day).

SECT. 14C added, 1971, 70 (providing for the annual observance of Earth Day); revised, 1973, 147.

SECT. 15 amended, 1946, 201.

SECT. 15A added, 1953, 170 (relative to the annual observance of Constitution Day).

SECT. 15B added, 1956, 106 (relative to the annual observance of Senior Citizens' Day); amended, 1957, 39; 1965, 558 § 1. (See 1965, 558 § 2.)

SECT. 15C added, 1957, 44 (providing for an annual proclamation by the governor designating February as American History Month).

SECT. 15D added, 1958, 125 (relative to the annual observance of Massachusetts Art Week).

SECT. 15E added, 1958, 265 (relative to the annual observance of Susan B. Anthony Day).

SECT. 15F added, 1958, 662 § 1 (relative to the annual observance of Employ the Handicapped Week).

SECT. 15G added, 1960, 536 (relative to the annual observance of Youth Honor Day).

SECT. 15H added, 1964, 281 (relative to the observance of Boy Scout Week).

SECT. 15I added, 1964, 319 (providing for the observance of Liberty Tree Day).

SECT. 15J added, 1965, 274 (relative to the annual observance of Italian American War Veterans of the United States, Inc., Day).

SECT. 15K added, 1967, 241 (providing for the annual observance of cystic fibrosis week).

SECT. 15L added, 1968, 8 (relative to the annual observance of John F. Kennedy Day).

SECT. 15M-15O added, 1969, 65 (providing for the annual observance of Battleship Massachusetts Memorial Day, Police Officers' Week and Keep Massachusetts Beautiful Month).

SECT. 15P added, 1969, 255 (providing for the annual observance of Traffic Safety Week).

SECT. 15Q added, 1970, 210 (providing for the annual observance of United States Marine Corps Day).

SECT. 15R added, 1971, 27 (relative to the annual observance of Memorial Day).

SECT. 15S added, 1971, 69 (relative to the annual observance of Martin Luther King Jr. Day).

SECT. 15T added, 1971, 664 (relative to the annual observance of Kaleoala Day).

SECT. 15U added, 1971, 710 (relative to the annual observance of Social Justice for Ireland Day).

SECT. 15V added, 1972, 15 (relative to the annual observance of White Cane Safety Day).

SECT. 15W added, 1972, 419 (relative to the annual observance of National Hunting and Fishing Day).

SECT. 15X added, 1972, 469 (relative to the annual observance of Child Nutrition Week).

SECT. 15Y added, 1973, 152 (relative to the annual observance of Jaycee Week and Jaycee Day).

SECT. 15Z added, 1974, 112 (relative to the annual observance of Bataan-Corregidor Day).

SECT. 15AA added, 1974, 158 (relative to the annual observance of Secretaries Week and Secretaries Day).

SECT. 15BB added, 1974, 603 (relative to the annual observance of Massachusetts National Guard Week).

SECT. 16 amended, 1941, 490 § 1.

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1; 336 § 1; 1934, 374 § 1; 1935, 475 § 1; revised, 1939, 393 § 1; amended, 1945, 393 § 1; revised, 1945, 619 § 1; amended, 1946, 368 § 2; revised, 1946, 612 § 1; amended, 1947, 466 § 1; 513 § 1; 1948, 260 § 2; revised, 1948, 310 § 1; 476 § 1, 637 § 1; amended, 1950, 479 § 1; 1951, 511 § 1; 1952, 605 § 16; 1953, 409 § 4; revised, 1953, 608 § 1; amended, 1953, 612 § 1; 1954, 581 § 1; 537 § 1; 1955, 584 § 1; revised, 1956, 602 § 1; amended, 1956, 645 § 1; revised, 1956, 708 § 1; amended, 1956, 715 § 1; revised, 1957, 623 § 1; amended, 1963, 668 § 1; 1962, 757 § 1; 1959, 418 § 1;

1958, 662 § 2; 1962, 487 § 1; 1963, 773 § 1; revised, 1964, 430 § 1; amended, 1964, 564 § 1, 662 § 1, 636 § 1A; 1965, 83 § 1; 1966, 353 § 1, 444 § 4; revised, 1966, 535 § 1; amended, 1966, 624 § 1; 1967, 739 § 1; 798 § 1; 1968, 681 § 1, 770 § 2; 1969, 252 § 3, 859 § 32A; 1970, 849 § 1; 1973, 1021 § 1, 1168 § 1; 1974, 833 § 1; 1975, 706 § 3. (See 1933, 336 § 3; 1948, 260 §§ 5, 6; 310 §§ 30, 31; 476 §§ 3, 4; 637 §§ 4-9, 13; 663 § 4; 1950, 479 §§ 6,7; 1952, 605 §§ 15, 19-21; 1955, 584 §§ 9, 10; 1956, 602 §§ 17-20; 1959, 418 § 5-8; 1966, 353 § 3; 1973, 1168 § 40; 1975, 706 § 312.)

SECT. 17A added, under caption, 1969, 704 § 1 (establishing a governor's cabinet); amended, 1970, 862 § 1. (See 1969, 704 § 60; 1970, 862 § 6.)

SECT. 18 and heading stricken out and new section inserted, under heading, 1937, 300 § 1; sentence added at end, 1941, 19. (See 1937, 300 § 2.)

SECT. 20, third paragraph revised, 1965, 23.

SECT. 22 amended, 1936, 341 § 1; heading and section amended, 1943, 455 § 1; 1945, 393 § 2; section amended, 1946, 591 § 3; 1950, 705; first sentence amended, 1956, 196 § 1; 1958, 236 § 1; revised, 1963, 801 § 1; amended, 1966, 641; 1967, 844 § 1; revised, 1969, 766 § 1; amended, 1971, 166 § 3; 1972, 300 § 3; 1973, 426 § 3; 1974, 422 § 3; paragraph added at end, 1946, 584 § 18; 1951, 753 § 2; same paragraph amended, 1963, 801 § 2. (See 1936, 341 § 2; 1946, 584 § 22; 1958, 236 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 24 amended, 1941, 596 § 1; 1943, 455 § 2; 1945, 393 § 3.

SECT. 25 revised, 1945, 730 § 2.

SECT. 28 amended, 1938, 18; 1947, 315; 1953, 456; last sentence revised, 1960, 521 § 1.

SECT. 28A amended, 1934, 208 § 1; 1945, 393 § 4; repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28B repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28C repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28D repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 28E added, 1934, 208 § 2 (relative to the dissemination of information concerning the public request fund); repealed, 1968, 420 § 2. (See 1968, 420 § 3.)

SECT. 31 revised, 1943, 479; amended, 1948, 569; 1963, 801 § 3.

SECT. 32, paragraph added at end, 1937, 227; revised, 1938, 473 § 1; 1943, 43; amended, 1947, 30 § 1; sentence added at end, 1957, 193 § 2; amended, 1964, 259.

SECT. 38 revised, 1973, 1043 § 1.

SECT. 39A added, 1966, 259 (requiring copies of certain reports of public authorities to be deposited in the state library).

SECT. 41 amended, 1970, 888 § 13. (See 1970, 888 § 31.)

SECT. 42 added, under caption, 1932, 305 § 2; revised, 1946, 496; first two sentences revised, 1953, 604 § 7; first four sentences stricken out and three sentences inserted, 1967, 230; revised, 1975, 706 § 4. (See 1975, 706 § 312.)

SECT. 43-45 added, 1933, 120 § 2 (relative to the alcoholic beverages control commission).

SECT. 43 amended, 1933, 375 § 1; sixth sentence revised, 1950, 785; 1963, 801 § 4; 1969, 766 § 2; amended, 1971, 116 § 4; 1972, 300 § 4; 1973, 426 § 4;

1974, 422 § 4. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECT. 45 revised, 1941, 596 § 2.

SECTS. 46 and 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 46 repealed and heading preceding said section stricken out, 1966, 444 § 5.

SECT. 47 repealed, 1966, 444 § 5.

SECT. 48 added, under caption, 1934, 374 § 2; third paragraph amended, 1955, 730 § 2; 1963, 801 § 5; first sentence revised, 1969, 766 § 3; amended, 1971, 116 § 5; 1972, 300 § 5; 1973, 426 § 5; 1974, 422 § 5; last paragraph revised, 1941, 596 § 3; section revised, 1974, 507 § 1; fourth paragraph revised, 1975, 328. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECTS. 49-52 added, under caption, 1935, 475 § 2.

SECT. 49 amended, 1936, 307; 1939, 451 § 1; revised, 1941, 466 § 5; sentence inserted after fourth sentence, 1951, 596. (See 1941, 466 §§ 1-4, 7A, 8.)

SECT. 50A added, 1941, 466 § 7 (relative to the powers and duties of the state planning board formerly exercised by the metropolitan planning division). (See 1941, 466 §§ 1-4, 7A, 8.)

SECTS. 49-52 repealed, 1953, 409 § 2.

SECTS. 53-55 added, 1945, 619 § 2 (establishing a Port of Boston Authority). (See 1945, 619 §§ 4-11.)

SECT. 53, caption and section revised, 1953, 608 § 2 (establishing the Port of Boston Commission). (See 1953, 608 §§ 13-16.)

SECT. 53A added, 1953, 608 § 2 (establishing an advisory council to the Port of Boston Commission).

SECT. 54 amended, 1953, 608 § 3.

SECT. 55 amended, 1953, 608 § 4.

SECT. 56 added, 1946, 368 § 3 (establishing the Massachusetts Fair Employment Practice Commission); first sentence of third paragraph revised, 1951, 588; caption revised and section amended, 1950, 479 § 2; last paragraph amended, 1948, 411; section revised, 1963, 719 § 1; second paragraph amended, 1967, 844 § 2; third paragraph, first sentence revised, 1969, 766 § 4; amended, 1971, 116 § 6; 1972, 300 § 6; 1973, 426 § 6; 1974, 422 § 6. (See 1950, 479 §§ 6, 7; 1963, 719 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECTS. 57-59 added, 1946, 583 § 1 (relative to the Massachusetts Aeronautics Commission). (See G. L. 90 §§ 36-38, repealed by 1946, 583 § 2. See also 1946, 583 § 4.)

SECT. 57, first paragraph amended, 1963, 801 § 6; 1967, 844 § 3; third paragraph revised, 1971, 808; paragraph added, 1971, 841.

SECTS. 58A-59C added, 1948, 637 § 2 (establishing the State Airport Management Board). (See 1948, 637 §§ 4-9, 13, 663 § 4.)

SECT. 59B, sentence added at end, 1948, 663 § 1. (See 1948, 663 §§ 4, 5.)

SECT. 60 added, 1946, 612 § 2 (establishing the Outdoor Advertising Authority); last paragraph revised, 1952, 468; section and caption preceding it stricken out, 1955, 584 § 2. (See 1946, 612 §§ 5, 6; 1955, 584, §§ 9, 10.)

SECTS. 61 and 62 added, 1947, 466 § 2 (establishing the Massachusetts Public Building Commission); caption preceding section 61 stricken out, 1953, 612 § 2; both sections stricken out, 1953, 612 § 3. (See 1947, 46 §§ 4-6; 1953, 612 §§ 10-13.)

SECT. 63 added, 1947, 513 § 2 (establishing a commission on alcoholism); repealed and heading preceding section stricken out, 1954, 581 § 2. (See 1954, 581 §§ 4, 5.)

SECT. 64 added, 1948, 260 § 3 (establishing the State Housing Board); first two sentences revised, 1960, 776 § 11; fifth sentence revised, 1963, 801 § 7; sixth sentence stricken out and two sentences inserted, 1949, 577; sixth sentence, as so appearing, revised, 1963, 801 § 8; second paragraph amended, 1954, 396; caption preceding section stricken out, 1964, 636 § 1B; section repealed, 1964, 636 § 1B. (See 1948, 260 §§ 5, 6; 1964, 636 § 10.)

SECTS. 65-69 added, 1948, 310 § 2 (establishing the Youth Service Board). (See 1948, 310 §§ 30, 31; 542.)

SECT. 65 revised, 1952, 605 § 1; first paragraph revised, 1955, 766 § 1; second sentence revised, 1969, 704 § 2. (See 1952, 605 §§ 19-21; 1969, 704 § 60.)

SECT. 66 revised, 1952, 605 § 2; second sentence revised, 1955, 730 § 2A; 1963, 801 § 9; 1969, 766 § 5. (See 1952, 605 §§ 15, 19-21; 1955, 730 § 43; 1969, 766 § 48.)

SECT. 67, paragraph (2) stricken out, 1952, 605 § 17; section revised, 1955, 766 § 2. (See 1952, 605 §§ 15, 19-21.)

SECT. 68, repealed, 1952, 605 § 18. (See 1952, 605 §§ 15, 19-21.)

SECT. 69 revised, 1955, 766 § 3; second paragraph amended, 1966, 615. (See 1955, 766 § 6.)

SECT. 69A added, 1955, 766 § 4 (relative to the division of the commonwealth into juvenile districts).

SECT. 69B added, 1956, 470 (relative to the expenditure of funds by the division of youth service for delinquency prevention, and the acceptance of federal funds therefor).

SECTS. 65-69B and caption preceding section 65 repealed, 1969, 838 § 2. (See 1969, 838 § 74.)

SECTS. 70 and 71 added, 1948, 476 § 2 (establishing the Board of Trustees of the Soldiers' Home in Holyoke). (See 1948, 476 §§ 3, 4.)

SECT. 70, first sentence stricken out and two sentences inserted, 1971, 240 § 1.

SECT. 71 revised, 1969, 470 § 1; last sentence amended, 1970, 888 § 14; section revised, 1971, 623 § 1. (See 1970, 888 § 31.)

SECT. 72 added, 1951, 511 § 2 (establishing the weather amendment board); fourth sentence revised, 1958, 425 § 2; section repealed, 1974, 806 § 2. (See 1974, 806 § 41.)

SECT. 73 added, 1954, 537 § 2 (establishing a council for the aging); revised, 1955, 591; caption preceding section revised, 1964, 430 § 1A; section amended, 1964, 430 § 2; paragraph inserted after first paragraph, 1967, 765 § 4; section and caption preceding section repealed, 1973, 1168 § 2. (See 1954, 537 § 3; 1973, 1168 § 40.)

SECT. 74-84 added, 1956, 602 § 2 (establishing the Massachusetts rehabilitation commission). (See 1956, 602 §§ 17-20.)

SECT. 75, first two sentences stricken out and one sentence inserted, 1967, 844 § 4; second sentence revised, 1969, 766 § 7; amended, 1971, 116 § 7; § 1972, 300 § 7; 1973, 426 § 7; 1974, 422 § 7; third sentence revised, 1963, 801 § 10. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 76 amended, 1967, 738.

SECT. 77, definition of "Vocational rehabilitation services" amended, 1959, 328 § 1; 1970, 716 § 1.

SECT. 78 amended, 1959, 328 § 2; 1967, 486; 1970, 716 § 2.

SECT. 78A added, 1973, 889 (relative to the furnishing of extended sheltered employment to certain handicapped persons by the Massachusetts Rehabilitation Commission).

SECT. 79, paragraphs (*e*) and (*f*) stricken out and paragraphs (*e*), (*f*) and (*g*) inserted, 1965, 854.

SECTS. 84A-84H added, 1974, 805 § 1 (establishing an office of deafness in the Massachusetts Rehabilitation Commission).

SECTS. 85-93 added, 1956, 645 § 2 (establishing the Massachusetts commission on atomic energy).

SECT. 86 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 87 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 89 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 90 repealed, 1964, 636 § 2. (See 1964, 636 § 11.)

SECT. 91, first paragraph, clause 7 amended, 1975, 706 § 5. (See 1975, 706 § 12.)

SECTS. 94-96 added, under caption, 1956, 715 § 2 (establishing a program for the control of alcoholism and establishing an office of commissioner on alcoholism). (See 1956, 715 §§ 27, 28.)

SECT. 94 repealed and caption preceding said section stricken out, 1959, 418 § 2.

SECT. 95 amended, 1958, 502; repealed, 1959, 418 § 2.

SECT. 96, paragraph added at end, 1958, 476; section repealed, 1959, 418 § 2.

SECTS. 97 and 98 added, under caption, 1956, 708 § 2 (establishing a finance advisory board).

SECT. 98 amended, 1975, 786 § 1.

SECT. 99 added, under caption, 1957, 623 § 2 (creating the boxers fund board for the benefit of boxers and former boxers in need of financial assistance). (See 1957, 623 § 4.)

SECT. 100 added, under caption, 1957, 691 § 2 (establishing a medical, dental and nursing scholarship board); said caption stricken out and section repealed, 1965, 572 § 1.

SECT. 101 added, 1958, 577 § 2 (creating an obscene literature control commission). (See 1958, 577 § 3.)

SECTS. 102-104 added, under caption, 1958, 623 § 2 (establishing a retirement law commission). (See 1958, 623 § 3.)

SECTS. 105-107 added, under caption, 1958, 662 § 3 (establishing a commission on employment of the handicapped).

SECT. 105 amended, 1974, 835 § 1. (See 1974, 835 § 185.)

SECT. 108. added, under caption, 1962, 487 § 2 (establishing a mobile homes commission).

SECTS. 109-114 added, under caption, 1963, 668 § 2 (establishing the metropolitan area planning council). (See 1963, 668 § 3.)

SECT. 109, first paragraph amended, 1965, 145; second sentence revised, 1968, 761 § 22.

SECT. 110, first paragraph amended, 1969, 139 § 1; second paragraph revised, 1969, 132.

SECT. 111 revised, 1965, 178 § 1; 1966; 588. (See 1965, 178 § 2.)

SECT. 113, first paragraph revised, 1969, 139 § 2; second paragraph amended, 1965, 737 § 1.

SECT. 114 revised, 1965, 389 § 1. (See 1965, 389 § 2.)

SECTS. 109-114 repealed, 1970, 849 § 2.

SECT. 115 added, under caption, 1963, 773 § 2 (establishing a consumers' council).

SECT. 115A added, 1970, 885 § 1 (establishing a unit pricing law for certain retail stores); first paragraph, fifth sentence revised, 1974, 254; third paragraph amended, 1975, 428. (See 1970, 885 § 2.)

SECTS. 116-119 added, under caption, 1964, 564 § 2 (establishing a municipal police training council). (See 1964, 564 § 4.)

SECT. 116, first sentence amended, 1965, 128; revised, 1967, 468; amended, 1969, 252 § 5; caption preceding section 116 revised, 1969, 252 § 4; section revised, 1973, 1228 § 1; 1974, 241 § 1; amended, 1974, 835 § 2; revised, 1975, 161. (See 1974, 835 § 185.)

SECT. 118, sentence added, 1974, 581 § 1.

SECTS. 120-123 added, under caption, 1964, 622 § 2 (establishing the commonwealth service corps).

SECT. 120, third sentence revised, 1967, 844 § 5; section and caption preceding section repealed, 1973, 1168 § 3. (See 1973, 1168 § 40.)

SECT. 121, second paragraph amended, 1973, 774 § 3; 1974, 422 § 8. (See 1973, 774 § 7; 1974, 422 § 54.)

SECT. 122, first sentence amended, 1969, 838 § 3; section repealed, 1973, 1168 § 4. (See 1969, 838 § 74; 1973, 1168 § 40.)

SECT. 123, repealed, 1973, 1168 § 4. (See 1973, 1168 § 40.)

SECT. 124 added, under caption, 1965, 83 § 2 (establishing the World War II Memorial Commission); first paragraph, first sentence revised, 1973, 684 § 1; second paragraph revised, 1967, 492; 1973, 684 § 2; stricken out and two paragraphs inserted, 1974, 388; section repealed, 1974, 806 § 3. (See 1974, 806 § 41.)

SECTS. 125-128 added, under caption, 1966, 353 § 2 (establishing the health and welfare commission).

SECT. 125, first sentence amended, 1967, 29 § 1. (See 1967, 29 § 2.)

SECT. 127, first paragraph amended, 1967, 55 § 1; 1973, 1168 § 5. (See 1967, 55 § 2; 1973, 1168 § 40.)

SECTS. 129-150 added, under caption, 1966, 535 § 2 (establishing the Massachusetts commission for the blind). (See 1966, 535 §§ 15-18.)

SECT. 129, first paragraph amended, 1973, 1210 § 1; second paragraph, second sentence revised, 1969, 766 § 8; amended, 1971, 116 § 8; 1972, 300 § 8; 1973, 426 § 8; 1974, 422 § 9. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 1210 § 39; 1974, 422 § 54.)

SECT. 130, second paragraph, second sentence revised, 1973, 1210 § 2; third paragraph revised, 1971, 698 § 3; stricken out, 1973, 1210 § 3; last paragraph revised, 1971, 775; amended, 1973, 1210 § 4. (See 1971, 698 § 4; 1973, 1210 § 39.)

SECT. 131 stricken out and sections 131-131J inserted, 1973, 1210 § 5. (See 1973, 1210 § 39.)

SECT. 135, third sentence stricken out; 1973, 1210 § 6. (See 1973, 1210 § 39.)

SECT. 137 revised, 1973, 1210 § 7. (See 1973, 1210 § 39.)

SECT. 150 repealed, 1973, 1210 § 8. (See 1973, 1210 § 39.)

SECTS. 151-153 added, under caption, 1966, 624 § (establishing the advisory council on home and family).

SECT. 154 added, under caption, 1967, 477 (establishing the Committee To Keep Massachusetts Beautiful); repealed, 1974, 806 § 4. (See 1974, 806 § 41.)

SECT. 155 added, under caption, 1967, 739 § 2 (establishing the governor's mansion commission); repealed, and caption preceding section stricken out, 1969, 471 § 2.

SECT. 156 added, under caption, 1967, 798 § 2 (establishing the committee on law enforcement and administration of criminal justice); section and caption preceding section stricken out and sections 156-156B added, 1973, 1021 § 2 (establishing the committee on criminal justice).

SECT. 156, first paragraph amended, 1975, 408; third paragraph amended, 1974, 581 § 2.

SECT. 157 added, 1968, 681 § 2 (providing for an American and Canadian French cultural exchange commission).

SECT. 158 added, 1968, 770 § 1 (establishing the Massachusetts Educational Communications Commission).

SECTS. 159-161 added, 1969, 859 § 32B (establishing a state council on juvenile behavior).

SECT. 159, next to last sentence stricken out and two sentences inserted, 1971, 793; last sentence amended, 1972, 300 § 8A; 1973, 426 § 9. (See 1972, 300 § 44; 1973, 426 § 50.)

SECT. 162 added, under caption, 1971, 1 § 1 (establishing an advisory board on legislative compensation); section and caption preceding section revised, 1973, 1172.

SECT. 163 added, 1971, 579 (establishing the management engineering task force board).

SECTS. 164-165 added, under caption, 1971, 842 § 1 (establishing a Massachusetts fire training council, a bureau of fire training in the division of occupational education and a Massachusetts fire-fighting academy).

SECT. 165 amended, 1974, 835 § 3. (See 1974, 835 § 185.)

SECT. 166 added, 1972, 776 § 1 (establishing a health facilities appeal board within the executive office of human services). (See 1972, 776 § 6.)

SECT. 166A added, 1973, 1210 § 9 (establishing a commission on supplemental security income within the executive office of human services). (See 1973, 1210 § 39.)

SECT. 166B added, 1974, 763 (establishing an advisory committee on chaplains in state institutions).

SECTS. 167-178 added, 1972, 805 § 1 (providing for the establishment and administration of a criminal offender record information system).

SECT. 168, paragraph added, 1973, 961 § 1.

SECT. 169, paragraph added, 1973, 961 § 2.

SECT. 170, paragraph added, 1973, 961 § 3.

SECTS. 179-180 added, 1973, 989 § 1 (establishing a board of underwater archaeological resources).

SECT. 179, third paragraph amended, 1975, 706 § 6. (See 1975, 706 § 312.)

SECTS. 181-182 added, 1974, 833 § 2 (establishing a nutrition board in the executive office of human services).

SECT. 181, first paragraph, first sentence revised, 1975, 706 § 7. (See 1975, 706 § 312.)

Chapter 6A. — Executive Offices.

New chapter inserted, 1969, 704 § 3. (See 1969, 704 § 60.)

SECT. 2 amended, 1970, 862 § 2; 1973, 1168 § 6. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 8 amended, 1970, 862 § 3; 1971, 204; 1973, 1021 § 3, 1168 § 7. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 9, first paragraph amended, 1974, 806 § 5. (See 1974, 806 § 41.)

SECTS. 9A-9B added, 1973, 1224 § 1 (providing for the payment of certain expenses of the attorney general and the department of public utilities).

SECT. 9A, first sentence revised, 1974, 691.

SECT. 15 repealed, 1974, 806 § 6. (See 1974, 806 § 41.)

SECT. 16 amended, 1972, 776 § 2, 785 § 2; 1973, 1210 § 10, 1229 § 1; 1974, 806 § 7, 833 § 3; first paragraph revised, 1975, 706 § 8. (See 1972, 776 § 6; 1973, 1210 § 39, 1229 § 13; 1974, 806 § 41; 1975, 706 § 312.)

SECT. 16A added, under caption, 1970, 862 § 4 (establishing an executive office of elder affairs); section and caption preceding section repealed, 1973, 1168 § 8. (See 1970, 862 § 6; 1973, 1168 § 40.)

SECT. 17A added, 1974, 692 (establishing a service unit within the executive office of manpower affairs).

SECT. 18 amended, 1972, 802 § 2; 1974, 806 § 8. (See 1972, 802 § 76; 1974, 806 § 41.)

SECT. 19 amended, 1973, 1141 § 2; 1974, 806 § 9. (See 1974, 806 § 41.)

SECT. 22, first paragraph amended, 1971, 1113 § 1; second paragraph amended, 1971, 1113 § 2.

SECT. 24, first paragraph amended, 1971, 1113 § 3; third paragraph amended, 1971, 1113 § 4.

SECTS. 20-30 repealed, 1975, 311 § 1. (See 1975, 311 § 15.)

SECTS. 31-36 added, 1973, 1229 § 2 (reorganizing the rate setting commission).

Chapter 7. — Executive Office for Administration and Finance (former title, Commission on Administration and Finance).

Title changed, 1962, 757 § 2.

SECT. 1 amended, 1962, 757 § 3.

SECT. 2 revised, 1948, 610 § 1; 1962, 757 § 4. (See 1948, 610 §§ 6, 7; 1962, 757 § 75.)

SECT. 3 amended, 1946, 591 § 4; revised, 1948, 610 § 2; 1951, 717 § 1; fourth sentence revised, 1955, 730 § 3; fifth and sixth sentences stricken out and sentence inserted, 1954, 332. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

SECT. 3A added, 1958, 661 (establishing the office of federal-state coordinator).

SECT. 3B added, 1975, 684 § 27 (relative to the cost of furnishing certain services). (See 1975, 684 § 97.)

SECT. 4 revised, 1948, 610 § 4; 1951, 717 § 2; third sentence revised, 1955, 730 § 4. (See 1948, 610 §§ 6, 7; 1955, 730 § 43.)

SECT. 4A, first sentence amended, 1972, 300 § 9; paragraph inserted after first paragraph, 1972, 644. (See 1972, 300 § 44.)

SECT. 4G, first paragraph revised, 1972, 805 § 2.

SECTS. 5A and 5B added, 1953, 612 § 4 (establishing a division of building construction). (See 1953, 612 §§ 10-13.)

SECT. 6 revised, 1948, 610 § 3; 1950, 824; amended, 1951, 558. (See 1948, 610 §§ 6, 7.)

SECTS. 2, 3, 3A, 4, 5A, 5B and 6 stricken out and sections 2, 3, 4, 4A, 4B, 4C, 4D, 5 and 6 inserted, 1962, 757 § 4.

SECT. 4, second sentence revised, 1963, 801 § 11; section revised, 1969, 704 § 4; second sentence revised, 1969, 766 § 9; amended, 1971, 116 § 9. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45.)

SECT. 4A, first paragraph, first sentence revised, 1963, 801 § 12; amended, 1967, 844 § 6; revised, 1969, 766 § 10; amended, 1971, 116 § 10; 1972, 300 § 9; 1973, 426 § 10; revised, 1973, 1131; 1974, 422 § 10; paragraph revised, 1974, 838 § 4; paragraph inserted after first paragraph, 1972, 644; third sentence revised, 1973, 720 § 1; third paragraph, first sentence revised, 1969, 704 § 5; amended, 1974, 835 § 5. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 835 § 185.)

SECT. 4B amended, 1968, 492 § 1; revised, 1974, 835 § 6. (See 1974, 835 § 185.)

SECT. 4C amended, 1969, 146; first two sentences stricken out and three sentences inserted, 1969, 704 § 6. (See 1969, 704 § 60.)

SECT. 4D, first two paragraphs revised, 1969, 704 § 7. (See 1969, 704 § 60.)

SECTS. 4E-4G added, 1969, 704 § 8 (further defining the powers, duties and jurisdiction of the commissioner). (See 1969, 704 § 60.)

SECT. 4G, first paragraph revised, 1972, 805 § 2; amended, 1974, 835 § 7. (See 1974, 835 § 185.)

SECT. 4H added, 1973, 1229 § 3 (establishing a division of hearings officers within the executive office for administration and finance); amended, 1975, 681. (See 1973, 1229 § 13.)

SECTS. 4I-4K added, 1974, 835 § 8 (establishing a division of personnel administration in the executive office for administration and finance). (See 1974, 835 § 185.)

SECT. 4I, third paragraph revised, 1975, 358 § 1. (See 1975, 358 § 8.)

SECTS. 5A and 5B added, 1953, 612 § 4 (establishing a division of building construction); repealed, 1962, 757 § 4. (See 1953, 612 §§ 10-13; 1962, 757 § 75.)

SECT. 6 revised, 1948, 610 § 3; 1950, 824; amended 1951, 558; revised, 1962, 757 § 4; repealed, 1969, 704 § 9. (See 1948, 610 §§ 6, 7; 1962, 757 § 75; 1969, 704 § 60.)

SECT. 6A added, 1941, 433 § 3 (providing for the appointment of the postmaster and assistant postmaster of the central mailing room by the Commission on Administration and Finance); revised, 1950, 547 § 1. (See 1941, 433 § 4; 1950, 547 § 2.)

SECT. 6B added, 1951, 440 § 1 (establishing first aid facilities in the state house); amended, 1962, 757 § 9. (See 1951, 440 §§ 2, 3.)

SECTS. 6C and 6D added, 1953, 636 § 1 (relative to hospital expenses for public welfare and other public assistance patients). (See 1953, 636 §§ 6-9.)

SECT. 6C repealed, 1962, 757 § 5.

SECT. 6D amended, 1962, 757 § 10; third paragraph amended, 1956, 198; repealed, 1968, 492 § 2.

SECT. 6E added, 1971, 557 (establishing the office of state office buildings physician).

SECT. 6F added, 1974, 500 § 1 (providing for a coordinator of flexible hours within the bureau of personnel).

SECT. 7 amended, 1945, 457; revised, 1948, 610 § 5; first paragraph stricken out, 1962, 757 § 6; paragraph added at end, 1949, 448; same paragraph amended, 1950; 512; 1951, 455; revised, 1953, 526; stricken out, 1954, 680 § 1; paragraph added at end, 1960, 808. (See 1948, 610 §§ 6, 7.)

SECT. 7A added, 1950, 698 (authorizing the commissioner of administration to enter into agreements with certain towns for fire protection of certain state institutions); amended, 1962, 757 § 11.

SECT. 8 amended, 1962, 757 § 12.

SECT. 9 amended, 1962, 757 § 13.

SECT. 10 amended, 1962, 757 § 14.

SECT. 11 amended, 1962, 757 § 15; 1974, 835 § 9. (See 1974, 835 § 185.)

SECT. 12 repealed, 1962, 757 § 5.

SECT. 13 revised, 1950, 272; fourth sentence revised, 1969, 461.

SECT. 14 revised, 1950, 273.

SECT. 14A added, 1963, 844 (requiring the filing of a statement with the comptroller of the names and addresses of certain persons having a financial interest in contracts to provide consultant services to the commonwealth).

SECT. 15 amended, 1948, 254.

SECT. 16 revised, 1950, 274; first sentence amended, 1953, 40.

SECT. 19 amended, 1962, 757 § 16.

SECT. 21 amended, 1962, 757 § 17.

SECT. 22 amended, 1962, 757 §§ 18, 19; clause (17) revised, 1933, 353 § 1; 1958, 638; 1971, 966; clause (18) added, 1955, 727; amended, 1959, 96; 1962,

757 § 20; 1972, 248 §§ 2, 3, 4, 5; clause (19) added, 1972, 248 § 1.

SECT. 22A added, 1968, 269 (authorizing political subdivisions to form groups to make collective purchases); revised, 1971, 53; section stricken out and sections 22A-22B inserted, 1973, 720 § 2.

SECT. 22A amended, 1974, 114 § 1.

SECT. 22B amended, 1974, 114 § 2.

SECT. 23A added, 1933, 353 § 2 (providing a preference in the purchase of supplies and materials by contractors for certain state work in favor of domestic supplies and materials).

SECT. 25A added, 1943, 344 § 2 (authorizing the state purchasing agent to regulate purchases of supplies and transfers thereof from one state agency to another): revised, 1953, 201; amended, 1962, 757 § 21.

SECT. 26 amended, 1939, 451 § 2.

SECT. 28 revised, 1954, 680 § 2; second paragraph amended, 1962, 757 § 22; 1963, 352; 1973, 1078 § 2B; third paragraph amended, 1955, 643 § 7; 1962, 757 § 22; fourth paragraph amended, 1962, 757 § 22; section amended, 1974, 835 § 10. (See 1974, 835 § 185.) (See 1955, 643 § 12; 1973, 1078 § 8.)

SECT. 28A added, 1954, 680 § 3 (relative to the development of training programs for certain state employees by the division of personnel and standardization); first paragraph amended, 1974, 835 § 11; paragraph added, 1964, 581 § 1; amended, 1974, 835 § 12; paragraph added, 1972, 593; amended, 1974, 835 § 13. (See 1974, 835 § 185.)

SECT. 29 amended, 1945, 580 § 4. (See 1945, 580 § 9.)

SECT. 30 amended, 1952, 144; 1962, 757 § 23; revised, 1974, 835 § 14. (See 1974, 835 § 185.)

SECTS. 30A-30J added, 1953; 612 § 5 (relative to public building construction). (See 1953, 612 §§ 10-13.)

SECT. 30A, second sentence stricken out and three sentences inserted, 1956, 399; second paragraph amended, 1962, 757 § 24; repealed, 1969, 704 § 9. (See 1969, 704 § 60.)

SECT. 30B amended, 1962, 757 § 25; revised, 1966, 676; fourth paragraph first sentence revised, 1969, 704 § 10; amended, 1975, 311 § 3; seventh paragraph revised, 1969, 704 § 11; 1975, 311 § 4. (See 1969, 704 § 60; 1975, 311 § 15.)

SECT. 30D, third paragraph amended, 1962, 757 § 26.

SECT. 30E amended, 1962, 757 § 27.

SECT. 30F amended, 1962, 757 § 28.

SECT. 30H, sentence inserted after first sentence, 1955, 548; section amended, 1962, 757 § 29; revised, 1963, 473 § 1.

SECT. 30I amended, 1962, 757 § 30.

SECT. 30J amended, 1962, 757 § 31.

SECTS. 30C-30J repealed, 1969, 704 § 12. (See 1969, 704 § 60.)

SECT. 30K added, 1953, 636 § 2 (relative to the annual determination by the director of hospital costs of the all-inclusive per diem cost for care of patients in each hospital, sanatorium and infirmary licensed by the department); second paragraph amended, 1961, 586; 1963, 439 § 1. (See 1953, 636 §§ 7 and 9; 1963, 439 § 2.)

SECT. 30L added, 1956, 696 § 1 (establishing minimum weekly rates for persons in nursing and convalescent homes who are recipients of public

aid); first paragraph amended, 1958, 480; section revised, 1958, 600; 1961, 545 § 1. (See 1956, 696 § 2; 1961, 545 § 2.)

SECT. 30L stricken out and new sections 30L and 30M inserted, 1963, 809 § 1 (establishing a board to determine the rates to be paid to convalescent and nursing homes or rest homes and transferring certain powers and duties of the director of hospital costs and finances to said board). (See 1963, 809 §§ 2, 3.)

SECTS. 30K, 30L and 30M stricken out and new sections 30K to 30P, inclusive, inserted, 1968, 492 § 3 (establishing rate setting commission to set rates to be paid by governmental units under medical assistance programs).

SECT. 30K, paragraph (*c*) revised, 1971, 1076 § 16. (See 1971, 1076 § 22.)

SECT. 30L, paragraph inserted after fourth paragraph, 1970, 714.

SECTS. 30K-30P repealed, 1973,1229 § 4. (See 1973, 1229 § 13.)

SECTS. 30Q-30T added, 1971, 943 § 2 (establishing a fraudulent claims commission and a bureau of welfare auditing in the executive office for administration and finance.)

SECT. 31 revised, 1950, 275; 1962, 757 § 7; second sentence stricken out; 1965, 855 § 1.

SECT. 31A added, 1953, 504 (providing for recognition of state employees' suggestions which increase the efficiency of state government); revised, 1954, 546; first paragraph amended, 1962, 757 § 8; second paragraph revised, 1969, 584.

SECT. 32 repealed, 1962, 757 § 5.

SECT. 33 revised, 1939, 499 § 1; 1945, 292 § 1; amended, 1962, 757 § 32; 1965, 855 § 2.

SECT. 34. revised, 1950, 276.

SECT. 35 amended, 1962, 757 § 33; fourth, fifth and sixth sentences stricken out, 1965, 855 § 3.

SECT. 36 added, 1964, 610 (requiring the disclosure of the names and addresses of certain persons having a direct or indirect beneficial interest in agreements to lease or sell real property to the commonwealth, its political subdivisions or public authorities).

SECT. 37 added, 1964, 641 (establishing a board of economic advisors).

SECT. 38 added, 1974, 697 (establishing the commission of Indian affairs).

SECTS. 39-48 added, 1975, 311 § 2 (transferring the bureau of building construction from the executive office of transportation and construction to the executive office for administration and finance). (See 1975, 311 § 15.)

SECT. 40, third sentence revised, 1975, 793 § 2.

Chapter 8. — State Superintendent of Buildings; and State House.

SECTS. 1-12 affected, 1935, 327; 1941, 627 § 3.

SECT. 1 revised, 1938, 249 § 1; 1962, 757 § 34. (See 1938, 249 § 6.)

SECT. 2 repealed, 1962, 757 § 35.

SECT. 4 amended, 1935, 251; revised, 1937, 84 § 1; 1938, 249 § 2; amended, 1971, 1004 § 1. (See 1937, 84 § 2; 1938, 249 § 6.)

SECTS. 4A and 4B added, 1955, 581 (authorizing payment of certain expenses of capitol police officers injured in the performance of duty and

indemnifying them for certain other expenses and damages).

SECT. 5 revised, 1935, 460 § 1; amended, 1938, 387 § 1; 1946, 591 § 5. (See 1935, 460 § 2; 1938, 387 § 2.)

SECT. 6 revised, 1953, 612 § 6; 1962, 590 § 1; 1969, 704 § 13. (See 1953, 612 §§ 10-13; 1969, 704 § 60.)

SECT. 9 amended, 1938, 249 § 3. (See 1938, 249 § 6.)

SECT. 10 amended, 1938, 249 § 4; 1943, 440 § 1; 1962, 590 § 2, 757 § 36. (See 1938, 249 § 6.)

SECT. 10 amended, 1938, 249 § 4; 1943, 440 § 1; 1962, 590 § 2, 757 § 36. (See 1938, 249 § 6.)

SECT. 10A revised, 1933, 170; 1941, 267; amended, 1943, 440 § 2; revised, 1945, 706; first paragraph amended, 1962, 757 § 37; paragraph inserted before last sentence, 1952, 391; amended, 1955, 317 § 1; sentence added at end, 1946, 585; last sentence stricken out and paragraph inserted, 1953, 638; three paragraphs added at end, 1960, 620 § 1; fourth paragraph revised, 1962, 290. (See 1955, 317 § 2; 1960, 620 § 2.)

SECT. 12 revised, 1938, 249 § 5; sentence inserted after second sentence, 1947, 66; sentence added at end of first paragraph, 1963, 798 § 2; paragraph added at end, 1962, 728; revised, 1969, 796. (See 1938, 249 § 6.)

SECT. 16A added, 1948, 190 § 1 (providing for the preservation of room numbered twenty-seven in the state house as a memorial and shrine to the Grand Army of the Republic).

SECT. 17 amended, 1932, 188 § 1; 1933, 199 § 1; 1947, 350 § 1; revised, 1948, 190 § 2; amended, 1951, 807; revised, 1952, 300, 390; 1953, 664; 1960, 400, 458; amended, 1960, 626 § 2; revised, 1960, 725; 1961, 262; 1962, 416, 490; 1964, 436.

SECT. 17A added, 1956, 107 § 1 (relative to the care, custody and preservation of certain flags carried in time of war).

SECT. 17B added, 1973, 990 (providing for the exhibition of selected writings of John Adams).

SECT. 18 amended, 1932, 188 § 2; 1933, 199 § 2, 350 § 2.

SECT. 19 revised, 1956, 435.

Chapter 9. — Department of the State Secretary.

SECT. 1 amended, 1946, 591 § 6; revised, 1949, 789 § 1; third sentence revised, 1955, 730 § 5; 1963, 744 § 3; 1965, 844 § 2; 1969, 835 § 3. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 revised, 1935, 416; 1939, 283; 1941, 587; 1958, 586; 1962, 18; amended, 1968, 714; 1975, 689 § 1.

SECT. 2A added, 1973, 711 § 1 (establishing an archives advisory commission in the department of the state secretary).

SECT. 2B added, 1975, 689 § 2 (relative to the filing of certain annual reports).

SECT. 6 amended, 1934, 25 § 1; repealed, 1971, 820 § 1.

SECT. 7 amended, 1934, 25 § 2; 1939, 342 § 1; revised, 1971, 820 § 2; 1972, 735 § 1; 1975, 10 § 1.

SECT. 7A added, 1971, 812 (providing partial reimbursement of the costs of the decennial census to the cities and towns); revised, 1975, 10 § 2; 365 § 1.

SECT. 9 amended, 1934, 127.

SECT. 9A added, 1975, 10 § 3 (establishing a local election districts review commission).

SECT.10A added, 1972, 694 § 4 (authorizing the state secretary to employ personnel for the administration and enforcement of the uniform securities act).

SECT. 15 amended, 1934, 19; revised, 1970, 481.

SECT. 15A added, 1964, 231 § 1 (authorizing the state secretary to validate the acts of certain persons as notaries public).

SECT. 17 amended, 1934, 37; revised, 1936, 31 § 1.

SECT. 19; paragraph added, 1971, 929 § 1.

SECT. 20 added, 1935, 402 (regulating the publication and sale of the Massachusetts Report and of the advance sheets of the opinions and decisions of the Supreme Judicial Court); revised, 1943, 426; first sentence amended, 1962, 757 § 38.

SECTS. 21-25 added, under caption, 1937, 404 § 1 (establishing a commission on interstate co-operation as successor to the commission on interstate compacts affecting labor and industries and defining its powers and duties, and providing for a commission required to be established under an interstate compact on the minimum wage). (See 1937, 404 §§ 2, 3.)

SECT. 21 amended, 1941, 394 § 1; 1953, 409 § 5.

SECT. 23 amended, 1941, 394 § 2.

SECT. 25 repealed, 1943, 255 § 2. (See 1943, 255 § 3.)

SECTS. 26 and 27 added, 1963, 697 § 1 (establishing the Massachusetts historical commission).

SECT. 26 amended, 1971, 517 § 1, 643; fourth sentence revised, 1973, 989 § 2; first five sentences revised, 1973, 1155 § 1; second sentence amended, 1975, 706 § 9; fifth sentence revised, 1974, 283. (See 1975, 706 § 312.)

SECTS. 26A and 26B added, 1973, 1155 § 2 (relative to the duties of the state archeologist).

SECT. 27 revised, 1965, 707; paragraph added, 1973, 1155 § 3.

SECTS. 27A-27B added, 1971, 517 § 2 (relative to the powers and duties of the Massachusetts Historical Commission).

SECT. 27C added, 1973, 1155 § 4 (regulating the preservation of historical and archeological resources).

SECT. 28 added, 1967, 398 (authorizing the state secretary to make available to the public photographs of certain portraits and art objects in the state house).

SECT. 29 added, 1969, 704 § 14 (providing that the state ballot law commission and the records conservation board be within the department of the state secretary). (See 1969, 704 § 60.)

Chapter 10. — Department of the State Treasurer.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49.

SECT. 1 amended, 1946, 591 § 7; revised, 1949, 789 § 2; second sentence revised, 1955, 730 § 6; 1963, 744 § 4; 1965, 844 § 3; 1969, 835 § 4. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 5, first sentence revised, 1941, 596 § 4; 1945, 489; sentence inserted after third sentence, 1963, 776; two sentences added, 1975, 689 § 3; section revised, 1975, 767.

SECT. 5A added, 1975, 689 § 4 (relative to the filing of certain annual reports).

SECTS. 5B-5C added, 1975, 786 § 2 (establishing the investment advisory council).

SECT. 7 revised, 1948, 533.

SECT. 8 amended, 1932, 180 § 1; revised, 1943, 427 § 1.

SECT. 8A, last sentence stricken out, 1950, 314.

SECT. 11 revised, 1939, 499 § 2; amended, 1945, 292 § 2; revised, 1959, 612 § 1. (See 1959, 612 § 10.)

SECT. 16 amended, 1954, 419 § 5A; 1968, 438 § 2; revised, 1973, 879; amended, 1975, 706 § 10. (See 1975, 706 § 312.)

SECT. 17 amended, 1941, 194 § 1.

SECT. 17A added, 1943, 362 § 2 (providing for the receipt and disposal, by the state treasurer, of certain gifts made to the commonwealth for military purposes).

SECT. 17B added, 1969, 569 (authorizing the treasurer to receive the principal of certain funds).

SECT. 18 revised, 1945, 658 § 2; amended, 1970, 90. (See 1945, 658 § 11.)

SECT. 19 revised, 1945, 658 § 3. (See 1945, 658 § 11.)

SECTS. 22-36 added, under caption, 1971, 813 § 2 (providing for a state lottery).

SECT. 24, first paragraph amended, 1974, 156.

SECT. 26 amended, 1972, 192; 1973, 1002 § 1.

SECT. 27 amended, 1972, 280, 474; 1973, 302, 1002 § 2.

SECT. 28 amended, 1973, 1002 § 3.

SECT. 30A added, 1973, 63. (further regulating the state lottery).

SECT. 33 amended, 1973, 1002 § 4.

SECT. 35, second paragraph revised, 1974, 492 § 1. (See 1974, 492 § 24.)

SECTS. 37-41 added, 1973, 729 § 1 (further regulating beano and other lotteries).

SECT. 37, first paragraph amended, 1973, 1002 § 5; third paragraph amended, 1974, 492 § 2. (See 1974, 492 § 24.)

SECT. 38 amended, 1973, 944 § 1, 1002 § 6, 1165 § 1; fifth paragraph revised, 1974, 244 § 1. (See 1973, 1165 § 5.)

SECT. 39 amended, 1973, 1165 § 2, 3; paragraph amended, 1974, 492 § 3. (See 1973, 1165 § 5; 1974, 492 § 24.)

SECT. 39A added, 1973, 1002 § 7.

SECT. 41 repealed, 1973, 1165 § 4. (See 1973; 1165 § 5.

SECTS. 42-45 added, 1975, 774 § 1 (establishing a state election campaign fund). (See 1975, 774 § 5.)

Chapter 11. — Department of the State Auditor.

SECT. 1 amended, 1946, 591 § 8; revised, 1949, 789 § 3; second sentence revised, 1955, 730 § 7; 1963, 744 § 5; 1964, 669; 1969, 835 § 5. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2, first sentence revised, 1941, 596 § 5.

SECT. 5 revised, 1946, 591 § 9; 1968, 458; 1971, 832.

SECT. 6 revised, 1967, 20; second sentence revised, 1973, 548; two sentences added, 1975, 689 § 5.

SECT. 6A added, 1975, 689 § 6 (relative to the filing of certain annual reports).

SECT. 12 revised, 1962, 733; amended, 1971, 943 § 5; 1975, 270.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 1 amended, 1946, 591 § 10; revised, 1949, 789 § 4; second sentence revised, 1955, 730 § 8; 1963, 744 § 6; 1965, 844 § 4; 1969, 835 § 6. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7.)

SECT. 2 amended, 1934, 133 § 1; revised, 1941, 647 § 2; 1959, 297 § 1; 1961, 476; 1975, 689 § 7. (See 1934, 133 § 2.)

SECT. 2A added, 1959, 297 § 2 (providing for the first assistant attorney general to serve during certain vacancies in the office of the attorney general).

SECT. 2B added, 1975, 689 § 8 (relative to the filing of certain annual reports).

SECT. 3, last sentence amended, 1932, 180 § 2; section amended, 1943, 83 § 1.

SECT. 3B amended, 1933, 318 § 1; 1934, 291 § 1, first paragraph amended, 1953, 544; 1957, 633 § 1; 1965, 890; paragraph inserted after first paragraph, 1943, 409 § 3; revised, 1968, 207. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 3C added, 1947 337 (authorizing the attorney general to settle certain claims against state officers and employees without suit being brought); first paragraph revised, 1966, 472; second paragraph revised, 1949, 567.

SECT. 3D added, 1954, 326 (relative to indemnification or protection of certain state officers and employees in connection with actions for personal injuries); revised, 1956, 449; amended, 1957, 580; revised, 1957, 633 § 2.

SECT. 6A added, 1947, 238 (authorizing the attorney general to call conferences of district attorneys, sheriffs and police officials of cities and towns); paragraph added at end, 1954, 654.

SECTS. 8A-8I added, 1954, 529 § 1 (establishing a division of public charities).

SECT. 8A amended, 1962, 401 § 1.

SECT. 8E amended, 1955, 203; 1959, 59 § 1.

SECT. 8F amended, 1962, 425; revised, 1964, 449 § 1; fourth paragraph amended, 1975, 802. (See 1964, 449 § 2.)

SECT. 8J added, 1962, 401 § 2 (providing that public charities organized in the commonwealth file copies of charters, articles of incorporation and instruments of trust, with the office of the attorney general).

SECT. 8K added, 1974, 562 § 1 (relative to gifts made with a public charitable intention). (See 1974, 562 § 3.)

SECT. 10 revised, 1960, 788.

SECT. 11 amended, 1939, 499 § 3; 1945, 292 § 3.

SECT. 11A added, 1962, 652 (establishing a division of civil rights and liberties).

SECT. 11B added, 1969, 704 § 15 (providing that the board of commissioners on uniform state laws and the obscene literature commission be within the department of the attorney general). (See 1969, 704 § 60.)

SECT. 11C added, 1969, 889 § 3 (establishing a training program for police officials within the department of the attorney general relating to narcotics and harmful drugs). (See 1969, 889 § 25.)

SECT. 11D added, 1972, 781 § 1 (establishing a division of environmental protection in the department of the attorney general); third paragraph amended, 1973, 162; fourth paragraph amended, 1973, 989 § 3; paragraph added, 1973, 283.

SECT. 11E added, 1973, 1224 § 2 (authorizing the attorney general to intervene in administrative and judicial proceedings involving consumer actions relating to public utilities).

SECT. 13 revised, 1948, 423 § 1; amended, 1972, 744 § 1. (See 1948, 423 § 7; 1972, 744 § 5.)

SECT. 14, paragraph in lines 5 and 6 revised, 1935, 209; paragraph in lines 7 and 8 revised, 1935, 433 § 1; section revised, 1935, 458 § 1; next to last paragraph revised, 1941, 470 § 1; paragraph added at end, 1948, 239 § 1; section revised, 1948, 423 § 2; second paragraph amended, 1954, 488 § 1; revised, 1955, 582 § 1; 1957, 185 § 1; third paragraph revised, 1955, 678 § 1; 1965, 603 § 1; fourth paragraph revised, 1960, 779 § 1; fifth paragraph revised, 1951, 432 § 1; 1960, 741 § 1; sixth paragraph revised, 1964, 473 § 1; seventh paragraph revised, 1956, 271 § 1; eighth paragraph revised, 1962, 694 § 1; ninth paragraph revised, 1955, 678 § 1; 1960, 742 § 1; tenth paragraph revised, 1963, 553 § 1; section revised, 1966, 662 § 1; sixth paragraph revised, 1967, 880 § 1; seventh paragraph revised, 1967, 861 § 1; section revised, 1971, 1117 § 1; sixth paragraph amended, 1972, 696 § 3; revised, 1975, 835 § 1; eighth paragraph stricken out and two paragraphs inserted, 1972, 744 § 2; eighth paragraph revised, 1975, 5. (See 1948, 423 § 7; 1972, 744 § 5; 1975, 835 § 4.)

SECT. 15 revised, 1935, 458 § 2; paragraph in line 8 revised, 1937, 279 § 1; section revised, 1947, 675 § 1; sixth paragraph stricken out and two paragraphs inserted, 1948, 423 § 3; section revised, 1951, 804 § 1; amended 1954, 441; revised, 1956, 684 § 1; second paragraph amended, 1960, 712; fourth paragraph revised, 1960, 779 § 2; fifth paragraph revised, 1960, 741 § 2; eighth paragraph revised, 1962, 694 § 2; ninth paragraph revised, 1960, 742 § 2; section revised, 1963, 743 § 1; amended, 1967, 376; revised, 1969, 769 § 1; 1972, 696 § 1; amended, 1972, 744 § 2; revised, 1975, 632 § 1. (See 1947, 675 § 4; 1948, 423 § 7; 1951, 804 § 4; 1956, 684 § 2; 1963, 743 § 4; 1969, 769 § 4; 1972, 744 § 5; 1975, 632 § 2.)

SECT. 16, paragraph in lines 9-11 revised, 1935, 433 § 2; section revised, 1935, 458 § 3; paragraph in lines 23 and 24 revised, 1937, 279 § 2; next to last paragraph revised, 1941, 470 § 2; section revised, 1947, 675 § 2; paragraph added at end, 1948, 239 § 2; section revised, 1948, 423 § 4; fifth paragraph revised, 1951, 432 § 2; ninth paragraph revised, 1949, 680; section revised,

1951, 804 § 2; amended, 1954, 488 § 2; second paragraph revised, 1955, 582 § 2; 1956, 271 § 2; ninth paragraph revised, 1955, 678 § 2; section revised, 1956, 686 § 1; second paragraph revised, 1957, 185 § 2; fourth paragraph revised, 1960, 799 § 3; fifth paragraph revised, 1960, 741 § 3; eighth paragraph revised, 1959, 500; 1962, 694 § 3; ninth paragraph revised, 1960, 742 § 3; tenth paragraph revised, 1963, 553 § 2; section revised, 1963, 743 § 2; third paragraph revised, 1965, 603 § 2; sixth paragraph revised, 1964, 473 § 2; section revised, 1966, 662 § 2; second paragraph revised, 1967, 897; sixth paragraph revised, 1967, 880 § 2; seventh paragraph revised, 1967, 861 § 2; section revised, 1969, 769 § 2; 1971, 1117 § 2; 1972, 696 § 2; amended, 1972, 744 § 4; revised, 1974, 809 § 1; 1975, 835 § 2. (See 1947, 675 § 4; 1948, 423 § 7; 1951; 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4; 1972, 744 § 5; 1974, 809 § 2; 1975, 835 § 4.)

SECT. 18 amended, 1948, 423 § 5. (See 1948, 423 § 7.)

SECT. 20 revised, 1957, 694 § 1; 1969, 145; 1973, 1006.

SECT. 20A revised, 1947, 675 § 3; last sentence revised, 1951, 804 § 3; section revised, 1956, 686 § 2; 1957, 694 § 2; last sentence revised, 1963, 743 § 3; 1969, 769 § 3. (See 1947, 675 § 4; 1951, 804 § 4; 1956, 686 § 3; 1963, 743 § 4; 1969, 769 § 4.)

SECT. 20B added, 1969, 583 (authorizing the Norfolk District Attorney to appoint three special assistants); repealed, 1975, 835 § 3. (See 1975, 835 § 4.)

SECT. 20C added, 1973, 831 (authorizing district attorneys to appoint additional special district attorneys under federally funded programs).

SECT. 22 revised, 1948, 423 § 6. (See 1948, 423 § 7.)

SECT. 23, sentence added at end, 1970, 811.

SECT. 24 amended, 1948, 111.

SECT. 25 amended, 1937, 64 § 1.

SECT. 31 added, 1972, 735 § 2 (establishing a local elections districts review commission in the department of the attorney general); repealed, 1975, 10 § 4.

Chapter 13. — Department of Civil Service and Registration.

SECT. 1 revised, 1939, 238 § 1; repealed, 1969, 704 § 16. (See 1939, 238 §§ 52-55; 1969, 704 § 60.)

SECT. 2 revised, 1939, 238 § 2; first paragraph amended, 1945, 681 § 1; revised, 1969, 704 § 17; second paragraph amended, 1946, 591 § 11; 1948, 580; 1950, 821 § 2; 1951, 716; 1955, 730 § 9; 1957, 699; 1963, 801 § 13; fifth sentence revised, 1969, 766 § 11; amended, 1971, 116 § 11; revised, 1971, 1102 § 2; amended, 1972, 300 § 10; 1973, 426 § 11; 1974, 422 § 11; paragraph inserted after second paragraph, 1941, 403. (See 1939, 238 §§ 52-55; 1945, 681 § 2; 1955, 730 § 43; 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2A added, 1939, 238 § 3 (relative to the appointment and compensation of civil service commissioners); fourth sentence revised, 1941, 457; amended, 1945, 725 § 6; section revised, 1946, 591 § 12; fourth sentence revised, 1948, 575; 1950, 821 § 1; 1951, 589; 1952, 473; 1955, 730 § 10; 1960, 735; 1963, 801 § 14; 1969, 766 § 12; amended, 1971, 116 § 12; 1972, 300 § 11; 1973, 426 § 12; 1974, 422 § 12. (See 1939, 238 §§ 52-55; 1955, 730 § 43; 1969,

766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3 amended, 1932, 180 § 3; revised, 1939, 238 § 4; second sentence revised, 1967, 780 § 1. (See 1939, 238 §§ 52-55.)

SECT. 4 revised, 1939, 238 § 5.

SECT. 5 revised, 1939, 238 § 6.

SECT. 6 revised, 1939, 238 § 7; paragraph added, 1967, 284.

SECTS. 2-7 repealed, 1974, 835 § 15. (See 1974, 835 § 185.)

SECT. 8 amended, 1934, 329; 1946, 591 § 13; 1948, 601 § 1; 1949, 787; 1952, 627 § 1; first sentence revised, 1955, 730 § 11; 1963, 801 § 15; first sentence revised, 1969, 766 § 13; amended, 1971, 116 § 13; first sentence stricken out and two sentences inserted, 1969, 704 § 18; 1972, 300 § 12; second sentence revised, 1973, 426 § 13; 1974, 422 § 13; second sentence (as appearing in 1952, 627 § 1) revised, 1967, 844 § 7. (See 1948, 601 § 2; 1952, 627 § 2; 1955, 730 § 43; 1969, 704 § 60; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 9A added, 1945, 376 (authorizing the director of registration to make certain rules and regulations governing the conduct of examinations by the several boards of registration and examination).

SECT. 9B added, 1971, 1099 § 1 (regulating the membership of public or lay members on certain boards of registration).

SECT. 10 amended, 1932, 8; 1939, 36; 1960, 188; revised, 1971, 1099 § 2; 1975, 362 § 1. (See 1975, 362 § 13.)

SECT. 11 amended, 1937, 379; last sentence revised, 1953, 529; 1955, 730 § 12; 1963, 801 § 16. (See 1955, 730 § 43.)

SECT. 12 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 12A-12C added under caption, 1937, 425 § 1; caption revised, 1970, 443 § 1. (See 1937, 425 §§ 14, 15.)

SECT. 12A, third sentence stricken out, 1952, 73; section amended, 1970, 443 § 2; revised, 1971, 1099 § 3.

SECT. 12B revised, 1950, 315.

SECT. 12C revised, 1955, 730 § 13; 1963, 801 § 17; amended, 1969, 508. (See 1955, 730 § 43.)

SECTS. 13-15 and the caption before section 13 stricken out and new sections 13-15D added under caption, 1941, 620 § 2. (See 1941, 620 §§ 1, 4-12.)

SECT. 13 amended, 1953, 350 § 1; revised, 1960, 693 § 1; amended, 1971, 1099 § 4; fourth sentence revised, 1961, 512; last sentence revised, 1969, 375. (See 1960, 693 §§ 14-19.)

SECT. 14, first sentence revised, 1964, 22; last sentence stricken out and two sentences inserted, 1960, 693 § 2.

SECT. 14A amended, 1953, 350 § 2.

SECT. 15 revised, 1955, 730 § 14; amended, 1960, 693 § 3; revised, 1963, 801 § 18. (See 1955, 730 § 43.)

SECT. 15A amended, 1952, 585 § 19; revised, 1953, 350 § 3; repealed, 1960, 693 § 4.

SECT. 15B repealed, 1960, 693 § 5.

SECT. 15C revised, 1955, 730 § 15; repealed, 1960, 693 § 6. (See 1955, 730 § 43.)

SECT. 15D amended, 1960, 693 § 7.

SECT. 16 amended, 1971, 1099 § 5.

SECT. 17 revised, 1934, 339 § 1.

SECT. 18 revised, 1955, 730 § 16; amended, 1958, 494 § 1; revised, 1963, 801 § 19. (See 1955, 730 § 43; 1958, 494 § 2.)

SECT. 19 revised, 1971, 1099 § 6; 1973, 707.

SECT. 20 revised, 1946, 550 § 1; 1947, 417.

SECT. 21, first sentence revised, 1955, 730 § 17; 1963, 801 § 20. (See 1955, 730 § 43.)

SECT. 22 revised, 1971, 1099 § 7.

SECT. 23 revised, 1952, 625 § 1; 1953, 280 § 1. (See 1952, 625 § 3; 1953, 280 § 3.)

SECT. 24 revised, 1952, 625 § 2; 1953, 280 § 2; 1963, 801 § 21. (See 1952, 625 § 3; 1953, 280 § 3.)

SECT. 25 revised, 1941, 596 § 6; 1951, 577; amended, 1973, 1124.

SECT. 26 amended, 1950, 192; revised, 1958, 533 § 1; 1971, 1099 § 8; sentence added, 1974, 810 § 1.

SECT. 27 revised, 1958, 533 § 2; amended, 1974, 810 § 2.

SECT. 28 amended, 1948, 647; revised, 1963, 801 § 22; amended, 1974, 810 § 3.

SECT. 29 and its caption stricken out and new section inserted, under the caption, 1936, 407 § 1; revised, 1954, 653 § 1; first paragraph revised, 1971, 1099 § 9; second paragraph amended, 1959, 276. (See 1936, 407 §§ 5-8; 1954, 653 §§ 4, 7.)

SECT. 30 revised, 1954, 653 § 1. (See 1954, 653 §§ 6, 7.)

SECT. 31 revised, 1936, 407 § 2; 1946, 591 § 14; 1954, 653 § 1; first sentence revised, 1963, 801 § 23. (See 1936, 407 §§ 5-8; 1954, 653 §§ 6, 7.)

SECT. 32 revised, 1935, 420 § 1; amended, 1939, 238 § 8; 1952, 585 § 20; first sentence revised, 1954, 238; 1971, 440; stricken out and three sentences inserted, 1971, 1099 § 10; first sentence amended, 1974, 835 § 16; fifth sentence revised, 1955, 730 § 18; 1963, 801 § 24; sentence inserted before said sentence, 1958, 628 § 1. (See 1935, 420 § 2; 1955, 730 § 43; 1958, 628 § 2; 1974, 835 § 185.)

SECT. 32A added, under caption, 1961, 531 § 1 (establishing a board of electricians' appeals); third sentence revised, 1964, 369.

SECT. 33 and its caption stricken out and new section inserted, under the caption, 1963, 663 § 1; amended, 1971, 1099 § 11; subsection (*a*) amended, 1972, 693 § 9; subsection (*b*), first paragraph amended, 1972, 693 § 10; clause 2 amended, 1972, 693 § 11; paragraph added, 1974, 560. (See 1963, 663 §§ 3, 4, 5.)

SECT. 34 revised, 1963, 663 § 1; amended, 1972, 693 § 12.

SECT. 35, first sentence revised, 1953, 510 § 1; section revised, 1963, 663 § 1.

SECT. 36, first sentence revised, 1945, 517 § 1; first paragraph, sentence added, 1963, 191; first paragraph revised, 1971, 1099 § 12; amended, 1975, 706 § 11; second paragraph revised, 1941, 596 § 7; third paragraph revised, 1951, 691 § 2. (See 1945, 517 § 2; 1951, 691 § 1; 1975, 706 § 312.)

SECT. 37 revised, 1964, 366; 1966, 102.

SECT. 38, first sentence revised, 1955, 730 § 19; 1963, 801 § 25. (See 1955, 730 § 43.)

SECT. 39 amended, 1941, 385 § 1; 1947, 509 § 1; revised, 1962, 200. (See

1941, 385 § 2; 1947, 509 § 2.)

SECT. 40 amended, 1933, 149 § 1; two sentences added, 1934, 299 § 1; section revised, 1957, 676 § 1. (See 1934, 299 § 2.)

SECT. 41 amended, 1938, 337 § 1; 1946, 591 § 15; revised, 1953, 556; sentence added, 1957, 676 § 2; section revised, 1963, 801 § 26; 1969, 766 § 14; amended, 1971, 116 § 14; 1972, 300 § 13; 1973, 426 §§ 14, 14A; 1974, 422 §§ 14, 15. (See 1938, 337 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECTS. 42-44 added, under caption, 1935, 428 § 1. (See 1935, 428 §§ 5, 7.)

SECT. 42, two sentences inserted after first sentence, 1949, 580 § 1; section revised, 1960, 265.

SECT. 43 amended, 1937, 385 § 1; second sentence revised, 1949, 580 § 2; sentence added, 1955, 154; affected, 1956, 551.

SECT. 44 amended, 1946, 591 § 16; revised, 1951, 561; 1955, 730 § 20; 1960, 777; 1963, 801 § 27; 1969, 766 § 15; amended, 1971, 116 § 15; 1972, 300 § 14; 1973, 426 § 15; 1974, 422 § 16. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECTS. 44A-44D added, under caption, 1941, 696 § 1. (See 1941, 696 §§ 3, 4.)

SECT. 44A revised, 1971, 1099 § 13.

SECT. 44D, first sentence revised, 1955, 730 § 21; 1963, 801 § 28. (See 1955, 730 § 43.)

SECTS. 45-47 added, under caption, 1941, 643 § 1. (See 1941, 643 §§ 3-5.)

SECT. 45, first two sentences stricken out and four sentences inserted, 1955, 646; same four sentences revised, 1958, 584 § 1; first two sentences revised, 1970, 707 § 1; section revised, 1971, 1099 § 14; first four sentences revised, 1975, 545 § 1. (See 1958, 584 §§ 11-13.)

SECT. 47 amended, 1941, 722 § 1A.

SECTS. 48-50 added, under caption, 1955, 688 § 1. (See 1955, 688 §§ 3, 4.)

SECT. 48 amended, 1971, 1099 § 15.

SECT. 50 revised, 1963, 801 § 29.

SECTS. 51-53 added, 1957, 673 § 1 (establishing a board of registration of sanitarians). (See 1957, 673 §§ 4, 5.)

SECT. 51 revised, 1971, 1099 § 16.

SECT. 53, first sentence revised, 1963, 801 § 30.

SECTS. 54-57 added, 1957, 726 § 1 (establishing a board of registration of real estate brokers and salesmen). (See 1957, 726 §§ 4-7.)

SECT. 54, revised, 1959, 351 § 1.

SECT. 55 revised, 1961, 363 § 1.

SECTS. 58-60 added, under caption, 1958, 625 § 1 (establishing a board of registration of electrologists). (See 1958, 625 §§ 4, 5.)

SECT. 58 revised, 1971, 1099 § 17.

SECT. 60 amended, 1960, 288; 1963, 801 § 31.

SECTS. 61-63 added, under caption, 1963, 604 § 1 (establishing a board of radio and television technicians). (See 1963, 604 § 3.)

SECT. 61 amended, 1971, 1099 § 18.

SECTS. 64-66 added, under caption, 1966, 409 § 1 (establishing a board of registration of chiropractors). (See 1966, 409 § 3.)

SECT. 64 amended, 1971, 1099 § 19.

SECT. 66, second sentence stricken out and two sentences inserted, 1968, 573.

SECT. 66A added, under caption, 1970, 781 § 1 (establishing a board of certification of operators of waste water treatment facilities); amended, 1971, 1099 § 20.

SECT. 66B added, under caption, 1971, 942 § 1 (establishing a board of certification of operators of drinking water supply facilities); second sentence revised, 1975, 706 § 12. (See 1975, 706 § 312.)

SECTS. 67-69 added, under caption, 1968, 473 § 1 (establishing a board of registration of landscape architects).

SECT. 67 amended, 1971, 1099 § 21.

SECTS. 70-72 added, under caption, 1970, 521 § 1 (establishing a board of certification of health officers).

SECT. 70 revised, 1971, 1099 § 22.

SECTS. 73-75 added, under caption, 1970, 865 § 1 (establishing a board of registration of nursing home administrators).

SECT. 73 amended, 1971, 1099 § 23; 1973, 1168 § 9. (See 1973, 1168 § 40.)

SECTS. 76-79 added, 1971, 1021 § 1 (establishing a board of registration of psychologists).

Chapter 14. — Department of Corporations and Taxation.

Chapter stricken out and new chapter 14 inserted, 1953, 654 § 1. (See 1953, 654 §§ 103-109.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 14, as so inserted:

SECT. 1, sentence added at end, 1954, 429.

SECT. 2, first paragraph amended, 1967, 844 § 8; third paragraph amended, 1963, 801 § 32; second sentence revised, 1969, 766 § 16; amended, 1971, 116 § 16; 1972, 300 § 15; 1973, 426 § 16; 1974, 422 § 17. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3, second paragraph amended, 1964, 460 § 1.

SECT. 4, second paragraph amended, 1954, 681 § 3; 1975, 684 § 28. (See 1954, 681 §§ 20, 22; 1975, 684 § 97.)

SECT. 5 added, 1956, 380 § 1 (authorizing the state tax commission to provide for certain tax returns and tax calculations without fractional parts of a dollar). (See 1956, 380 § 2.)

Chapter 15. — Department of Education.

SECT. 1 revised, 1947, 652 § 1.

SECT. 1A-1C added, 1947, 652 § 2 (establishing a board of education which shall have supervision and control of the department of education). (See 1947, 652 §§ 14, 15.)

SECT. 1B revised, 1952, 585 § 1; second sentence revised, 1955, 730 § 22; 1960, 585; 1963, 801 § 33. (See 1952, 585 §§ 25, 26; 1955, 730 § 43.)

SECT. 1C revised, 1952, 585 § 1. (See 1952, 585 §§ 25, 26.)

SECT. 1D added, 1964, 712 § 1 (providing for the appointment of an assistant commissioner of education).

SECTS. 1-1D stricken out and sections 1-1H inserted, 1965, 572 § 2.

SECT. 1A amended, 1969, 396 § 2; 684 § 1; 1970, 418 § 1; 1972, 163; 1973, 1175 § 1.

SECT. 1B amended, 1969, 396 § 3; 684 § 1; 1973, 1175 § 2.

SECT. 1C amended, 1973, 779 § 1; 1974, 855 § 3. (See 1974, 855 § 8.)

SECT. 1D, paragraph inserted after the ninth paragraph, 1973, 820; twentieth paragraph amended, 1967, 789 § 1; 1971, 1053; 1972, 611 § 1; twenty-first paragraph amended, 1967, 789 § 2; 1972, 611 § 2; paragraph added after twenty-first paragraph, 1967, 608; revised, 1969, 716; four paragraphs added, 1972, 354; paragraph added, 1974, 255. (See 1965, 572 §§ 37-39, 41, 43-46, 53.)

SECT. 1E amended, 1966, 251 § 1; revised, 1971, 1009 § 1; amended, 1972, 227; fifth paragraph amended, 1974, 107.

SECT. 1F, sentence inserted after fourth sentence, 1969, 254 § 1; third paragraph amended, 1966, 549; section revised, 1969, 837 § 1; first two paragraphs revised, 1970, 887 § 1; first paragraph amended, 1973, 779 § 2, 847 § 1; 1974, 855 § 4; second paragraph revised, 1971, 964; 1973, 847 § 2; third paragraph amended, 1973, 847 § 3; sixth paragraph, clause (8) added, 1971, 842 § 2. (See 1974, 855 § 8.)

SECT. 1G, first paragraph revised, 1969, 837 § 2; two paragraphs added after fifth paragraph, 1967, 808 § 1; seventh paragraph, sentence added at end, 1969, 52; paragraph inserted after seventh paragraph, 1974, 613; twelfth paragraph revised, 1972, 802 § 3; paragraph inserted after twelfth paragraph, 1970, 871 § 1; nineteenth paragraph amended, 1967, 759 § 2. (See 1972, 802 § 77.)

SECT. 1H, first paragraph revised, 1966, 251 § 2; seventh paragraph revised, 1966, 428; amended, 1974, 855 § 5; paragraph added, 1973, 404. (See 1974, 855 § 8.)

SECTS. 1I, 1J and 1K added, 1965, 641 § 2 (requiring the board of education to furnish assistance for the elimination of racial imbalance in the public schools).

SECT. 1I, second paragraph amended, 1966, 14 § 41; section revised, 1974, 636 § 1.

SECT. 1J, first paragraph revised, 1974, 636 § 2.

SECT. 1K amended, 1974, 636 § 3.

SECT. 1L added, 1970, 753 § 1 (relative to school lunch programs for elderly persons); revised, 1973, 1168 § 10. (See 1973, 1168 § 40.)

SECTS. 1M-1Q added, 1972, 766 § 2 (relative to the powers and duties and administration of the division of special education). (See 1972, 766 § 23.)

SECT. 2 amended, 1946, 591 § 18; repealed, 1947, 652 § 13.

SECT. 2A added, 1946, 531 (providing for a deputy commissioner of education, and establishing his powers and duties); repealed, 1947, 652 § 13.

SECT. 3 amended, 1941, 138; repealed, 1947, 652 § 13.

SECT. 3A added, 1943, 549 § 1 (establishing a board of collegiate authority in the department of education); revised, 1947, 652 § 3; repealed, 1965, 572 § 8. (See 1965 §§ 39, 53.)

SECT. 3B added, 1962, 429 § 1 (establishing in the department of education an advisory board of higher education policy); repealed, 1965, 572 § 8. (See 1965, 572 §§ 39, 53.) (See 1962, 429 § 2.)

SECT. 4 revised, 1939, 409 § 2; last sentence revised, 1947, 344 § 2; section revised, 1947, 652 § 4; 1952, 585 § 2; third sentence revised, 1954, 514 § 1; 1955, 514; 1957, 534; amended, 1960, 403 § 18; 1963, 642 § 1; sentence inserted after fourth sentence, 1964, 712 § 2; last sentence amended, 1953, 407 § 4; revised, 1963, 642 § 2; section repealed, 1965, 572 § 8. (See 1939, 409 §§ 1, 5; 1952, 585 §§ 25, 26; 1953, 407 §§ 7, 8.)

SECT. 4A added, 1961, 436 (providing for the appointment of a supervisor of conservation education in the department of education).

SECT. 5 revised, 1941, 596 § 9; 1947, 652 § 5; 1952, 585 § 3; repealed, 1965, 572 § 8. (See 1952, 585 §§ 25, 26.)

SECT. 6 revised, 1947, 652 § 6; sentence added at end, 1963, 406; section repealed, 1965, 572 § 8.

SECT. 6A amended, 1938, 446 § 13; revised, 1941, 531; 1946, 552 § 1; 1947, 652 § 7; 1952, 630 § 1; 1956, 602 § 3; repealed, 1965, 572 § 8. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 6B added, 1941, 676 § 1 (relative to the supervisor of guidance and placement); revised, 1947, 652 § 8. (See 1941, 646; 1947, 652 § 13.)

SECT. 6C added, 1962, 585 § 1 (providing for an advisory commission on academically talented pupils). (See 1962, 585 § 2.)

SECT. 8, caption preceding section revised, 1952, 585 § 4; section amended, 1952, 585 § 5; repealed, 1960, 429 § 1. (See 1952, 585 §§ 25, 26.)

SECT. 9 amended, 1952, 585 § 6; revised, 1960, 429 § 2; amended, 1969, 254 § 2. (See 1952, 585 §§ 25, 26.)

SECT. 10 revised, 1960, 429 § 3.

SECT. 11 revised, 1952, 585 § 7; 1960, 429 § 4. (See 1952, 585 §§ 25, 26.)

SECT. 12 revised, 1935, 367; 1939, 409 § 3; repealed, 1965, 572 § 8. (See 1939, 409 §§ 1, 5.)

SECT. 13 repealed and caption preceding said section stricken out, 1966, 535 § 3.

SECT. 13A added, 1951, 676 § 1 (establishing certain bureaus in the division of the blind); repealed, 1966, 535 § 3.

SECT. 15 revised, 1951, 676 § 2; repealed, 1966, 535 § 3.

SECT. 15A added, 1954, 514 § 2 (establishing a division of special education for mentally retarded children); first sentence stricken out and two sentences inserted, 1964, 712 § 3; sentence added at end, 1956, 593; section repealed, 1970, 887 § 3.

SECT. 15B added, 1964, 535 (providing for the establishment in the division of special education of a library center for visually-handicapped children).

SECT. 16 revised, 1945, 658 § 4; first sentence revised, 1969, 704 § 19; second sentence revised, 1971, 481 § 1; section revised, 1973, 1176. (See 1945, 658 § 11; 1969, 704 § 60.)

SECT. 17 revised, 1945, 658 § 5. (See 1945, 658 § 11.)

SECT. 18 revised, 1945, 658 § 6. (See 1945, 658 § 11.)

SECT. 18A added, 1963, 466 § 1 (authorizing the purchase of annuities for employees of the department); amended, 1967, 769 § 1; 1973, 1175 § 3.

SECT. 19 amended, 1942, 1 § 2; revised, 1946, 257 § 7; 1947, 344 § 3; amended, 1953, 407 § 5; 1953, 488 § 2; revised, 1957, 347 § 3; 1960, 543 § 1; amended, 1964, 561 § 2; 1969, 396 § 4; 684 § 1; 1973, 1175 § 4. (See 1942, 1 § 9; 1953, 488 § 4.)

SECT. 19A added, 1965, 132 (relative to the appointment of teachers in the universities and colleges of the commonwealth who are blind).

SECT. 19B added, 1974, 577 (indemnifying trustees of public institutions of higher education).

SECT. 20, caption preceding section changed, 1947, 344 § 4; section amended, 1947, 344 § 5; 1962, 787 § 1; revised, 1969, 846 § 1; amended, 1970, 418 § 2; 1971, 725; 1972, 695 § 1; 1975, 706 § 13. (See 1975, 706 § 312.)

SECT. 20A added, 1963, 642 § 3 (establishing a board of trustees of the state colleges); revised, 1964, 561 § 3; 1965, 572 § 3, first paragraph, first sentence amended, 1969, 286 § 1; second paragraph amended, 1969, 286 § 2; section revised, 1969, 846 § 2; first paragraph amended, 1970, 256 § 1; second paragraph amended, 1970, 256 § 2. (See 1965, 572 §§ 40, 43-46, 53.)

SECT. 20B added, 1965, 572 § 4 (establishing an advisory commission to the board of trustees of state colleges).

SECT. 20C added, 1969, 846 § 3 (providing for a student advisory commission to the board of trustees of state colleges).

SECT. 20D added, 1972, 178 (establishing a faculty advisory commission to the board of trustees of state colleges).

SECT. 21, caption preceding section changed, 1946, 257 § 9; section revised, 1946, 257 § 8; amended, 1953, 488 § 3; caption preceding section changed and section revised, 1957, 347 § 4. (See 1953, 488 § 4.)

SECT. 21A added, under caption, 1960, 543 § 2 (creating the southeastern Massachusetts technological institute); caption revised, 1969, 396 § 5; 684 § 1; first sentence amended, 1965, 572 § 5; 1969, 396 § 6; 684 § 1; second sentence amended, 1964, 207 § 1; section revised, 1969, 846 § 4; 1970, 529 § 1; two sentences added, 1972, 695 § 2. (See 1964, 207 § 2.)

SECT. 22, caption preceding section changed, 1942, 1 § 3; stricken out, 1964, 561 § 4; section amended, 1942, 1 § 4; revised, 1954, 594 § 1; repealed, 1964, 561 § 4. (See 1942, 1 § 9; 1954, 594 § 2.)

SECT. 23 repealed, 1964, 562 § 4.

SECT. 24. and caption preceding said section revised, 1953, 407 § 6; section revised, 1969, 846 § 5; sentence inserted after first sentence and last sentence stricken out, 1970, 322 § 1; two sentences added, 1972, 695 § 3; section revised, 1973, 1175 § 5; 1974, 520 § 1.

SECTS. 25 and 26 added, 1957, 690 § 1 (providing for enlargement of the commonwealth scholarship program). (See 1957, 690 § 2.)

SECT. 25 amended, 1960, 403 § 19; second sentence revised, 1964, 561 § 5; section repealed, 1965, 572 § 8.

SECT. 26 repealed, 1965, 572 § 8.

SECT. 27 added, 1958, 605 § 1 (establishing a Massachusetts board of regional community colleges and providing for the establishment of such colleges); first sentence amended, 1960, 403 § 20; revised, 1964, 561 § 6; paragraph added at end, 1962, 559; sentence added at end, 1963, 414.

SECT. 28 added, 1963, 293 (authorizing the board of regional community colleges to establish activity fees in said colleges); amended, 1967, 59 § 1.

SECTS. 27 and 28 stricken out and sections 27-39 inserted, under caption, 1964, 737 § 1. (See 1964, 737 § 2.)

SECT. 27 amended, 1965, 572 § 6; first sentence revised, 1968, 113; two sentences added at end, 1969, 269; section revised, 1969, 846 § 6.

SECT. 27A added, 1969, 846 § 7 (providing for a student advisory commission to the board of trustees of regional community colleges).

SECT. 27B added, 1971, 891 (establishing a faculty advisory body to the board of regional community colleges).

SECT. 28. revised, 1965, 572 § 7; first paragraph amended, 1969, 837 § 3; sentence added, 1970, 689; revised, 1975, 525; second paragraph amended, 1967, 59 § 1; fifth and sixth sentences stricken out, 1969, 866.

SECT. 28A added, 1973, 1089 § 1 (authorizing banks to establish a branch on state college grounds).

SECT. 35 revised, 1968, 739 § 6.

SECT. 39, two sentences added, 1973, 1189 § 1.

SECT. 39A added, 1972, 331 (authorizing the board of regional community colleges to regulate certain parking).

SECTS. 40-45 added, under caption, 1966, 589 § 1 (establishing a council on the arts and humanities).

SECTS. 46-48 added, 1973, 847 § 4 (establishing an advisory commission for the division of educational personnel).

Chapter 16. — Department of Public Works.

Chapter stricken out and new chapter 16 (with same title) inserted, 1963, 821 § 1. (See 1963, 821 §§ 2-8.)

For prior changes see Table of Changes contained in Acts and Resolves of 1963.

The following references are to chapter 16, as so inserted:

SECT. 1, third sentence revised, 1967, 844 § 9; seventh sentence revised, 1969, 766 § 17; amended, 1971, 116 § 17; 1972, 300 § 16; 1973, 426 § 17; 1974, 422 § 18. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2, first sentence revised, 1975, 706 § 14. (See 1975, 706 § 312.)

SECT. 3A added, 1964, 563 § 1 (establishing in the department a bureau of transportation planning and development).

SECT. 4, second paragraph amended, 1968, 736 § 4; 1975, 706 § 15; paragraph inserted after second paragraph, 1968, 736 § 5; paragraph inserted after second paragraph, 1975, 706 § 16. (See 1975, 706 § 312.)

SECTS. 4A and 4B added, 1965, 897 (authorizing the commissioner of public works to establish within the department a highway engineer-intern program and a co-operative engineering students program).

SECT. 4A, second and third paragraphs revised, 1974, 629 § 1; section amended, 1974, 835 § 17. (See 1974, 835 § 185.)

SECT. 4B revised, 1974, 629 § 2.

SECT. 5, second paragraph, first sentence revised, 1969, 766 § 18; stricken out and two sentences inserted, 1970, 605 § 1; third paragraph, sub-

paragraph (b) amended, 1969, 766 § 18A; revised, 1970, 606 § 1; fourth paragraph amended, 1964, 645. (See 1969, 766 § 48.)

SECT. 6, third sentence revised, 1973, 999 § 1; paragraph added, 1973, 999 § 2.

SECT. 9, first sentence revised, 1969, 704 § 20; second and third sentences revised, 1967, 844 § 10; third sentence revised, 1969, 766 § 19; amended, 1971, 116 § 18; 1972, 300 § 17; 1973, 426 § 18; 1974, 422 § 19. (See 1969, 704 § 60; 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 11A added, 1972, 638 (directing the registrar of motor vehicles to pay the cost of maintenance of certain employees' uniforms).

SECT. 12, second sentence revised, 1967, 844 § 11; first paragraph revised, 1971, 103 § 1; first two sentences revised, 1975, 706 § 17; third sentence revised, 1969, 766 § 20; amended, 1971, 116 § 19; revised, 1971, 375; amended, 1972, 300 § 18; 1973, 426 § 19, 768 § 2; 1974, 422 § 20; second paragraph amended, 1974, 835 § 18; 1975, 706 § 18; third paragraph revised, 1971, 103 § 2. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 768 § 3; 1974, 422 § 54, 835 § 185; 1975, 706 § 312.)

SECT. 13 revised, 1969, 704 § 21; 1975, 706 § 19. (See 1969, 704 § 60; 1975, 706 § 312,)

SECTS. 15, 16 and 17 repealed and caption preceding section 15 stricken out, 1964, 636 § 3. (See 1964, 636 § 12.)

SECTS. 18-24 added, under caption; 1969, 834 § 1 (establishing a bureau of solid waste disposal in the department of public works).

SECT. 18, definition of "solid waste disposal facility" revised, 1971, 844; definition of "Resource recovery facility" added, 1975, 500 § 1; section revised, 1975, 706 § 20. (See 1975, 500 § 5; 1975, 706 § 312.)

SECT. 19 amended, 1973, 1217 § 1; first sentence revised, 1975, 706 § 21; sixth sentence revised, 1975, 706 § 22; seventh sentence revised, 1975, 706 § 23. (See 1975, 706 § 312.)

SECT. 20, first sentence revised, 1975, 706 § 23A; five sentences added, 1973, 1217 § 2. (See 1975, 706 § 312.)

SECT. 21, five sentences added, 1973, 1217 § 3; section revised, 1975, 706 § 24. (See 1975, 706 § 312.)

SECTS. 22-23 revised, 1973, 1217 § 4.

SECT. 24, first two sentences revised, 1973, 1217 § 5; second sentence stricken out, 1975, 500 § 2. (See 1975, 500 § 5.)

SECT. 24A added, 1975, 500 § 3 (providing for the taxation of certain resource recovery facilities). (See 1975, 500 § 5.)

Chapter 17. — Department of Public Health.

SECT. 2 amended, 1946, 591 § 21; 1947, 658 § 1; 1950, 794; second sentence revised, 1967, 844 § 12; third sentence revised, 1955, 730 § 24; 1959, 570 § 1; 1963, 801 § 37; 1969, 766 § 21; amended, 1971, 116 § 20; 1972, 300 § 19; 1973, 426 § 20; 1974, 422 § 21; first sentence stricken out and two sentences inserted, 1975, 236. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2A added, 1965, 473 (granting certain powers to the commissioner of public health upon the declaration of an emergency).

SECT. 3 revised, 1939, 233 § 1; amended, 1946, 591 § 22; 1963, 801 § 38; 1972, 776 § 2A; 1973, 1168 § 11. (See 1939, 233 §§ 2, 3; 1972, 776 § 6; 1973, 1168 § 40.)

SECT. 4 revised, 1941, 596 § 11; 725 § 1; sentence added at end, 1957, 482 § 1; section revised, 1958, 612 § 1; first paragraph amended, 1963, 558 § 1; revised, 1971, 1076 § 1A; amended, 1974, 409 § 1; paragraph inserted after first paragraph, 1974, 409 § 2; second paragraph revised, 1959, 611 § 3; amended, 1963, 527; revised, 1964, 477 § 1. (See 1941, 725 §§ 4-6; 1958, 612 § 2; 1964, 477 § 3.)

SECT. 4A added, 1971, 752 (establishing a poison information and control center in the department of public health).

SECT. 5 revised, 1948, 323.

SECT. 5A added, 1947, 658 § 2 (increasing the salary of the director of sanitary engineering and chief sanitary engineer in the department of public health); repealed, 1954, 564 § 1. (See 1954, 564 §§ 2, 3.)

SECT. 6 revised, 1941, 725 § 2; sentence added at end, 1957, 482 § 2; paragraph added at end, 1963, 558 § 2; revised, 1968, 504 § 1. (See 1941, 725 §§ 4-6.)

SECT. 6A added, 1966, 591 (authorizing superintendents of hospitals in the department of public health to establish programs for training of residents in medical specialties, and to grant fellowships to said residents); amended, 1974, 835 § 19. (See 1974, 835 § 185.)

SECT. 6B added, 1966, 713 § 1 (providing for the appointment of a hearings officer to hear certain matters affecting convalescent or nursing homes).

SECT. 7 revised, 1941, 725 § 3. (See 1941, 725 §§ 4-6.)

SECT. 8 amended, 1962, 598 § 1; repealed, 1963, 558 § 3. (See 1962, 598 § 2.)

SECT. 9 repealed, 1963, 558 § 3.

SECT. 9A added, 1962, 521 § 1 (establishing a pesticide board in the department of public health); first sentence revised, 1963, 102; section revised, 1970, 874 § 1; first sentence revised, 1975, 706 § 25; fifth sentence amended, 1975, 706 § 26. (See 1975, 706 § 312.)

SECT 11 added, under caption, 1956, 728 (establishing a commission on hypertension).

SECT. 12 added, under caption, 1963, 763 § 1 (establishing the drug addiction rehabilitation board); first paragraph amended, 1966, 67; first sentence amended, 1969, 838 § 4; third paragraph third sentence revised, 1969, 766 § 22; section repealed, 1969, 889 § 4. (See 1969, 766 § 48; 838 § 74.)

SECT. 13 added, under caption, 1970, 717 § (establishing a drug formulary commission).

SECT. 14 added, under caption, 1971, 1076 § 1B (establishing an advisory council on alcoholism).

Chapter 18. — Department of Public Welfare.

Chapter revised, 1967, 658 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

The following references are to chapter 18, as so revised:

SECT. 2, subsection (B) amended, 1969, 885 § 1; subsection (C) added, 1973, 1168 § 12. (See 1973, 1168 § 40.)

SECT. 3, fourth sentence revised, 1969, 766 § 23; section revised, 1969, 885 § 2; fourth sentence amended, 1971, 116 § 21; 1972, 300 § 20; 1973, 426 § 21; 1974, 422 § 22; section revised, 1975, 37. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 4, fourth sentence revised, 1969, 766 § 24; section revised, 1969, 885 § 3; first paragraph, third sentence amended, 1971, 116 § 22; 1972, 300 § 21; 1973, 426 § 22; revised, 1974, 422 § 23; second paragraph, second sentence revised, 1973, 426 § 22A; 1974, 422 § 24; third paragraph, second sentence revised, 1973, 426 § 22B; 1974, 422 § 25; fourth paragraph, second sentence revised, 1973, 426 § 22C; 1974, 422, § 26; fifth paragraph, second sentence revised, 1973, 426 § 22D; 1974, 422 § 27; sixth paragraph, second sentence revised, 1973, 426 § 22E; 1974, 422 § 28; section revised, 1974, 752 § 1. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 5, second paragraph amended, 1974, 752 § 2; third paragraph amended, 1974, 752 § 3; fourth paragraph revised, 1969, 885 § 4; amended, 1974, 752 § 4; fifth paragraph amended, 1974, 752 § 5; sixth paragraph amended, 1974, 835 § 20. (See 1974, 835 § 185.)

SECT. 5A revised, 1968, 275; second paragraph stricken out and three paragraphs inserted, 1969, 707 § 2; same three paragraphs revised, 1969, 885 § 5; section repealed, 1971, 943 § 1.

SECTS. 5B-5F added, 1969, 885 § 6 (further defining certain frauds relating to the department of public welfare and the penalties therefor).

SECT. 5B revised, 1973, 475.

SECT. 5C revised, 1970, 701 § 1. (See 1970, 701 § 3.)

SECT. 6 revised, 1969, 885 § 7; amended, 1973, 1210 § 11; third paragraph amended, 1974, 752 § 6; fourth paragraph amended, 1974, 752 § 6A. (See 1973, 1210 § 39.)

SECT. 7 revised, 1969, 855 § 8; amended, 1973, 1210 § 12; first sentence revised, 1974, 752 § 7. (See 1973, 1210 § 39.)

SECT. 8 revised, 1968, 149; amended, 1974, 752 § 8.

SECT. 9, paragraph added, 1974, 752 § 9; section amended, 1974, 835 § 21. (See 1974, 835 § 185.)

SECT. 10, two sentences inserted after the second sentence, 1969, 885 § 9; third sentence revised, 1973, 1168 § 13. (See 1973, 1168 § 40.)

SECT. 12, sentence added at the end, 1969, 885 § 10.

SECT. 14, second sentence revised, 1973, 1210 § 13. (See 1973, 1210 § 39.)

SECT. 15 amended, 1973, 1210 § 14. (See 1973, 1210 § 39.)

SECT. 16 revised, 1969, 885 § 11; first paragraph stricken out and four paragraphs inserted, 1974, 752 § 10.

SECT. 17 added, 1968, 541 (providing for regulation by Comptroller of funds advanced to Department of Public Welfare); repealed, 1969, 885 § 13.

SECTS. 18-27 added, 1969, 885 § 12 (further defining the powers and duties of the department, its social workers and case aides and matters relative to direct payment of recipients' rent to certain landlords).

SECT. 22 amended, 1973, 1210 § 15; revised, 1974, 752 § 11. (See 1973, 1210 § 39.)

SECTS. 23-25 repealed, 1974, 752 § 12.

SECT. 27A inserted, 1974, 407 (relative to the distribution of certain financial aid to welfare recipients).

SECT. 28 added, 1973, 1168 § 14 (establishing a board of accreditation of homemaker services). (See 1973, 1168 § 40.)

Chapter 18A. — Department of Youth Services.

New chapter inserted, 1969, 838 § 1. (See 1969, 838 § 74.)

SECT. 1, fourth sentence amended, 1972, 300 § 19A; 1973, 426 § 23; 1974, 855 § 6. (See 1972, 300 § 44; 1973, 426 § 50; 1974, 855 § 8,)

SECT. 5, second paragraph revised, 1971, 173.

SECT. 7, first paragraph amended, 1974, 835 § 22. (See 1974, 835 § 185.)

SECT. 9 amended, 1970, 490; 1973, 242.

Chapter 19. — Department of Mental Health (former title, Department of Mental Diseases).

Title changed, 1941, 194 § 2.

Chapter revised, 1966, 735 § 1. (See 1966, 735 §§ 6A-10.)

For prior changes see Table of Changes contained in Acts and Resolves of 1966.

The following references are to chapter 19, as so revised:

SECT. 1, five paragraphs added, 1970, 888 § 1; third paragraph amended, 1971, 1076 § 2; sixth paragraph revised, 1971, 817. (See 1970, 888 § 31.)

SECT. 2, second paragraph revised, 1973, 90; third paragraph amended, 1971, 859; fifth paragraph revised, 1971, 193; sixth paragraph revised, 1969, 766 § 25; amended, 1971, 116 § 23; 1972, 300 § 21A; 1973, 426 § 24; 1974, 422 § 29. (See 1969, 766 § 48; 1971 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2A added, 1973, 1068 § 1 (providing for an evaluation of each residentisl facility for the mentally retarded operated by the department).

SECT. 4 amended, 1967, 875 § 1; fifth sentence revised, 1968, 689 § 1; fourth and fifth sentences stricken out and one sentence inserted, 1974, 798 § 1; section revised, 1975, 756 § 1.

SECT. 5 amended, 1967, 875 § 2; fourth sentence revised, 1968, 689 § 2; 1974, 798 § 2.

SECT. 6 amended, 1967, 875 § 3; revised, 1974, 783.

SECT. 6A added, 1974, 783 (providing for an assistant commissioner for planning in the department of mental health).

SECT. 6B added, 1974, 783 (providing for an assistant commissioner for legal medicine in the department of mental health).

SECTS. 5-6B repealed, 1975, 756 § 2.

SECT. 8 amended, 1967, 875 § 4; fourth sentence revised, 1968, 689 § 3; 1974, 798 § 3.

SECT. 8A added, 1969, 889 § 2 (establishing the position of assistant commissioner of drug rehabilitation); fourth sentence revised, 1974, 798 § 4.

SECTS. 8-8A repealed, 1975, 756 § 2.

SECT. 10, first paragraph amended, 1974, 835 § 23; third paragraph revised, 1969, 28; amended, 1974, 835 § 24. (See 1974, 835 § 185.)

SECT. 11, fourth sentence revised, 1968, 189 § 1.

SECT. 12, fourth sentence revised, 1968, 189 § 2.

SECT. 14, second paragraph revised, 1969, 647 § 2; amended, 1971, 1000 § 2.

SECTS. 14A-14D added, 1970, 888 § 2 (relative to the admission, treatment and discharge of certain mentally ill and retarded persons). (See 1970, 888 § 31.)

SECT. 14A amended, 1973, 1210 § 16. (See 1973, 1210 § 39.)

SECT. 14C, first two sentences revised, 1975, 749.

SECT. 14E added, 1972, 417 (requiring the weighing of farm produce received by any facility of the department of mental health.)

SECT. 14F added, 1973, 532 (requiring certain officers of certain state facilities to report any felonies committed on the premises to the district attorney of the district in which the facility is located).

SECT. 18, first paragraph amended, 1967, 595; revised, 1970, 372 § 1; third paragraph amended, 1967, 780 § 2; revised, 1970, 372 § 2; fifth sentence revised, 1970, 888 § 15; amended, 1974, 835 § 25; sixth sentence stricken out and two sentences inserted, 1971, 838; sixth sentence amended, 1974, 835 § 31; 1974, 835 § 185.)

SECT. 19, first paragraph amended, 1967, 875 § 5; fifth sentence stricken out and two sentences inserted, 1968, 689 § 4; sixth sentence revised, 1974, 798 § 5; second paragraph amended, 1967, 875 § 6; fourth sentence stricken out and two sentences inserted, 1968, 689 § 5; fifth sentence revised, 1974, 798 § 6; fourth paragraph amended, 1967, 875 § 7; revised, 1968; 689 § 6; 1974, 798 § 7.

SECTS. 27-30 added, 1970, 888 § 3 (relative to the admission, treatment and discharge of certain mentally ill and retarded persons). (See 1970, 888 § 31.)

SECT. 27, fourth paragraph amended, 1973, 1194.

SECT. 29, paragraph (*g*) added, 1972, 785 § 3. (See 1972, 785 § 20.)

Chapter 19A. — Department of Elder Affairs.

New chapter inserted, 1973, 1168 § 15. (See 1973, 1168 § 40.)

Chapter 20. — Department of Agriculture.

Sects. 1-6 stricken out and new sections 1-6 inserted, 1954, 674 § 1. (See 1954, 674 §§ 3-5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

The following references are to sections 1 to 6, as so inserted:

SECT. 1, first sentence revised, 1975, 706 § 27; sixth and seventh sentences stricken out and one sentence inserted, 1967, 844 § 13; revised, 1975, 706 § 28. (See 1975, 706 § 312.)

SECT. 2, first sentence stricken out, 1975, 706 § 29; second sentence revised, 1955, 730 § 26; 1963, 801 § 41; 1969, 766 § 26; amended, 1971, 116 § 24; 1972, 300 § 22; 1973, 426 § 25; 1974, 422 § 30. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1975, 706 § 312.)

SECT. 4 revised, 1975, 706 § 30. (See 1975, 706 § 312.)

SECT. 5 revised, 1963, 801 § 42; 1969, 766 § 27; amended, 1971, 116 § 25; revised, 1971, 988; amended, 1972, 300 § 23; 1973, 426 § 26; 1974, 422 § 31. (See 1969, 766 § 48; 1971, 116 § 45; 1971, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 6, first sentence revised, 1965, 678 § 1; 1967, 347 § 1; 1974, 654 § 1; second sentence revised, 1975, 706 § 31. (See 1975, 706 § 312.)

SECT. 6A added, 1972, 91 (establishing an intern scholarship program in the department of agriculture).

SECTS. 7-9 added, under caption, 1941, 691 § 1. (See 1941, 691 §§ 3-6.)

SECT. 7 revised, 1945, 497 § 1; second sentence amended, 1951, 690; section revised, 1953, 604 § 1; amended, 1954, 674 § 2; first paragraph, first sentence revised, 1969, 704 § 22; third paragraph amended, 1954, 484; revised, 1963, 801 § 43. (See 1945, 497 § 2; 1953, 604 §§ 6, 8; 1969, 704 § 60.)

SECT. 8 revised, 1953, 604 § 1.

SECT. 9 revised, 1953, 604 § 1.

SECTS. 10-12 added, 1969, 807 § 1 (establishing the Massachusetts standard bred agricultural fair and breeding fund committee).

SECT. 10, first sentence stricken out and three sentences inserted, 1971, 861 § 1.

SECT. 11, first paragraph amended, 1971, 801 § 2; revised, 1971, 987 § 1; 1975, 706 § 32; clause (*c*) stricken out and clauses (*e*) and (*d*) inserted; 1971, 801 § 3; clause (*e*) revised, 1973, 1000 § 1; clause (*c*) added, 1973, 1000 § 2. (See 1975, 706 § 312.)

(For prior temporary legislation see 1934, 376, 300; 1938, 334; 1939, 413; 1941, 418 § 1, 631 § 1.)

SECTS. 13-19 added, 1974, 654 § 2 (establishing a division of agricultural land use within the department of agriculture).

Chapter 21. — Department of Natural Resources (former title, Department of Conservation).

Chapter stricken out and new chapter 21 inserted, 1948, 651 § 1. (See 1948, 651 §§ 2-7.)

Chapter stricken out and new chapter (with new title) inserted, 1953, 631 § 1. (See 1953, 631 §§ 2-12.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 21, as so inserted:

SECT. 1, first paragraph amended, 1975, 706 § 33; second paragraph amended, 1963, 664 § 1; third paragraph amended, 1975, 706 § 34; fourth paragraph amended, 1956, 620 § 1; 1963, 664 § 2; 1968, 736 § 1; revised, 1975, 706 § 35. (See 1975, 706 § 312.)

SECT. 2, first sentence revised, 1956, 620 § 2; revised, 1975, 706 § 36; second sentence revised 1975, 706 § 37. (See 1975, 706 § 312.)

SECT. 2A amended, 1975, 706 § 38. (See 1975, 706 § 312.)

SECT. 2B amended, 1975, 706 § 39. (See 1975, 706 § 312.)

SECT. 2C revised, 1975, 706 § 40. (See 1975, 706 § 312.)

SECT. 2D amended, 1975, 706 § 41. (See 1975, 706 § 312.)

SECT. 2E amended, 1975, 706 § 42. (See 1975, 706 § 312.)

SECT. 3, first sentence revised, 1967, 844 § 14; first three sentences stricken out and one sentence inserted, 1975, 706 § 43. (See 1975, 706 § 312.)

SECT. 3A, second sentence revised, 1963, 801 § 26; 1972, 300 § 24; 1973, 426 § 27; 1974, 422 § 32; section revised, 1975, 706 § 44. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54; 1975, 706 § 312.)

SECT. 3B amended, 1975, 706 § 45. (See 1975, 706 § 312.)

SECT. 3C revised, 1975, 706 § 46. (See 1975, 706 § 312.)

SECT. 3D, first sentence amended, 1975, 706 § 47. (See 1975, 706 § 312.)

SECT. 4A, third paragraph amended, 1975, 706 § 48. (See 1975, 706 § 312.)

SECT. 4B amended, 1956, 657 § 1.

SECT. 5, first sentence amended, 1975, 706 § 49. (See 1975, 706 § 312.)

SECT. 5A added, 1962, 715 § 1 (establishing a marine fisheries advisory commission).

SECT. 6 revised, 1964, 524 § 1; amended, 1975, 706 § 50. (See 1964, 524 § 31; 1975, 706 § 312.)

SECT. 6A, first paragraph amended, 1965, 665 § 1; revised, 1969, 37 § 1; amended, 1970, 779 § 3; revised, 1975, 706 § 51. (See 1965, 665 § 3; 1975, 706 § 312.)

SECT. 6B revised, 1964, 524 § 2; first two sentences revised, 1975, 706 § 52. (See 1975, 706 § 312.)

SECT. 6C revised, 1964, 524 § 3; second paragraph amended, 1975, 706 § 53. (See 1975, 706 § 312.)

SECT. 6D revised, 1964, 524 § 4; amended, 1975, 706 § 54. (See 1975, 706 § 312.)

SECT. 6E added, 1964, 524 § 29 (providing that the commissioner of natural resources make rules and regulations governing the tours of duty and hours of work of the assistants to the director of law enforcement and natural resource officers); amended, 1971, 885; first sentence amended, 1975, 706 § 55; second sentence stricken out and two sentences inserted, 1971, 1004 § 2. (See 1964, 524 §§ 30, 31; 1975, 706 § 312.)

SECT. 7 revised, 1974, 806 § 26; 1975, 706 § 56. (See 1974, 806 § 41; 1975, 706 § 312.)

SECT. 7A repealed, 1974, 806 § 10. (See 1974, 806 § 41.)

SECT. 7C revised, 1975, 706 § 57. (See 1975, 706 § 312.)

SECT. 7E first paragraph, third sentence amended, 1975, 706 § 58. (See 1975, 706 § 312.)

SECT. 7F, first and second sentences revised, 1974, 806 § 27. (See 1974, 806 § 41.)

SECT. 7H, first paragraph, first sentence amended, 1975, 706 § 59. (See 1975, 706 § 312.)

SECTS. 8-15 added, under caption, 1956, 620 § 3 (establishing in the department of natural resources a water resources division). (See 1956, 620 § 4.)

SECT. 8 revised, 1969, 566 § 1; first sentence revised, 1975, 706 § 60. (See 1975, 706 § 312.)

SECT. 9, first paragraph, first sentence revised, 1975, 706 § 61; paragraph inserted after first paragraph, 1964, 646 § 1. (See 1975, 706 § 312.)

SECT. 9A added, 1970, 767 § 1 (authorizing the water resources commission to acquire water impoundment sites).

SECT. 10, second sentence revised, 1963, 801 § 45.

SECT. 14, second paragraph amended, 1975, 706 § 62. (See 1975, 706 § 312.)

SECT. 16 added, 1962, 513 (requiring persons engaged in the business of digging or drilling wells to be registered, and to file certain reports).

SECT. 17 added, 1962, 715 § 2 (establishing a public access board); revised, 1964, 438; first sentence amended, 1966, 155.

SECT. 17A added, 1966, 621 § 2 (authorizing the department to provide public access to certain waters); revised, 1968, 594. (See 1966, 621 § 3.)

SECTS. 17-17A stricken out and new sections 17-17A inserted, 1970, 589 § 3. (See 1970, 589 § 4.)

SECT. 17, first sentence revised, 1974, 806 § 28. 1975, 706 § 63. (See 1974, 806 § 41; 1975, 706 § 312.)

SECT. 17A amended, 1971, 864; first sentence revised, 1975, 706 § 64; fourth sentence amended, 1975, 706 § 65. (See 1975, 706 § 312.)

SECT. 17B added, 1971, 840 (establishing a system of scenic and recreational rivers and streams in the commonwealth); first paragraph, first sentence amended, 1975, 706 § 66; paragraph inserted after first paragraph, 1973, 984 § 1; sixth paragraph, second sentence amended, 1975, 706 § 67. (See 1975, 706 § 312.)

SECT. 17C added, 1972, 575 (limiting the liability of landowners who permit the public to use their land gratuitously for recreational purposes).

SECTS. 18-25 added, under caption, 1963, 664 § 3 (establishing a division of conservation services). (See 1963, 664 §§ 5-7.)

SECT. 18 revised, 1975, 706 § 68. (See 1975, 706 § 312.)

SECT. 19, second, third, fourth, fifth and sixth sentences revised, 1966, 237; fourth sentence amended, 1975, 706 § 69; sixth sentence amended, 1975, 706 § 70. (See 1975, 706 § 312.)

SECTS. 26-50 added, under caption, 1966, 685 § 1 (establishing a division of water pollution control). (See 1966, 685 §§ 2, 3, 4.)

SECT. 26, first paragraph amended, 1967, 873 § 1; 1968, 648 § 1; 1973, 546 § 1; first sentence revised, 1975, 706 § 71; second paragraph, sentence added, 1969, 745 § 1; paragraph revised, 1970, 28. (See 1975, 706 § 312.)

SECT. 26A added, 1973, 546 § 2 (further regulating the administration of the Massachusetts Clean Waters Act).

SECT. 27, clauses (8) and (9) added, 1967, 873 § 2; clause (8) amended, 1970, 693 § 1; sentence added at end, 1970, 704 § 1; clause (10) added, 1968, 648 § 2; first two paragraphs stricken out and five paragraphs inserted, 1970, 827 § 1; section revised, 1973, 546 § 3.

SECT. 28, subsection (*a*) revised, 1967, 873 § 3; 1973, 1074 § 1; subsection (*b*) amended, 1973, 1074 § 2; subsection (*c*) amended, 1973, 1074 § 3.

SECT. 29 revised, 1970, 150; second paragraph revised, 1972, 601 § 1; amended, 1973, 1074 § 4; paragraph inserted after second paragraph, 1973, 1074 § 5.

SECT. 30A added, 1967, 873 § 5 (authorizing governmental units to construct and operate water pollution abatement facilities); amended, 1973, 546 § 4.

SECT. 32 amended, 1967, 873 § 6; 1973, 546 § 5; paragraph added, 1972, 601 § 3.

SECT. 33 revised, 1967, 873 § 7; 1973, 546 § 6.

SECT. 33A added, 1973, 744 (further providing for the financing of pollution control facilities in certain towns).

SECTS. 33B-33D added, 1973, 1074 § 6 (providing for the formation of water pollution abatement districts).

SECT. 36 amended, 1973, 1074 § 7.

SECT. 37 amended, 1967, 873 § 8.

SECT. 38 revised, 1967, 873 § 9; first paragraph amended, 1970, 692 § 1; sentence added, 1972, 678.

SECT. 38A added, 1968, 611 (establishing a clean waters scholarship intern program); third paragraph, sentence added at end, 1969, 745 § 2.

SECT. 39 revised, 1967, 873 § 10.

SECT. 40 revised, 1973, 546 § 7; first sentence revised, 1975, 204.

SECT. 42, first sentence amended, 1970, 704 § 2; sentence added, 1967, 873 § 11; section revised, 1973, 546 § 8.

SECT. 43, first sentence amended, 1970, 704 § 3; section revised, 1973, 546 § 9.

SECTS. 44-46 stricken out and new sections 44-46 inserted, 1970, 704 § 4.

SECT. 44 revised, 1973, 546 § 10; paragraph (1) amended, 1974, 26.

SECT. 45 revised, 1973, 546 § 11.

SECT. 46 revised, 1973, 546 § 12.

SECT. 46A added, 1973, 546 § 13 (further regulating the administration of the Massachusetts Clean Waters Act).

SECT. 47, sentence added, 1967, 873 § 12; repealed, 1970, 704 § 5.

SECT. 49 repealed, 1970, 704 § 5.

SECT. 50 stricken out and sections 50-53 inserted, 1968, 648 § 3.

SECT. 50A added, 1969, 823 (requiring owners or operators of certain oil terminals or wharfs to provide a boom encircling ships or vessels depositing oil into receptacle at such terminal or wharf); revised, 1973, 437.

SECT. 50B added, 1970, 827 § 2 (further regulating vessels carrying cargoes of any bulk petroleum products). (See 1970, 827 § 4.)

SECT. 52A added, 1973, 1162 (providing for the installation and maintenance of waste oil retention facilities).

SECT. 53 revised, 1974, 182.

SECTS. 54-56 added, 1968, 736 § 2 (establishing a division of mineral resources).

SECT. 54, first paragraph, first four sentences revised, 1975, 706 § 72; last sentence stricken out and seven paragraphs inserted, 1971, 567; eighth paragraph amended, 1975, 706 § 74. (See 1975, 706 § 312.)

SECT. 55 amended, 1975, 706 § 74. (See 1975, 706 § 312.)

SECTS. 57-58 added, 1970, 692 § 2 (regulating the handling and disposal of hazardous wastes).

SECT. 57, second paragraph, second sentence revised, 1975, 110 § 1; third paragraph, clause (1) revised, 1975, 110 § 2;

SECT. 58, first paragraph, sentence added, 1975, 110 § 3.

Chapter 21A. — Executive Office of Environmental Affairs.

New chapter inserted, 1974, 806 § 1. (See 1974, 806 § 41.)

SECT. 7, sentence inserted after fourth sentence, 1975, 706 § 75. (See 1975, 706 § 312.)

SECT. 8, first paragraph revised, 1975, 706 § 76; eighth paragraph revised, 1976, 706 § 77. (See 1975, 706 § 312.)

SECT. 12 revised, 1975, 706 § 78. (See 1975, 706 § 312.)

SECT. 13 added, 1975, 706 § 79 (providing for adoption of a state environmental code). (See 1975, 706 § 312.)

Chapter 22. — Department of Public Safety.

SECT. 2 amended, 1946, 591 § 32; 1948, 517 § 1; 1949, 690; 1951, 570; second sentence revised, 1955, 730 § 27; 1963, 801 § 46; section revised, 1967, 844 § 15; second sentence revised, 1969, 766 § 29; amended, 1971, 116 § 27; 1972, 300 § 25; 1973, 426 § 28; 1974, 422 § 33. (See 1948, 517 § 2; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3, paragraph added at end, 1954, 650; amended, 1956, 584.

SECT. 3A added, 1955, 771 § 1 (establishing a criminal information bureau within the division of state police in the department of public safety).

SECT. 3B added, 1969, 749 § 1 (establishing within the bureau of criminal information a narcotics unit); revised, 1974, 639 § 1.

SECT. 4 revised, 1946, 591 § 33; 1948, 634 § 1. (See 1948, 634 § 3.)

SECT. 4A added, 1948, 634 § 2 (providing for the appointment of a chief of inspections in the department of public safety); amended, 1951, 721; revised, 1972, 802 § 4; second paragraph amended, 1974, 541 § 1. (See 1948, 634 § 3; 1972, 802 § 77; 1974, 541 § 24.)

SECT. 5 revised, 1953, 644; 1956, 713.

SECT. 6, first paragraph, third and fourth sentences revised, 1958, 486 § 2; sentence added, 1974, 639 § 2; paragraph added at end, 1963, 479 § 1.

SECT. 6A added, 1961, 260 (further regulating the appointment of persons as officers or inspectors of the department of public safety).

SECT. 7A amended, 1948, 318.

SECT. 7B added, 1945, 631 (relative to payment of compensation for injuries or death of officers or inspectors of the department of public safety performing police services).

SECT. 7C added, 1952, 595 (providing that no deductions shall be made from the salaries of state police officers for their subsistence).

SECT. 9A, first paragraph, fourth sentence revised, 1965, 785 § 1; sentence added, 1939, 503 § 4; same sentence revised, 1943, 175; 1954, 313 § 1; 1955, 88; 1973, 925 § 2; paragraph added, 1947, 407; amended, 1957, 343; revised, 1971, 521; amended, 1974, 639 § 3; paragraph added, 1949, 502. (See 1939, 503 § 5; 1973, 925 § 84.)

SECT. 9B amended, 1939, 508 § 11.

SECT. 9C added, 1933, 239 (relative to the uniform of members of the state police).

SECT. 9D added, 1945, 694 (relative to time off for certain members of the division of state police); amended, 1949, 487; revised, 1954, 489 § 1; 1970, 836 § 1; amended, 1971, 1004 § 3; first paragraph amended, 1974, 639 § 4. (See 1954, 489 § 2; 1970, 836 § 2.)

SECT. 9E added, 1951, 335 (relative to training schools for local police officers); revised, 1963, 456.

SECT. 9F added, 1953, 474 § 1 (establishing a board of teletype-writer regulations in the department of public safety). (See 1953, 474 § 2.)

SECTS. 9G and 9H added, 1955, 552 § 1 (authorizing the department of public safety to provide police service for the Massachusetts Turnpike Authority). (See 1955, 552 § 2.)

SECT. 9I added, 1956, 548 (relative to time off for members of the detective branch of the division of state police); revised, 1971, 1004 § 4.

SECTS. 9J and 9K added, 1959, 274 § 1 (providing for the policing of the General Edward Lawrence Logan International Airport by the state police). (See 1959, 274 § 2.)

SECTS. 9L, 9M and 9N added, 1964, 400 § 1 (transferring the power to appoint railroad, street railway, railway express and steamboat police officers from the department of public utilities to the department of public safety).

SECTS. 9O, 9P, 9Q and 9R added, 1965, 785 § 2 (establishing the procedure for pomotions within the uniformed branch of the division of state police). (See 1965, 785 §§ 3, 4.)

SECT. 9O, first paragraph, first sentence revised, 1970, 18 § 1; subparagraph (1) revised, 1969, 193; paragraph inserted after second paragraph, 1969, 124; fourth paragraph revised, 1970, 18 § 2; fifth paragraph revised, 1970, 18 § 3; section revised, 1973, 793 § 1.

SECT. 9P revised, 1973, 793 § 2; 1974, 639 § 5.

SECT. 9Q revised, 1970, 17.

SECT. 10, third sentence revised, 1955, 730 § 28; 1963, 801 § 47. (See 1955, 730 § 43.)

SECT. 11 revised, 1945, 643 § 1; fourth paragraph revised, 1955, 730 § 29; 1963, 801 § 48. (See 1945, 643 § 3; 1955, 730 § 43.)

SECT. 11A added, 1959, 439 § 1 (establishing the board of elevator appeals); fourth paragraph revised, 1963, 801 § 49. (See 1959, 439 § 3.)

SECT. 12 revised, 1957, 639; third sentence revised, 1963, 801 § 50.

SECT. 13 added, 1943, 544 § 1 (establishing within the department of public safety, a board of standards and appeals); revised, 1945, 645 § 1; first two sentences revised, 1945, 722 § 3; 1946, 522; fourth paragraph revised, 1955, 730 § 30; 1963, 801 § 51; section repealed, 1972, 802 § 5. (See 1943, 544 § 7; 1945, 645 §§ 5, 6, 722 § 4; 1955, 730 § 43; 1972, 802 § 76.)

SECT. 13A added, 1967, 724 § 1 (establishing a board to adopt rules for construction of public buildings for use by physically handicapped persons); fifth paragraph revised, 1971, 584 § 1; two paragraphs added, 1971, 827 § 1; section revised, 1974, 528 § 1. (See 1971, 827 § 2.)

SECT. 14 added, 1945, 710 § 1 (establishing within the department of public safety a board of fire prevention regulations); first paragraph revised, 1960, 674; amended, 1971, 580; fourth paragraph revised, 1955, 730 § 31; 1963, 801 § 52. (See 1945, 710 § 18; 1955, 730 § 43.)

Chapter 23. — Department of Labor and Industries.

SECT. 2 revised, 1943, 321; 1946, 591 § 34; amended, 1950, 707; 1951, 560; first sentence revised, 1967, 844 § 16; second sentence revised, 1955, 730 § 32; 1963, 801 § 53; 1969, 766 § 30; amended, 1971, 116 § 28; 1972, 300 § 26; 1973, 426 § 29; revised, 1973, 768 § 1; section revised, 1973, 1192 § 1; second sentence revised, 1974, 422 § 34; section revised, 1974, 609 § 1. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50, 768 § 1; 1974, 422 § 54.)

SECT. 3 amended, 1934, 331 § 1; second and third sentences revised, 1935, 479 § 1; third sentence revised, 1941, 490 § 4; 1954, 578 § 1; amended, 1962, 498 § 1; revised, 1967, 765 § 2; 1968, 467 § 1; 1969, 704 § 23. (See 1935, 479 § 7; 1969, 704 § 60.)

SECT. 4 amended, 1934, 331 § 2; 1935, 479 § 2; first two sentences amended, 1939, 261 § 1; section amended, 1941, 490 § 5; first two sentences revised, 1941, 596 § 16; same two sentences revised, 1941, 707 § 1; second sentence revised, 1968, 467 § 2; first two sentences revised, 1969, 704 § 24. (See 1939, 261 § 25; 1969, 704 § 60.)

SECT. 5 amended, 1935, 479 § 3. (See 1935, 479 § 7.)

SECT. 7 revised, 1973, 1192 § 2.

SECT. 8 amended, 1939, 261 § 2; revised, 1968, 467 § 3; repealed, 1969, 704 § 25. (See 1939, 261 § 25; 1969, 704 § 60.)

SECT. 9 revised, 1935, 60 § 1; repealed, 1969, 704 § 25. (See 1969, 704 § 60.)

SECT. 9A revised, 1932, 99; repealed, 1933, 73.

SECT. 9B repealed, 1933, 73.

SECT. 9C revised, 1932, 187; repealed, 1933, 73.

SECT. 9D repealed, 1939, 261 § 3.

SECT. 9E amended, 1941, 490 § 6; repealed and heading preceding section stricken out, 1968, 467 § 4.

SECT. 9F repealed, 1968, 467 § 4.

SECT. 9G amended, 1939, 459 § 2; repealed, 1968, 467 § 4. (See 1939, 459 § 3.)

SECT. 9H revised, 1933, 362; 1939, 261 § 4; first sentence revised, 1971, 97.

SECTS. 9I-9N added, 1935, 479 § 4 (establishing the Unemployment Compensation Commission, and defining its powers and duties); same sections revised and the powers and duties of the commission conferred and imposed upon the director of the division of unemployment compensation, 1939, 20 § 1; name of said division changed to division of employment security, 1941, 685 § 4. (See 1935, 479 §§ 6, 7; 1939, 20 §§ 6-9.)

SECT. 9I paragraph (*a*) revised, 1941, 685 § 4, 709 § 4; paragraph (*b*) revised, 1941, 596 § 17; 1946, 591 § 35; section revised, 1950, 792; paragraph (*a*) amended, 1967, 844 § 17; paragraph (*b*) revised, 1955, 730 § 33; 1960, 730; 1963, 801 § 54; 1969, 766 § 31; amended, 1971, 116 § 29; 1972, 300 § 27; 1973, 426 § 30; 1974, 422, § 35; revised, 1974, 609 § 2. (See 1941, 685 § 6, 709 §§ 1-3; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 9K, first sentence revised, 1941, 709 § 5; fourth sentence (as appearing in 1939, 20 § 1) revised, 1947, 610 § 1. (See 1941, 709 §§ 1-3.)

SECT. 9L amended, 1941, 709 § 6; revised, 1956, 602 § 4. (See 1956, 602 § 17-20.)

SECT. 9N paragraph (*b*) revised, 1941, 611 § 1; section revised, 1941, 685 § 5; paragraph (*a*) amended, 1947,610 § 2; 1963, 801 § 55; paragraph (*b*) amended, 1946, 591 § 36; 1949, 720; eighth sentence revised, 1951, 763 § 21A; 1962, 739; 1963, 801 § 56; 1969, 766 § 32; amended, 1971, 116 § 30; 1972, 300 § 28; 1973, 426 § 31; 1974, 422 § 36. (See 1941, 611 §§ 2, 3, 685 § 6; 1951, 763 § 22; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 9O-9R added, under caption, 1938, 345 § 1 (incorporating the provisions of 1937, 436 relative to the labor relations commission as an addition to the general laws). (See 1938, 345 §§ 3, 4.)

SECT. 9P, first sentence revised, 1950, 709; 1955, 730 § 34; 1963, 801 § 57; 1969, 766 § 33; amended, 1971, 116 § 31; 1972, 300 § 29; 1973, 426 § 32; 1974, 422 § 37; stricken out and two sentences inserted, 1974, 609 § 3; second sentence amended, 1950, 691 § 2. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 9R amended, 1965, 763 § 3; 1973, 1078 § 2A. (See 1973, 1078 § 8.)

SECTS. 10A-10C added, under caption, 1957, 778 § 1 (establishing a health, welfare and retirement trust funds board); said sections repealed, 1958, 655 § 1. (See 1957, 778 § 3; 1958, 655 § 5.)

SECTS. 10D-10F added, under caption preceding section 10A, 1958, 655 § 3. (See 1958, 655 § 5.)

SECT. 10D, first sentence revised, 1969, 704 § 26. (See 1969, 704 § 60.)

SECT. 10F, third sentence stricken out, 1968, 201.

SECT. 11A added, under caption, 1934, 331 § 3 (division of occupational hygiene).

SECTS. 11B-11D added, under caption, 1937, 427 (establishing the Massachusetts development and industrial commission for the promotion and development of the industrial, agricultural and recreational resources of the commonwealth).

SECT. 11C revised, 1941, 596 § 17A.

SECT. 11D, paragraph added at end, 1950, 652.

SECTS. 11B-11D repealed, 1953, 409 § 3.

SECTS. 11E-11L added, under the caption "DIVISION OF APPRENTICE TRAINING", 1941, 707 § 2. (For prior temporary legislation see 1938, 448; 1939, 471.)

SECT. 11E, sixth sentence revised, 1955, 730 § 35; 1963, 801 § 58. (See 1955, 730 § 43.)

SECT. 11K, first paragraph amended, 1954, 681 § 4. (See 1954, 681 §§ 20, 22.)

SECTS. 11M-11O added, 1954, 578 § 2 (establishing a council on the employment of the aging).

SECT. 11M, first sentence amended, 1955, 136; 1962, 498 § 2; section repealed, 1967, 765 § 3.

SECT. 11N revised, 1962, 498 § 3; repealed, 1967, 765 § 3.

SECT. 11O amended, 1962, 498 § 4; repealed, 1967, 765 § 3.

SECTS. 14-23 added, under caption, 1953, 314 § 1 (establishing a division of industrial accidents within the department of labor and industries). (See 1953, 314 §§ 7-13.)

SECT. 15, first sentence revised, 1955, 730 § 36; section revised, 1956, 683; first sentence revised, 1957, 719; section revised, 1961, 611 § 1; first paragraph revised, 1963, 801 § 59; 1969, 766 § 34; amended, 1971, 116 § 32; 1972, 300 § 30; 1973, 426 § 33, 1193, § 1; 1974, 422 § 38; third paragraph revised, 1971, 907. (See 1955, 730 § 43; 1961, 611 § 9; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 15A added, 1971, 953 § 1 (authorizing recall of certain retired members of the industrial accident board for temporary service).

SECT. 15B added, 1972, 727 (authorizing the appointment of five temporary members to the industrial accident board); first sentence amended, 1974, 609 § 4.

SECT. 16 sentence added at end, 1955, 703; section revised, 1961, 611 § 2.

SECT. 19 revised, 1961, 611 § 3.

SECT. 20 revised, 1961, 611 § 3.

SECT. 21 amended, 1961, 611 § 4.

SECT. 22 amended, 1961, 611 § 5. (See 1961, 611 § 10.)

SECT. 23 amended, 1961, 611 § 6.

SECT. 24 added, 1956, 602 § 5 (establishing an industrial accident rehabilitation board); second paragraph amended, 1963, 801 § 60. (See 1956, 602 §§ 6, 17-20.)

Chapter 23A. — Department of Commerce and Development (former title, Department of Commerce).

New chapter inserted, 1953, 409 § 1. (See 1953, 409 §§ 9-13.)

Chapter stricken out and new chapter 23A (with new title) inserted, 1964, 636 § 1. (See 1964, 636 §§ 14-23.)

For prior changes see Table of Changes in Acts and Resolves of 1964.

The following references are to chapter 23A, as so inserted:

SECT. 1, first paragraph, second sentence revised, 1967, 844 § 18; fourth sentence revised, 1969, 766 § 35; amended, 1971, 116 § 33; 1972, 300 § 31; 1973, 426 § 34; 1974, 422 § 39. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2, clause (*a*) added, 1965, 790 § 1; paragraphs (*a*), (*b*) and (*c*) stricken out and paragraph (*b*) inserted, 1968, 761 § 2.

SECT. 3 amended, 1968, 761 § 3; first sentence revised, 1973, 1178 § 1.

SECT. 4 amended, 1968, 761 § 4; 1971, 679.

SECT. 5A added, 1965, 790 § 2 (establishing a bureau of relocation); stricken out, 1968, 761 § 5.

SECT. 6 amended, 1965, 16, 790 § 3; first paragraph revised, 1967, 159; 1968, 135; amended, 1968, 761 § 6; 1975, 188 § 1; second sentence revised, 1975, 527; 805.

SECT. 9, second paragraph amended, 1971, 1014.

SECT. 10 stricken out, 1968, 761 § 7.

SECTS. 11-13 added, under caption, 1967, 772 § 2 (establishing a state industrial finance board).

SECT. 14 added, 1973, 1038 § 1 (authorizing financial assistance to certain public and private agencies which promote tourism); second paragraph amended, 1975, 188 § 2.

SECTS. 15-23 added, 1973, 1178 § 2 (establishing a division of small business assistance).

SECTS. 24-28 added, 1974, 826 (establishing an office of international trade in the department of commerce and development).

SECTS. 29-35 added, 1975, 865 § 1 (establishing the Massachusetts Industrial Mortgage Insurance Agency).

Chapter 23B. — Department of Community Affairs.

New chapter inserted, 1968, 761 § 1. (See 1968, 761 § 26.)

SECT. 1, fourth sentence revised, 1969, 766 § 36; amended, 1971, 116 § 34; 1972, 300 § 32; 1973, 426 § 35; 1974, 422 § 40; section revised, 1975, 163 § 1. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2 revised, 1975, 163 § 1.

SECT. 3, second paragraph, clause (*i*) amended, 1974, 689 § 2; clause (*o*) amended, 1972, 802 § 6. (See 1972, 802 § 77.)

SECT. 4 revised, 1975, 163 § 2.

SECT. 5 amended, 1975, 163 § 3.

SECT. 5A added, 1969, 774 § 2 (establishing a housing appeals committee within the department of community affairs); amended, 1975, 163 § 4.

SECT. 6 amended, 1975, 163 § 5.

SECTS. 8-9 revised, 1975, 163 § 6.

SECT. 9 amended, 1969, 751 § 7.

SECT. 10 amended, 1973, 1168 § 16; 1974, 689 § 3; 1975, 163 § 7. (See 1973, 1168 § 40.)

SECT. 10A added, 1973, 1215 § 2 (authorizing advances to housing authorities for certain development costs).

SECTS. 11-15 added, 1970, 848 § 1 (establishing an urban job incentive bureau).

SECT. 12, first paragraph, first sentence revised, 1975, 163 § 8.

SECTS. 16-23 added, 1972, 802 § 1 (establishing a state building code commission).

SECT. 16, first paragraph, third sentence amended, 1975, 163 § 9; eighth paragraph amended, 1974, 541 § 2; 1975, 163 § 10.

SECT. 17, clause (*a*) amended, 1973, 1233 § 1; clause (*c*) amended, 1973, 1233 § 2; clause (*f*) amended, 1974, 541 § 3.

SECT. 18, clause (*a*) amended, 1973, 1233 § 3; clause (*b*) amended, 1973, 1233 § 4; clause (*c*) amended, 1973, 1233 § 5.

SECT. 20 revised, 1974, 541 § 4; second paragraph revised, 1975, 163 § 11.

SECT. 21, second paragraph amended, 1974, 541 § 5.

SECT. 24 added, 1973, 1179 (authorizing the department to contract with community action agencies for certain services).

Chapter 24. — Department of Industrial Accidents.

Chapter repealed, 1953, 314 §14.

Chapter 25. — Department of Public Utilities.

SECT. 2 amended, 1946, 591 § 38; 1950, 807; sentence inserted after third sentence, 1953, 296 § 1; fifth sentence revised, 1955, 730 § 38; 1956, 727; section revised, 1958, 557 § 1; amended, 1959, 606 § 1; fifth sentence revised, 1963, 801 § 62; 1969, 766 § 37; amended, 1971, 116 § 35; 1972, 300 § 33; 1973, 426 § 36; 1974, 422 § 41; section revised, 1975, 38 § 1. (See 1953, 296 § 2; 1955, 730 § 43; 1959, 606 § 3; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3 revised, 1949, 257.

SECT. 4 revised, 1938, 221; amended, 1959, 606 § 2; sixth sentence revised, 1975, 38 § 2; paragraph added, 1951, 101; stricken out, 1955, 285 § 1. (See 1955, 285 § 2.)

SECT. 4A added, 1950, 526 (relative to the place of holding certain hearings on rates or reductions in service); revised, 1953, 327; 1966, 372; sentence added, 1966, 545.

SECT. 5 revised, 1953, 575 § 1; second paragraph amended, 1971, 485; third paragraph revised, 1956, 190. (See 1953, 575 § 2.)

SECT. 5A revised, 1952, 453.

SECT. 7, paragraph added, 1970, 879.

SECT. 8A added, 1939, 442 § 2 authorizing the appointment of employees for the administration and enforcement of the sale of securities law); repealed, 1972, 694 § 2.

SECT. 9A added, 1933, 76 § 2 (providing for certain employees serving directly under the commission of the department to perform its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 2.

SECT. 10 amended, 1933, 76 § 3; 1934, 352 § 3; 1939, 442 § 3; 1972, 694 § 3.

SECT. 10A added, 1933, 76 § 4 (providing for the apportionment of expenses incurred by the department in the performance of its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 4.

SECT. 10B added, 1963, 630 (establishing fees for filing certain documents with the department); revised, 1964, 499.

SECTS. 11 and 12 repealed, 1935, 411 § 1. (See 1935, 411 § 2.)

SEC. 12A revised, 1938, 445 § 1; repealed, 1939, 442 § 1.

SECT. 12B revised, 1932, 290 § 2; repealed, 1939, 442 § 1.

SECTS. 12C-12F repealed, 1933, 76 § 1; new sections 12C-12E added, under caption, 1934, 352 § 1; repealed, 1954, 672 § 1. (See 1954, 672 §§ 2, 5, 6.)

SECT. 12C revised, 1941, 596 § 18; repealed, 1954, 672 § 1. (See 1954, 672 §§ 2, 5, 6.)

SECT. 12F added, 1935, 405 § 1 (establishing in the department a commercial motor vehicle division, under the charge of a director thereof); phrase added at end, 1935, 477 § 2; section amended, 1939, 335 § 1; revised, 1941, 596 § 19; new sentence added at end, 1941, 653 § 1; same sentence stricken out, 1951, 664 § 8. (See 1939, 335 § 2.)

SECT. 12G added, 1936, 117 (authorizing the director of the commercial motor vehicle division in the department of public utilities to summon witnesses, administer oaths and take testimony).

SECT. 12H added, 1960, 737 § 1 (providing for the promulgation of uniform rules and regulations to govern gas fitting in buildings throughout the commonwealth); first sentence revised, 1963, 223; second sentence amended, 1962, 497; last sentence of first paragraph revised, 1962, 623 § 1; same sentence stricken out and two sentences inserted, 1963, 557 § 1; first paragraph revised, 1964, 312 § 1; first sentence revised, 1975, 706 § 80; paragraph inserted after first paragraph, 1965, 181. (See 1960, 737 § 6; 1975, 706 § 312.)

SECTS. 12I-12L added, 1962, 623 § 2 (relative to the powers and duties of the board established to regulate gas fittings in buildings throughout the commonwealth). (See 1962, 623 §§ 3, 4.)

SECT. 12I, definition of "Undiluted liquefied petroleum gas installer" added, 1963, 557 § 2; definition of "Limited undiluted liquefied petroleum gas installer" added, 1965, 635 § 1. (See 1965, 635 § 5.)

SECT. 12J revised, 1963, 557 § 3; 1965, 635 § 2.

SECT. 12K, sentence added at end, 1963, 557 § 4; 1965, 635 § 3.

SECT. 12L, first sentence amended, 1963, 557 § 5; section revised, 1965, 635 § 4.

SECTS. 17-17A added, 1971, 1093 (authorizing the imposition and collection of assessments from public utility companies).

SECT. 17 revised, 1973, 1224 § 3.

SECT. 18 added, 1975, 684 § 90 (authorizing the imposition of assessments on certain companies). (See 1975, 684 § 97.)

Chapter 26. — Department of Banking and Insurance.

For temporary legislation providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

SECT. 2 amended, 1943, 315; 1946, 591 § 39; 1949, 786; second sentence revised, 1955, 730 § 39; 1963, 801 § 63; first and second sentences revised, 1967, 844 § 19; second sentence revised, 1969, 766 § 38; amended, 1971, 116 § 36; 1972, 300 § 34; 1973, 426 § 37; 1974, 422 § 42. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3 revised, 1941, 596 § 20; sentence inserted after first sentence, 1963, 441; first two sentences stricken out and three sentences inserted, 1964, 269.

SECT. 4 revised, 1941, 596 § 21.

SECT. 5A added, 1956, 689 § 3 (establishing the small loans regulatory board); third sentence revised, 1963, 801 § 64. (See 1956, 689 §§ 8A, 9.)

SECT. 6 amended, 1943, 317; 1946, 591 § 40; 1951, 776; second sentence revised, 1955, 730 § 40; 1963, 801 § 65; section revised, 1967, 844 § 20; second sentence revised, 1969, 766 § 39; amended, 1971, 116 § 37; 1972, 300 § 35; 1973, 426 § 39; 1974, 422 § 43. (See 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 7 amended, 1964, 174.

SECT. 8 repealed, 1962, 434.

SECT. 8A revised, 1934, 2; amended, 1935, 419; second sentence revised, 1947, 94.

SECT. 8B added, 1968, 643 § 1 (establishing a fraudulent claims board); second and third paragraphs revised, 1970, 792.

SECTS. 8C-8D added, 1975, 684 § 29 (authorizing the imposition of assessments against licensed insurers). (See 1975, 684 § 97.)

SECT. 8E added, 1975, 728 § 1 (establishing a rating bureau).

SECT. 9 amended, 1947, 260 § 1; 1972, 421 § 1.

SECT. 10, sentence added at end, 1943, 346; section amended, 1947, 260 § 2; revised, 1972, 421 § 2.

SECTS. 11-12 repealed, 1972, 421 § 3.

Chapter 27. — Department of Correction.

Sections 1-6 stricken out and new sections 1-6 inserted, 1955, 770 § 1. (See 1955, 770 §§ 114-123.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to sections 1 to 6 as so inserted:

SECT. 1, third sentence revised, 1963, 801 § 66; 1969, 766 § 40; amended, 1971, 116 § 38; 1972, 300 § 36; 1973, 426 § 39, 703; 1974, 422 § 44; fourth sentence revised, 1967, 844 § 21. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2, first paragraph, first sentence revised, 1963, 801 § 67; 1969, 766 § 41; amended, 1971, 116 § 39; revised, 1971, 1102 § 1; amended, 1972, 300 § 37; third sentence amended, 1956, 16 § 1; paragraph revised, 1972, 777 § 1; first sentence amended, 1973, 426 § 40; 1974, 422 § 45; second paragraph revised, 1957, 482 § 3. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 2A added, 1965, 1, 286 (establishing certain educational qualifications for applicants for certain positions in the department); amended, 1974, 835 § 27. (See 1974, 835 § 185.)

SECT. 3 revised, 1956, 731 § 1; amended, 1957, 704; revised, 1960, 474. (See 1956, 731 §§ 29-33.)

SECT. 4 revised, 1960, 765 § 1; second paragraph revised, 1963, 801 § 68; 1969, 766 § 42; amended, 1971, 116 § 40; section revised, 1971, 994 § 1; fourth paragraph amended, 1972, 300 § 38; 1973, 426 § 41; 1974, 422 § 46. (See 1960, 765 §§ 8, 9; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 5 revised, 1960, 765 § 2; first paragraph amended, 1972, 777 § 2; last paragraph amended, 1965, 769 § 1.

SECT. 6 stricken out, 1960, 765 § 2A.

Chapter 28. — Metropolitan District Commission.

For legislation abolishing the metropolitan district water supply commission and transferring its functions to the metropolitan district commission, see 1947, 583.

SECT. 1, second sentence revised, 1967, 844 § 22; section revised, 1975, 706 § 81. (See 1975, 706 § 312.)

SECT. 2 amended, 1946, 591 § 42; revised, 1949, 795; 1963, 801 § 69; 1969, 766 § 43; amended, 1971, 116 § 41; 1972, 300 § 39; 1973, 426 § 42; 1974, 422 § 47. (See 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 3 revised, 1936, 244 § 1; 1941, 596 § 23; 1961, 562 § 1. (See 1936, 244 § 4.)

SECT. 4 amended, 1936, 244 § 2; revised, 1961, 562 § 2. (See 1936, 244 § 4.)

SECT. 4A added, 1960, 574 (providing for the furnishing of work clothes to certain employees of the sewerage division of the metropolitan district commission); section revised, 1967, 740.

SECTS. 4B-4C added, 1967, 533 (establishing within the metropolitan district commission a civil engineering intern program and an engineering student program).

SECT. 4B amended, 1974, 835 § 28. (See 1974, 835 § 185).
SECTS. 5 and 6 repealed, 1941, 466 § 6.

Chapter 28A. — Office for Children.

New chapter inserted, 1972, 785 § 1. (See 1972, 785 § 20.)

SECT. 9, definition of "Family foster care" amended, 1975, 125; definition of "Placement agency" revised, 1975, 858 § 1; definition of "Temporary shelter facility" added, 1974, 682 § 1.

SECT. 10, paragraphs (*a*), (*b*) and (*c*) revised, 1974, 682 § 2; paragraph (*a*) amended, 1975, 858 §§ 2, 3.

SECT. 11 revised, 1974, 682 § 3; subsection (*c*) added, 1975, 858 § 4.

SECT. 11A added, 1975, 858 § 5 (authorizing certain requests for information on prospective adoptive families).

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335; 1935, 221, 300, 380, 392, 456; 1936, 309, 1937, 338; 1938, 20, 57, 481, 501 § 3; 1939, 288, 417, 418, 496; 1941, 129; 1943, 413; 1945, 324; 1947, 206.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1943, 568; 1945, 325, 712; 1946, 615.

SECT. 1, paragraph added at end, 1939, 502 § 1; same paragraph revised, 1941, 509 § 2; same paragraph stricken out, 1945, 242 § 2; section amended, 1962, 757 § 39; revised, 1969, 704 § 27; 1974, 835 § 29. (See 1941, 509 § 9; 1969, 704 § 60; 1974, 835 § 185.)

SECT. 2 revised, 1950, 40.

SECT. 2A added, 1966, 14 § 28 (establishing a Local Aid Fund); repealed, 1969, 546 § 5. (See 1969, 546 § 34.)

SECT. 2B added, 1967, 276 § 4 (establishing a Federal Capital improvement Fund).

SECT. 2C added, 1968, 505 (providing for reporting by the commonwealth, its agencies or employees of receipt of Federal grant funds); fourth paragraph revised, 1969, 704 § 28; 1973, 1230 § 2. (See 1969, 704 § 60.)

SECT. 2D added, 1971, 813 § 1 (establishing the Local Aid Fund).

SECT. 3 revised, 1939, 502 § 2; amended, 1945, 242 § 3; 1962, 757 § 40; first sentence revised, 1969, 704 § 29; stricken out and two sentences inserted, 1973, 1230 § 3; section revised, 1974, 844 § 2. (See 1969, 704 § 60.)

SECT. 3A added, 1963, 161 (requiring certain officers of the commonwealth to furnish estimates of the cost of certain proposed legislation); revised, 1969, 704 § 30; amended, 1971, 272 § 2. (See 1969, 704 § 60.)

SECT. 4 amended, 1939, 502 § 3; 1945, 242 § 4; 1962, 757 § 41; revised, 1969, 704 § 31; 1973, 1230 § 4; 1974, 844 § 3. (See 1969, 704 § 60.)

SECT. 5 revised, 1939, 502 § 4; 1941, 656 § 2; 1945, 242 § 5, 637 § 2; subdivision (1) amended, 1962, 757 § 42. (See 1941, 656 § 17; 1945, 279.)

SECT. 5A amended, 1939, 502 § 5; 1945, 242 § 6; last sentence amended, 1962, 757 § 43; section repealed, 1963, 473 § 2.

SECT. 5B added, 1974, 844 § 3A (providing for the preparation and transmittal of estimates of state revenue by the commissioner of administration).

SECT. 6 amended, 1937, 426 § 1; revised, 1939, 502 § 6; amended, 1941, 490 § 7, 656 § 3; revised, 1945, 242 § 7; first sentence amended, 1962, 757 § 44; third sentence revised, 1973, 1230 § 5; fifth sentence revised, 1945, 548 § 2; section revised, 1974, 844 § 4; paragraph added, 1975, 530 § 10. (See 1937, 426 § 2; 1941, 656 § 17; 1945, 548 § 3; 1975, 530 § 11.)

SECT. 6A added, 1974, 844 § 4 (further regulating requests and recommendations for appropriations).

SECT. 7 revised, 1963, 473 § 3; first paragraph, first sentence amended, 1975, 311 § 5; second paragraph, first sentence revised, 1969, 704 § 32; paragraph amended, 1975, 311 § 6. (See 1969, 704 § 60; 1975, 311 § 15.)

SECT. 7A added, 1974, 844 § 5 (requiring that certain estimates, requests and recommendations be itemized and classified).

SECT. 8 revised, 1947, 312; stricken out, 1953, 612 § 7.

SECT. 8A added, 1939, 427 (relative to competitive bidding on state contracts); revised, 1941, 547 § 1; first sentence amended, 1951, 401; 1962, 757 § 45; revised, 1969, 704 § 33; amended, 1975, 311 § 7. (See 1969, 704 § 60; 1975, 311 § 15.)

SECT. 8B added, 1962, 754 (further regulating bidding procedures and the awarding of certain contracts by the department of public works); seventh paragraph amended, 1966, 113; section revised, 1966, 481; seventh paragraph amended, 1967, 54.

SECT. 8C added, 1973, 1013 (prohibiting nonemergency works on certain highways during peak traffic hours).

SECT. 9A revised, 1939, 502 § 7; amended, 1941, 656 § 4; 1945, 242 § 8. (See 1941, 656 § 17.)

SECT. 9B added, 1941, 564 § 1 (providing for the allotment of certain appropriations by the governor); amended, 1962, 757 § 46; third and fourth sentences stricken out and three sentences inserted, 1969, 136; last sentence revised, 1969, 704 § 34. (See 1941, 564 § 2; 1969, 704 § 60.)

SECT. 10 amended, 1936, 256; revised, 1939, 502 § 8; 1941, 656 § 5; amended, 1945, 242 § 9; repealed, 1945, 637 § 3. (See 1941, 656 § 17; 1945, 279.)

SECT. 11 amended, 1939, 502 § 9; 1941, 656 § 6; repealed, 1945, 242 § 10. (See 1941, 656 § 17.)

SECT. 12 amended, 1939, 502 § 10; revised, 1945, 242 § 11; 637 § 4; 1950, 41. (See 1945, 279.)

SECT. 13 revised, 1950, 42; 1961, 492; amended, 1962, 757 § 47.

SECT. 14 revised, 1939, 502 § 11; 1945, 242 § 12; 1950, 43.

SECT. 18, last sentence revised, 1945, 248 § 3; amended, 1953, 263 § 2. (See 1945, 248 §§ 4, 5; 1953, 263 § 3.)

SECT. 20 revised, 1950, 44.

SECT. 20A added, 1937, 407 (relative to public inspection of certain orders and claims, in advance of approval or rejection thereof, in connection with state contracts); amended, 1967, 509; paragraph added at end, 1969, 868; stricken out, 1972, 774 § 1. (See 1972, 774 § 12.)

SECT. 23, two paragraphs added, 1975, 849.

SECT. 25 amended, 1941, 656 § 7. (See 1941, 656 § 17.)

SECT. 26 revised, 1939, 502 § 12; amended, 1941, 656 § 8; 1945, 242 § 13; revised, 1947, 636 § 1. (See 1941, 656 § 17.)

SECT. 27 amended, 1937, 359; revised, 1939, 502 § 13; amended, 1941, 656 § 9; revised, 1947, 636 § 2; 1950, 45; last sentence amended, 1962, 757 § 48. (See 1941, 656 § 17.)

SECTS. 27A-27B added, 1973, 1230 § 6 (further regulating expenditures of certain funds for certain equipment).

SECT. 29 amended, 1939, 502 § 14; 1943, 345; revised, 1947, 636 § 3; 1950, 46; amended, 1962, 757 § 49; revised, 1969, 704 § 35; 1973, 1230 § 7; first sentence revised, 1975, 684 § 23A. (See 1969, 704 § 60; 1975, 684 § 97.)

SECT. 29A added, 1963, 676 (providing that the commissioner of administration shall make rules and regulations governing the employment of consultants and determine the rate of their compensation); revised, 1973, 1230 § 8; amended, 1974, 835 § 30. (See 1974, 835 § 185.)

SECT. 31, last sentence amended, 1932, 127 § 2; section amended, 1941, 508; last sentence amended, 1945, 545; section revised, 1945, 635 § 1; 1946, 580 § 1; 1949, 386; first sentence stricken out and two sentences inserted, 1959, 473 § 1; last sentence revised, 1960, 618 § 1; sentence added, 1963, 466 § 2; amended, 1967, 769 § 2; three paragraphs added, 1968, 545; sentence added, 1972, 807 § 1; third paragraph amended, 1974, 835 § 31; paragraph added, 1974, 829 § 1; revised, 1975, 586 § 4. (See 1946, 580 § 3; 1947, 527; 1948, 501; 1959, 473 §§ 4, 5; 1960, 618 § 2; 1974, 835 § 185.)

SECT. 31A added, 1946, 520 (providing for payment of accumulated vacation allowances of state employees upon death or separation from service); amended, 1954, 680 § 4; paragraph (*a*) amended, 1962, 757 § 50; paragraph (*c*) added, 1953, 521; amended, 1954, 680 § 4; section revised, 1974, 835 § 32. (See 1974, 835 § 185.)

SECT. 31B added, 1946, 580 § 2 (providing that teachers in certain state institutions may be paid weekly).

SECT. 31C added, 1954, 352 § 1 (relative to the vacation time of persons holding non-teaching positions in any school or college of the commonwealth). (See 1954, 352 § 2.)

SECT. 31D added, 1959, 389 (relative to the payment of salaries, wages or other money owing by the commonwealth upon the death of officers or employees).

SECT. 32 revised, 1951, 759 § 1; amended, 1957, 531 § 2. (See 1951, 759 § 3.)

SECT. 32A added, 1951, 759 § 2 (relative to payment of unclaimed wages or salaries due from the commonwealth). (See 1951, 759 § 3.)

SECT. 34 amended, 1936, 333; 1948, 396; revised, 1953, 223; 1954, 135; first sentence amended, 1972, 258; sentence inserted after first sentence, 1955, 167; affected, 1946, 608 § 3; section revised, 1975, 831.

SECT. 34A added, 1960, 230 (relative to deposits of public moneys and funds in co-operative banks); revised, 1961, 135; 1966, 139; 1975, 784.

SECT. 38, subdivision (*h*) added, 1934, 356; subdivisions (*i*), (*j*) and (*k*) added, 1966, 414; first paragraph amended, 1945, 658 § 7; revised, 1972, 807 § 2; paragraph added, 1973, 304. (See 1945, 658 § 11.)

SECT. 38A added, 1975, 786 § 3 (authorizing the establishment of certain trust funds).

SECT. 47 stricken out and sections 47, 47A inserted, 1945, 637 § 5. (See 1945, 279.)

SECT. 48A added, 1937, 252 (authorizing the use of facsimile signatures of the governor on certain bonds and notes of the commonwealth); amended, 1946, 128.

SECT. 49, paragraph added, 1965, 633.

SECT. 50 revised, 1939, 502 § 15; 1941, 656 § 10; 1945, 242 § 14; amended, 1962, 757 § 51. (See 1941, 656 § 17.)

SECT. 52 revised, 1954, 389 § 1. (See 1954, 389 § 2.)

SECT. 54 revised, 1969, 720.

SECT. 56 revised, 1953, 272. (See 1956, 625 § 6.)

SECT. 57 repealed, 1968, 536.

SECT. 60 revised, 1975, 370.

SECT. 62 repealed, 1943, 83 § 2.

SECT. 63 added, 1937, 157 (providing for taxpayers' petitions for enforcement of certain provisions of law relative to state finance).

SECT. 64 added, 1972, 807 § 3 (authorizing deferred compensation programs for state, county and municipal employees).

SECT. 65 added, 1973, 1230 § 9 (relative to the powers of the secretaries of certain executive offices).

SECT. 66 added, 1974, 717 (establishing a criminal penalty for violation of or for causing another to violate the finance laws of the commonwealth).

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

Provisions relative to expenses incurred for certain meals by state employees, 1933, 174 § 8; 1934, 162 § 6; 1935, 249 § 7; 1936, 304 § 7; 1937, 234 § 6; 1938, 356 § 5; 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4; 370 § 4.

Provisions relative to the purchase of passenger automobiles, 1939, 309 § 4; 1941, 419 § 4; 1943, 68 § 4; 370 § 4.

Provisions relative to expenses incurred by state employees in the operation of motor vehicles, 1939, 309 § 5; 1941, 419 § 5; 1943, 68 § 5, 370 § 5; 1945, 404 § 5, 682 § 4; 1946, 309 § 5, 617 § 5; 1947, 219 § 5, 685 § 5.

For legislation relative to commencement of terms of certain state officers, see 1939, 304.

SECT. 1 amended, 1962, 757 § 52; revised, 1969, 704 § 36; 1974, 835 § 33. (See 1969, 704 § 60; 1974, 835 § 185.)

SECT. 6 revised, 1965, 655.

SECT. 6A amended, 1965, 314.

SECT. 7 revised, 1937, 414 § 1; amended, 1941, 412; 1947, 376; 1962, 757 § 53; first sentence revised, 1968, 529; 1969, 704 § 37; amended, 1969, 780; 1974, 835 § 34; second sentence revised, 1973, 1230 § 10. (See 1969, 704 § 60; 1974, 835 § 185.)

SECT. 7A amended, 1974, 835 § 34A. (See 1974, 835 § 185.)

SECT. 9A added, 1946, 269 (regulating the separation from the service of the commonwealth of certain war veterans holding unclassified offices or positions); revised, 1947, 242.

SECT. 9B added, 1946, 524 (protecting certain officers and employees of the commonwealth against arbitrary removal); revised, 1950, 717; 1955, 643 § 5; 1960, 611; amended, 1969, 838 § 5. (See 1955, 643 § 12; 1969, 838 § 74.)

SECT. 9C added, 1956, 537 § 1 (providing indemnity to certain employees of the department of mental health or public health for clothing or other property damaged or destroyed by patients in certain institutions). (See 1956, 537 § 2.)

SECT. 9D added, 1958, 538 § 1 (providing tenure for certain teachers in the employ of the commonwealth after three years' service); amended, 1969, 838 § 6. (See 1969, 838 § 74.)

SECT. 9E added, 1969, 570 (exempting chaplains at state institutions from the provisions of certain laws).

SECT. 9F added, 1973, 131 (providing that certain state employees elected to public office shall be granted a leave of absence).

SECT. 11 revised, 1961, 18 § 1.

SECT. 13 revised, 1951, 409; 1964, 231 § 2; amended, 1972, 684 § 1. (See 1972, 684 § 136.)

SECT. 22A added, 1973, 1230 § 11 (requiring certain officers in charge of certain public units to submit annual reports).

SECT. 23A added, 1952, 142 (relative to the appointment of trustees of state institutions to certain offices or positions therein).

SECT. 24 revised, 1937, 430; 1945, 508; 1946, 408; amended, 1954, 680 § 5; revised, 1955, 643 § 8; amended, 1962, 757 § 54. (See 1955, 643 § 12.)

SECT. 24A added, 1945, 565 (relative to compensation for state employees who are required to work on state-wide legal holidays); amended, 1946, 411; revised, 1948, 498; amended, 1963, 639; 1953, 400; revised, 1964, 423; second paragraph amended, 1969, 838 § 7. (See 1969, 838 § 74.)

SECT. 24B added, 1957, 753 § 1 (relative to the method of filling certain vacancies in the state service); amended, 1962, 757 § 55; first paragraph revised, 1974, 835 § 35. (See 1974, 835 § 185.)

SECT. 24C added, 1973, 1230 § 12 (regulating payments for overtime work by commonwealth employees).

SECT. 25A added, 1956, 612 (providing for the return of the body of a deceased state officer or member of a department who dies while away from home on state business).

SECT. 25B added, 1973, 1230 § 13 (further regulating out-of-state travel at public expense).

SECT. 26 repealed, 1948, 255.

SECT. 27 amended, 1962, 757 § 56.

SECT. 28 revised, 1941, 656 § 11. (See 1941, 656 § 17.)

SECT. 30A amended, 1945, 580 § 5; 1962, 757 § 57.

SECT. 32 revised, 1939, 499 § 4; 1945, 292 § 4; first sentence revised, 1950, 488.

SECT. 32A added, 1939, 499 § 4A (relative to the force and effect of rules and regulations included in annual reports); repealed, 1945, 292 § 5.

SECT. 33 revised, 1939, 499 § 5; 1945, 292 § 6; amended, 1948, 67; 1962, 757 § 58.

SECT. 33A amended, 1939, 499 § 6; 1945, 292 § 7.

SECT. 35 amended, 1945, 580 § 6. (See 1945, 580 § 9.)

SECT. 36 revised, 1948, 584 § 1; stricken out and sections 36-36A inserted, 1973, 1230 § 14 (relative to motor vehicles owned by the commonwealth).

SECT. 37 revised, 1951, 556 § 1; 1967, 561; first sentence revised, 1969, 808 § 1; 1970, 712 § 1; sentence inserted after first sentence, 1971, 862 § 1. (See 1951, 556 § 2; 1969, 808 § 12; 1970, 712 § 12.)

SECT. 37A added, 1951, 576 (providing for public hearings prior to issuance of rules and regulations containing penalties); repealed, 1954, 681 § 2. (See 1954, 681 §§ 20, 22.)

SECT. 38 amended, 1962, 757 § 59; paragraph added at end, 1954, 680 § 6; amended, 1962, 757 § 59; section revised, 1974, 835 § 36. (See 1974, 835 § 185.)

SECT. 39 revised, 1934, 351; amended, 1935, 217 § 1; revised, 1935, 472 § 1; amended, 1955, 702 § 1; stricken out, 1957, 682 § 2. (See 1955, 702 § 3; 1957, 682 § 3.)

SECTS. 39A-39E added, 1951, 694 (requiring security for certain motor truck carriers performing work under contract with the commonwealth or any political subdivision thereof).

SECT. 39F added, 1954, 609 (providing a method of payment to certain subcontractors on contracts for the construction, reconstruction, altering, remodeling and repair of certain public works by the commonwealth or any political subdivision thereof); revised, 1955, 701; 1956, 677 § 1; paragraph inserted after first paragraph, 1965, 856; two paragraphs added at end, 1960, 771 § 1; section revised, 1972, 774 § 2. (See 1956, 677 § 2; 1972, 774 § 12.)

SECT. 39G added, 1955, 597 (to expedite the payments of sums due to contractors after completion of certain public works contracts); fourth sentence amended, 1955, 702 § 1A; first two paragraphs revised, 1956, 499; first paragraph amended, 1972, 461 § 1, 774 § 3; third paragraph amended, 1957, 360; fourth paragraph revised, 1972, 461 § 2. (See 1972, 774 § 12.)

SECT. 39H added, 1958, 681 (providing that the commonwealth shall agree to indemnify contractors for certain damages sustained by them in connection with the construction of public ways).

SECT. 39I added, 1960, 771 § 1A (regulating the performance of contracts for the construction, alteration, maintenance, repair and demolition of any public building or public works).

SECT. 39J added, 1961, 538 § 1 (permitting review of decisions involving questions arising under contracts for public construction). (See 1961, 538 § 2.)

SECT. 39K added, 1961, 627 § 1 (providing a method of prompt payment to contractors on contracts for the construction, reconstruction, altering, remodeling, repair or demolition of buildings by the commonwealth or any political subdivision thereof); amended, 1971, 887 § 1; two paragraphs added, 1971, 887 § 2. (See 1961, 627 § 2.)

SECT. 39L added, 1963, 446 (relating to the performance of public construction work by foreign corporations and other residing outside of the commonwealth); amended, 1967, 3.

SECT. 39M added, 1963, 842 § 1 (requiring that all contracts for construction and for materials be awarded to the lowest responsible and

eligible bidder and to assure full competition in the taking of bids for such contracts); paragraph (*a*) amended, 1967, 535 § 4; paragraph (*b*) amended, 1967, 535 § 5. (See 1963, 842 § 2.)

SECT. 39N added, 1972, 774 § 4 (authorizing adjustments in contract prices in relation to certain differences discovered in physical conditions during work progress). (See 1972, 774 § 12.)

SECTS. 39O-39P added, 1973, 1164 (expediting the payments to general and subcontractors).

SECT. 40 revised, 1973, 1103 § 1.

SECT. 42 revised, 1936, 359; amended, 1941, 450 § 1; 1948, 21; revised, 1951, 397; first sentence amended, 1957, 477; section revised, 1962, 427 § 2; amended, 1962, 757 § 60; revised, 1964, 131, 726; sentence inserted after fifth sentence, 1966, 219; section revised, 1973, 1050 § 1A, 1218. (See 1973, 1050 § 7.)

SECT. 44B added, 1941, 678 § 1 (relative to pipe lines for conveying petroleum and its products and by-products).

SECT. 45, first sentence amended, 1947, 678 § 1; section revised, 1948, 311 § 1; 1954, 680 § 9; paragraph (1) amended, 1957, 648 § 1; 1964, 357 § 3; 1965, 749 § 1; paragraph (2) amended, 1962, 757 § 61; paragraph (3) amended, 1956, 729 § 1; paragraph (4) revised, 1956, 729 § 2; amended, 1963, 775 § 2; 1966, 210 § 2; paragraph (5) revised, 1956, 729 § 3; clause (*c*) of said paragraph amended, 1962, 757 § 62; paragraph (6) amended, 1955, 643 § 2; 1962, 757 § 63; paragraph 7 (A) added, 1959, 474; amended, 1962, 757 § 64; introductory paragraph and paragraphs (1) to (7A) stricken out and introductory paragraph and paragraphs (1) to (7) inserted, 1974, 835 § 37; paragraph (1), first sentence revised, 1975, 689 § 9; paragraph (9) added, 1956, 729 § 4; amended, 1957, 648 § 2. (See 1948, 311 §§ 4, 5; 1955, 643 § 12; 1956, 729 §§ 15-21; 1957, 753 § 2, 648 § 3; 1963, 775 § 10; 1964, 357 § 11; 1965, 749 § 2; 1974, 835 § 185.)

SECT. 46 revised, 1947, 613 § 1; 1948, 311 § 2; salary schedules revised, 1949, 785 § 1; 1951, 715 §§ 1, 2; 1954, 407 § 1; paragraph (1) amended, 1954, 680 § 10; revised, 1956, 729 § 5; salary schedule revised, 1959, 620 § 1; 1960, 782 § 2; 1963, 775 § 1; 1966, 210 § 1; 635 § 1; 1969, 547 § 1; 1971, 116 § 1; 1972, 300 § 1; 1973, 426 § 1; 1974, 422 § 1; paragraph inserted after salary schedule, 1971, 66 § 1; sentence added, 1973, 428 § 1; paragraph amended, 1974, 835 § 38; paragraph (1A) inserted, 1950, 726; paragraph (1B) inserted, 1951, 621; paragraph (2) revised, 1952, 421 § 1; 1954, 407 § 2; 1956, 729 § 6; 1959, 473 § 2; amended, 1962, 757 § 65; 1972, 811; revised, 1974, 835 § 39; paragraph (2A) inserted, 1970, 281 § 2; paragraph (3) revised, 1956, 729 § 7; 1959, 473 § 3; paragraph (4) revised, 1955, 643 § 1; amended, 1956, 729 § 8; 1962, 757 § 66; revised, 1974, 835 § 40; paragraph (5) revised, 1954, 680 § 11; 1956, 729 § 9; amended, 1962, 757 § 67; revised, 1974, 835 § 41; paragraph (5A) added, 1956, 729 § 9; revised, 1973, 1230 § 15; 1974, 835 § 42; paragraph (6) amended, 1949, 406 § 1; revised, 1954, 680 § 12; amended, 1956, 729 § 10; revised, 1974, 835 § 43; paragraph (7) amended, 1955, 643 § 3; revised, 1956, 729 § 11; paragraph (8) revised, 1949, 406 § 2; amended, 1956, 729 § 12; 1954, 680 § 13; paragraph (11) inserted, 1956, 729 § 13. (See 1947, 613 §§ 2, 3; 1948, 311 §§ 4, 5; 1949, 406 §§ 3-6; 1951, 715 §§ 3-5; 1952, 421 § 2; 1954, 407 §§ 3-4;

1955, 643 § 12; 1956, 729 §§ 15-21; 1957, 753 § 2; 1959, 473 §§ 4, 5, 620 §§ 2-5; 1963, 775 § 10; 1966, 635 §§ 1A, 2; 1970, 281 § 3; 1971, 66 § 4, 116 § 45; 1972, 300 § 43; 1973, 426 § 49, 428 § 19; 1974, 422 § 53, 835 § 185.)

SECT. 46A added, 1954, 680 § 14 (relative to the allocation or reallocation of certain offices or positions in the state classified system); repealed, 1956, 729 § 14. (See 1956, 729 §§ 15-21.)

SECT. 46B added, 1963, 775 § 3 (establishing a salary schedule for the professional positions in the pay plan of the commonwealth); repealed, 1966, 210 § 3. (See 1963, 775 §§ 4, 10; 1966, 210 §§ 4, 5.)

SECT. 47, last sentence revised, 1941, 656 § 12; same sentence stricken out, 1945, 637 § 6; section revised, 1948, 311 § 3; 1955, 643 § 4; repealed, 1974, 835 § 44. (See 1941, 656 § 17; 1945, 279; 1948, 311 §§ 4, 5; 1949, 406 § 3; 1955, 643 § 12; 1974, 835 § 185.)

SECT. 48 amended, 1954, 680 § 15.

SECT. 49 amended, 1954, 680 § 16; last sentence stricken out and three sentences inserted, 1962, 690; section amended, 1962, 757 § 68; last sentence stricken out and four sentences inserted, 1963, 240 § 1; section revised, 1974, 835 § 45. (See 1962, 757 § 75; 1974, 835 § 185.)

SECTS. 53-57 added, under caption, 1945, 485 (providing for the prompt disposition of certain grievances of state employees relating to their employment); sections 53-57 revised, 1958, 615 § 1. (See 1958, 615 § 2.)

SECT. 53, first sentence amended, 1962, 757 § 69; 1960, 457; revised, 1965, 853; section amended, 1974, 835 § 46. (See 1974, 835 § 185.)

SECT. 55, first sentence revised, 1963, 801 § 7C.

SECTS. 54-56 repealed, 1974, 835 § 47. (See 1974, 835 § 185.)

SECT. 57 amended, 1962, 757 § 70; 1974, 835 § 48. (See 1974, 835 § 185.)

SECT. 58 added, 1955, 602 (regulating the payment of compensation to state employees injured in the service of the commonwealth).

SECT. 59 added, 1962, 798 § 1 (authorizing appointing authorities to suspend persons from the service of the commonwealth during any period such persons are under indictment for misconduct in office); first paragraph revised, 1963, 829 § 1; amended, 1964, 528; third paragraph stricken out and two paragraphs inserted, 1963, 829 § 2. (See 1962, 798 § 2; 1963, 829 § 3.)

SECT. 60 added, 1968, 203 (expediting employment of certain students by commonwealth in co-operative education programs); amended, 1974, 835 § 49. (See 1974, 835 § 185.)

SECTS. 61-62 added, 1972, 781 § 2 (requiring environmental impact reports from certain subdivisions of the commonwealth engaged in certain works, projects and activities). (See 1972, 781 § 3.)

SECT. 61, second paragraph amended, 1973, 989 § 4.

SECT. 62, two paragraphs inserted after first paragraph, 1974, 257 § 1; paragraph added, 1974, 257 § 2. (See 1974, 257 § 4.)

SECT. 63 added, 1975, 776 § 2 (requiring the filing of certain notices relative to personal data system information). (See 1975, 776 § 5.)

Chapter 30A. — State Administrative Procedure.

New chapter inserted, 1954, 681 § 1. (See 1954, 681 §§ 20-22.)

SECT. 1, paragraph (1) amended, 1966, 14 § 42, 497; paragraph (2) revised, 1959, 511; 1965, 725; amended, 1968, 120 § 1; 1969, 838 § 8; revised, 1974, 835 § 50; amended, 1975, 817 § 1; paragraph (5) revised, 1969, 808 § 2; amended, 1970, 712 § 2; 1974, 361 § 1. (See 1969, 808 § 12; 838 § 74; 1970, 712 § 12; 1974, 835 § 185: 1975, 817 § 2.)

SECT. 1A added, 1972, 777 § 3 (relative to the applicability of this chapter to the department of correction).

SECT. 2, paragraph (1) amended, 1969, 808 § 3. (See 1969, 808 § 12.)

SECT. 3, paragraph (1) amended, 1969, 808 § 4; paragraph (3) amended, 1974, 361 § 2. (See 1969, 808 § 12.)

SECT. 5, revised, 1969, 808 § 5; fourth sentence stricken out, 1970, 712 § 3 (See 1969, 808 § 12; 1970, 712 § 12.)

SECT. 6 revised, 1962, 545; 1969, 808 § 6; amended, 1970, 168 § 1A; revised, 1970, 712 § 4; first paragraph amended, 1971, 1065 § 1; third paragraph revised, 1974, 66; amended, 1975, 29; fourth paragraph amended, 1971, 862 § 2; last paragraph revised, 1971, 1065 § 2. (See 1969, 808 § 12; 1970, 712 § 12.)

SECTS. 6A-6B added, 1969, 808 § 7 (providing for publication and distribution by each agency of its regulations). (See 1969, 808 § 12.)

SECT. 6A, second and third sentences revised, 1970, 712 § 5. (See 1970, 712 § 12.)

SECT. 6B revised, 1970, 712 § 6. (See 1970, 712 § 12.)

SECT. 7 revised, 1973, 1114 § 1; 1974, 361 § 3. (See 1973, 1114 § 351.)

SECT. 7A added, 1969, 808 § 8 (providing for certain action by the attorney general against certain agencies); repealed, 1970, 712 § 7. (See 1970, 712 § 12.)

SECT. 10A added, 1971, 732 § 2 (regulating intervention in causes of action where issue is or may be damage to the environment); first sentence revised, 1973, 1114 § 2. (See 1973, 1114 § 351.)

SECT. 11A added, 1958, 626 § 2 (providing that meetings of state boards and commissions be open to the public); second paragraph revised, 1960, 437 § 1; last paragraph revised, 1962, 331; section revised, 1964, 730 § 1; third paragraph amended, 1966, 77; section stricken out and sections 11A-11B added, 1975, 303 § 1. (See 1964, 730 § 2; 1975, 303 § 5.)

SECT. 11B added, 1971, 602 (requiring all state boards, commissions and public authorities to inform certain city and town officials of studies which relate to their areas).

SECT. 13, third paragraph amended, 1960, 245; 1962, 179.

SECT. 14, clause (1) amended, 1957, 193 § 1; last paragraph amended, 1968, 637 § 1.

SECTS. 14-15 revised, 1973, 1114 § 3. (See 1973, 1114 § 351.)

Chapter 31. — Civil Service.

For temporary legislation protecting the civil service rights of certain

persons in the military or naval service of the United States, see 1941, 708; 1943, 172, 338, 548; 1945, 610; 1946, 61, 62, 238, 271 §§ 1-4; 1947, 4, 11, 14, 71, 203, 367; 1948, 447; 1949, 169; 1954, 627, 688; 1955, 205, 507, 708 §§ 1, 2.

For temporary legislation relative to transfers of civil service employees during the present emergency, see 1943, 492.

For temporary legislation making certain veterans eligible to take civil service examinations notwithstanding any age requirements, see 1945, 440 § 1; 1950, 179.

For legislation protecting the civil service rights of certain employees who are veterans attending school on "on-the-job" training under the G. I. Bill of Rights, see 1948, 228.

For legislation relative to promotional examinations for principal interviewer in the division of employment security, see 1948, 263.

For legislation subjecting certain employees of the division of employment security to the civil service laws, see 1949, 773; 1950, 461, 704.

For legislation reclassifying members of fire departments by changing the title of fireman to fire fighter, see 1952, 45.

SECT. 1, definitions contained in fourth to eighth lines revised, 1939, 238 § 9; revised, 1945, 703 § 1; definition of "Administrator" inserted, 1974, 835 § 51; definitions of "appointing authority" or "appointing officer" revised, 1953, 153; definition of "Competitive promotional examination revised, 1971, 657 § 1; definition of "Continuous examination" inserted, 1967, 780 § 3; two definitions "Department" and "Departmental promotional examination" inserted after definition "Competitive promotional examination", 1968, 652 § 1; definition of "Departmental promotional examination" amended, 1971, 657 § 2; definition of "Director" stricken out, 1974, 835 § 52; definition of "Division" revised, 1969, 704 § 38; 1974, 835 § 53; definition of "Essay question" inserted, 1975, 358 § 2; definition of "Executive office promotional examination" inserted, 1971, 685 § 1; definition of "Mentally retarded person" inserted after definition "Layoff," 1968, 756 § 1; definition of "Noncompetitive examination" stricken out, 1966, 127 § 1; definition of "Noncompetitive examination" inserted after definition "Mentally retarded person", 1969, 36 § 2; definition of "Promotion" amended, 1971, 683 § 1; definition of "Reinstatement" revised, 1969, 3 § 1; definition of "Roster", revised, 1969, 4 § 1; definition of "Suspension" inserted after definition "Roster", 1969, 45 § 1; definition of "Unassembled examination" added, 1967, 780 § 4, revised, 1969, 298 § 1; definition of "Unauthorized absence" added, 1971, 179 § 1. (See 1939, 238 §§ 25-55; 1969, 704 § 60; 1974, 835 § 185; 1975, 358 § 8.)

SECT. 2 revised, 1939, 238 § 10; 1945, 725 § 1; introductory paragraph revised, 1974, 835 § 54; paragraph (*a*) amended, 1974, 835 § 55; paragraph (*b*) amended, 1962, 270; 1964, 720 § 3; second and third sentences stricken out and one sentence inserted, 1969, 15 § 1; paragraph revised, 1973, 320 § 1; amended, 1974, 835 § 56; 1975, 358 § 3; paragraph (*c*) amended, 1974, 835 § 57. (See 1969, 15 § 2; 1974, 835 § 185; 1975, 358 § 8.) For temporary act, see 1965, 271 § 1. (See 1965, 271 § 2.)

SECT. 2A added, 1939, 238 § 11 (relative to the duties of the director of civil service); clause (*b*) revised, 1939, 506 § 1; clause (*e*) revised, 1941, 402 § 2; clause (*c*) amended, 1941, 721; section revised, 1945, 725 § 2;

introductory paragraph revised, 1974, 835 § 58; paragraph (*b*) revised, 1951, 302; two sentences added at end, 1953, 286 § 1; sentence added at end, 1954, 295 § 1; paragraph revised, 1969, 12 § 1; amended, 1974, 835 § 59; paragraph (*d*) amended, 1954, 680 § 17; revised, 1967, 780 § 5; last sentence stricken out and three sentences inserted, 1968, 469; paragraph amended, 1974, 835 § 60; paragraph (*e*) revised, 1965, 53; 1971, 221; 1974, 835 § 61; paragraph (*f*) amended, 1970, 4; 1972, 612 § 1; 1974, 835 § 62; paragraph (*g*) revised, 1971, 220; paragraph (*i*) amended, 1961, 287; paragraph (*k*) amended, 1965, 9; revised, 1969, 5; 1973, 490; amended, 1974, 835 § 63; paragraph (*l*) revised, 1973, 320 § 2; amended, 1974, 835 § 64; revised, 1975, 358 § 4; paragraphs (*m*), (*n*) and (*o*) added, 1967, 780 § 6; paragraph (*n*) revised, 1971, 289; amended, 1972, 612 § 2; revised, 1974, 835 § 65; paragraph (*p*) added, 1974, 484 § 1. (See 1939, 238 §§ 52-55; 1953, 286 § 2; 1974, 835 § 185; 1975, 358 § 8.)

SECT. 2B added, 1974, 835 § 66 (providing for the appointment of certain examiners). (See 1974, 835 § 185.)

SECT. 2C added, 1974, 835 § 66 (regulating the eligibility of certain office holders for appointment in the division of personnel administration). (See 1974, 835 § 185.)

SECT. 3, clause (*g*) added, 1937, 223 (giving preference to blind persons in the employment of typists in certain cases by state departments, boards and commissions); section amended, 1939, 238 § 12; revised, 1939, 498 § 1; clause (*a*) revised, 1941, 190; section revised, 1945, 702; clause (*a*) revised, 1955, 643 § 10; section revised, 1967, 780 § 7. (See 1939, 238 §§ 51-55; 1955, 643 § 12.)

SECT. 4, fourth paragraph amended, 1938, 72; paragraph in line 19 stricken out and new paragraph inserted, 1941, 49; sixth paragraph revised, 1932, 282 § 1; section amended, 1939, 238 § 13; paragraph added, 1939, 256 § 1; paragraph added, 1941, 625 § 1; 1941, 627 § 1; 1941, 686 § 2; paragraph added, 1943, 246 § 1; 1943, 402 § 1; section revised, 1945, 701 § 4; third paragraph revised, 1966, § 19 § 2; paragraph in line 12 revised, 1959, 320 § 1; paragraph in line 15 revised, 1957, 142; paragraph in line 19 revised, 1959, 320 § 2; 1964, 24 § 1; paragraph in line 22 revised, 1949, 397; 1956, 294; 1958, 583 § 1; eleventh and twelfth paragraphs stricken out, 1970, 5 § 1; paragraph added, 1949, 765 § 1; stricken out, 1958, 583 § 2; paragraph added, 1949, 779 § 1; stricken out, 1966, 19 § 1; paragraph added, 1956, 438 § 1; revised, 1964, 24 § 2; paragraph added, 1956, 652 § 1; stricken out, 1970, 5 § 2; paragraph added, 1970, 599; revised, 1975, 706 § 82. (See 1932, 282 § 4; 1943, 246 § 2; 402 § 2; 1949, 765 § 2; 779 § 2; 1956, 438 § 2; 652 § 2; 1975, 706 § 312.)

SECT. 4A added, 1965, 157 (placing certain regional school districts and regional vocational school districts under the civil service law).

SECT. 5 amended, 1935, 405 § 2; 1936, 244 § 3; 1939, 238 § 14; revised, 1941, 402 § 3; amended, 1945, 355; 701 § 4A; 1948, 387 § 2; 1950, 397; 1951, 26; 1954, 298; 1963, 162 § 1; 1964, 199, 526; revised, 1965, 31; amended, 1965, 365 § 2, 471 § 1; 1967, 60; revised, 1967, 780 § 8; amended, 1968, 461 § 1; 1970, 161, 165; 1971, 187, 294; 1972, 311 § 1; revised, 1975, 115 § 1; amended, 1975, 134, 535 § 1; 689 § 10. (See 1948, 387 § 1; 1963, 162 § 2; 1965, 471 § 2.)

SECT. 5A added, 1937, 414 § 2 (relative to the employment by certain municipal officers of persons to serve in a confidential capacity).

SECT. 5B added, 1970, 162 § 2 (relative to the height and weight of members of fire or police forces); first two paragraphs revised, 1971, 370; 1973, 351 § 1; first paragraph revised, 1974, 762; amended, 1974, 835 § 67; third paragraph revised, 1973, 351 § 2. (See 1973, 351 § 4; 1974, 835 § 185.)

SECT. 6, first sentence revised, 1949, 430; 1966, 18; 1970, 154; amended, 1974, 835 § 67A; sentence added, 1932, 260; amended, 1939, 238 § 15; revised, 1974, 835 § 68. (See 1974, 835 § 185.)

SECT. 6A added, 1935, 228 (dispensing with educational requirements as a condition of taking certain civil service examinations); revised, 1965, 580 § 1, 775 § 1; paragraph added, 1967, 443; section revised, 1967, 780 § 9; amended, 1968, 261; first and second paragraphs amended, 1974, 835 § 69; paragraph inserted after second paragraph, 1969, 484; amended, 1970, 155 § 1; 1972, 297; 1974, 835 § 70; fourth paragraph revised, 1970, 155 § 2; amended, 1974, 835 § 71. (See 1974, 835 § 185.)

SECT. 6B added, 1967, 780 § 10 (providing for unassembled examinations for certain positions); revised, 1969, 298 § 2; first paragraph amended, 1972, 389; first and second paragraphs amended, 1974, 835 § 72; paragraph inserted after second paragraph, 1970, 468 § 1; revised, 1973, 320 § 3. (See 1974, 835 § 185.)

SECT. 7 revised, 1939, 397; repealed, 1967, 780 § 11.

SECT. 8 amended, 1939, 238 § 16; revised, 1939, 396; 1945, 703 § 3; second paragraph revised, 1959, 318; first two paragraphs revised, 1971, 683 § 2; third paragraph amended, 1969, 6 § 1; paragraph inserted after third paragraph, 1964, 521; amended, 1967, 74 § 1; 1971, 683 § 3; paragraph added at end, 1962, 547; section revised, 1974, 835 § 73. (See 1974, 835 § 185.)

SECT. 8A added, 1967, 110 § 1 (authorizing director to hold open competitive examinations whenever he determines public convenience requires); first paragraph amended, 1974, 835 § 74; second paragraph, second sentence revised, 1969 § 501; last sentence stricken out, 1969, 117; second sentence amended, 1970, 468 § 2; revised, 1973, 320 § 4. (See 1974, 835 § 185.)

SECT. 8B added, 1967, 780 § 12 (authorizing the director to waive residence requirements in certain cases); revised, 1970, 6; 1971, 197 § 1; amended, 1974, 835 § 75. (See 1974, 835 § 185.)

SECT. 8C added, 1968, 655 (providing for competitive examinations for management interns); second paragraph, sentence added, 1970, 468 § 3; revised, 1973, 320 § 5; section amended, 1974, 835 § 76; first paragraph revised, 1975, 358 § 5. (See 1974, 835 § 185; 1975, 358 § 8.)

SECT. 8D added, 1970, 7 (exempting certain students employed by cities or towns from civil service law); amended, 1974, 835 § 77. (See 1974, 835 § 185.)

SECT. 9 amended, 1967, 110 § 2.

SECT. 10 revised, 1939, 238 § 17, 498 § 2; first paragraph amended, 1945, 703 § 4; 1969, 6 § 2; 1972, 76; sentence added, 1973, 320 § 6; four paragraphs added, 1967, 562; second paragraph revised, 1968, 756 § 2; fourth paragraph revised, 1968, 756 § 3; section revised, 1974, 835 § 78. (See 1974, 835 § 185.)

SECT. 10A added, 1972, 619 (authorizing the appointment of paraplegics to certain positions in police and fire departments); amended, 1974, 835 § 79; first paragraph, sentence added, 1975, 383. (See 1974, 835 § 185.)

SECT. 11 amended, 1959, 27; revised, 1971, 237 § 1.

SECT. 11A added, 1973, 164 (imposing penalties for altering or substituting civil service examination papers).

SECT. 12 amended, 1939, 238 § 18; revised, 1945, 704 § 1; first paragraph amended, 1954, 627 § 2; amended, 1946, 271 § 5; paragraph added at end, 1948, 121 § 1; amended, 1951, 27; section revised, 1955, 571; first paragraph, two sentences inserted after first sentence, 1965, 445; fourth sentence revised, 1973, 320 § 7; seventh sentence stricken out and two sentences inserted, 1972, 406 § 1; paragraph amended, 1974, 835 § 80; second paragraph amended, 1974, 304; revised, 1974, 835 § 81; 1975, 250; 639 § 1; paragraph added, 1964, 241; amended, 1966, 70; 1974, 835 § 82; paragraph added, 1969, 25; amended, 1974, 835 § 83. (See 1948, 121 § 2; 1954, 627 §§ 65, 67; 1972, 406 § 2; 1974, 835 § 185.)

SECT. 12A added, 1945, 704 § 2 (providing procedure for reviewing markings on civil service examination papers); revised, 1948, 297; 1965, 261; first paragraph revised, 1966, 115 § 1; third paragraph amended, 1967, 64; fourth paragraph revised, 1966, 115 § 2; section revised, 1967, 780 § 13; first paragraph, two sentences added, 1971, 235 § 1; paragraph revised, 1972, 147; third paragraph, two sentences added, 1971, 235 § 2; fourth paragraph amended, 1971, 235 § 3; section revised, 1973, 320 § 8; amended, 1974, 835 § 84; revised, 1975, 358 § 6. (See 1974, 835 § 185; 1975, 358 § 8.)

SECT. 12B added, 1957, 401 (providing that applicants for the position of wire inspector must hold a master or journeyman electrician's license before being certified for such position).

SECT. 13 amended, 1938, 174 § 2; revised, 1945, 703 § 5; first sentence revised, 1971, 186; amended, 1974, 835 § 85; sentence added, 1952, 214; revised, 1971, 796; 1972, 382; 1973, 201. (See 1974, 835 § 185.)

SECT. 13A amended, 1939, 238 § 19; revised, 1945, 725 § 3; amended, 1968, 20; 1974, 835 § 86; 1975, 105. (See 1974, 835 § 185.)

SECT. 14 amended, 1939, 238 § 20; repealed, 1945, 725 § 5.

SECT. 15 revised, 1939, 238 § 21; 1939, 506 § 2; 1941, 491; second paragraph revised, 1945, 704 § 3; last paragraph stricken out and three paragraphs inserted, 1945, 704 § 4; section revised, 1946, 103; first paragraph revised, 1951, 41 § 1; 1960, 598; sixth sentence revised, 1963, 119; two sentences added at end, 1962, 743 § 2; amended, 1967, 74 § 2; second paragraph revised, 1957, 46; fourth paragraph revised, 1951, 41 § 2; fifth paragraph revised, 1945, 376; paragraph inserted after fifth paragraph, 1962, 236; same paragraph revised, 1963, 396; paragraph inserted after sixth paragraph, 1963, 152 § 1; paragraph A amended, 1948, 489; revised, 1952, 317 § 1; 1954, 267; paragraph B revised, 1952, 317 § 2; paragraph C amended, 1955, 643 § 9; two paragraphs inserted after paragraph C, 1964, 455; paragraph added at end, 1947, 13; section revised, 1964, 720 § 1; first paragraph amended, 1968, 652 § 2; second sentence revised, 1973, 1230 § 16; third sentence revised, 1969, 9 § 1; 1971, 232 § 1; paragraph inserted after first paragraph, 1970, 281 § 1; stricken out, 1973, 1230 § 17; second paragraph amended, 1969, 9 § 2; revised, 1971, 232 § 2; amended, 1973, 1230 § 18; fifth paragraph amended, 1967, 57 § 1; sixth paragraph revised, 1968, 636; 1971, 214; amended, 1973, 1230 § 19; seventh paragraph amended, 1967, 780 § 14; ninth paragraph revised, 1966, 127 § 2; 1969, 36 § 1;

amended, 1970, 392; tenth paragraph revised, 1966, 290; paragraph A amended, 1966, 192; revised, 1967, 112; amended, 1968, 91; 1969, 8; 1971, 213; paragraph B amended, 1965, 237; revised, 1966, 349; 1967, 125; 1967, 683 § 1; 1968, 652 § 3; amended, 1970, 65; 1971, 685 § 2; paragraph added at end, 1969, 896; revised, 1971, 685 § 3; paragraph C, third from last paragraph revised, 1969, 9 § 3; paragraph D added, 1965, 580 § 2; amended, 1965, 775 § 2; 1973, 1230 § 20; last paragraph stricken out, 1968, 652 § 4; seventeenth paragraph amended, 1970, 50; paragraph added at end, 1968, 652 § 8; section revised, 1974, 835 § 87. (See 1955, 643 § 12; 1962, 743 §§ 4, 5, 7; 1970, 281 § 3; 1974, 835 § 185.)

SECT. 15A added, 1933, 267 (restricting the appointment of persons for temporary employment under the civil service laws); amended, 1934, 105; repealed, 1943, 523.

SECT. 15B added, 1943, 520 (authorizing certain promotions from the labor service to the official service of a department, board or commission under the civil service laws); amended, 1946, 52; revised, 1952, 313; 1953, 459; amended, 1958, 51; revised, 1962, 274; last sentence stricken out, 1968, 652 § 5; three paragraphs added, 1971, 683 § 4; section revised, 1974, 835 § 88. (See 1974, 835 § 185.)

SECTS. 15C and 15D added, 1945, 704 § 5 (requiring lists of civil service officers and employees to be filed annually with the director of civil service and establishing the method of determining seniority).

SECT. 15C amended, 1946, 53; paragraph inserted after first paragraph, 1950, 385; section revised, 1953, 195; first paragraph amended, 1974, 835 § 88A; second paragraph revised, 1965, 341; amended, 1972, 282; last paragraph revised, 1968, 652 § 6. (See 1974, 835 § 185.)

SECT. 15D, paragraph 1 amended, 1952, 447 § 1; 1955, 40; revised, 1969, 45 § 2; amended, 1970, 9 § 1; paragraph 2 revised, 1947, 426; 1962, 510; second sentence stricken out and two sentences inserted, 1969, 45 § 3; fourth sentence added, 1969, 217; amended, 1970, 9 § 2; revised, 1971, 480; paragraph 3 revised, 1969, 45 § 4; definition of "Absence" revised, 1949, 167; 1969, 45 § 5; last paragraph revised, 1968, 652 § 7. (See 1952, 447 § 2.)

SECT. 15E added, 1946, 540 (providing that injuries received by persons employed in a provisional capacity shall not disqualify them for permanent employment under the civil service laws); amended, 1974, 835 § 88B. (See 1974, 835 § 185.)

SECT. 15F added, 1951, 157 (relative to provisional promotions under civil service laws and probationary periods served therein); revised, 1958, 529; last sentence revised, 1967, 118; section revised, 1968, 652 § 9; second sentence amended, 1971, 212; sentence inserted after second sentence, 1970, 319; paragraph added, 1973, 1230 § 21; section revised, 1974, 835 § 89. (See 1974, 835 § 185.)

SECT. 15G added, 1967, 780 § 15 (relative to appointments from lists of three eligible persons willing to serve); amended, 1968, 652 § 10; 1971, 195; revised, 1974, 835 § 89. (See 1974, 835 § 185.)

SECT. 16A added, 1939, 506 § 3 (relative to transfers under the civil service laws); revised, 1945, 703 § 6; 1958, 55; first paragraph amended, 1962, 743 § 3; section revised, 1964, 720 § 2; second paragraph amended,

1966, 20; 1967, 74 § 3; sixth paragraph revised, 1967, 780 § 16; seventh paragraph amended, 1967, 57 § 2; section revised, 1968, 637 § 2; first paragraph amended, 1971, 439 § 1; second paragraph revised, 1971, 439 § 2; paragraph inserted, 1973, 1230 § 22; third paragraph stricken out, 1971, 439 § 3; section revised, 1974, 835 § 90. (See 1962, 743 §§ 6, 7; 1974, 835 § 185.)

SECT. 16B added, 1971, 185 (providing for transfer of civil service employees from the official service to the labor service); first paragraph amended, 1974, 835 § 91; paragraph added, 1973, 1230 § 23; amended, 1974, 835 § 92. (See 1974, 835 § 185.)

SECT. 17 amended, 1934, 94; revised, 1939, 76; amended, 1939, 238 § 22; 1963, 25; revised, 1974, 835 § 93. (See 1974, 835 § 185.)

SECT. 18 amended, 1939, 238 § 23; revised, 1945, 703 § 9; amended, 1947, 22; revised, 1967, 98; amended, 1971, 179 § 2; paragraph added, 1971, 179 § 3; amended, 1974, 484 § 2; 835 § 94. (See 1974, 835 § 185.)

SECT. 18A added, 1941, 627 § 4 (positions in the labor service of the department of public works to be classified by districts); sentence added 1945, 389; amended, 1974, 835 § 95. (See 1974, 835 § 185.)

SECT. 19 revised, 1971, 197 § 2.

SECT. 19A added, 1932, 146 (relative to appointments to the regular fire forces in certain cities having reserve fire forces); amended, 1939, 238 § 24; revised, 1941, 38; amended, 1943, 530; revised, 1949, 55; amended, 1974, 835 § 96. (See 1974, 835 § 185.)

SECT.19B added, 1949, 288 (relative to appointments of intermittent firemen to the regular force in cities and towns); three sentences inserted after second sentence, 1966, 75 § 1; section revised, 1969, 53 § 1; amended, 1974, 835 § 97. (See 1966, 75 § 2; 1974, 835 § 185.)

SECT. 19C added, 1968, 263 (prohibiting residency requirements for appointment of firemen in certain cities and towns); amended, 1971, 184; 1974, 835 § 98. (See 1974, 835 § 185.)

SECT. 20 amended, 1939, 238 § 25; revised, 1939, 419 § 3; 1945, 704 § 6; 1947, 354 § 1; first paragraph amended, 1959, 115; paragraph added at end, 1951, 279; revised, 1963, 150; paragraph added at end, 1964, 40; section revised, 1969, 196; paragraph inserted after first paragraph, 1971, 183; amended, 1974, 835 § 99. (See 1947, 354 § 2; 1974, 835 § 185.)

SECT. 20A amended, 1939, 238 § 26; revised, 1941, 39; 1952, 167 § 1; 1953, 255 § 1; amended, 1954, 136 § 1; 1974, 835 § 100. (See 1952, 167 § 3; 1953, 255 § 2; 1974, 835 § 185.)

SECT. 20B added, 1937, 416 § 3 (providing for appointments to the regular police force of the metropolitan district commission from the list of members of the reserve police force); amended, 1939, 238 § 27; repealed, 1939, 441 § 2. (See 1937, 416 § 5; repealed, 1939, 441 § 3.)

SECT. 20C added, 1941, 621 (relative to appointments to the regular police force in certain cities and towns); revised, 1952, 167 § 2; amended, 1954, 136 § 2; first sentence revised, 1969, 53 § 2; amended, 1974, 835 § 101; fourth sentence amended, 1974, 835 § 102. (See 1952, 167 § 3; 1974, 835 § 185.)

SECT. 20D added, 1945, 703 § 2 (relative to the serving of probationary periods in offices and positions subject to civil service); first paragraph, first sentence revised, 1961, 255; amended, 1968, 93; 1970, 8; revised, 1971,

182 § 1; paragraph amended, 1974, 835 § 103; second paragraph revised, 1968, 506; amended, 1974, 835 § 104; four paragraphs added, 1971, 182 § 2; third paragraph amended, 1974, 835 § 105. (See 1974, 835 § 185.)

SECT. 21 amended, 1932, 89; revised, 1933, 137; amended, 1939, 238 § 28; 1943, 194, 469; 1946, 216; 1950, 289 § 1; revised, 1951, 663; 1954, 627 § 3; amended, 1956, 248, 249; 1972, 98; 1974, 835 § 106. (See 1950, 289 § 2; 1954, 627 §§ 65, 67; 1974, 835 § 185.)

SECT. 21A added, 1954, 688 § 1 (further defining the word "veteran" as used in certain laws); amended, 1956, 702.

SECT. 22 amended, 1939, 238 § 29; first sentence revised, 1954, 627 § 4; amended, 1974, 835 § 107; paragraph added, 1946, 345; amended, 1974, 835 § 107A. (See 1954, 627 §§ 65, 67; 1974, 835 § 185.)

SECT. 22A added, 1946, 221 (making certain veterans eligible for examinations and appointment to police and fire departments notwithstanding certain age requirements); revised, 1947, 287; repealed, 1973, 351 § 3.

SECT. 23 amended, 1939, 238 § 30; sentence added at end, 1949, 642 § 1; section revised, 1954, 627 § 5; second sentence revised, 1971, 219; third sentence amended, 1971, 1051 § 1. (See 1954, 627 §§ 65, 67.)

SECT. 23A added, 1954, 627 § 6 (defining "Disabled Veteran"); revised, 1956, 430 § 1; first paragraph amended, 1958, 69 § 1; 1971, 1051 § 2; revised, 1974, 835 § 108. (See 1954, 627 §§ 65, 67; 1956, 430 § 2; 1958, 69 § 2; 1974, 835 § 185.)

SECT. 23B added, 1954, 627 § 6 (providing for preference in civil service appointments for widows and widowed mothers of certain veterans); revised, 1956, 430 § 1; amended, 1974, 835 § 109. (See 1954, 627 §§ 65, 67; 1956, 430 § 2; 1958, 69 § 2; 1974, 835 § 185.)

SECT. 23C added, 1971, 346 (providing that certain police officers and fire fighters have equal preference with veterans in their placement on eligible lists for promotion); revised, 1972, 380.

SECT. 24 amended, 1939, 238 § 31; sentence added, 1949, 642 § 2; revised, 1956, 247; section amended, 1974, 835 § 110; revised, 1975, 639 § 2. (See 1974, 835 § 185.)

SECT. 25 amended, 1939, 238 § 32; 1946, 145; revised, 1948, 407; 1969, 502; amended, 1973, 1230 § 24; 1974, 835 § 111. (See 1974, 835 § 185.)

SECTS. 27-28 repealed, 1971, 181.

SECT. 29 amended, 1939, 238 § 33; revised, 1945, 725 § 4; amended, 1948, 138; revised, 1967, 459; second sentence stricken out and three sentences inserted, 1968, 2; sentence inserted after fifth sentence, 1971, 234; section revised, 1973, 320 § 9; amended, 1974, 835 § 112; revised, 1975, 358 § 7. (See 1974, 835 § 185; 1975, 358 § 8.)

SECT. 30 amended, 1939, 238 § 34; repealed, 1945, 725 § 5.

SECT. 31 amended, 1939, 238 § 35; revised, 1939, 422 § 1; first paragraph amended, 1959, 319; 1965, 32; second and third paragraphs revised, 1974, 835 § 113. (See 1974, 835 § 185.)

SECT. 31A added, 1939, 422 § 2 (relative to the making of reports by department heads pertaining to civil service employees); amended, 1974, 835 § 114. (See 1974, 835 § 185.)

SECT. 31B added, 1941, 165 § 1 (relative to the preparation and keeping of rosters of positions in the classified civil service and incumbents thereof in connection with the payment of salaries or compensation); amended, 1967, 63; 1969, 4 § 2; 1974, 835 § 115. (See 1941, 165 § 2; 1974, 835 § 185.)

SECT. 32 amended, 1939, 238 § 36; revised, 1939, 420 § 1; first sentence revised, 1967, 780 § 17; amended, 1974, 835 § 116; sentence added at end, 1969, 24. (See 1974, 835 § 185.)

SECT. 32A added, 1939, 420 § 2 (providing that records and files relating to civil service employees be public records); repealed, 1945, 703 § 10.

SECT. 33 amended 1939, 238 § 37; revised, 1939, 420 § 3; amended, 1974, 835 § 117. (See 1974, 835 § 185.)

SECT. 34 amended, 1939, 238 § 38; revised, 1939, 420 § 4; amended, 1974, 835 § 118. (See 1974, 835 § 185.)

SECT. 35 repealed, 1941, 559.

SECT. 36 amended, 1939, 238 § 39; revised 1945, 701 § 1; second and third sentences stricken out, 1971, 188 § 1.

SECT. 37 amended, 1939, 238 § 40; repealed, 1971, 188 § 2.

SECT. 38 amended, 1939, 238 § 41; revised, 1939, 422 § 3; amended, 1974, 835 § 119. (See 1974, 835 § 185.)

SECT. 39 amended, 1939, 238 § 42; 1974, 835 § 120. (See 1974, 835 § 185.)

SECT. 40 amended, 1939, 238 § 43; repealed, 1945, 703 § 10.

SECT. 41 repealed, 1970, 141.

SECT. 42 amended, 1939, 238 § 44; revised, 1960, 722; sentence added at end, 1964, 364; section revised, 1970, 720 § 1; 1974, 579; amended, 1974, 835 § 121. (See 1974, 835 § 185.)

SECT. 42A repealed, 1945, 667 § 4.

SECT. 42B repealed, 1945, 667 § 4.

SECT. 43 revised, 1945, 667 § 1; paragraph (*f*) revised, 1946, 379; section revised, 1947, 373 § 1; paragraph (*a*), amended, 1949, 170 § 1; second sentence revised, 1949, 429 § 1; paragraph (*a*), revised, 1957, 432; 1959, 569 § 1; amended, 1965, 361; 1968, 637 § 3; second sentence revised, 1970, 72 § 1; paragraphs (*b*) and (*c*) revised, 1948, 240; paragraph (*b*), first sentence amended, 1968, 637 § 4; revised, 1970, 72 § 2; 1975, 557 § 1; second sentence revised, 1962, 205; paragraph (*d*) amended, 1955, 407 § 1; 1968, 637 § 5; revised, 1970, 72 § 3; paragraph (*e*), first sentence revised, 1949, 429 § 2; paragraph (*e*) revised, 1956, 629 § 1; 1959, 569 § 2; amended, 1963, 26; second, third and fourth sentences revised, 1964, 275; fourth sentence revised, 1974, 835 § 122; eighth sentence stricken out, 1965, 33 § 1; eighth sentence revised, 1970, 72 § 4; ninth sentence revised, 1974, 835 § 123; paragraph (*f*) amended, 1963, 801 § 72; fourth sentence stricken out, 1969, 766 § 43A; paragraph revised, 1974, 835 § 124; paragraph (*g*) added, 2956, 629 § 2; revised, 1959 § 3; seventh sentence stricken out, 1965, 33 § 2; paragraph revised, 1965, 281; amended, 1974, 835 § 125; paragraph (*h*) added, 1957, 569; revised, 1959, 569 § 4; 1962, 776; amended, 1968, 637 § 6; first sentence revised, 1970, 72 § 5; paragraph (*i*) added, 1965, 33 § 3; paragraph (*j*) added, 1971, 179 § 4. (See 1955, 407 § 3; 1956, 629 § 3; 1969, 766 § 48; 1974, 835 § 185.)

SECT. 45 amended, 1934, 249 § 2; revised, 1945, 667 § 2; amended, 1955, 407 § 2,; 1970, 72 § 6; revised, 1970, 711. (See 1955, 407 § 3.)

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service); amended, 1941, 166.

SECT. 45B added, 1941, 135 (requiring clerks of district courts to furnish certain information to the director of civil service); amended, 1945, 667 § 3; repealed, 1973, 171.

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1; amended, 1941, 257; repealed, 1945, 667 § 4.

SECT. 46A revised, 1959, 569 § 5; second paragraph, first sentence revised, 1975, 557 § 2.

SECT. 46B amended, 1939, 238 § 45; repealed, 1945, 667 § 4.

SECTS. 46C and 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees.

SECT. 46C amended, 1934, 84; 1936, 66; revised, 1938, 297 § 1; amended, 1939, 238 § 46; revised, 1945, 704 § 8; amended, 1947, 373 § 2; first sentence revised, 1964, 482; amended, 1969, 3 § 2; revised, 1974, 835 § 126; last two sentences stricken out and one sentence inserted, 1969, 3 § 3; fifth and sixth sentences revised, 1974, 835 § 127. (See 1974, 835 § 185.)

SECT. 46D repealed, 1945, 704 § 7.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases); first paragraph revised, 1945, 703 § 7; amended, 1951, 37; revised, 1967, 143; first sentence amended, 1969, 3 § 4; third sentence stricken out and two sentences inserted, 1968, 12; third, fourth and fifth sentences revised, 1974, 835 § 128; paragraph added 1936, 297; amended, 1939, 238 § 47; 1941, 136; stricken out, 1969, 45 § 6; paragraph added, 1965, 703 § 1; paragraph inserted, 1974, 676 § 1; paragraph added, 1969, 3 § 5; amended, 1974, 835 § 129. (See 1965, 703 § 2; 1974, 835 § 185.)

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the metropolitan district commission in certain cases); amended, 1939, 238 § 48; repealed, 1945, 704 § 7.

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in the classified civil service in certain cases); revised, 1938, 297 § 2; 1945, 704 § 9; amended, 1949, 170 § 2; first sentence revised, 1967, 96.

SECT. 46H added, 1936, 287 § 1 (providing for the reinstatement in the classified civil service of retired municipal officers and employees in certain cases of invalid retirement); amended, 1939, 238 § 49; revised, 1974, 835 § 130. (See 1974, 835 § 185.)

SECT. 46I added, 1945, 703 § 8 (providing for the establishment of re-employment lists of persons separated from the official or labor service otherwise than by resignation or discharge); amended, 1946, 60; revised, 1947, 12; first two sentences revised, 1960, 231 § 1; first sentence revised, 1967, 88; paragraph added, 1951, 420; section revised, 1974, 835 § 130. (See 1960, 231 § 2; 1974, 835 § 185.)

SECT. 46J added, 1946, 288 (relative to the right of civil service employees to petition the general court and to appear before committees thereof).

SECT. 46K added, 1952, 138 (authorizing civil service employees to petition their municipal government and to appear before committees thereof).

SECT. 46L added, 1961, 150 § 1 (making permanent certain positions in the labor service in cities). (See 1961, 150 § 2.)

SECT. 46M added, 1961, 378 § 1 (relative to the removal of certain persons refusing appointment as permanent full time janitor building custodians in any school system in the commonwealth); amended, 1974, 835 § 131. (See 1974, 835 § 185.)

SECT. 47 revised, 1945, 701 § 2; caption preceeding section changed, 1957, 29.

SECT. 47A added, 1941, 195 (providing that certain employees in the classified public service shall not be subject to a probationary period); revised, 1945, 701 § 3; second paragraph amended, 1946, 59; first two paragraphs revised, 1948, 278; first paragraph amended, 1967, 74 § 4; second paragraph amended, 1967, 74 § 5; first and second paragraphs revised, 1974, 835 § 132; third paragraph amended, 1971, 152; 1974, 835 § 133; paragraph added, 1950, 376 § 1; 1970, 49. (See 1950, 376 § 2; 1974, 835 § 185.)

SECT. 47B added, 1941, 290 (relative to the classification and establishment of seniority of certain civil service employees); revised, 1945, 701 § 5; paragraph inserted after first paragraph, 1956, 49; second paragraph amended, 1967, 74 § 6; third paragraph amended, 1967, 74 § 7; fourth paragraph amended, 1960, 73.

SECTS. 47C and 47D added, 1941, 402 § 1 (establishing a merit system, substantially similar to the civil service system, for certain officers and employees of local boards of public welfare). (See 1941, 402 §§ 4-9.)

SECT. 47C, paragraph (1) revised, 1941, 588 § 1; 1950, 793 § 1; 1951, 741 § 3; amended, 1963, 432 § 2; revised, 1965, 387 § 1; paragraph (3) revised, 1965, 580 § 3; 775 § 3; section repealed, 1967, 658 § 1A. (See 1941, 588 § 3; 1950, 793 § 2.)

SECT. 47D, first sentence revised, 1965, 387 § 2; section repealed, 1967, 658 § 1A.

SECT. 47E added, 1951, 537 (providing annual step-rate increases for municipal public welfare employees); second paragraph stricken out, 1961, 529; section revised, 1962, 579 § 1; second paragraph revised, 1964, 702; section repealed, 1967, 658 § 1A. (See 1962, 579 §§ 2, 3.)

SECT. 48 revised, 1945, 701 § 6; first paragraph amended, 1953, 306; 1954, 90; 1967, 246 § 1; revised, 1970, 162 § 1; paragraph added, 1947, 239; section amended, 1974, 835 § 134. (See 1974, 835 § 185.)

SECT. 48A added, 1967, 857 (relative to residency requirements for appointment of police officers); amended, 1968, 746; 1969, 16; 1972, 226; revised, 1974, 650; amended, 1974, 835 § 135. (See 1974, 835 § 185.)

SECT. 48B added, 1968, 461 § 2 (providing for subjecting position of parking meter supervisor to civil service laws).

SECT. 48C added, 1970, 51 (increasing minimum age requirement for certain lifeguards); repealed, 1974, 18 § 1. (See 1970, 437 §§ 1,2.)

SECT 49 repealed, 1945, 701 § 7.

SECT. 49A added, 1939, 183 (authorizing cities and towns to place certain offices under the civil service laws by vote of the voters thereof); revised, 1941, 414; 1945, 701 § 8.

SECT. 51 revised, 1971, 237 § 2; amended, 1974, 835 § 136. (See 1974, 835 § 185.

Chapter 32. — Retirement Systems and Pensions.

For temporary legislation providing for the return of certain moneys paid into the state retirement fund by certain former members of the general court, see 1954, 615.

For temporary legislation relative to make-up payments in the annuity savings fund by surviving beneficiaries of certain former constitutional officers or members of the general court, see 1956, 335.

For temporary legislation protecting the retirement rights of certain persons in the military or naval service of the United States, see 1941, 708; 1943, 172, 419, 548; 1945, 455, 610, 699; 1947, 4, 11, 14, 203, 367; 1954, 627, 688; 1955, 708 §§ 1, 2.

For legislation relative to the temporary re-employment of former officers and employees of the commonwealth or any political subdivision thereof during the continuance of the existing state of war between the United States and any foreign country, see 1942, 16; 1943, 502; 1946, 55, 306.

For temporary legislation authorizing the employment of certain nurses who have been retired, see 1955, 553.

For legislation relative to the retirement of assistant district attorneys general, see 1948, 659.

For legislation relative to the retirement of county commissioners, see 1948, 662.

For legislation relative to increasing the amounts of pensions and retirement allowances payable to certain former public employees, see 1950, 820; 1951, 781; 1952, 624; 1953, 471, 472; 1955, 670; 1956, 415, 605; 1958, 392; 1959, 493; 1960, 647; 1961, 111; 1963, 478.

For legislation to restore the pension rights to members of the general court and the constitutional officers, see 1955, 554; 1956, 386.

Sects. 1-38A, as amended, stricken out and twenty-eight new sections, 1-28, inserted, 1945, 658 § 1. (See 1945, 658 §§ 9-11.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 1 to 28, as so inserted:

SECT. 1, definition of "Beneficiary" revised, 1949, 618 § 1; definition of "District" amended, 1953, 583 § 1; 1956, 306 § 1; definition of "Employee" revised, 1947, 660 § 1; 1950, 537; sentence added, 1950, 600 § 1; definition of "Employee" revised, 1951, 543 § 1; amended, 1952, 185; 1956, 306 § 2; 1967, 597 § 1; 1971, 1012 § 1; 1972, 436 § 1; 1973, 324, 767 § 1, 1003 § 1, 1211 § 1; 597 § 1; 1971, 1012 § 1; 1972, 436 § 1; 1973, 324, 767 § 1, 1003 § 1, 1211 § 1; 1974. 475 § 1; 1975,708 § 12; definition of "Governmental Unit" revised,

1957, 667 § 1; definition of "Head of his department" revised, 1967, 597 § 2; definition of "Maximum age" revised, 1958, 321 § 1; 1967, 826 § 1; definition of "Member" revised, 1967, 597 § 3; 1971, 1012, § 2; 1973, 1003 § 2; definition of "Political subdivision" revised, 1948, 507 § 1; 1967, 597 § 4; amended, 1967, 814 § 1; 1969, 751 § 8; revised, 1971, 1012 § 3; amended, 1972, 436 § 2; revised, 1973, 633 § 1, 767 § 2, 1003 § 3; 1975, 708 § 13; definition of "Regular compensation" revised, 1948, 606; amended, 1967, 769 § 3; 1952, 515 § 2; 1952, 423 § 1; 1957, 516 § 2; 1963, 466 § 5; 1969, 84; 1971, 287; 1973, 279; definition of "System" revised, 1967, 597 § 5; 1971, 1012 § 4; 1973, 1003 § 4; definition of "Teacher" amended, 1951, 543 § 22; revised, 1952, 434 § 1; 1957, 516 § 1; definition of "Veteran" amended, 1950, 710; sentence added at end, 1951, 526 § 1; revised, 1954, 627 § 7; amended, 1954, 688 § 2. (See 1950, 600 § 3; 1951, 543 § 3; 1952, 423 § 2; 1954, 627 §§ 65, 67; 1957, 516 § 4; 1973, 767 § 6, 1211 § 9; 1974, 475 § 2.)

SECT. 2 amended, 1956, 306 § 3; fourth sentence amended, 1964, 532 § 1; revised, 1967, 597 § 6; amended, 1967, 814 § 2; 1971, 1012 § 5; 1972, 436 § 3; revised, 1973, 633 § 2, 767 § 3, 1003 § 5; amended, 1975, 708 § 14; paragraph added, 1964, 532 § 2. (See 1973, 767 § 6.)

SECT. 3, subdivision (1), paragraph (*a*), clause (*i*) amended, 1970, 751; 1971, 94; subdivision (2), paragraph (*a*), clause (*iv*) revised, 1951, 644 § 1; 1956, 609 § 1; amended, 1958, 321 § 2; revised, 1959, 381; amended, 1969, 740 § 1; clause (*v*) revised, 1951, 644 § 1; amended, 1969, 740 § 2; clause (*vi*) revised, 1947, 660 § 2; 1951, 644 § 1; amended, 1969, 740 § 3; clause (*x*) added, 1950, 600 § 2; clause (*xi*) added, 1952, 515 § 1; clause (*xii*) added, 1967, 597 § 7; first sentence revised, 1966, 622; clause (*viii*) added, 1973, 1003 § 6; clause (*vix*) added, 1973, 1211 § 2; paragraph (*b*) revised, 1947, 660 § 2; paragraph (*d*) revised, 1947, 660 § 2; amended, 1947, 667 § 2; 1958, 578 § 1; (see 1958, 578 § 2); paragraph (*e*) revised, 1963, 749 § 1; paragraph (*f*) revised, 1951, 644 § 2; 1956, 609 § 2; (see 1957, 664); amended, 1969, 740 § 4; definition of *Group B* in paragraph (*g*), amended, 1946, 403 § 1; revised, 1947, 423; amended, 1947, 667 § 3; 1949, 746 § 1; revised, 1950, 728; amended, 1952, 157; revised, 1954, 445 § 1; amended, 1957, 255; revised, 1957, 630 § 1; paragraph (*g*) revised, 1958, 321 § 3; definition of *Group 2* revised, 1958, 550; amended, 1958, 589 § 1; revised, 1960, 602; amended, 1967, 826 § 2; 1968, 516; 1968, 542 § 1; revised, 1968, 650 § 1; amended, 1969, 110 § 1, 219; 1970, 662 § 1; 1971, 969 § 1; revised, 1971, 992 § 1; 1972, 284 § 1, 809 § 1; amended, 1973, 725, 987 § 1, 1083 § 1; revised, 1222 § 1; 1974, 626 § 1; amended, 1975, 706 § 83; definition of *Group 3* revised, 1964, 514 § 1; definition of *Group 4* added, 1967, 826 § 3; revised, 1968, 542 § 2, 650 § 2; amended, 1969, 816; 1970, 662 § 2; revised, 1971, 992 § 2; amended, 1971, 1012 § 18; 1972, 809 § 2; amended, 1973, 609, 947, 987 § 2, 1083 § 2; revised, 1222 § 2; 1974, 626 § 2; amended, 1975, 706 §§ 84, 85; subdivision (3), first sentence stricken out and two sentences inserted, 1947, 388 § 1; first sentence revised, 1949, 578 § 1 (see 1949, 578 § 1); subdivision revised, 1952, 428 § 1; 1954, 684 § 1; 1955, 695 § 1; first sentence revised, 1960, 535; subdivision (3A) added, 1946, 538 § 1; subdivision (4) revised, 1946, 403 § 2, 492; first sentence amended, 1947, 416; subdivision revised, 1951, 505 § 1; amended, 1954, 684 § 2; 1955, 695 § 3; paragraph added, 1971, 886; subdivision (5) amended, 1946, 481; revised,

1946, 603 § 1; paragraph (*a*) added, 1947, 660 § 4; subdivision revised, 1947, 667 § 4; first sentence revised, 1952, 524 § 1; amended, 1954, 684 § 3; subdivision revised, 1955, 695 § 2; first sentence amended, 1961, 409; revised, 1962, 548; subdivision (6), paragraph (*c*) amended, 1961, 474; paragraph (*d*) revised, 1946, 403 § 3; amended, 1952, 524 § 82; 1954, 684 § 4; revised, 1955, 695 § 4; amended, 1956, 418 § 1; paragraph (*e*) amended, 1947, 388 § 2; 1958, 359 § 1 (see 1958, 359 § 2); paragraph (*f*) amended, 1948, 393; revised, 1955, 560; affected, 1956, 414; subdivision (8), paragraph (*b*) amended, 1952, 524 § 3, 1954, 684 § 5; revised, 1955, 695 § 5; amended, 1956, 418 § 2; paragraph (*c*) amended, 1960, 571; 1947, 388 § 3; 1969, 625 § 2. (See 1950, 600 § 3; 1950, 715; 1951, 644 § 3, 790, 505 § 2; 1952, 423, § 2, 428 § 2; 1954, 445 § 2; 1954, 684 § 8; 1955, 695 § 7; 1969, 740 § 5; 1972, 284 § 2; 1974, 626 § 3; 1975, 706 § 312.)

SECT. 4, subdivision (1), paragraph (*a*) amended, 1947, 660 § 3; paragraph (*h*) revised, 1954, 627 § 8; third subparagraph of paragraph (*h*) revised, 1959, 576 § 1A; 1960, 619 § 2; amended, 1961, 597 § 4; revised, 1962, 544 § 2, first sentence revised, 1964, 580 § 2; amended, 1965, 726 § 2; revised, 1966, 671 § 2; amended, 1969, 625 § 1; second sentence revised, 1963, 239 § 1; paragraph (*i*) added, 1946, 493 § 1; paragraph (*j*) added, 1946, 538 § 2; paragraph (*k*) added, 1959, 548 § 1; paragraph (*l*) added, 1961, 433; paragraph (*m*) added, 1962, 584; paragraph (*n*) added, 1969, 778; paragraph (*o*) added, 1971, 894; amended, 1975, 49; paragraph (*p*) added, 1973, 760; subdivision (2), paragraph (*b*) revised, 1946, 403 § 4; amended, 1964, 125; revised, 1964, 738; 1965, 73; 1966, 509 § 1; paragraph (*c*) revised, 1946, 403 § 5; amended, 1952, 524 § 4; 1954, 684 § 6; revised, 1955, 695 § 6; 1961, 494. (See 1946. 493 § 2; 1954, 627 §§ 65, 67; 1954, 684 § 8; 1955, 695 § 7; 1959, 548 §§ 2, 3, 576 § 2; 1962, 544 § 4; 1963, 239 § 2; 1964, 580 § 4; 1966, 509 § 2, 671 § 4.)

SECT. 5, subdivision (1), first sentence of paragraph (*a*) amended, 1947, 388 § 4; 1958, 321 § 4; 1967, 826 § 4; paragraph (*c*) revised, 1958, 321 § 5; paragraph (*d*), first two sentences stricken out, 1947, 660 § 5; same paragraph amended; 1948, 15 § 1; revised, 1953, 486; 1959, 574 § 1; paragraph (*f*) added, 1954, 348; paragraph (*g*) added, 1961, 410 § 1; revised, 1966, 256 § 1; paragraphs (*h*) and (*i*) added, 1967, 597 § 8; paragraph (*j*) added, 1967, 889; amended, 1973, 1183; paragraphs (*k*) and (*l*) added, 1973, 1003 § 7; subdivision (2), paragraph (*a*), first paragraph amended, 1947, 388 § 5; 1949, 656; revised, 1950, 809 § 1; 1951, 783 § 1; clause (*i*) revised, 1949, 679; clause (*ii*) revised, 1946, 403 § 6; amended, 1947, 388 § 6; clause (*iv*) added, 1946, 538 § 3; paragraph (*b*) amended, 1950, 809 § 1A; paragraph (*f*) amended, 1950, 809 § 2; paragraph (*g*) added, 1954, 492; stricken out, 1955, 590 § 2; subdivision (2) revised, 1957, 661 § 1; paragraph (*a*) amended, 1958, 321 § 6; 1960, 215; table in paragraph (*a*) revised, 1958, 321 § 7; paragraph (*d*) amended, 1958, 321 § 8; paragraph (*d*) amended, 1958, 321 § 9; subdivision (2) revised, 1961, 190 § 1; paragraph (*a*) revised, 1966, 274 § 1; amended, 1967, 826 § 5; table in paragraph (*a*) revised, 1967, 826 § 6; paragraph (*b*) amended, 1967, 826 § 7; paragraph (*c*) amended, 1966, 274 § 2; 1967, 826 § 8; subdivision (3), paragraph (*a*) amended, 1966, 274 § 3; paragraph (*b*) amended, 1966, 274 § 4. (See 1950, 809 § 3; 1951, 783 §§ 2, 3; 1957, 661 § 4; 1959, 574 § 2; 1961, 190 § 3, 410 § 2, 444 §§ 1, 2; 1966, 256 § 2, 274 § 5.)

SECT. 6, subdivision (1) amended, 1947, 667 § 5; 1949, 618 § 2, 657; 1958, 321 § 10; 1964, 514 § 2; 1967, 826 § 9; subdivision (2) amended, 1958, 321 § 11; 1964, 514 § 3; paragraph (*a*) amended, 1967, 826 § 10; paragraph (*b*) amended, 1967, 826 § 11; paragraph (*c*) added, 1964, 514 § 4; subdivision (3), first sentence of paragraph (*a*) amended, 1946, 603 § 2; 1947, 388 § 7; second sentence amended, 1949, 618 § 3; stricken out and two sentences inserted, 1961, 473; paragraph (*c*) revised, 1952, 181; amended, 1973, 543; paragraph (*d*) added, 1956, 289.

SECT. 7, subdivision (1), first sentence amended, 1958, 321 § 12; 1967, 826 § 12; three sentences added at end, 1949, 618 § 4; subdivision (2), paragraph (*a*) amended, 1958, 321 § 13; first sentence amended 1967, 826 § 13; clause (*ii*) amended, 1948, 446 § 1; 1970, 644 § 1; clause (*iii*) amended, 1950, 712; 1951, 545 § 1; 1974, 459 § 1; paragraph (*b*) amended, 1958, 321 § 14; 1962, 81; 1967, 826 § 14; revised, 1968, 208; amended, 1973, 155; subdivision (3), paragraph (*a*) amended, 1958, 321 § 15; 1967, 826 § 15; paragraph (*b*) amended, 1958, 321 § 16; 1967, 826 § 16; subdivision (4), paragraph (*b*) sentence added, 1967, 597 § 9; revised, 1973, 1003 § 8; subdivision (5) added, 1949, 618 § 5. (See 1948, 446 § 5; 1974, 459 § 4.)

SECT. 8, subdivision (1), paragraph (*b*) amended, 1947, 667 § 6.

SECT. 9, subdivision (2), first paragraph amended, 1948, 446 § 2; second sentence amended, 1968, 600 § 1; revised, 1971, 960 § 1; paragraph (*d*) revised, 1951, 545 § 2; 1974, 459 § 2. (See 1974, 459 § 4.)

SECT. 10, see 1949, 491 § 1; subdivisions (1) and (2) revised, 1950, 813 § 1; 1951, 784 § 1; subdivision (1) revised, 1957, 661 § 2; amended, 1958, 321 § 17; revised, 1961, 190 § 2; amended, 1967, 826 § 17; second and third sentences revised, 1967, 826 § 18; subdivision (2), paragraph (*a*) revised, 1957, 661 § 3; amended, 1962, 516 § 1; second sentence amended, 1967, 826 § 19; paragraph (*b*) amended, 1951, 809; 1958, 321 § 18; first sentence amended, 1967, 826 § 20; revised, 1973, 1041, paragraph (*b*½) added, 1973, 928 § 1. (See 1949, 491 § 2; 1951, 784 § 3; 1957, 661 § 4; 1962, 516 §§ 2, 3; 1973, 928 § 2.)

SECT. 11, subdivision (2), paragraph (*a*) amended, 1950, 670 § 1; 1965, 857 § 1; paragraph (*c*), first sentence revised, 1947, 667 § 7; sentence added at end, 1949, 618 § 6; amended, 1965, 857 § 2; revised, 1966, 556; subdivision (3) added, 1957, 531 § 1; second paragraph revised, 1967, 597 § 10; 1973, 1003 § 9. (See 1950, 670 § 3.)

SECT. 12, subdivision (1) amended, 1963, 378; 1971, 831; subdivision (2), option (*c*), two sentences inserted after first sentence, 1946, 403 § 7; option (*c*), paragraph added at end, 1948, 284; option (*c*) stricken out and options (*c*) and (*d*) inserted, 1949, 618 § 7; option (*c*), first paragraph amended, 1968, 600 § 2; last paragraph revised, 1958, 291; paragraph added, 1960, 713 § 1; option (*d*) amended and sentence added, 1949, 808; sentence added at end, 1950, 670 § 2; 1952, 610 § 1; option (*d*) revised, 1955, 494; paragraph added at end, 1958, 614 § 1; amended, 1959, 515 § 1; revised, 1959, 617 § 1; 1960, 805 § 1; amended, 1961, 547 § 1; revised, 1963, 515; amended, 1965, 857 § 3; option revised, 1972, 793 § 1. (See 1952, 610 § 2; 1959, 515 § 3, 617 § 4; 1960, 713 § 3, 805 § 5; 1961, 547 § 2; 1972, 793 § 8.)

SECT. 12A added, 1956, 505 (providing for the payment of allowances to certain beneficiaries pending determination of claims for accidental death benefits); revised, 1963, 497.

SECT. 12B added, 1958, 614 § 2 (providing survivor benefits to certain eligible widows and children under the contributory retirement law); revised, 1959, 515 § 2; first paragraph amended, 1959, 617 § 2; 1960, 805 § 2; paragraph inserted after second paragraph, 1960, 702; fourth paragraph revised, 1961, 597 § 5; last paragraph stricken out, 1960, 583; paragraph added, 1960, 492; section revised, 1972, 793 § 2. (See 1959, 515 § 3, 617 § 4; 1960, 805 § 5; 1972, 793 § 8.)

SECT. 12C added, 1959, 617 § 3 (providing survivor benefits to certain widows and children of certain employees who were not members of a contributory retirement system); revised, 1960, 805 § 3. (See 1959, 617 § 4; 1960, 805 § 5.)

SECT. 13, subdivision (1), paragraph (*a*) revised, 1951, 379 § 1; subdivision (2), paragraphs (*a*) and (*b*) revised, 1957, 536. (See 1951, 379 § 2.)

SECT. 14, subdivision (1), paragraph (*a*), last sentence revised, 1958, 404 § 1; paragraph inserted after paragraph (*a*), 1951, 99; revised, 1952, 484 § 1; last sentence revised, 1958, 404 § 2; paragraph revised, 1967, 597 § 11; paragraph (*c*) revised, 1967, 597 § 12; subdivision (2), paragraph (*a*) revised, 1951, 542; 1958, 360; paragraph (*b*) revised, 1951, 542; 1958, 360; paragraph (*c*) revised, 1951, 542. (See 1952, 152, 484 § 2.)

SECT. 15, subdivision (2) revised, 1967, 597 § 13; 1973, 1003 § 10.

SECT. 16, subdivision (1) paragraph (*b*) amended, 1958, 321 § 19; first sentence amended, 1967, 826 § 21; subdivision (2) revised, 1949, 746 § 2; 1951, 784 § 2; amended, 1958, 321 § 20; 1962, 114 § 1; first sentence amended, 1967, 826 § 22; subdivision (3), paragraph (a) amended, 1958, 321 § 21; 1962, 114 § 2; first sentence amended, 1967, 826 § 23; subdivision (4), first paragraph amended, 1962, 391; 1975, 872; sentence added, 1949, 618 § 8; paragraph added, 1956, 422 § 1; subdivision (5) amended, 1958, 321 § 22. (See 1951, 784 § 3.)

SECT. 18, subdivision (1) revised, 1947, 467; 667 § 8.

SECT. 19 revised, 1952, 599; last sentence revised, 1955, 628 § 2, section revised, 1956, 691; second sentence revised, 1971, 555 § 1; fourth sentence revised, 1973, 1128 § 1. (See 1971, 555 § 67.)

SECT. 19A added, 1953, 509 § 1 (authorizing withholding of retirement allowances for payment of subscriber premiums for certain policies or contracts with non-profit hospital and medical service corporations); paragraph added, 1973, 1128 § 2.

SECT. 20, subdivision (2), first sentence of paragraph (*c*) revised, 1948, 508 § 1 (See 1949, 491 § 2); subdivision (3), paragraph (*b*) amended, 1971, 481 § 2; paragraph (*d*) revised, 1946, 267; subdivision (4), paragraph (*b*) amended, 1971, 481 § 3; paragraph (*c*) amended, 1950, 163; 1966, 266 § 1; paragraph (*e*) amended, 1973, 94; paragraph (*f*) added, 1960, 240; amended, 1966, 266 § 2; subdivision (4¼) added, 1973, 1003 § 11; subdivision (4½) added, 1967, 597 § 14; subdivision (4¼) added, 1971, 1012 § 6; subdivision (5), paragraph (*b*) amended, 1956, 422 § 2; paragraph (*e*) revised, 1956, 609 § 3; paragraph (*i*) amended, 1954, 642 § 1; 1958, 408; sentence inserted after fifth sentence, 1967, 597 § 15; sentence inserted after sixth sentence, 1971, 1012 § 7; sentence inserted after the seventh sentence, 1973, 1003 § 12; paragraph (*j*) added 1948, 488 § 1. (See 1948, 488 § 2, 508 § 2; 1954, 642 § 2.)

SECT. 21, subdivision (1), paragraph (*c*), last sentence revised, 1967, 597 § 16; amended, 1971, 1012 § 8; revised, 1973, 1003 § 13; subdivision (2) amended, 1946, 432 § 3; sentence added, 1967, 597 § 17; 1971, 1012 § 9; 1973, 1003 § 14.

SECT. 22, subdivision (1), paragraph (*b*) amended, 1947, 617; revised, 1974, 249; paragraph (*c*), sentence added, 1952, 434 § 2; stricken out, 1957, 516 § 3; paragraph (*g*), first sentence revised, 1947, 388 § 8; fourth sentence amended, 1952, 433; last sentence stricken out and two sentences inserted, 1954, 656 § 1; subdivision (3), paragraph (*c*) amended, 1974, 398; subdivision (4), paragraph (*a*), sentence added, 1949, 560 § 1; paragraph (*b*), first sentence revised, 1961, 597 § 1; paragraph (*c*) amended, 1949, 560 § 2; revised, 1951, 407; 1952, 392; first sentence revised, 1961, 597 § 2; paragraph (*d*) revised, 1961, 597 § 3; 1963, 514; subdivision (7), paragraph (*c*), clause (*i*) amended, 1969, 849 § 2; clause (*ii*) revised, 1951, 530 § 1; amended, 1969, 849 § 3; 1971, 766 § 1; paragraph (*e*) added, 1967, 597 § 18; paragraph (*f*) added, 1971, 1012 § 10; paragraph (*g*) added, 1973, 1003 § 15. (See 1949, 560 § 3; 1954, 656 § 2; 1956, 409; 1957, 516 § 4; 1969, 849 § 79.)

SECT. 23. subdivision (1), paragraph (*b*), second sentence revised, 1957, 533; stricken out, 1961, 441 § 1; paragraph amended, 1975, 487; 768 § 1; paragraph (*d*) added, 1961, 441 § 2; clause (*i*) revised, 1972, 343 § 1; subdivision (2), paragraph (*a*), first sentence revised, 1967, 597 § 19; 1971, 1012 § 11; 1973, 1003 § 16; paragraph (*b*) amended, 1975, 768 § 2; clause (*i*) revised, 1956, 417; 1958, 407; 1972, 343 § 2; 1973, 300; clause (*iii*) revised, 1954, 126 § 1; clause (*iv*) inserted, 1950, 162 § 1; paragraph (*c*) amended, 1960, 744 § 1; paragraph (*f*) added, 1960, 744 § 2.

SECT. 24, subdivision (1), first sentence revised, 1967, 597 § 20; amended, 1971, 1012 § 12; revised, 1973, 1003 § 17.

SECT. 25, subdivision (1), paragraph (*a*) revised, 1950, 783 § 1; subdivision (3), sentence inserted after third sentence, 1958, 669 § 3; last sentence revised, 1962, 682 § 1; subdivision (4) revised, 1967, 597 § 21; amended, 1971, 1012 § 13; revised, 1973, 1003 § 18; subdivision (5) revised, 1956, 525. (See 1950, 783 § 2; 1962, 682 § 20.)

SECT. 26, subdivision (1), definition of "Officer" revised, 1958, 589 § 2; subdivision (2), paragraph (*a*) amended, 1958, 321 § 23; paragraph (*b*), clause (*ii*) amended, 1948, 446 § 3; revised, 1973, 721; clause (*iii*) added, 1947, 412; revised, 1961, 451; 1975, 650 § 1; paragraph (*c*) added, 1948, 446 § 4; subdivision (3), paragraph (*a*) amended, 1958, 321 § 24; paragraph (*b*) amended, 1958, 321 § 25; paragraph (*c*) amended, 1949, 492; 1951, 670 § 1; 1963, 463 § 1; subdivision (4) amended, 1958, 321 § 26. (See 1948, 446 § 5; 1963, 463 § 2; 1975, 650 § 2.)

SECT. 28, subdivision (2), paragraph (*a*) revised, 1946, 166 § 1; paragraph (*f*) added, 1946, 166 § 2; paragraph (*g*) added, 1946, 403 § 8; paragraph (*h*) added, 1946, 603 § 3; subdivision (3), paragraph (*a*) revised, 1946, 166 § 3; last sentence amended, 1946, 403 § 9; subdivision (4), paragraph (*a*) amended, 1964, 532 § 3; 1953, 583 § 2; 1956, 306 § 4; paragraph added, 1968, 593; subdivision (5) added, 1948, 507 § 2; amended, 1957, 150 § 2, 415; paragraph (*a*) amended, 1969, 751 § 9; paragraph (*c*) added, 1967, 158; subdivision (6) added, 1967, 597 § 22; subdivision (7) added, under caption, 1971, 1012 § 14; subdivision (8) added, 1973, 1003 § 19. (See 1953, 583 § 3.)

SECT. 28A added, 1945, 720 § 1 (relative to the retirement of certain officers in the division of state police); paragraph added, 1946, 373 § 1. (See 1945, 720 § 2; 1946, 373 § 2.)

SECT. 28B added, 1946, 605 (relative to the retirement of state detectives and inspectors in the division of state police); revised, 1951, 670 § 2.

SECT. 28C added, 1947, 660 § 6 (relative to the retirement of certain members of the general court and constitutional officers); repealed, 1948, 589 § 1. (See 1947, 660 § 7; 1948, 589 §§ 3, 4.)

SECT. 28C added, 1947, 667 § 9 (providing benefits to certain employees of governmental units who are prohibited from joining the contributory retirement systems thereof, in case of accidental disability or accidental death); designation changed from 28C to 28F, 1948, 589 § 4.

SECTS. 28D and 28E added, 1948, 589 § 2 (relative to retirement of certain members of the general court and constitutional officers). (See 1948, 589 § 3; 1949, 546, 807 §§ 3, 4.)

SECT. 28D revised, 1949, 807 § 1; last sentence revised, 1952, 581; section repealed, 1952, 634 § 1. (See 1949, 807 §§ 3, 4.)

SECT. 28E revised, 1949, 809 § 1; repealed, 1952, 634 § 2.

SECT. 28F. (See 1948, 589 § 4.)

SECT. 28G added, 1949, 809 § 2 (relative to the use of the words "fails of re-election"); repealed, 1950, 813 § 2.

SECT. 28H added, 1949, 807 § 2 (relative to the retirement of certain employees of governmental units who are former members of the general court); repealed, 1952, 634 § 3. (See 1949, 807 §§ 3, 4.)

SECT. 28I added, 1950, 700 § 1 (extending benefits of state retirement systems to certain employees of an interstate commission). (See 1950, 700 § 2.)

SECT. 28J added, 1952, 574 § 1 (relative to retirement of certain former members of the general court); repealed, 1952, 634 § 4. (See 1952, 574 § 2.)

SECT. 28K added, 1974, 821 (providing certain creditable service for certain employees of the commonwealth and the Massachusetts Turnpike Authority).

SECT. 39, sentence added, 1948, 207.

SECT. 40 amended, 1967, 155.

SECT. 41 amended, 1971, 555 § 2. (See 1971, 555 § 67.)

SECT. 42, second sentence revised, 1957, 59.

SECT. 43 amended, 1945, 707; 1949, 748 § 1; 1960, 728 § 1. (See 1949, 748 § 2; 1960, 728 § 18.)

SECT. 44 revised, 1934, 135; paragraph added, 1934, 285 § 1; section amended, 1936, 223; first paragraph amended, 1960, 728 § 2; last paragraph amended, 1937, 102 § 1. (See 1937, 202; 1960, 728 § 18.)

SECT. 44A added, 1967, 330 § 1 (granting school janitors pensions).

SECT. 44B added, 1968, 277 (providing pensions for widows of certain janitors in noncontributory pension systems); Option B, first sentence amended, 1968, 600 § 3.

SECT. 44C added, 1969, 189 (providing non-contributory pensions for certain dental assistants).

SECT. 45 revised, 1945, 483 § 1.

SECT. 45A added, 1945, 708 § 1 (relative to retirement allowances of school janitors in certain cities and towns). (See 1945, 708 § 2.)

SECT. 45B added, 1949, 407 § 1 (relative to the retirement of certain school janitors and custodians). (See 1949, 407 § 2.).

SECT. 45C added, 1960, 239 § 1 (increasing the non-contributory pensions of certain school janitors).

SECT. 46 revised, 1941, 344 § 1; 1955, 770 § 2; 1960, 728 § 3. (See 1955, 770 §§ 117, 118, 123; 1960, 728 § 18.)

SECT. 47 amended, 1941, 344 § 2.

SECT. 48 revised, 1938, 379; amended, 1955, 770 § 3. (See 1955, 770 §§ 117, 123.)

SECTS. 49-51 and caption preceding section 49 stricken out, 1954, 627 § 9. (See 1954, 627 §§ 65, 67.)

SECT. 52 amended, 1932, 114 § 1; 1954, 627 § 10. (See 1954, 627 §§ 65, 67.)

SECT. 53 amended, 1932, 114 § 2; 1954, 627 § 11. (See 1954, 627 §§ 65, 67.)

SECT. 56 revised, 1943, 514 § 1; first paragraph amended, 1947, 453 § 1; revised, 1948, 665 § 1; 1949, 602; 1950, 668 § 1; amended, 1965, 498 § 1; revised, 1973, 207 § 1; paragraph added, 1945, 677; amended, 1974, 835 § 137. (See 1943, 514 § 4; 1948, 665 §§ 4, 5; 1965, 498 § 5, 680 § 2; 1974, 835 § 185.)

SECT. 57 revised, 1943, 514 § 2; amended, 1947, 453 § 2; revised, 1948, 665 § 2; amended, 1950, 668 § 2; 1954, 627 § 12; 1965, 498 § 2; revised, 1973, 207 § 2. (See 1943, 514 § 4; 1948, 665 §§ 4,5; 1954, 627 §§ 65, 67; 1964, 733; 1965, 498 § 5, 680 § 2.)

SECT. 57A added, 1945, 658 § 8 (making certain provisions of the contributory pension laws applicable to the retirement of veterans under veterans' non-contributory pension laws).

SECT. 57B added, 1963, 149 (relative to the creditable service of certain police officers and fire fighters for purposes of retirement).

SECT. 58 revised, 1943, 514 § 3; 1948, 665 § 3; amended, 1950, 668 § 3; 1965, 498 § 3; revised, 1968, 700; amended, 1973, 207 § 3. (See 1943, 514 § 4; 1948; 665 §§ 4, 5; 1965, 498 § 5, 680 § 2.)

SECT. 58A added, 1945, 671 (further regulating the creditable service of certain veterans in the public service upon their retirement therefrom); revised, 1954, 627 § 13; amended, 1959, 576 § 1B; revised, 1960, 619 § 3; 1962, 544 § 3; paragraph added, 1962, 604; section revised, 1964, 580 § 3; first paragraph amended, 1965, 498 § 4, 726 § 3: section revised, 1966, 671 § 3; first paragraph amended, 1971, 682 § 1, 727 § 1; revised, 1973, 207 § 4. (See 1954, 627 §§ 65, 67; 1959, 576 § 2; 1960, 619 § 4; 1962, 544 § 4; 1964, 580 § 4; 1965, 498 § 5, 680 § 2, 726 § 4; 1966, 671§ 4; 1971, 727 § 2.

SECT. 58B added, 1956, 541 (providing that certain veterans eligible for retirement may exercise an option for the benefit of the surviving spouse); first sentence revised, 1957, 113 § 1; amended, 1968, 600 § 4; first two paragraphs revised, 1970, 697 § 1; paragraph added, 1957, 413; amended, 1958, 669 § 1; paragraph added, 1957, 708 § 1; amended, 1958, 669 § 2; paragraph added, 1970, 697 § 2. (See 1957, 113 § 2, 708 § 2; 1958, 669 § 4.)

SECT. 58C added, 1967, 400 § 1 (increasing retirement allowance of certain police and firemen); amended, 1968, 98 § 1.

SECT. 58D added, 1968, 338 § 1 (increasing retirement allowance of city or town employees under the Veterans Retirement Act).

SECT. 59 revised, 1960, 728 § 4; 1963, 511 § 1; amended, 1965, 680 § 1; revised, 1973, 207 § 5. (See 1960, 728 § 18.)

SECT. 59A added, 1968, 601 § 1 (providing for reimbursement for certain veterans' pensions under the noncontributory law). (See 1968, 601 § 2.)

SECT. 60, paragraph added, 1934, 285 § 2; amended, 1937, 102 § 2; 1938, 452 § 1; section revised, 1945, 483 § 2, 678; 1954, 627 § 14; 1954, 688 § 3; second paragraph amended, 1965, 498 § 6; revised, 1973, 207 § 7. (See 1938, 452 § 2; 1954, 627 §§ 65, 67, 1961, 297; 1963, 511 § 3; 1965, 498 § 5, 680 § 2; 1968, 174.)

SECT. 60A, paragraph added, 1934, 285 § 3; amended, 1937, 102 § 3; revised, 1945, 483 § 3; section repealed, 1954, 627 § 15. (See 1954, 627 §§ 65, 67.)

SECTS. 61-64 repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65, last sentence stricken out, 1937, 336 § 22; section repealed, 1937, 409 § 2. (See 1937, 409 §§ 5-7.)

SECT. 65A added, 1937, 409 § 1 (relative to the retirement or resignation of members of the judiciary); amended, 1939, 451 § 5; first sentence stricken out and three sentences inserted, 1956, 670; sentence added, 1946, 525; same sentence revised, 1950, 747 § 1; 1951, 775; section revised, 1958, 341 § 1; first paragraph, first sentence revised, 1969, 859 § 4; 1972, 731 § 4; 1973, 883 § 1; second paragraph revised, 1964, 551; sentence added, 1968, 702; paragraph revised, 1969, 513 § 1; third paragraph revised, 1968, 765; amended, 1972, 455 § 1. (See 1937, 409 §§ 5-7; 1950, 747 § 2; 1957, 668; 1958, 341 § 2; 1969, 513 § 2; 1972, 455 § 2; 1973, 883 § 3.)

SECT. 65B added, 1941, 689 § 1 (providing pensions for special justices of district courts); revised, 1943, 398; amended, 1956, 738 § 9; paragraph added, 1967, 886; section revised, 1967, 888 § 1; amended, 1969, 333. (See 1941, 689 § 2; 1956, 738 §§ 13, 14; 1967, 888 § 2.)

SECT. 65C added, 1960, 724 § 1 (providing benefits for the widows of certain judges); two paragraphs added, 1963, 571 § 1; paragraph inserted before last paragraph, 1964, 464 § 1; section revised, 1968, 699; third paragraph amended, 1970, 738 § 1; revised, 1971, 931; last paragraph revised, 1969, 30 § 1. (See 1960, 724 § 2; 1963, 571 § 2; 1964, 464 § 2; 1969, 30 § 3; 1970, 738 § 2.)

SECTS. 65A-65C stricken out and new sections 65A-65D inserted, 1973, 1211 § 3. (See 1973, 1211 § 9.)

SECT. 65E added, 1975, 820 § 1 (providing for temporary service by retired judges of probate and insolvency); paragraphs (*c*) and (*d*) revised, 1975, 864 § 1. (See 1975, 820 §§ 4, 5; 864 § 3.)

SECT. 65E added, 1975, 861 § 1 (providing for temporary service by certain retired justices of the superior court). (See 1975, 861 § 4.)

SECT. 66, paragraph added, 1934, 285 § 4; amended, 1937, 102 § 4.

SECT 68 revised, 1943, 545 § 1; 1945, 322.

SECTS. 68A-68C added, 1939, 503 § 3 (relative to the retirement of members of the state police). (See 1939, 503 § 5.)

SECT. 68C revised, 1943, 545 § 2.

SECTS. 68A-68C stricken out, 1945, 658 § 1. (See 1945, 658 § 11.)

SECT. 69 revised, 1946, 576 § 1; 1960, 728 § 5. (See 1960, 728 § 18.)

SECT. 70, paragraph added, 1934, 285 § 5; amended, 1937, 102 § 5; section revised, 1937, 416 § 4; repealed, 1939, 441 § 4. (See 1937, 416 § 5; 1939, 441 §§ 3, 5.)

SECT. 75, paragraph added, 1934, 285 § 6; amended, 1937, 102 § 6; section revised, 1938, 323 § 1; amended, 1957, 643 § 1; revised, 1960, 728 § 6. (See 1960, 728 § 18.)

SECT. 76 revised, 1938, 323 § 2; 1956, 649; 1957, 643 § 2.

SECT. 76A added, 1957, 643 § 2 (relative to the apportionment of the payment of pensions of probation officers in the superior court); revised, 1960, 757; amended, 1965, 837.

SECT. 77, paragraph (*a*) revised, 1936, 290 § 1; 1939, 243; first sentence revised, 1960, 728 § 7; 1965, 408; second sentence revised, 1963, 650; paragraph (*b*) amended, 1945, 483 § 3A; paragraph (*c*) added, 1936, 290 § 2; amended, 1945, 483 § 3B. (Affected, 1937, 102 § 7, 283.) (See 1948, 515; 1960, 728 § 18.)

SECT. 77A added, 1957, 750 § 1 (providing pensions for widows of laborers under the non-contributory pension system); paragraph defining Option B revised, 1963, 237 § 1; Option B, first sentence amended, 1968, 600 § 5. (See 1957, 750 § 2.)

SECT. 77B added, 1960, 239 § 1 (increasing the non-contributory pension of certain laborers).

SECT. 77C added, 1965, 539 (protecting the pension rights of laborers in certain cities and towns).

SECT. 77D added, 1967, 330 § 2 (granting certain laborers pension).

SECT. 78 revised, 1939, 361 § 1; amended, 1945, 483 § 4. (Affected, 1937, 102 § 7, 283; 1939, 361 § 2.)

SECT. 78A added, 1934, 285 § 7 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for laborers); amended, 1937, 102 § 7; revised, 1937, 283 § 1; amended, 1967, 330 § 3. (See 1937, 283 § 2.)

SECTS. 80-85. (See 1949, 636.)

SECT. 80, paragraph added, 1934, 285 § 8; section amended, 1936, 439 § 1; last paragraph amended, 1937, 102 § 8; section amended, 1945, 483 § 5; first sentence revised, 1960, 728 § 8. (See 1960, 728 § 18.)

SECT. 81 amended, 1933, 103; 1938, 277 § 1. (See 1938, 277 § 3.)

SECTS. 81A and 81B added, 1946, 576 § 2 (additional provisions for the retirement of members of fire departments in certain cities). (See 1946, 576 § 8.)

SECT. 81A revised, 1960, 728 § 9. (See 1960, 728 § 18; 1965, 278.)

SECT. 81B revised, 1961, 86 § 1; first paragraph amended, 1970, 644 § 2; second paragraph revised, 1964, 68. (See 1961, 86 § 2.)

SECT. 83 amended, 1936, 439 § 2; 1938, 277 § 2; last sentence of first paragraph revised, 1939, 264 § 1; section amended, 1945, 483 § 6; first sentence revised, 1960, 728 § 10. (See 1938, 277 § 3; 1939, 264 § 2; 1960, 728 § 18.)

SECT. 83A added, 1946, 576 § 3 (additional provisions for the retirement of members of police departments in certain cities); second paragraph

amended, 1960, 222; section revised, 1960, 728 § 11; first paragraph, subdivision (c) revised, 1969, 113; second paragraph amended, 1964, 353 § 1; first sentence amended, 1970, 644 § 3. (See 1946, 576 § 8; 1960, 728 § 18; 1964, 353 § 2; 1965, 277.)

SECT. 84 amended, 1945, 483 § 7.

SECT. 85, first sentence amended, 1945, 483 § 8; 1960, 283; revised, 1960, 728 § 12; second sentence revised, 1936, 439 § 3. (See 1960, 728 § 18.)

SECT. 85A revised, 1935, 31 § 1; amended, 1945, 483 § 9; revised, 1946, 576 § 4. (See 1935, 31 § 2.)

SECT. 85B added, 1932, 253 (regulating the retirement and pensioning of certain members of the police forces of park boards of cities and towns); amended, 1945, 483 § 10; first sentence revised, 1960, 728 § 13. (See 1960, 728 § 18.)

SECT. 85C added, 1934, 285 § 9 (providing for the untimate abolition of non-contributory pensions under certain provisions of general law for policemen and firemen); amended, 1937, 102 § 9.

SECT. 85D added, 1937, 220 (relative to the retirement of certain call members of fire departments in certain towns); amended, 1945, 483 § 11; revised, 1946, 576 § 5.

SECT. 85E added, 1946, 576 § 6 (additional provisions for the retirement of members of police and fire departments in certain towns); third paragraph amended, 1960, 221; section revised, 1960, 728 § 14; third paragraph revised, 1964, 426 § 1; amended, 1970, 644 § 4. (See 1946, 576 § 8; 1960, 728 § 18; 1964, 426 § 2.)

SECT. 85F added, 1946, 576 § 6 (relative to the retirement for accidental or ordinary disability of members of police and fire departments in certain cities and towns); first sentence revised, 1952, 431 § 1.

SECT. 85G added, 1948, 483 (relative to the retirement of certain police officers and firemen of certain cities and towns).

SECT. 85H added, 1952, 431 § 2 (providing for retirement of certain disabled call firemen and policemen injured in line of duty); revised, 1954, 633; amended, 1968, 213; 1970, 382 § 1; sentence added at end, 1970, 382 § 2.

SECT. 85I added, 1954, 268 (relative to creditable service in the retirement of certain police officers and fire fighters in certain cities and towns.)

SECT. 85J added, 1956, 374 (relative to providing pensions for widows of policemen and fire fighters under the non-contributory retirement law); first paragraph amended, 1957, 583; second paragraph amended, 1957, 583; 1958, 128; section revised, 1961, 71 § 1; paragraph defining Option B revised, 1963, 237 § 2; Option B, first sentence amended, 1968, 606 § 6. (See 1961, 71 § 2.)

SECT. 86 revised, 1946, 576 § 7; 1949, 562; repealed, 1950, 395.

SECT. 89 revised, 1932, 276; amended, 1933, 340 § 1; 1934, 343; revised, 1935, 466; amended, 1936, 326; paragraph inserted after second paragraph, 1957, 286; first paragraph amended, 1943, 366; first sentence amended, 1945, 641; first paragraph revised, 1945, 696; 1952, 431 § 3; first sentence amended, 1956, 666 § 1; revised, 1963, 614 § 1; third paragraph amended, 1947, 96; revised, 1960, 728 § 15; paragraph added, 1949, 503. (See 1933, 340 § 2; 1960, 728 § 18.)

SECT. 89A added, 1948, 552 (increasing annuities to dependents of certain public employees killed or who died from injuries received or hazards undergone in the performance of duty); first sentence amended, 1950, 757; 1956, 666 § 2; revised, 1963, 614 § 2; sentence inserted after first sentence, 1960, 622; third sentence amended, 1951, 147 § 1; fourth sentence revised, 1952, 431 § 4; paragraph inserted after second paragraph, 1956, 424; third paragraph (as appearing in 1948, 552) revised, 1960, 728 § 16; last sentence revised, 1949, 423 § 1; last paragraph revised, 1949, 522. (See 1949, 423 § 2; 1951, 147 § 2; 1960, 728 § 18.)

SECT. 89B added, 1956, 733 (providing annuities to dependents of certain police officers and fire fighters killed in the performance of duty); first paragraph amended, 1963, 614 § 3; paragraph inserted after fifth paragraph, 1957, 357; sixth paragraph (as appearing in 1956, 733) revised, 1960, 728 § 17. (See 1960, 728 § 18.)

SECT. 89C added, 1961, 371 (authorizing cities and towns to grant annuities to certain widows of employees killed or who died as a result of injuries received, in line of duty.)

SECT. 89D added, 1965, 433 (providing for an increase in the amount of the annuities to certain widows of employees killed or who died as a result of injuries received in line of duty.)

SECT. 90 revised, 1936, 439 § 4.

SECT. 90A added, 1943, 452 § 1 (authorizing certain cities and towns to increase the retirement allowances of certain former employees retired on account of accidental disability); paragraph added, 1970, 607 § 1. (See 1943, 452 § 2; 1970, 607 § 2.)

SECT. 90B added, 1955, 590 § 1 (authorizing certain retired persons and those claiming under them to waive their rights to any portion of their retirement allowances).

SECT. 90C added, 1968, 138 (authorizing cities, towns and districts to increase certain retirement allowances).

SECT. 90D added, 1971, 300 (providing increases for certain employees retired for ordinary disability.)

SECT. 90E added, 1974, 108 (relative to benefits for certain former employees of cities, towns and districts).

SECT. 91 revised, 1938, 439 § 5; amended, 1941, 670 § 24; first sentence amended, 1947, 462; revised, 1948, 15 § 2; amended, 1949, 511; 1950, 656; revised, 1951, 417; 1961, 367; first two sentences stricken out and three sentences inserted, 1963, 482; first sentence revised, 1963, 749 § 2; amended, 1968, 258; sentence inserted after first sentence, 1967, 326; second sentence amended, 1965, 611; sentence added, 1947, 394; revised, 1950, 264; 1954, 343, 549; two sentences added, 1957, 291; revised, 1963, 457; next to last sentence amended, 1964, 37; revised, 1967, 729; last sentence amended, 1967, 344; section revised, 1968, 676; paragraph (*a*), first sentence amended, 1971, 953 § 2; 1974, 835 § 138; 1975, 820 § 3; 861 § 3; 864 § 2; second sentence revised, 1968, 747; 1971, 67; paragraphs (*b*) and (*c*) revised, 1973, 587. (See 1938, 439 § 7; 1941, 670 § 26; 1974, 835 § 185; 1975, 820 § 5; 861 § 4; 864 § 3.)

SECT. 91A added, 1957, 766 § 1 (providing for the annual adjustment of pensions and retirement allowances payable to persons engaged in gainful occupation after retirement for disability).

SECT. 91A added, 1958, 684 § 1 (approved by the people at state election on November 4, 1958. This act impliedly supersedes section 91A, as inserted by 1957, 766 § 1, according to opinion of Attorney General, December 23, 1958); first sentence amended, 1959, 504 § 1; 1961, 303; second sentence revised, 1966, 431 § 1. (See 1959, 504 § 2; 1966, 431 § 2.)

SECT. 92 amended, 1953, 509 § 2.

SECT. 92A added, 1955, 686 (securing to the wives and children of pensioners residing outside the United States the benefits of such pensions in certain cases).

SECT. 94 added, 1950, 551 (presumption that hypertension or heart disease was suffered in line of duty in certain cases relative to retirement for accidental disability); revised, 1951, 594; amended, 1956, 411; revised, 1956, 511, 580; amended, 1963, 610; paragraph added, 1968, 15 § 1; section amended, 1971, 1012 § 16. (See 1968, 15 § 2.)

SECT. 94A added, 1962, 164 (presumption that certain diseases resulting in disability or death to fire fighters were suffered in line of duty).

SECTS. 95-97 added, 1953, 387 (authorizing cities and towns to grant or increase retirement allowances, pensions or annuities to certain employees or their survivors).

SECT. 95 amended, 1963, 656 § 1; sentence added, 1972, 793 § 3. (See 1972, 793 § 8.)

SECT. 95A added, 1958, 559 § 1 (authorizing cities and towns to grant annuities to the surviving spouse, or children, of certain officials or employees); revised, 1960, 670 § 1; 1961, 488; first paragraph amended, 1963, 656 § 2; revised, 1965, 727; amended, 1968, 716; 1969, 738; revised, 1971, 763; amended, 1972, 793 § 4; revised, 1973, 347. (See 1955, 559 § 3; 1972, 793 § 8.)

SECT. 96 revised, 1959, 513 § 1; 1961, 238 § 1; amended, 1967, 102. (See 1961, 238 § 3.)

SECT. 97 amended, 1958, 559 § 2; revised, 1959, 513 § 2; amended, 1960, 670 § 2; revised, 1961, 238 § 2.

SECT. 98 added, 1958, 403 (authorizing advance payments to certain employees of the commonwealth who are eligible for retirement).

SECT. 99 added, 1959, 121 (authorizing advance payments to certain municipal employees who are eligible for retirement).

SECT. 100 added, 1964, 268 (providing for pensions to widows of certain fire fighters or police officers who are killed in the performance of duty); first sentence revised, 1969, 123; 1970, 318; 1971, 506; last paragraph amended, 1971, 1012 § 17; section revised, 1973, 685; first sentence revised, 1974, 564.

SECT. 101 added, 1964, 490 (providing an annual allowance for the widow of certain public employees who retired for disability); revised, 1967, 176 § 1; amended, 1972, 793 § 5. (See 1967, 176 § 2; 1972, 793 § 8.)

SECT. 102 added, 1966, 661 § 3 (relative to cost of living increases to certain retired employees of the commonwealth and its political subdivisions); revised, 1967, 408 § 2; first paragraph amended, 1971, 640 § 2, 743 § 1; second paragraph revised, 1971, 1011 § 1; section revised, 1972, 793 § 7; paragraph (*a*) amended, 1973, 1211 § 4; paragraph (*d*) revised, 1973,

1185; section revised, 1974, 724 § 1; paragraph (*a*), second sentence revised, 1975, 684 § 25A. (See 1967, 408 § 4; 1971, 640 § 3, 743 § 2; 1972, 793 § 8; 1973, 1211 § 9; 1974, 724 § 2; 1975, 684 § 97.)

Chapter 32A. — Contributory Group General or Blanket Insurance for Persons in the Service of the Commonwealth.

New chapter inserted, 1955, 628 § 1. (See 1955, 628 §§ 2-4.)

SECT. 2, paragraph (*a*) revised, 1962, 193 § 1; paragraph (*b*) revised, 1956, 582 § 1; 1958, 301; 1958, 558 § 1; 1060, 534; first sentence revised, 1965, 637 § 1; 1969, 813 § 1; amended, 1972, 686 § 1; 1973, 770 § 1; 1974, 569 § 1; four sentences added; 1973, 765; paragraph (*d*) revised, 1959, 426 § 1; two sentences added, 1959, 516; four sentences added, 1963, 513; paragraph (*e*) inserted, 1956, 582 § 2; paragraph (*f*) added, 1962, 647 § 1; paragraph (*g*) added, 1965, 840 § 1; paragraph (*h*) added, 1971, 946 § 1. (See 1969, 813 § 3.)

SECT. 3 revised, 1958, 355 § 1; amended, 1962, 193 § 2; 1971, 1052 § 1; first sentence revised, 1974, 834.

SECT. 3A added, 1975, 503 (establishing an employee advisory committee to the group insurance commission).

SECT. 4, second sentence amended, 1960, 389 § 1.

SECT. 5 revised, 1956, 582 § 3; 1960, 389 § 2; 1965, 840 § 2. (See 1960, 389 § 6.)

SECT. 6 amended, 1960, 389 § 3; second sentence revised, 1965, 840 § 3; sentence added, 1971, 166.

SECT. 8, paragraph (*a*), first sentence revised, 1965, 480 § 4; second sentence added, 1959, 426 § 2; paragraph revised, 1973, 888 § 1; paragraph (*b*) revised, 1956, 582 § 4; last sentence amended, 1968, 758 § 2; paragraph (*c*) revised, 1956, 582 § 4; amended, 1958, 355 § 2; sentence inserted after first sentence, 1958, 558 § 2; revised, 1965, 637 § 2; paragraph revised, 1972, 686 § 2; 1973, 770 § 2; 1974, 569 § 2; section revised, 1974, 794 § 1; fourth paragraph revised, 1975, 330.

SECT. 9 revised, 1958, 424 § 1; 1961, 572 § 1; amended, 1971, 432 § 1. (See 1958, 424 § 2.)

SECT. 9A added, 1961, 572 § 2 (establishing an investment committee to supervise the investment of funds retained in the group insurance commission trust fund); second sentence amended, 1963, 625; seventh sentence stricken out and two sentences inserted, 1963, 625; sentence inserted after seventh sentence 1967, 469; revised, 1973, 830; tenth sentence revised, 1971, 432 § 2.

SECT. 10, first sentence amended, 1960, 389 § 4; first sentence stricken out and three sentences inserted, 1960, 505 § 1; section revised, 1965, 840 § 5; first paragraph revised, 1971, 825 § 1; second paragraph, sentence added, 1969, 813 § 2; section revised, 1971, 946 § 3; first paragraph revised, 1971, 1048 § 1; 1973, 888 § 2; 1974, 794 § 2; second paragraph, second sentence revised, 1973, 823. (See 1960, 389 § 6; 505 §§ 2, 3; 1969, 813 § 3; 1971, 1048 § 2.)

SECT. 10A added, 1960, 389 § 5 (providing for increased amounts of group life insurance for state employees on an optional basis without premium contribution by the commonwealth); sentence inserted after first sentence, 1969, 633; fifth paragraph revised, 1969, 229. (See 1960, 389 § 6.)

SECT. 10B added, 1962, 647 § 2 (directing the group insurance commission to negotiate policies of group general or blanket insurance providing hospital, surgical and medical benefits for elderly governmental retirees and their dependents); first paragraph revised, 1964, 461 § 1; amended, 1965, 840 § 6; paragraphs (*b*) and (*c*) revised, 1964, 461 § 2; paragraph (*e*) amended, 1965, 840 § 6A.

SECT. 10C added, 1965, 840 § 7 (authorizing purchases on behalf of certain eligible retired employees of group policies to be known as optional medicare extension). Temporarily affected, 1968, 18.

SECT. 11. added, 1960, 386 § 1 (extending group general or blanket insurance to the surviving spouse and dependents of insured persons retired from the service of the commonwealth); revised, 1961, 414 § 1; 1971, 791. (See 1961, 414 § 2; 1962, 647 § 5.)

SECTS. 12-13 added, 1970, 626 § 1 (permitting retired teachers to transfer group health and life insurance to the group insurance commission and to allow withholding of certain premiums by the teachers' retirement board).

SECT. 12, first paragraph, first sentence revised, 1972, 763 § 4; amended, 1973, 430 § 1.

SECT. 14 added, 1971, 946 § 2 (authorizing the group insurance commission and certain public authorities to make available to eligible and retired employees certain regional area insurance in lieu of unregionalized group insurance for medical care); third paragraph amended, 1974, 794 § 3.

SECT. 15 added, 1973, 1086 (authorizing the group insurance commission to contract for catastrophic illness coverage).

Chapter 32B. — Contributory Group General or Blanket Insurance for Persons in the Service of Counties, Cities, Towns and Districts, and their Dependents.

New Chapter inserted, 1955, 760 § 1.

Chapter stricken out and new chapter 32B inserted, 1956, 730 § 1. (See 1956, 730 §§ 2, 3.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to Chapter 32B, as so inserted:

SECT. 1. amended, 1975, 806 § 1.

SECT. 2, paragraph (*g*) revised, 1958, 136 § 2; section revised, 1958, 536; paragraph (*b*) revised, 1960, 214 § 1; paragraph (*d*) revised, 1958, 580; paragraph (*g*) revised, 1958, 558 § 3; paragraph (*h*) added, 1960, 337 § 1; revised, 1962, 193 § 3; paragraph (*i*) added, 1965, 841 § 1; paragraph (*j*) added, 1971, 946 § 4; amended, 1975, 806 § 2. (See 1958, 558 §§ 5, 6.)

SECT. 3, first paragraph amended, 1957, 242; 1959, 170; first sentence stricken out and five sentences inserted, 1960, 337 § 2; first sentence stricken out and three sentences inserted, 1961, 236; first four sentences revised, 1961, 334 § 1; first sentence amended, 1975, 806 § 3; second sentence revised, 1975, 183; eighth and ninth sentences revised, 1968, 100 § 4; sentence inserted after second sentence, 1971, 196; sixth, seventh and eighth sentences stricken out, 1973, 843 § 1; paragraph amended, 1974, 721; second paragraph amended, 1975, 806 § 4.

SECT. 4, first sentence revised, 1961, 334 § 2; section revised, 1965, 841 § 2; first paragraph, first sentence amended, 1975, 806 § 5; second paragraph amended, 1975, 806 § 6.

SECT. 5 revised, 1960, 337 § 3; 1961, 334 § 3; 1965, 841 § 3; sentence added, 1970, 269; section revised, 1973, 843 § 2; second sentence amended, 1975, 806 § 7; sentence added, 1975, 240.

SECT. 7, paragraph (*a*), first sentence revised, 1965, 841 § 4; second sentence added, 1960, 214 § 2.

SECT. 7A added, 1968, 100 § 1 (providing for certain payments by local governmental units of group and life insurance premiums for certain active and retired employees and dependents); first paragraph, sentence added, 1973, 789 § 1; paragraph (*d*) revised, 1972, 641 § 1.

SECT. 8A added, 1965, 374 § 1 (providing for the use of local governmental employees' group insurance dividends or refunds to reduce the employees' share of premium costs); amended, 1971, 432 § 3.

SECT. 9, sentence inserted after first sentence, 1961, 100; section revised, 1961, 334 § 4; 1965, 841 § 5; first paragraph revised, 1968, 100 § 3; section revised, 1971, 946 § 6; first paragraph revised, 1972, 763 § 1; amended, 1975, 806 § 8; fourth paragraph, first sentence amended, 1975, 806 § 9.

SECT. 9A added, 1959, 595 (authorizing certain political subdivisions of the commonwealth to contribute one half of the cost of certain premiums of insurance of retired employees); amended, 1973, 789 § 2; 1975, 806 § 10.

SECT. 9B added, 1960, 386 § 2 (extending group general or blanket insurance to the surviving spouse and dependents of insured persons retired from the service of any political subdivision of the commonwealth); revised, 1961, 214; first paragraph amended, 1975, 806 § 11; second paragraph amended, 1975, 806 § 12. (See 1962, 647 § 6.)

SECT. 9C added, 1967, 303 (providing for payment of part of cost of group health insurance for widows and children of certain deceased firefighters); amended, 1975, 806 § 13.

SECT. 9D added, 1967, 402 (providing for payment of health insurance for surviving spouse of employees); amended, 1973, 789 § 3; first paragraph, first sentence amended, 1975, 806 § 14; second sentence revised, 1975, 241; 806 § 15.

SECT. 9E added, 1968, 100 § 2 (permitting local governmental units to pay subsidiary or additional premium rates for retired employees and dependents); second sentence revised, 1972, 641 § 2; section revised, 1973, 789 § 4; second sentence amended, 1975, 806 § 16.

SECT. 9F added, 1972, 763 § 2 (authorizing increases in certain insurance benefits for certain retired governmental employees); first two sentences revised, 1973, 789 § 5; third sentence amended, 1973, 430 § 2.

SECT. 9G added, 1975, 636 (relative to the payment of premiums for group health insurance for certain surviving spouses and children of police officers); revised, 1975, 806 § 17.

SECT. 10 revised, 1962, 150. (Governor declared said chapter 150 an emergency law, effective April 9, 1962.); section revised, 1962, 647 § 4; 1965, 374 § 2; amended, 1967, 352; sentence added, 1967, 373 § 1; section revised, 1968, 100 § 5; 1970, 626 § 2; 1971, 203 § 1, 946 § 7; 1972, 763 § 3; first paragraph, first sentence amended, 1975, 806 § 18.

SECT. 10A added, 1975, 806 § 19 (authorizing group dental insurance coverage for certain persons).

SECT. 11, first two paragraphs revised, 1960, 337 § 4; section revised, 1965, 841 § 6; 1973, 843 § 3; first paragraph, first sentence amended, 1975, 806 § 20.

SECT. 11A added, 1961, 334 § 5 (providing for increased amounts of group life insurance for persons in the service of counties, cities, towns and districts on an optional basis, without premium contribution by the political subdivisions); first two paragraphs revised, 1962, 383; sixth paragraph revised, 1971, 167; seventh paragraph amended, 1973, 843 § 4.

SECT. 11B added, 1962, 647 § 3 (authorizing certain political subdivisions to appropriate funds for payment of group general or blanket insurance providing hospital, surgical and medical insurance for certain elderly governmental retirees); revised, 1964, 461 § 3; second sentence revised, 1972, 641 § 3; section revised, 1973, 789 § 6; amended, 1975, 806 § 21. (See 1964, 461 § 4.)

SECT. 11C added, 1965, 841 § 7 (authorizing purchases on behalf of certain eligible retired employees of group policies to be known as optional medicare extension); third paragraph stricken out, 1973, 843 § 5.

SECT. 11D added, 1967, 383 (payment of one half the cost of life insurance for police and firefighters); amended, 1973, 789 § 7, 843 § 6.

SECT. 11E added, 1970, 626 § 3 (relative to payment of certain costs for group life and health insurance coverage for retired teachers); first sentence revised, 1973, 789 § 8; paragraph added, 1975, 792.

SECT. 11F added, 1971, 203 § 2 (authorizing certain public authorities to negotiate for group disability income insurance covering nonoccupational injury or disease for public employees); first paragraph amended, 1973, 789 § 9.

SECT. 13 revised, 1958, 136 § 1; repealed, 1958, 558 § 4.

SECT. 14 revised, 1960, 337 § 5; 1973, 843 § 7.

SECT. 15 added, 1967, 373 § 2 (relative to the power of political subdivisions of the commonwealth to provide group insurance for their employees and their employees' dependents).

SECT. 16 added, 1971, 946 § 5 (authorizing certain public authorities to contract for the services of a public health organization for certain eligible retired employees and dependents); amended, 1973, 789 § 10; second paragraph, second sentence stricken out, 1973, 843 § 8; fourth paragraph, second sentence stricken out, 1973, 843 § 9; sixth paragraph amended, 1973, 843 § 10.

Chapter 33. — Militia.

Act establishing a special military reservation commission, and authorizing the acquisition by the commonwealth for military purposes of certain properties in Sandwich, Bourne, Falmouth and Mashpee, 2; reservation enlarged, 1941, 5. (See 1938, 331.)

Chapter stricken out and new chapter 33 inserted, 1939, 425 § 1. (See 1939, 425 § 2.)

Chapter stricken out and new chapter 33 inserted, 1954, 590 § 1. (See 1954, 590 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952 and 1953.

The following references are to chapter 33, as so inserted:

SECT. 4 revised, 1963, 408; amended, 1964, 722 § 1.

SECT. 4A added, 1964, 722 § 2 (relative to the inclusion of the National Lancers in the organized militia, and preserving certain rights of the National Lancers); second sentence revised, 1973, 1184. (See 1964, 722 § 5.)

SECT. 15, subsection (*c*) revised, 1960, 402 § 1; subsection (*j*) revised, 1963, 395, 801 § 71.

SECT. 18, subsection (*b*) stricken out, 1960, 402 § 2.

SECT. 19, paragraph (*b*) revised, 1959, 383.

SECT. 19A added, 1969, 704 § 39 (placing the armory commission and the civil defense division within the military division); amended, 1973, 1230 § 25.

SECT. 26, third sentence revised, 1962, 226.

SECT. 31, second paragraph amended, 1962, 458.

SECT. 38 revised, 1968, 181.

SECT. 59 amended, 1956, 378.

SECT. 59A added, 1969, 2 (authorizing release from work for certain drills of public employees as members of the armed forces of the commonwealth or of the United States reserve).

SECT. 61, paragraph added, 1962, 242.

SECT. 88 revised, 1958, 629 § 1; first paragraph amended, 1974, 742; third paragraph revised, 1973, 925 § 3. (See 1973, 925 § 84.)

SECT. 88A added, 1974, 744 (providing for the education of spouse and children of national guardsmen killed or disabled while on state active duty).

SECT. 90 amended, 1958, 629 § 2.

SECT. 97, paragraph (*a*) (1) amended, 1955, 468; paragraph (*a*) revised, 1960, 370.

SECT. 99 revised, 1955, 204.

SECT. 108 amended, 1968, 389 § 1.

SECT. 109 revised, 1968, 389 § 2.

SECT. 122, subsection (*e*), paragraph (2) amended, 1963, 219.

SECT. 129 revised, 1962, 263 § 1; amended, 1964, 722 § 3.

SECT. 132A added, 1962, 263 § 2 (preserving certain rights of the National Lancers); repealed, 1964, 722 § 4.

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 3, sentence added at end, 1963, 655; revised, 1965, 513.

SECT. 4 amended, 1935, 257 § 1; revised, 1939, 31 § 1. (See 1935, 257 § 12.)

SECT. 5, schedule revised, 1943, 102 § 1; 1949, 193 § 1, 767 § 1; 1951, 743 § 3; 1963, 640 § 1; 1964, 690 § 1; 1966, 500 § 1; 1967, 186 § 2; 1969, 858 § 2A. (See 1943, 102 § 2; 1949, 193 § 2, 767 § 2; 1951, 743 §§ 4-6; 1963, 640 § 2; 1964, 690 § 2; 1966, 500 § 2; 1969, 858 § 4.)

SECT. 7 amended, 1935, 257 § 2; last sentence stricken out, 1939, 31 § 2. (See 1935, 257 § 12.)

SECT. 9 amended, 1975, 51.

SECT. 9F added, 1958, 626 § 3 (providing that meetings of county boards and commissions be open to the public); second paragraph revised, 1960, 437 § 2; stricken out and sections 9F-9G inserted, 1975, 303 § 2 (further regulating meetings of governmental bodies). (See 1975, 303 § 5.)

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 14, last sentence amended, 1947, 58.

SECT. 16 revised, 1947, 449 § 1. (See 1947, 449 § 7.)

SECT. 17 revised, 1932, 74; third sentence stricken out and two sentences inserted, 1949, 797; sentence inserted before last sentence, 1949, 481 § 3; affected, 1939, 452 § 7; section revised, 1951, 479; paragraph added, 1973, 908 § 1; section revised, 1975, 793 § 1.

SECT. 19 amended, 1935, 257 § 4. (See 1935, 257 § 12.)

SECT. 23 added, 1932, 297 (authorizing counties to receive certain gifts); revised, 1950, 162 § 2; second sentence revised, 1954, 126 § 2.

SECT. 24 added, 1964, 138 (providing that counties may accept and disburse federal grants for county purposes).

SECT. 25 added, 1967, 698 (acquisition by counties of land for conservation purposes; amended, 1975, 706 § 86. (See 1975, 706 § 312.)

Chapter 35. — County Treasurers, State Supervision of County Accounts and County Finances.

For legislation enabling counties to secure the benefits provided by the federal government to assist them in public works projects, see 1945, 74; 1947, 526. [For prior legislation, see 1933, 366; 1934, 21; 1935, 404; 1936, 64, 83, 414; 1937, 159; 1938; 50, 82; 1939, 423; 1941, 639; 1943, 58.]

Provisions relative to travel allowance of county employees using certain cars on official business, 1933, 322 § 4; 1939, 452 § 2; 1941, 528 § 3; 1943, 465 § 3; 1945, 550 § 3; 1946, 348 § 3.

Provisions relative to expenses incurred for meals by county employees, 1939, 452 § 3; 1941, 528 § 2; 1943, 465 § 2; 1945, 550 § 2; 1946, 348 § 2.

For legislation increasing the salaries of justices, clerks and probation officers of district courts, probation officers of the superior court, trial justices and county commissioners, see 1946, 348 § 4.

SECT. 2 revised, 1945, 289.

SECT. 3 revised, 1932, 56; sentence added, 1939, 109 § 2.

SECT. 10A added, 1974, 477 (authorizing the disbursement by county treasurers of matching funds for federally funded programs).

SECT. 11 amended, 1943, 65; revised, 1950, 659 § 1; first sentence revised, 1962, 40; amended, 1974, 694 § 1. (See 1974, 694 § 6.)

SECT. 12 amended, 1974, 694 § 2. (See 1974, 694 § 6.)

SECT. 14, last sentence stricken out, 1969, 849 § 4. (See 1969, 849 § 79.)

SECT. 16 revised, 1969, 849 § 5. (See 1969, 849 § 79.)

SECT. 19, two paragraphs added, 1966, 207; paragraph added, 1974, 81, 829 § 2.

SECT. 19A added, 1945, 635 § 2 (providing for advances of their vacation pay to officers and employees of counties); two paragraphs added, 1958, 293.

SECT. 19B added, 1953, 436 § 1 (relative to the payment of salaries, wages or other sums owing by cities and towns upon the death of their officers and employees); revised, 1954, 562 § 2. (See 1953, 436 § 7.)

SECT. 20 revised, 1950, 659 § 2.

SECT. 21 amended, 1937, 64 § 2.

SECT. 22 revised, 1948, 153; 1952, 87.

SECT. 22A added, 1975, 27 (further regulating the depositing of funds by county officers and employees).

SECT. 23, second sentence revised, 1969, 849 § 6. (See 1969, 849 § 79.)

SECT. 24 revised, 1951, 530 § 2; amended, 1975, 253.

SECT. 25 amended, 1933, 175 § 1; first sentence revised, 1969, 849 § 7. (See 1969, 849 § 79.)

SECT. 26, first sentence revised, 1969, 849 § 8. (See 1969, 849 § 79.)

SECT. 27 amended, 1933, 175 § 2; 1969, 849 § 9. (See 1969, 849 § 79.)

SECT. 28 amended, 1933, 318 § 2; 1934, 291 § 2; revised, 1939, 501 § 1; 1945, 158 § 1; first sentence revised, 1952, 80; 1953, 33; amended, 1955, 316 § 1; 1971, 766 § 2; 1969, 849 § 10; two sentences inserted after first sentence, 1949, 481 § 1; second sentence amended, 1969, 849 § 11; 1971, 766 § 3; next to last sentence amended, 1950, 543 § 4; 1952, 516; 1953, 70. (See 1933, 318 § 9; 1934, 291 § 6; 1969, 849 § 79.)

SECT. 28A added, 1943, 414 § 2 (establishing a budget system for county tuberculosis hospitals); amended, 1945, 158 § 7; revised, 1945, 398 § 3; first sentence revised, 1968, 487 § 2; 1969, 849 § 12. (See 1945, 398 §§ 4, 5; 1969, 849 § 79.)

SECT. 28B added, 1973, 1166 § 1 (creating county advisory boards to review estimates of certain county receipts and expenditures); second paragraph revised, 1974, 179. (See 1973, 1166 § 2.)

SECT. 28C added, 1974, 659 (requiring public hearings on county revenue sharing allotments from the federal government).

SECT. 29 revised, 1939, 501 § 2; amended, 1945, 158 § 2; 1969, 849 § 13. (See 1969, 849 § 79.)

SECT. 30 revised, 1939, 501 § 3; sentence added, 1943, 39; section revised, 1945, 158 § 3; first sentence amended, 1969, 849 § 14; 1975, 582 § 1. (See 1969, 849 § 79.)

SECT. 31, first sentence revised, 1974, 492 § 4; section revised, 1975, 160. (See 1974, 492 § 24.)

SECT. 32 revised, 1960, 282 § 1; paragraph added, 1967, 62; section revised, 1970, 147 § 1. (See 1970, 147 § 2.)

SECT. 33 repealed, 1960, 282 § 2.

SECT. 34 revised, 1937, 36; amended, 1939, 501 § 4; 1945, 158 § 4; last sentence amended, 1948, 591 § 3; stricken out and two sentences inserted, 1965, 227; first paragraph revised, 1975, 44; paragraph added, 1959, 51; first two sentences stricken out, 1969, 849 § 15. (See 1948, 591 §§ 4-7; 1969, 849 § 79.)

SECT. 34A added, 1947, 201 (relative to agreements entered into by county commissioners for highway work in anticipation of appropriations); amended, 1969, 849 § 16; revised, 1971, 766 § 4. (See 1969, 849 § 79.)

SECT. 36 amended, 1969, 849 § 17; revised, 1974, 82. (See 1969, 849 § 79.)

SECT. 36A amended, 1939, 501 § 5; revised, 1943, 80; first sentence amended, 1945, 158 § 5.

SECT. 37 amended, 1933, 28; 1969, 849 § 18. (See 1969, 849 § 79.)

SECT. 37A amended, 1933, 29; second sentence revised, 1973, 908 § 2; sentence inserted before last sentence, 1952, 66; revised, 1966, 10; amended, 1975, 80.

SECT. 37B added, 1968, 7 (providing for temporary borrowing by certain county treasurers in anticipation of serial loans); sentence inserted after first sentence, 1970, 44.

SECT. 38 amended, 1953, 75.

SECTS. 39A-39F added, 1949, 488 (relative to the furnishing and certification of county notes by the director of accounts).

SECT. 39B revised, 1963, 37.

SECTS. 39G and 39H added, 1962, 232 § 1 (permitting the use of facsimile seals by counties and the use of facsimile signatures and countersignatures upon their bonds, notes and certificates of indebtedness).

SECT. 40 amended, 1936, 23 § 1; revised, 1969, 849 § 19. (See 1969, 849 § 79.)

SECT. 43A revised, 1939, 214 § 1.

SECT. 43B added, 1939, 214 § 2 (relative to the effect of the filing of annual fidelity bonds by county officers and employees).

SECT. 44 amended, 1949, 481 § 2; sentence added, 1969, 195.

SECT. 45 amended, 1953, 319 § 5; 1969, 849 § 20. (See 1953, 319 §§ 39, 40; 1969, 849 § 79.)

SECT. 46 revised, 1953, 654 § 2; amended, 1969, 849 § 21. (See 1969, 849 § 79.)

SECT. 48, fourth sentence revised, 1947, 102 § 1; last sentence of first paragraph revised, 1949, 538; 1963, 801 § 73; paragraph added, 1947, 102 § 2.

SECT. 49 amended, 1935, 182 § 1; 1938, 347 § 1; 1939, 165 § 1; 1941, 447 § 1; 1943, 136 § 1; 1945, 486 § 2; 1946, 262 § 1; revised, 1946, 512 § 1; amended, 1947, 290 § 1; first sentence amended, 1947, 400 § 1; revised, 1960, 801 § 5; 1963, 841 § 1; amended, 1966, 463 § 1; revised, 1969, 859 § 3; amended, 1969, 867 § 1; 1970, 20 § 1; 526 § 1, 769 § 3; 1971, 843 § 2; 1972, 492 § 1; revised, 1972, 731 § 3. (See 1935, 182 § 6; 1938, 347 § 3; 1939, 165 § 3; 1941, 447 §§ 4, 5; 1943, 136 § 3; 1946, 262 §§ 4, 5, 512 § 3; 1947, 400 §§ 3, 4; 1949, 774 § 5; 1956, 738

§§ 13, 14; 1959, 609 § 9; 1963, 841 § 7; 1966, 463 §§ 4, 5; 1969, 859 § 33; 867 § 3; 1970, 20 § 3, 769 § 4; 1971, 843 § 27.)

SECT. 51 amended, 1938, 73 § 2; paragraph added, 1948, 345; second paragraph revised, 1969, 389; third, fourth and fifth paragraphs added, 1955, 645; third paragraph amended, 1960, 433; first sentence revised, 1967, 625; 1970, 70; 1974, 38.

SECTS. 51A and 51B added, 1948, 591 § 1 (establishing a salary schedule for certain officers and employees of counties, except Suffolk, and providing for certain temporary cost-of-living adjustments). (See 1948, 591 §§ 4-7; 1949, 782 §§ 2, 4, 5, 6.)

SECT. 51A revised, 1957, 621 § 1. (See 1957, 621 §§ 3-10.)

SECT. 51B, salary schedule revised, 1949, 782 § 1; 1951, 743 §§ 1, 2; 1954, 566 § 1; paragraph (2) revised, 1954, 566 § 2; paragraph (7) revised, 1949, 782 § 3; section revised, 1957, 621 § 2; paragraph (1), salary schedule revised, 1960, 250 § 1; 1961, 136 § 2; 1963, 833 § 1; 1966, 267 § 1; 1967, 186 § 1; 1969, 858 § 1; 1971, 755 § 1; 1972, 600 § 1; 1973, 722 § 1; 1974, 482 § 1; paragraph (4A) added, 1971, 1091; paragraph (4B) added, 1972, 441; paragarph (8) revised, 1967, 66. (See 1949, 782 §§ 2, 4, 5, 6; 1951, 743 §§ 4-6; 1954, 566 §§ 3, 4; 1957, 621 §§ 3-10; 1960, 250 § 2; 1961, 136 §§ 1, 3; 1963, 833 § 2; 1966, 267 § 2; 1969, 858 § 4; 1971, 755 § 3; 1972, 600 § 3; 1973, 772 § 4; 1974, 482 § 3.)

SECT. 52, second paragraph revised, 1938, 73 § 1.

SECT. 54 revised, 1948, 591 § 2. (See 1948, 591 §§ 4-7.)

SECT. 55 amended, 1949, 774 § 6.

SECT. 56 added, 1972, 807 § 4 (authorizing county treasurers to implement certain deferred compensation programs for certain employees); renumbered by corrective change to Sect. 57, 1973, 430 § 2A.

Chapter 36. — Registers of Deeds.

SECT. 3 revised, 1937, 219 § 1; 1939, 214 § 3.

SECT. 4 amended, 1947, 352 § 2; 1973, 493 § 1.

SECT. 5 revised, 1947, 352 § 1; 1960, 761 § 2; 1969, 399 § 1; paragraph added at end, 1970, 769 § 1. (See 1970, 769 § 4.)

SECT. 5A added, 1971, 578 (providing for a second assistant register in Norfolk county).

SECT. 6 revised, 1960, 761 § 3.

SECT. 11 revised, 1947, 449 § 2. (See 1947, 449 § 7.)

SECT. 12A added, 1972, 259 (further regulating the acceptance of certain documents for recording by the register of deeds).

SECT. 13 revised, 1975, 343.

SECT. 13A amended, 1951, 191.

SECT. 13B added, 1958, 61 (authorizing the filing of certain plans in registries of deeds).

SECT. 14A added, 1963, 697 § 2 (requiring a notice of certification of an historic site or a withdrawal of such certification to be recorded with the registry of deeds); amended, 1973, 1155 § 5.

SECT. 15 revised, 1949, 395 § 1. (See 1949, 395 § 3; 1950, 182, 350.)

SECT. 18A added, 1947, 256 § 2 (authorizing registers and assistant registers to print or type names of persons on filed instruments if not clearly legible).

SECT. 24, first sentence amended, 1955, 306 § 2; revised, 1961, 416; sentence added at end, 1952, 245; sentence inserted after second sentence, 1962, 62; sentence added, 1956, 644; section revised, 1963, 242 § 1; first sentence amended, 1971, 209.

SECT. 24A added, 1941, 89 (authorizing the recording of certified copies of petitions, decrees and orders filed or made pursuant to the federal bankruptcy laws and thereby giving effect to certain provisions of said laws).

SECT. 24B added, 1945, 569 § 1 (relative to the furnishing of abstract cards and photostatic copies of recorded instruments in the Norfolk county registry of deeds and Norfolk registry district to the assessors of municipalities of said county); first paragrpah revised, 1949, 189; section revised, 1950, 539 § 1; amended, 1973, 202.

SECT. 28 amended, 1952, 250 § 1. (See 1952, 250 § 3.)

SECT. 31 repealed, 1952, 250 § 2. (See 1952, 250 § 3.)

SECT. 33, paragraph added, 1948, 664 § 2; revised, 1952, 543; 1956, 661; 1960, 769; paragraph added, 1960, 761 § 4; stricken out, 1970, 769 § 2. (See 1970, 769 § 4.)

Chapter 37. — Sheriffs.

SECT. 2 revised, 1937, 219 § 2.

SECT. 17 amended, 1945, 63; 1946, 121; paragraph added, 1966, 463 § 2; revised, 1970, 789 § 1; 1972, 797 § 1. (See 1966, 463 § 5; 1970, 789 § 2; 1972, 797 § 2.)

SECT. 21 revised, 1943, 159 § 1. (See 1943, 159 § 2.)

SECT. 22 amended, 1932, 180 § 5; 1969, 849 § 22. (See 1969, 849 § 79.)

SECT. 23 amended, 1936, 31 § 2; repealed, 1937, 148.

Chapter 38. — Medical Examiners.

SECT. 1 amended, 1966, 278 § 1; paragraph in lines 7-11 revised, 1970, 492; 1973, 859 § 1; paragraph in lines 31-39 amended, 1973, 859 § 2; paragraph in lines 70-76 amended, 1939, 260; 1947, 69 § 1; section amended, 1939, 451 § 6; paragraph added, 1952, 44. (See 1966, 278 § 2.)

SECT. 1A added, 1975, 829 (creating the office of forensic dental examiner).

SECT. 2, last sentence stricken out and two sentences inserted, 1945, 632 § 1.

SECT. 2A added, 1943, 153 § 1 (authorizing associate medical examiners in Barnstable County to perform the duties of medical examiner thereof in certain cases); repealed, 1945, 632 § 2. (See 1943, 153 § 2.)

SECT. 3 revised, 1939, 214 § 4.

SECT. 5, first three sentences revised, 1947, 579; first sentence revised, 1955, 422; 1970, 783 § 1; third sentence amended, 1949, 510; 1970, 783 § 2; last sentence revised, 1945, 632 § 3; 1959, 301 § 1; 1967, 670 § 1. (See 1970, 783 § 3.)

SECT. 6 amended, 1939, 475; revised, 1945, 632 § 4; amended, 1973, 1076 § 1.

SECT. 6A added, 1972, 180 (requiring medical examiners to take blood samples in certain motor vehicle accident death cases).

SECT. 6C added, 1973, 1072 (authorizing the payment for autopsies of certain children and for autopsy reports to their parents or guardians).

SECT. 7 amended, 1941, 366; revised, 1945, 632 § 5; amended, 1953, 319 § 6; last sentence revised, 1950, 143; paragraph added, 1964, 662. (See 1953, 319 § 39, 40.)

SECT. 8 revised, 1932, 118 § 1; amended, 1939, 30 § 1; 1975, 490 § 1. (See 1939, 30 § 2; 1975, 490 § 2.)

SECT. 9 amended, 1953, 319 § 7. (See 1953, 319 §§ 39, 40.)

SECT. 11 amended, 1941, 499.

SECT. 15 amended, 1974, 163.

SECT. 16 amended, 1959, 301 § 2; 1967, 670 § 2.

SECT. 18 revised, 1953, 320; 1955, 162.

SECT. 19 revised, 1945, 632 § 6.

SECTS. 20-22 repealed, 1962, 413.

Chapter 39. — Municipal Government.

SECT. 6A added, 1952, 259 § 1 (relative to salaries of certain mayors, city councillors and aldermen); amended, 1958, 72 § 1; sentence added at end, 1958, 513 § 1; third and fourth sentences stricken out and sentence inserted, 1963, 731 § 2. (See 1952, 259 § 4.)

SECT. 8A added, 1950, 132 § 1 (relative to the removal of cerain officers of cities by the city council). (See 1950, 132 § 2.)

SECT. 9, sentence added, 1969, 10; section amended, 1969, 849 § 23; revised, 1974, 8 § 1. (See 1969, 849 § 79; 1974, 8 § 5.)

SECT. 9A added, 1974, 8 § 2 (relative to the time period for town meetings and election of town officials). (See 1974, 8 § 5.)

SECT. 10 amended, 1935, 403 § 1; 1939, 182; sentence inserted after third sentence, 1949, 152 § 1; same sentence stricken out and two sentences inserted, 1959, 64 § 1; fifth and sixth sentences revised, 1954, 32; sixth sentence revised, 1974, 28; paragraph added, 1963, 169; amended, 1964, 1 § 1. (See 1935, 403 § 2.)

SECT. 12, sentence added, 1964, 193.

SECT. 14, first and second paragraphs revised, 1943, 453 §§ 1, 2; second paragraph amended, 1969, 505 § 1; paragraph added, 1949, 152 § 2; amended, 1959, 64 § 3; paragraph added, 1969, 505 § 2.

SECT. 15, first paragraph, third sentence revised, 1970, 78 § 1; paragraph added, 1963, 320; revised, 1966, 73.

SECT. 16, first paragraph revised, 1950, 56.

SECT. 19 repealed, 1934, 39 § 1.

SECT. 20 amended, 1934, 39 § 2; 1973, 1136; revised, 1974, 8 § 3. (See 1974, 8 § 5.)

SECT. 23 amended, 1934, 39 § 3; 1973, 1135.

SECTS. 22-23 repealed, 1974, 8 § 4. (See 1974, 8 § 5.)

SECTS. 23A and 23B added, 1958, 626 § 4 (providing that meetings of certain local boards, commissions, committees and authorities shall be open to the public).

SECT. 23A, first paragraph revised, 1960, 274; section revised, 1960, 437 § 3; first paragraph, sentence added, 1970, 571; third paragraph amended, 1964, 195; section revised, 1975, 303 § 3. (See 1975, 303 § 5.)

SECT. 23B revised, 1960, 437 § 4; 1975, 303 § 3. (See 1975, 303 § 5.)

SECT. 23C added, 1960, 437 § 5 (relative to the remedy in case on noncompliance with the law requiring that certain meetings be open to the public); revised, 1964, 323 § 1; first sentence stricken out and two sentences inserted, 1974, 83; section revised, 1975, 303 § 3. (See 1960, 437 § 7; 1975, 303 § 5.)

SECT. 24 amended, 1970, 78 § 2.

Chapter 40. — Powers and Duties of Cities and Towns.

For temporary legislation relative to the appointment of veterans to civil service employments under the apprentice training provisions of the G. I. Bill of Rights, so called, see 1946, 586; 1947, 673; 1948, 392.

For temporary legislation relative to the emergency housing commission and to local boards of appeals, see 1946, 592; 1947, 609; 1948, 657.

SECT. 1A added, 1967, 44 § 1 (relative to definition of "district"); revised, 1969, 505 § 3.

SECT. 3A added, 1973, 160 (confirming the binding effect of certain deeds executed by municipal corporations and certain districts).

SECT. 4, first paragraph amended, 1951, 798 § 1; revised, 1957, 227 § 1; 1966, 202 § 1; amended, 1969, 412; three paragraphs inserted after first paragraph, 1969, 758 § 1; second paragraph amended, 1941, 351 § 3; 1958, 613 § 2A; 1969, 758 § 2; 1974, 260 § 1; paragraph inserted after second paragraph, 1965, 874 § 3; third paragraph revised, 1932, 271 § 6; 1961, 307; 1974, 715; paragraph inserted after third paragraph, 1963, 115; paragraph added, 1946, 358 § 1; 1950, 521; amended, 1954, 33; revised, 1966, 63 § 1; paragraph inserted, 1961, 313; revisd, 1966, 63 § 2; paragraph inserted, 1965, 50; 1966, 381; 1971, 3; paragraph added, 1951, 798 § 2; stricken out, 1969, 849 § 24; paragraph added, 1968, 621; revised, 1969, 758 § 3; 1970, 238, 674; paragraph inserted 1971, 71, 128; revised, 1975, 74; paragraph inserted, 1971, 952; 1972, 25; 1973, 6; 1974, 693; 1975, 46; paragraph added, 1969, 758 § 4. (See 1932, 271 § 7; 1951, 798 § 8; 1957, 227 § 2; 1969, 849 § 79.)

SECT. 4A added, 1945, 438 (authorizing cities and towns and certain districts to make agreements relative to the performance of certain public services); revised, 1966, 286; first paragraph amended, 1969, 85; sentence inserted after second sentence, 1969, 356; revised, 1975, 344; last sentence revised, 1969, 758 § 5. (See 1955, 760 § 3.)

SECT. 4B added, 1951, 25 § 3 (relative to advertising for proposals for certain contracts of towns); sentence added, 1951, 678; section revised, 1960, 592 § 1; amended, 1967, 44 § 2; 1967, 79 § 1; first sentence revised, 1969, 758 § 6; paragraph added, 1972, 61 § 1, 320 § 1; paragraph inserted after second paragraph, 1974, 199 § 1.

SECT. 4C added, 1960, 561 (allowing cities and towns to enter into collective bargaining agreements); repealed, 1965, 763 § 1.

SECT. 4D added, 1967, 883 § 1 (relative to joint contracts for construction of public works).

SECT. 4E added, 1970, 889 (authorizing school committees to contract for the operation of model education programs); revised, 1972, 753; 1974, 797; fifth paragraph, first sentence revised, 1975, 323 § 1; sixth paragraph, third sentence revised, 1975, 323 § 2.

SECT. 4F added, 1973, 84 (regulating the purchase of items of apparel by cities and towns).

SECT. 5, clause (1) amended, 1933, 318 § 3 (see 1933, 318 § 9); 1935, 106; revised, 1935, 179; amended, 1951, 798 § 3 (see 1951, 798 § 8); amended, 1939, 19; 1945, 391 § 2; 1948, 174; 1950, 157; 1946, 358 § 2; 1953, 149; revised, 1953, 209; 1955, 291, 385; 1958, 176; amended, 1964, 173; 1965, 179; 1969, 256; 1970, 382 § 3; 1974, 547; clause (2) amended, 1936, 390; 1950, 478; clause (5A) added, 1938, 172 § 1 (authorizing appropriations to establish a water supply); clause (9A) added, 1961, 357 (authorizing appropriations for the control of beavers); clause (11) revised, 1946, 358 § 3; 526; clause (12) amended, 1932, 114 § 3; 1933, 153 § 2, 245 § 2; revised, 1936, 132 § 1, 163; amended, 1941, 217 § 2; 1943, 99; 1946, 409 § 2; 1947, 144; revised, 1947, 468 § 2; amended, 1948, 445 § 1; 1949, 118 § 2; revised, 1950, 27 § 2; amended, 1954, 627 § 16; 1950, 354 § 2; 492 § 2; 1951, 718; 1955, 271 § 1; revised, 1956, 211; amended, 1958, 118 § 2; 1959, 59 § 2; 1960, 626 § 3; 1967, 101; 1972, 236; revised, 1975, 518 § 1; clause (16A) added, 1946, 358 § 4 (authorizing appropriations for the employment of legal counsel for general purposes); clause (19A) added, 1955, 85 § 1 (authorizing cities and towns to construct, operate and maintain incinerators and to appropriate funds for same); clause (20) amended, 1946, 358 § 5; revised, 1966, 79; amended, 1973, 1210 § 17; clause (23) revised, 1948, 660 § 24 (see 1948, 660 § 26); amended, 1949, 761 § 11; clause (25A) added, 1946, 358 § 6 (authorizing appropriations for the maintenance and supervision of beaches and swimming pools for recreation and physical exercise); revised, 1948, 89; 1956, 596 § 1; clause (25B) added, 1967, 160 § 1 (authorizing the acquisition of land for construction of municipal golf courses); clause (26) amended, 1946, 358 § 7; clause (27) revised, 1946, 358 § 8; amended, 1960, 91; clause (27A) inserted, 1969, 506; clause (28) revised, 1936, 211 § 5 (see 1936, 211 § 7); amended, 1947, 340 § 5; revised, 1953, 674 § 9; clause (29) amended, 1953, 535 § 1; clause (32) revised, 1962, 580 § 2; clause (33) revised, 1946, 358 § 9; clause (34) amended, 1951, 149; 1961, 20; revised, 1963, 60; 1964, 248; amended, 1969, 849 § 25; clause (36) amended, 1974, 349 § 1; clause (36A) added, 1949, 163 (authorizing appropriations for suppression and eradication of ragweed); amended, 1950, 141; clause (36B) added, 1961, 498 § 2 (authorizing appropriations for the control of algae, weeds and aquatic nuisances in lakes, ponds, streams and other bodies of water); two paragraphs added, 1969, 722 § 1; clause (37) revised, 1943, 177 § 1 (see 1943, 177 § 2; 1947, 635); 1956, 77; amended, 1969, 849 § 26; clause (38) added, 1934, 154 § 1 (authorizing appropriations for protection of interests in real estate held under tax title or taking); clause (39) added, 1935, 28 (authorizing appropriations for the purpose of co-operating with the federal government in certain unemployment relief and other projects); clause (40) added, 1937, 185 (authorizing appropriations for eyeglasses for needy school children); amended, 1960, 3; clause (40A) added, 1947, 525 (authorizing appropriations for payment or expenses incurred by or in behalf of certain injured school children); clause (40B) added, 1952, 247 § 1 (authorizing appropriations for payment of certain expenses incurred for injuries sustained by school pupils in shop or laboratory work); revised, 1972, 553;

clause (40C) added, 1958, 124 (authorizing cities and towns to provide cooperative or complementary facilities to mental health outpatient clinics); amended, 1967, 132 § 1 (See 1967, 132 § 3); clause (41) added, 1938, 142 § 1 (authorizing cities and towns to appropriate money for stocking inland waters therein with fish and for liberating game therein); amended, 1941, 599 § 4; first sentence revised, 1950, 101; amended, 1965, 117; third sentence amended, 1965, 201; revised, 1975, 706 § 87; clause (42) added, 1951, 113 (allowing the granting of token awards by a playground or recreation commission); amended, 1969, 849 § 27; clause (43) added, 1952, 118 (allowing the granting of awards to municipal employees for suggestions relative to the improvement of municipal services); amended, 1969, 849 § 28; clause (44) added, 1952, 239 (authorizing appropriations for the payment of premiums for group life insurance for permanent employees); clause (44A) added, 1955, 760 § 2; clause (45) added, 1953, 576 § 2 (authorizing appropriations for erecting and maintaining public bath houses in public beach districts); clause (46) added, 1954, 149 (authorizing appropriations for certain celebrations); clause (46A) added, 1956, 152 (authorizing appropriations for the annual observance of United Nations Day and Veterans Day and certain other days); amended, 1958, 118 § 1; 1959, 57; amended, 1967, 80; clause (47) added, 1954, 297 § 2 (authorizing appropriations for the establishment of business and industrial commissions); revised, 1967, 638; 1975, 458; clause (48) added, 1955, 716 § 1 (authorizing cities and towns to construct, maintain and operate outdoor artificial ice skating rinks); amended, 1959, 73 § 1; clause (49) added, 1956, 495 § 2 (authorizing appropriations for the purpose of conducting programs dealing with problems of the aging); amended, 1957, 361; revised, 1957, 406 § 2; 1959, 376; amended, 1965, 66; revised, 1966, 184; clause (50) added, 1957, 22 (authorizing towns to appropriate money for the control of encephalitis); clause (51) added, 1957, 223 § 2 (authorizing towns to appropriate money for the purpose of establishing and maintaining a conservation commission); amended, 1959, 208; revised, 1964, 234; 1966, 108; clause (52) added, 1958, 390 (authorizing towns to appropriate money for the control of diseases of epidemic proportions); clause (53) added, 1960, 236 (authorizing cities and towns to appropriate money for the acquisition and maintenance of tidal marshes and estuaries as reservations); clause (54) added, 1962, 672 § 1 (authorizing cities and towns to appropriate money for participation with the water resources commission in developing water resources); clause (55) added, 1963, 479 § 2 (authorizing the payment to skin divers for certain services); clause (56) added, 1963, 697 § 3 (authorizing the development of places of historical value and the establishment and maintenance of historical commission); revised, 1973, 1155 § 6; clause (57) added, 1964, 581 § 2 (authorizing the director of personnel and standardization to establish inservice training programs for engineering employees of cities and towns); clause (58) added, 1964, 643 § 2 (authorizing towns to pay to the commonwealth their share of the cost of conducting water favorability studies by or under the direction of the water resources commission); clause (59) added, 1965, 327 (authorizing towns to appropriate money for the towing of motor vehicles abandoned on private property); clause (60) added, 1966, 247 (authorizing cities and towns to

employ student interns in police departments); clause (61) added, 1967, 90 (authorizing cities and towns to appropriate money for local programs under Economic Opportunity Act of 1964); clause (62) added, 1969, 330; clause (63) added, 1969, 391 § 2; clause (64) added, 1970, 82; clause (65) added, 1971, 784 § 1; clause (66) added, 1972, 220 § 1; clause (67) added, 1973, 480 (authorizing certain moving expenses of newly appointed chief executive or administrative officers); clause (68) added, 1975, 574 (authorizing municipalities to repair certain private ways). (See 1938, 142 § 2; 1954, 627 §§ 65, 67; 1969, 849 § 79; 1973, 1210 § 39; 1975, 706 § 312.)

SECT. 5A added, 1936, 40 (providing for the establishment of reserve funds for cities); amended, 1937, 34; 1949, 135; 1971, 766 § 5.

SECT. 5B added, 1945, 124 (authorizing cities and towns to appropriate money for a stabilization fund); first paragraph revised, 1957, 404 § 1; amended, 1969, 849 § 29; 1971, 766 § 6; second paragraph amended, 1957, 215; revised, 1962, 463; third paragraph revised, 1957, 404 § 2; amended, 1966, 62. (See 1969, 849 § 79.)

SECT. 5C added, 1967, 44 § 3 (providing for extraordinary expenditures for a reserve fund); amended, 1971, 766 § 7.

SECT. 6 amended, 1971, 766 § 7.

SECT. 6A amended, 1969, 849 § 30. (See 1969, 849 § 79.)

SECT. 6B revised, 1957, 213; 1962, 484; first paragraph revised, 1973, 124; paragraph added, 1965, 150.

SECTS. 6C and 6D added, 1943, 225 (relative to the removal by cities and towns of snow and ice from private ways therein open to public use).

SECT. 6E added, 1950, 538 (relative to the repair by cities and towns of private ways therein open to public use); amended, 1951, 299.

SECT. 6F added, 1953, 386 § 1 (further regulating the repair by cities and towns of private ways therein open to public use).

SECT. 6G added, 1958, 195 (authorizing cities and towns to provide temporary resurfacing of certain private ways open to public use upon payment of one half the cost by certain abutting owners).

SECT. 6H added, 1961, 319 (providing that cities and towns may make repairs on private ways without liability for damages).

SECT. 6I added, 1961, 381 (authorizing certain cities and towns to construct, reconstruct, resurface and repair certain private ways).

SECT. 6J added, 1963, 190 (authorizing cities and towns to purchase stormy weather work clothes and rubber boots for certain employees); revised, 1964, 90.

SECT. 6K added, 1964, 89 (authorizing cities and towns to purchase uniforms for certain public health nurses).

SECT. 6L added, 1969, 806 (authorizing a city or town to lease or rent certain clothing for employees).

SECT. 6M added, 1975, 332 (authorizing cities and towns to repair private ways).

SECT. 6N added, 1975, 551 (authorizing cities and towns to make certain temporary repairs on private ways).

SECT. 8A added, 1954, 297 § 1 (authorizing cities and towns to establish commissions to promote business and industry); first paragraph amended, 1961, 291; second paragraph amended, 1955, 102 § 1. (See 1954, 511; 1955, 102 § 2.)

SECT. 8B added, 1956, 495 § 1 (authorizing cities and towns to establish local councils for the aging and to appropriate funds therefor); amended, 1957, 406 § 1; revised, 1964, 430 § 3; 1966, 242; 1973, 1168 § 17. (See 1964, 430 § 4; 1973, 1168 § 40.)

SECT. 8C added, 1957, 223 § 1 (authorizing cities and towns to establish conservation commissions); third and fourth sentences stricken out and five sentences inserted, 1971, 893 § 1; sixth sentence (as appearing in 1957, 223 § 1) revised, 1971, 893 § 2; last two sentences revised, 1961, 258; thirteenth and fourteenth sentences (as appearing in 1957, 223 § 1) stricken out and three sentences inserted, 1971, 893 § 3; four sentences added, 1965, 768 § 2; sentence inserted after fourteenth sentence, 1967, 885; section amended, 1975, 18.

SECT. 8D added, 1963, 697 § 4 (authorizing cities and towns to establish historical commissions); first three sentences stricken out and four sentences inserted, 1973, 1155 § 7; sentence inserted after third sentence, 1971, 517 § 3.

SECT. 8E added, 1969, 391 § 1 (authorizing cities and towns to establish youth commissions).

SECT. 8F added, 1970, 153 (authorizing cities and towns to establish consumer advisory commissions).

SECT. 8G added, 1972, 220 § 2 (authorizing cities and towns to enter into police mutual aid programs).

SECT. 9 amended, 1933, 245 § 3; 1935, 305; 1936, 271; first paragraph revised, 1946, 51, 209 § 2, 409 § 3; 1947, 468 § 3, 671, amended, 1949, 118 § 3; revised, 1949, 343 § 1; paragraph added, 1937, 255; section revised, 1949, 563 § 1; first sentence amended, 1950, 303; 1952, 115, 443; 1953, 469; revised, 1959, 59 § 3; amended, 1960, 203, 626 § 4; revised, 1961, 57; amended, 1964, 5; 1974, 6; sentence inserted after first sentence, 1953, 175; last sentence amended, 1969, 849 § 31. (See 1949, 343 § 2; 1969, 849 § 79.)

SECT. 9A repealed, 1949, 563 § 2.

SECT. 11 amended, 1941, 490 § 9; 1953, 535 § 2; 1948, 355; revised, 1956, 573; first sentence amended, 1969, 849 § 32; second sentence revised, 1975, 706 § 88. (See 1969, 849 § 79; 1975, 706 § 12.)

SECT. 11A added, 1953, 576 § 3 (relative to the forming of public beach districts by cities).

SECT. 12A repealed, 1941, 598 § 5.

SECTS. 12B-12G added, 1953, 576 § 1 (authorizing cities and towns to form public beach districts).

SECT. 13, first sentence revised, 1970, 12; 1973, 613; paragraph added, 1941, 130.

SECT. 13A, first sentence amended, 1969, 849 § 33; sentence added, 1963, 127; revised, 1974, 274. (See 1969, 849 § 79.)

SECT. 14 revised, 1933, 283 § 1; paragraph added, 1967, 59 § 3.

SECT. 15, second sentence revised, 1961, 117; paragraph added, 1958, 680.

SECT. 15A added, 1951, 798 § 4 (authorizing cities and towns to transfer certain land in certain cases); revised, 1954, 105. (See 1951, 798 § 8.)

SECT. 15B added, 1957, 552 (permitting the sale, rental or use of certain lands no longer needed for public water supply purposes, and the granting

of certain easements or rights over such land); first paragraph amended, 1975, 706 § 89; paragraph added, 1969, 555 § 1. (See 1975, 706 § 312.)

SECT. 15C added, 1973, 67 (authorizing cities and towns to designate scenic roads).

SECT. 17 amended, 1933, 254 § 2. (See 1933, 254 § 66.)

SECT. 21, second sentence amended, 1953, 319 § 8; revised, 1965, 316; 1975, 107; clause (14) revised, 1961, 383; clause (16) added, 1941, 346 § 1; clause (16A) added, 1971, 83; clause (16B) added; 1973, 806 § 1; amended, 1974, 424 § 1; clause (17) added, 1949, 98; amended, 1951, 352; revised, 1959, 220; 1967, 870; amended, 1973, 317; clause (18) added, 1952, 594; clause (19) added, 1953, 402; amended, 1955, 24; revised, 1957, 436; 1970, 470; clause (20) added, 1954, 213; clause (21) added, 1956, 509; clause (22) added, 1969, 383. (See 1953, 319 §§ 39, 40; 1974, 424 § 5.)

SECT. 21A added, 1951, 798 § 5 (authorizing cities and towns to establish work weeks and hours for certain municipal employees). (See 1951, 798 § 8.)

SECT. 21B added, 1955, 294 (providing for the adjustment of certain grievances of certain employees of cities and towns).

SECT. 21C added, 1963, 233 (permitting time off without loss of pay for employees in cities and towns to attend union conventions).

SECT. 22, first paragraph, sentence inserted after first sentence, 1968, 694 § 1; paragraph added, 1949, 644 § 1; same paragraph amended, 1955, 458 § 1; revised, 1957, 417 § 1; paragraph added, 1966, 273; revised, 1966, 566; 1967, 86.

SECT. 22A added, 1947, 442 § 1 (authorizing the installation and operation of parking meters in cities and towns); first sentence amended, 1962, 338 § 16; sentence added, 1949, 644 § 2; revised, 1957, 417 § 2; sentence added, 1952, 592; 1955, 458 § 2; same sentence stricken out, 1957, 417 § 3; sentence added, 1973, 183 § 1.

SECT. 22B added, 1949, 776 (authorizing the use of receipts from parking meters for the acquisition and maintenance of off-street parking areas and facilities); amended, 1953, 92; revised, 1959, 270; amended, 1964, 20; revised, 1964, 122; 1973, 183 § 2.

SECT. 22C added, 1951, 326 (relative to parking meters in off-street parking lots); revised, 1960, 449; 1967, 38; amended, 1973, 183 § 3d added, 1961, 322 (authorizing the towing of vehicles from city and town ways where such vehicles are parked or standing in violation of the law); fourth sentence revised, 1968, 369; amended, 1971, 438.

SECT. 22E added, 1962, 796 (authorizing cities and towns to lease the space above municipal parking lots); first sentence revised, 1969, 815 § 1; second paragraph revised, 1963, 147; amended, 1969, 815 § 2.

SECTS. 25-33. For special zoning provisions for Boston, see 1924, 488 and amendments prior to 1932; 1932, 143; 1933, 204; 1934, 210; 1936, 240; 1941, 373; 1946, 198.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 25, first paragraph amended, 1950, 325 § 1.

SECT. 26 amended, 1952, 438.

SECT. 27 revised, 1941, 320.

SECT. 27A added, 1938, 133 § 1 (to prevent multiplicity of proposals for the same change in zoning ordinances or by-laws).

SECT. 28 revised, 1941, 176.

SECT. 30, first paragraph (as appearing in 1933, 269 § 1) amended, 1945, 167; second paragraph (as so appearing) amended, 1951, 205; paragraph in lines 54-60 (as appearing in 1933, 269 § 1) stricken out and two paragraphs added, 1941, 198 § 1; paragraph in lines 61-70 (as so appearing) amended, 1935, 388 § 1; clause (1) in lines 72-76 (as so appearing) revised, 1941, 198 § 2; paragraph in lines 80-90 (as so appearing) amended, 1935, 388 § 2; next to last paragraph amended, 1953, 102. (See 1941, 198 § 3.)

SECTS. 25-30. Temporarily affected, 1951, 307.

SECT. 30A stricken out and reinserted as section 30B and new section 30A inserted, 1938, 133 § 2 (to prevent multiplicity of proposals for the same change in the application of zoning ordinances or by-laws).

SECT. 30B, sentence added, 1950, 325 § 2.

SECTS. 25-30B stricken out, 1954, 368 § 1. (See 1954, 368 § 3.)

SECT. 32 revised, 1933, 185 § 1; amended, 1941, 520 § 1; revised, 1952, 337; sentence inserted after first sentence, 1967, 97; fifth sentence amended, 1967, 308; section revised, 1975, 808 § 1. (See 1933, 185 § 2; 1941, 520 § 2; 1975, 808 § 7.)

SECT. 32A revised, 1975, 808 § 2. (See 1975, 808 § 7.)

SECT. 32B added, 1973, 602 § 1 (authorizing cities and towns to publish zoning ordinances and by-laws).

SECT. 36 amended, 1956, 176; second sentence revised, 1971, 81.

SECT. 37A added, 1968, 563 (authorizing cities and towns to impose curfews).

SECT. 38 revised, 1938, 172 § 2; second paragraph amended, 1975, 706 § 90; paragraph added, 1941, 465 § 1. (See 1975, 706 § 312.)

SECTS. 39A-39G added, 1938, 172 § 3 (authorizing the establishment and maintenance of water supply and distributing systems).

SECT. 39A revised, 1941, 465 § 2.

SECT. 39B amended, 1975, 706 § 91. (See 1975, 706 § 312.)

SECT. 39C amended, 1975, 706 § 92. (See 1975, 706 § 312.)

SECT. 39H added, 1943, 125 (authorizing cities, towns and districts through their water departments, and water companies, to aid similar municipal and other corporations relative to their water supply).

SECT. 39I added, 1958, 527 § 1 (further regulating the testing of water meters).

SECT. 40 revised, 1933, 314; 1945, 606; first sentence, amended, 1966, 331; section revised, 1975, 706 § 93. (See 1965, 582; 1975, 706 § 312.)

SECT. 41, first sentence amended, 1975, 706 § 94. (See 1975, 706 § 312.)

SECT. 41A added, 1949, 793 (authorizing certain governmental agencies to restrain the use of water during an emergency); amended, 1975, 706 § 95. (See 1975, 706 § 312.)

SECT. 41B added, 1958, 254 (requiring that the will of the voters be ascertained before any public water supply system is fluoridated); revised, 1962, 485 § 1; repealed, 1968, 548 § 2. (See 1962, 485 § 2.)

SECT. 41C added, 1962, 485 § 1 (relative to the discontinuance of the fluoridation of a public water supply system); revised, 1964, 60; repealed, 1968, 548 § 2.

SECT. 42A revised, 1932, 197 § 2; amended, 1935, 42 § 1; revised, 1938, 415 § 1; amended, 1941, 380 § 1; first three sentences stricken out and two sentences inserted, 1954, 487 § 1. (See 1932, 197 § 3; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42B amended, 1935, 56 § 1; revised, 1936, 42 § 2; 1938, 415 § 2; revised, 1941, 380 § 2; sentence inserted after fourth sentence, 1947, 132; section revised, 1954, 487 § 2. (See 1935, 56 § 2; 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42C amended, 1935, 248 § 1; revised, 1938, 415 § 3; 1941, 380 § 3; 1954, 487 § 2; first sentence revised, 1965, 250. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42D, last sentence revised, 1935, 248 § 2; section revised, 1938, 415 § 4; 1941, 380 § 4; second paragraph amended, 1950, 80; section revised, 1954, 487 § 2. (See 1938, 415 § 7; 1941, 380 § 7; 1954, 487 § 3.)

SECT. 42E, last sentence amended, 1932, 180 § 6; same sentence revised, 1939, 451 § 7; section amended, 1941, 380 § 5. Affected, 1938, 415 § 7. (See 1941, 380 § 7.)

SECT. 42F affected, 1938, 415 § 7; 1941, 380 § 7.

SECTS. 42G-42I added, 1955, 332 (to authorize the levy of special assessments to meet the cost of laying water pipes in public and private ways).

SECT. 42G, first sentence amended, 1957, 268 § 1. (See 1957, 268 § 2.)

SECT. 42I, first sentence revised, 1955, 639.

SECT. 43A added, under caption 1941, 678 § 2 (relative to pipe lines for conveying petroleum and its products and by-products).

SECTS. 44A-44I added, 1961, 609 (authorizing the formation of regional incinerator districts).

SECT. 44C amended, 1964, 502 § 1.

SECT. 44E, first paragraph revised, 1964, 502 § 2.

SECT. 44F, clauses (*a*) to (*e*), inclusive, revised, 1964, 502 § 3.

SECT. 44H, last sentence stricken out and two sentences inserted, 1964, 502 § 4.

SECTS. 44J and 44K added, 1964, 502 § 5 (relative to agreements made in forming regional incinerator districts).

SECTS. 44A-44K revised, 1965, 748 § 1.

SECT. 44A revised, 1967, 149.

SECT. 44B revised, 1967, 149; amended, 1969, 199; sixth sentence amended, 1975, 706 § 96. (See 1975, 706 § 312.)

SECT. 44C, second sentence amended, 1975, 706 § 97. (See 1975, 706 § 312.)

SECT. 44H amended, 1969, 849 § 34. (See 1969, 849 § 79.)

SECT. 49 amended, 1971, 766 § 8; revised, 1975, 219.

SECT. 50 amended, 1974, 268.

SECT. 51 revised, 1937, 196; two sentences added, 1945, 340; section revised, 1946, 584 § 3; amended, 1974, 260 § 2. (See 1946, 584 § 22.)

SECT. 53 revised, 1969, 507.

SECT. 54 added, under caption, 1965, 385 § 1 (prohibiting the issuance of building permits for the construction of buildings which would necessitate the use of water therein under certain conditions).

SECT. 54A added, 1973, 963 (regulating the use of certain railroad right-of-way land); paragraph added, 1975, 859 § 18A.

SECT. 55 added, 1970, 337 (authorizing cities and towns to contract for certain annuities for employees of municipal hospitals).

Chapter 40A. — Zoning Regulations.

New chapter inserted, 1954, 368 § 2. (See 1954, 368 § 3.)

SECT. 2, first paragraph revised, 1956, 586; 1957, 145; amended, 1959, 607 § 1.

SECT. 4, last sentence stricken and two sentences inserted, 1965, 63; sentence added, 1966, 26; revised, 1966, 199.

SECT. 5, last sentence revised, 1962, 340; amended, 1969, 572.

SECT. 5A added, 1958, 492 (exempting certain lots from the application of certain zoning ordinances or by-laws); first paragraph revised, 1961, 435 § 1; paragraph added, 1960, 789 § 1. (See 1960, 789 § 2; 1961, 435 § 3.)

SECT. 6, third and fourth sentences revised, 1957, 137; section revised, 1959, 317 § 1; sentence added, 1961, 151; section revised, 1962, 201 § 1; sentence inserted after second sentence, 1968, 194; sentence inserted after fourth sentence, 1973, 296 § 1; sentence added, 1962, 327.

SECT. 7A added, 1957, 297 (relative to the effect of the adoption or amendment of zoning laws on a recorded subdivision plan); revised, 1959, 221; sentence added, 1960, 291; section revised, 1961, 435 § 2; two sentences added, 1963, 591; first paragraph revised, 1964, 688; paragraph added, 1963, 578; section revised, 1965, 65; first sentence revised, 1965, 366 § 1. (See 1961, 435 § 3; 1965, 366 § 2.)

SECT. 13 revised, 1955, 325 § 1; second paragraph stricken out, 1963, 207 § 1.

SECT. 14, second sentence stricken out and two sentences inserted, 1957, 124; second paragraph, last sentence revised, 1954, 551 § 1; 1958, 202; sentence added, 1961, 276 § 1. (See 1954, 551 § 2.)

SECT. 15, paragraph 1 revised, 1955, 325 § 2; paragraph 3 revised, 1958, 381; last paragraph amended, 1957, 123.

SECT. 16 revised, 1963, 207 § 2.

SECT. 17 revised, 1959, 317 § 2; 1962, 201 § 2; first sentence revised 1971, 569; sentence inserted after first sentence, 1968, 336; sentence inserted after second sentence, 1973, 296 § 2.

SECT. 18, first sentence revised, 1962, 203; fifth sentence revised, 1962, 387; 1969, 870 § 1; sixth sentence revised, 1970, 271; stricken out and two sentences inserted, 1971, 1018; two sentences added, 1960, 326; same two sentences stricken out and three sentences inserted, 1962, 212.

SECT. 19, second paragraph revised, 1955, 349.

SECT. 20 revised, 1969, 610; amended, 1969, 870 § 2.

SECT. 21 revised, 1957, 199 § 1; first paragraph, first sentence stricken out and two sentences inserted, 1958, 175; paragraph stricken out and two paragraphs inserted, 1960, 365; 1969, 706; second paragraph amended, 1970, 80; first sentence revised, 1972, 334; section revised, 1973, 1114 § 4; second paragraph amended, 1974, 78 § 1. (See 1973, 1114 § 351.)

SECT. 22, first paragraph amended, 1970, 678 § 1. (See 1970, 678 § 2.)

Chapter stricken out and new chapter inserted, 1975, 808 § 3. (See 1975, 808 §§ 6, 7.)

Chapter 40B. — Regional Planning.

New chapter inserted, 1955, 374.

SECT. 2 revised, 1955, 656 § 1. (See 1955, 656 § 3.)

SECT. 3, first sentence revised, 1955, 656 § 2; section revised, 1964, 327 § 2; amended, 1967, 83 § 1; revised, 1967, 839 § 1. (See 1955, 656 § 3.)

SECT. 4 revised, 1964, 327 § 2; first sentence amended, 1968, 761 § 23; first two sentences stricken out and five sentences inserted, 1971, 644; first sentence revised, 1975, 163 § 12; fourth sentence stricken out, and two sentences inserted, 1966, 135 § 1; fourth sentence revised, 1973, 181; 1974, 22; three sentences added, 1973, 222. (See 1968, 761 § 26.)

SECT. 4A added, 1972, 379 (authorizing district planning commissions to establish executive committees for certain purposes); revised, 1974, 658.

SECT. 4B added, 1973, 140 (authorizing regional planning districts to have and use seals).

SECT. 4C added, 1973, 1082 § 1 (further regulating the membership and the apportionment of costs of regional planning districts).

SECT. 5, three sentences stricken out and eight sentences inserted, 1972, 361.

SECT. 5A added, 1964, 643 § 3 (authorizing district planning commissions to enter into agreements with the water resources commission for the purpose of conducting water favorability studies).

SECT. 5B added, 1972, 240 (authorizing district planning commissions to act as economic development regional commissions).

SECT. 7, first sentence amended, 1969, 849 § 35; first two sentences stricken out and sentence inserted, 1973, 112; amended, 1974, 367 § 1; second sentence revised, 1973, 1082 § 2; fourth sentence revised, 1966, 135 § 2; sentence added, 1964, 327 § 3; revised, 1967, 839 § 2; amended, 1974, 367 § 2. (See 1969, 849 § 79.)

SECT. 8 added, 1967, 173 § 1 (relative to borrowing by district planning commissions); first sentence amended, 1969, 849 § 36. (See 1969, 849 § 79.)

SECTS. 9-19 added, under caption, 1968, 663 (providing for the establishment of the Southeastern Regional Planning and Economic Development District).

SECT. 12, sentence added, 1972, 755 § 1; stricken out, 1973, 430 § 3.

SECT. 13, fifth and sixth sentences revised, 1972, 755 § 2.

SECT. 14, sentence added, 1972, 755 § 3; paragraph added, 1973, 430 § 4.

SECT. 15 revised, 1972, 755 § 4; eighth paragraph revised, 1973, 257.

SECT. 18, first paragraph amended, 1969, 849 § 37; third paragraph, first sentence revised, 1969, 849 § 38; fifth sentence revised, 1969, 849 § 39. (See 1969, 849 § 79.)

SECTS. 20-23 added, 1969, 774 § 1 (providing procedures for application to local boards for construction of low or moderate income housing and for appeals from adverse decisions).

SECT. 21, first sentence amended, 1975, 808 § 4; fifth sentence amended, 1975, 808 § 4A; eighth sentence amended, 1975, 808 § 4B. (See 1975, 808 § 7.)

SECTS. 24-29 added, under caption, 1970, 849 § 3 (defining the powers and duties of the metropolitan area planning council).

SECT. 24, first paragraph, second sentence amended, 1975, 163 § 13; 706 § 98. (See 1975, 706 § 312.)

SECT. 26 amended, 1973, 215.

SECT. 28, first paragraph revised, 1975, 368.
SECT. 29, second paragraph amended, 1974, 476.

Chapter 40C. — Historic Districts.

New chapter inserted, 1960, 372.

SECT. 3 revised, 1966, 525 § 1; first paragraph, second sentence amended, 1975, 163 § 14; revised, 1975, 706 § 99. (See 1966, 525 § 2; 1975, 706 § 312.)
SECTS. 2-13 stricken out and new sections 2-17 inserted, 1971, 359 § 1.
SECT. 3, first paragraph amended, 1974, 282.
SECT. 12 stricken out and sections 12-12A inserted, 1974, 168.

Chapter 40D. — Industrial Development of Cities and Towns.

New chapter inserted, 1967, 722 § 1.

SECT. 1, clauses (k) and (l) revised, 1970, 326; clause (o½) added, 1972,775 § 1; clause (p½) added, 1971, 1017 § 1; two sentences added, 1972, 373 § 1; stricken out, 1973, 1160 § 1.
SECT. 6, second paragraph revised, 1975, 887.
SECT. 8, clause (*i*) revised, 1973, 245.
SECT. 10, first paragraph, second sentence revised, 1975, 325; third sentence stricken out, 1972, 739 § 1; second paragraph revised, 1972, 739 § 2; fourth paragraph revised, 1972, 739 § 3.
SECT. 12, subsection (2), second paragraph, clause (*e*) revised, 1974, 76 § 1; clause (*i*) revised, 1974, 76 § 2.
SECT. 20, paragraph added, 1967, 815.
SECT. 21 added, 1971, 1017 § 2 (authorizing cities and towns to establish authorities for the financing of solid waste disposal facilities); revised, 1972, 373 § 2; 1973, 1160 § 2.
SECT. 22 added, 1972, 775 § 2 (providing for the financing of municipal pollution control facilities); paragraph (*b*) second sentence amended, 1975, 706 § 100. (See 1975, 706 § 312.)
SECT. 23 added, 1972, 775 § 3 (authorizing municipalities to apply for and accept state and federal grants and loans for pollution control facilities).

Chapter 40E. — Massachusetts Industrial Development Authority.

New chapter inserted, 1974, 858.

Chapter 40F. — The Massachusetts Community Development Finance Corporation.

New chapter inserted, 1975, 866 § 2.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

SECT. 1, first paragraph revised, 1943, 453 § 3; paragraph in line 10 revised, 1934, 155 § 1; paragraph in line 11 revised, 1953, 267 § 1; paragraph in lines 12, 13 and 14 stricken out, 1967, 658 § 2; paragraph in lines 15, 16

revised, 1939, 129; paragraph in line 25 revised, 1939, 3; paragraph in lines 26, 27 revised, 1955, 33; 1961, 354 § 1; paragraph added, 1938, 341 § 2; 1973, 1134.

SECT. 1A added, 1967, 45 § 1 (relative to definition of "district"); revised, 1969, 505 § 4.

SECT. 4A, sentence added, 1951, 6; section revised, 1969, 718.

SECT. 5 amended, 1934, 39 § 4.

SECT. 10 revised, 1954, 201.

SECT. 11 amended, 1938, 341 § 3; second sentence stricken out and two sentences inserted, 1971, 151 § 1; last sentence revised, 1969, 296; section revised, 1974, 101.

SECT. 13 amended, 1936, 18; 1937, 143 § 1; 1962, 233 § 1.

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks); revised, 1962, 233 § 2. [For prior legislation, see G. L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 13B added, 1954, 139 (relative to the renewal of licenses and permits in certain cities).

SECT. 15A revised, 1949, 136; amended, 1967, 45 § 2.

SECT. 17 revised, 1954, 83.

SECTS. 18A and 18B added, 1948, 56 (providing that the records of city clerks may be attested by the volume and that a facsimile of the signature of the city clerk shall be valid in certain cases).

SECT. 19, second sentence stricken out and two sentences inserted, 1960, 47; last sentence revised, 1938, 66; same sentence amended, 1945, 245; sentence added, 1947, 391; last two sentences revised, 1971, 8.

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such officer); first sentence revised, 1964, 14; amended, 1967, 45 § 3. (See 1933, 70 § 2.)

SECTS. 19B-19E added, 1950, 388 (relative to the tenure of office of city and town clerks).

SECT. 19F added, 1962, 386 (providing that certain city clerks shall be paid additional compensation for serving as clerks of the city council).

SECT. 19G added, 1967, 346 (providing for additional compensation for city and town clerks serving on boards of registrars of voters); revised, 1968, 5; amended, 1971, 64 § 1.

SECT. 19H added, 1971, 64 § 2 (regulating the additional compensation payable to a city or town clerk for service as a member of the board of registrars of voters).

SECT. 20 amended, 1967, 658 § 3.

SECT. 21, first paragraph revised, 1953, 101 § 2; amended, 1967, 658 § 4; last paragraph revised, 1934, 155 § 2. (See 1934, 155 § 4.)

SECT. 23A added, 1956, 145 (providing for the establishment of the office of executive secretary of the selectmen).

SECT. 23B added, 1959, 98 (authorizing the selectmen to make an investigation of any town department).

SECT. 23C added, 1965, 344 (providing that any person authorized by vote of a town to act on behalf of the board of selectmen shall be appointed and may be removed by said board.)

SECT. 23D added, 1966, 551 (authorizing the establishment of municipal data processing centers).

SECT. 24, paragraph added, 1945, 136 § 1; section revised, 1951, 364; 1953, 267 § 2; last sentence revised, 1967, 123 § 1. (See 1945, 136 § 2.)

SECT. 24A repealed, 1937, 129 § 1.

SECT. 25 revised, 1937, 129 § 2.

SECT. 25A revised, 1937, 129 § 3; first sentence revised, 1950, 151; third sentence revised, 1951, 77; section revised, 1968, 107; first sentence revised, 1969, 447.

SECT. 26 revised, 1937, 129 § 4.

SECT. 26A added, 1935, 149 (relative to employment of counsel by boards of assessors in certain cases); revised, 1951, 215 § 2.

SECT. 27 revised, 1936, 118 § 1. (See 1936, 118 § 3.)

SECT. 28 amended, 1939, 342 § 2.

SECT. 30A added, 1946, 211 (relative to the effect of a vacancy in the office of assessor).

SECT. 31, caption preceding section stricken out and section repealed, 1967, 658 § 5.

SECT. 32, sentence added, 1950, 793 § 3; section amended, 1959, 141 § 1; 1963, 432 § 3.

SECT. 32 repealed, 1967, 658 § 5.

SECT. 32A repealed, 1967, 658 § 5.

SECT. 33 repealed, 1967, 658 § 5.

SECT. 33, second and third sentences added, 1950, 793 § 4; second sentence amended, 1965, 304.

SECT. 34 repealed, 1967, 658 § 5.

SECT. 35 revised, 1937, 143 § 2; first sentence revised, 1963, 66; second sentence amended, 1972, 766 § 3; third sentence revised, 1967, 255; sentence added, 1939, 109 § 1. (See 1972, 766 § 23.)

SECT. 37 revised, 1933, 82 § 2; amended, 1934, 259 § 2.

SECT. 38A amended, 1936, 201; revised, 1941, 211; first sentence revised, 1948, 197.

SECT. 39A added, 1939, 89 (providing for the appointment of assistant treasurers of cities and towns); last sentence revised, 1953, 55.

SECT. 39B added, 1943, 284 (authorizing the suspension and removal of city and town collectors and the appointment of temporary collectors under certain circumstances); first sentence amended, 1951, 256; revised, 1963, 257; 1967, 45 § 4.

SECT. 40 revised, 1937, 143 § 3; sentence inserted after first sentence, 1973, 143; second sentence revised, 1963, 105; sentence inserted before last sentence, 1951, 83.

SECT. 41 revised, 1968, 168; first sentence revised, 1974, 441 § 3.

SECT. 41A added, 1971, 441 (authorizing the city or town treasurer to deliver payroll checks to department heads for the employees of such departments).

SECT. 41B added, 1975, 586 § 1 (authorizing the payment of public employees by direct bank credits).

SECT. 42 revised, 1959, 299; amended, 1974, 835 § 139. (See 1974, 835 § 185.)

SECT. 43A added, 1939, 88 (requiring municipalities to indemnify and protect collectors of taxes in the performance of their duties in certain cases); revised, 1941, 99.

SECT. 45A added, 1952, 79 (providing that the selectmen shall be the commissioners of trust funds in certain small towns).

SECT. 46 revised, 1957, 203.

SECT. 49A added, 1948, 211 (providing for the appointment of assistant by auditors, accountants, and officers having similar duties, of cities and towns); last sentence revised, 1964, 70.

SECT. 53, last sentence revised, 1948, 84.

SECT. 54A amended, 1936, 62; 1969, 849 § 40; 1973, 52 § 1. (See 1969, 849 § 79.)

SECT. 56 revised, 1950, 55; second sentence amended, 1967, 890; sentence inserted after second sentence, 1975, 168; two sentences inserted after third sentence, 1956, 485; sentence inserted after third sentence, 1967, 249.

SECT. 57, first sentence revised, 1974, 728 § 1.

SECT. 59 amended, 1936, 94; revised, 1969, 849 § 41; first sentence revised, 1973, 1099. (See 1969, 849 § 79.)

SECT. 60, first sentence revised, 1969, 849 § 42; second sentence amended, 1969, 849 § 43; last sentence revised, 1975, 35. (See 1969, 849 § 79.)

SECT. 61A revised, 1937, 143 § 4; last sentence revised, 1963, 68.

SECT. 66 revised, 1934, 155 § 3.

SECT. 69A and 69B added, 1938, 172 § 4 (relative to the establishment and powers and duties of boards of water commissioners in certain towns).

SECT. 69B, first paragraph amended, 1971, 766 § 9; paragraph added, 1965, 99.

SECTS. 69C-69F added, 1953, 101 § 1 (relative to the establishment in towns of a department of public works exercising the powers of certain other departments and town officers.)

SECT. 69E amended, 1954, 45.

SECT. 69F revised, 1965, 30.

SECT. 69G added, 1970, 233 (authorizing cities and towns to establish an office of lands and natural resources); fourth sentence amended, 1975, 706 § 101; sixth sentence amended, 1975, 706 § 102. (See 1975, 706 § 312.)

SECT. 70, first paragraph amended, 1957, 273 § 1; paragraph added, 1936, 211 § 1; amended, 1947, 340 § 1. (See 1936, 211 § 7.)

SECT. 71 amended, 1943, 266; 1953, 409 § 6; revised, 1966, 126; second sentence revised, 1975, 163 § 15.

SECT. 72 revised, 1936, 211 § 2; first sentence amended, 1947, 340 § 2; 1953, 674 § 1. (See 1936, 211 § 7.)

SECT. 73, paragraph added, 1936, 211 § 3; amended, 1947, 340 § 3; two sentences added, 1953, 674 § 8. (See 1936, 211 § 7.)

SECTS. 81A-81J added, under caption "IMPROVED METHOD OF MUNICIPAL PLANNING", 1936, 211 § 4. (See 1936, 211 § 7.)

SECT. 81A, last paragraph revised, 1938, 113.

SECTS. 81A-81J stricken out and sections 81A to 82Y inserted, 1947, 340 § 4.

SECT. 81A, fourth sentence amended, 1957, 273 § 2; fifth sentence revised, 1975, 565; seventh sentence revised, 1959, 143; sentence added, 1961, 276 § 2.

SECT. 81B amended and paragraph added, 1953, 674 § 2.

SECT. 81C amended, 1953, 409 § 7; second sentence revised, 1967, 83 § 2; stricken out and two sentences inserted, 1973, 795 § 1.

SECT. 81D, sentence inserted after second sentence, 1954, 643 § 1; sentence inserted after fourth sentence, 1973, 795 § 2.

SECT. 81E, first paragraph, sentence inserted after third sentence, 1973, 795 § 3; two sentences and two paragraphs added, 1953, 674 § 3.

SECT. 81F, sentence inserted after third sentence, 1957, 235; sentence added, 1953, 674 § 4.

SECT. 81G revised, 1953, 674 § 5.

SECT. 81J, first sentence amended and sentence inserted after third sentence, 1953, 674 § 6; section revised, 1956, 279.

Sects. 81K to 81Y stricken out and sections 81K to 81GG inserted, under caption "Subdivision Control", 1953, 674 § 7. (See 1953, 674 § 11.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to sections 81K to 81GG, as so inserted:

SECT. 81L, definition of "Industrial" stricken out, 1955, 411 § 2; definition of "Applicant" inserted 1957, 163; revised, 1961, 331; definition of "Preliminary plan" inserted, 1958, 206 § 1; definition of "Registered mail" inserted, 1957, 138 § 1; definition of "Subdivision" revised, 1956, 282; first sentence revised, 1963, 580; amended, 1965, 61.

SECT. 81M, second sentence revised, 1969, 884 § 2; sentence added, 1957, 265.

SECT. 81N, last sentence revised, 1957, 146; 1959, 144.

SECT. 81O, paragraph added, 1963, 804.

SECT. 81P, first sentence revised, 1955, 326 § 1; 1957, 293 § 1; stricken out and two sentences inserted, 1961, 332; second sentence revised, 1960, 197; sentence added, 1955, 326 § 2; paragraph added, 1957, 293 § 2; section revised, 1963, 363 § 1.

SECT. 81Q, first sentence revised, 1955, 370; 1957, 139; 1965, 64; sentence inserted after second sentence, 1960, 417; two sentences inserted after the third sentence, 1959, 410; sentence inserted after sixth sentence, 1969, 884 § 3; sentence added, 1956, 307; revised, 1960, 196; sentence added, 1958, 206 § 3.

SECT. 81R, second paragraph stricken out, 1955, 411 § 1.

SECT. 81S, second sentence revised, 1957, 138 § 2; section revised 1958, 206 § 2; 1959, 189; third sentence amended, 1963, 206; revised, 1964, 105 § 1.

SECT. 81T, second sentence amended, 1957, 122; last sentence amended, 1960, 266 § 1; revised, 1962, 207 § 1; 1963, 363 § 2.

SECT. 81U, last sentence revised, 1955, 324; section revised, 1958, 377 § 1; first paragraph amended, 1964, 105 § 2; revised, 1972, 749 § 1; second paragraph revised, 1960, 153; first sentence revised, 1972, 749 § 2; fourth

paragraph revised, 1960, 266 § 2; fifth paragraph amended, 1963, 581; eighth paragraph amended, 1965, 62; 1963, 299; paragraph inserted after eighth paragraph, 1967, 567. (See 1958, 377 § 2.)

SECT. 81W, second paragraph amended, 1973, 605.

SECT. 81X amended, 1958, 207; first paragraph revised, 1960, 189; paragraph inserted after first paragraph, 1962, 313; paragraph added, 1966, 380; paragraph added, 1967, 248.

SECT. 81Z, third sentence stricken out and two sentences inserted, 1957, 134; last paragraph amended, 1958, 201.

SECT. 81AA, second sentence of second paragraph revised, 1960, 198; 1962, 207 § 2.

SECT. 81BB, paragraph added, 1955, 348; section revised, 1957, 199 § 2. 199 § 2.

SECT. 86 amended, 1939, 261 § 5; first sentence revised, 1968, 467 § 5.

SECT. 87A added, 1954, 386 (providing for the appointment of certain employees of the registry of motor vehicles as weighers and measurers); first sentence revised, 1968, 467 § 6; section revised, 1974, 851 § 1.

SECT. 87B added, 1956, 200 (providing for the appointment of certain employees of the department of public utilities as weighers and measurers); first sentence revised, 1968, 467 § 7; section repealed, 1974, 851 § 2.

SECT. 90A added, 1957, 178 (providing a penalty for interfering with a public weigher of fish or his deputies in the performance of their official duties).

SECT. 91, first sentence revised, 1962, 89.

SECT. 91A revised, 1961, 354 § 2.

SECT. 91B added, 1933, 128 (further regulating the appointment of constables).

SECT. 92, last sentence revised, 1965, 228; 1968, 74; amended, 1971, 1061; revised, 1972, 237.

SECT. 96A added, 1938, 342 (disqualifying felons from appointment to the police forces or departments of cities, towns and districts).

SECT. 96B added, 1964, 564 § 3 (requiring police officers in cities and in certain towns to attend a police training school); revised, 1967, 504; first paragraph amended, 1969, 252 § 1; second paragraph amended, 1969, 252 § 2; paragraph added, 1968, 742; first sentence revised, 1971, 172; section revised, 1972, 697. (See 1964, 564 § 5.)

SECT. 97A added, 1948, 540 (relative to the establishment of police departments in certain towns); revised, 1948, 595; third sentence revised, 1975, 336.

SECTS. 97B-97D added, 1974, 581 § 3 (establishing a method of reporting and prosecuting the crime of rape and counselling of victims of rape).

SECT. 98 amended, 1953, 319 § 9; third sentence revised, 1954, 162 § 1; 1957, 688 § 1; fourth sentence amended, 1967, 368 § 1; paragraph inserted after first paragraph, 1970, 181; paragraph added, 1967, 368 § 2. (See 1953, 319 §§ 39, 40.)

SECT. 98A added, 1967, 263 (right of police officer to make arrest on fresh and continued pursuit).

SECT. 98B added, 1968, 233 (requiring certain cities and towns to provide foot patrolmen).

SECT. 98C added, 1970, 628 (relative to the wearing of identification by uniformed police officers and certain other uniformed persons).

SECT. 98D added, 1971, 231 (requiring cities and towns to issue identification cards to their full-time police officers).

SECT. 99 amended, 1932, 124; revised, 1951, 214; amended, 1958, 53; revised, 1965, 382.

SECT. 99A added, 1965, 411 (allowing certain municipal police officers to live outside the city or town in which they are employed); revised, 1971, 956 § 1.

SECTS. 99B-99K added, under caption, 1969, 878 (authorizing the establishment of regional police districts).

SECT. 100, sentence added, 1933, 324 § 3; section amended, 1938, 298; revised, 1945, 670; second sentence revised, 1950, 337; sentence inserted after second sentence, 1950, 398; sentence inserted before last sentence, 1950, 550; amended, 1955, 168; revised, 1958, 267; last sentence revised, 1950, 412 § 1; first paragraph stricken out and three paragraphs inserted, 1962, 580 § 1; first paragraph, first sentence revised, 1969, 879; 1970, 27; paragraph added, 1957, 342; 1966, 322. (See 1950, 412 § 2.)

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3; 1945, 391 § 1; 1949, 128; revised, 1965, 108. (See 1933, 318 §§ 8, 9; 1934, 291 § 6; 1945, 391 § 3.)

SECT. 100B added, 1953, 628 § 1 (providing for the indemnification by cities and towns of certain retired police officers and fire fighters for certain hospital, medical and surgical expenses); clause (4) revised, 1961, 152 § 1; clause (1) stricken out and clauses (2)-(6) renumbered clauses (1)-(5), 1970, 227; section revised, 1972, 317; amended, 1973, 266. (See 1953, 628 § 2; 1961, 152 § 2.)

SECT. 100C added, 1959, 451 (providing for the indemnification of public school teachers against certain actions and claims); revised, 1961, 405; 1964, 513; 1968, 143; 1969, 691; 1971, 379 § 1; 1973, 289; sentence added, 1973, 530.

SECT. 100D added, 1964, 596 (increasing the amount of indemnification for officers or employees for damages incurred on account of injuries arising out of their operation of municipally owned vehicles or vessels).

SECT. 100E added, 1969, 413 (permitting indemnification of certain city or town officers for expenses incurred in defending or settling certain claims brought against them); first paragraph revised, 1971, 217; 1975, 753 § 1; paragraph added, 1975, 753 § 2.

SECT. 100F added, 1970, 613 (authorizing indemnification of harbor masters against certain actions and claims).

SECT. 100G added, 1971, 310 (providing for the payment of funeral and burial expenses of police officers and fire fighters killed in the performance of duty); revised, 1973, 200.

SECT. 100H added, 1972, 495 § 1 (indemnifying law enforcement officers for expenses and damages arising from their care or maintenance of dogs in connection with their official duties).

SECTS. 100I-100J added, 1975, 753 § 3 (relative to the indemnification of municipal officers by cities and towns for certain claims, demands, suits or judgments).

SECT. 102B added, 1973, 281 (authorizing certain towns to appoint a full-time health inspector).

SECT. 103 amended, 1967, 79 § 2.

SECT. 105 amended, 1936, 132 § 2; sentence added, 1954, 627 § 17. (See 1954, 627 §§ 65, 67.)

SECT. 107, second sentence revised, 1953, 44; 1955, 123; sentence added, 1964, 63.

SECT. 108 revised, 1947, 540 § 1; amended, 1969, 849 § 44; amended, 1971, 766 § 10. (See 1969, 849 § 79.)

SECT. 108A added, 1947, 540 § 2 (authorizing cities and towns to establish salary plans for certain employees thereof); revised, 1948, 351; paragraph added, 1960, 87; stricken out, 1969, 849 § 45; paragraph added, 1969, 12 § 2. (See 1969, 849 § 79.)

SECT. 108B added, 1949, 235 (providing for additional compensation and expenses for assessors and collectors in towns for assessing and collecting district taxes); amended, 1967, 45 § 5.

SECT. 108C added, 1954, 295 § 2 (relative to rules and regulations promulgated in connection with compensation plans for municipal officers and employees and municipal personnel administration).

SECT. 108D added, 1958, 621 (establishing a minimum annual compensation for fire fighters in certain cities and towns); revised, 1960, 260.

SECT. 108E added, 1959, 228 (establishing a minimum annual compensation for police officers in certain cities and towns).

SECT. 108F added, 1962, 520 (establishing a minimum annual compensation for fire fighters in certain cities and towns).

SECT. 108G added, 1963, 19 (establishing an alternate schedule of minimum annual compensation for police officers in certain cities and towns).

SECTS. 108H and 108I added, 1966, 33 (providing additional compensation to fire fighters assigned to photographic work and to police officers assigned to photographic work or fingerprint identification work in certain cities and towns).

SECT. 108J added, 1966, 129 (providing that male and female employees in classified civil service in certain cities and towns shall receive equal pay for equal work); amended, 1974, 835 § 140.

SECT. 108K added, 1966, 499 (equalizing the compensation of female police officers).

SECT. 108L added, 1970, 835 (establishing a career incentive pay program for full-time police officers and for partial reimbursement by the commonwealth); first paragraph amended, 1973, 369 § 1; second paragraph, first sentence amended, 1975, 452 § 1; second sentence amended, 1975, 452 § 2; paragraph inserted after second paragraph, 1975, 452 § 3; fourth paragraph amended, 1973, 369 § 2. (See 1973, 369 § 3; 1975, 452 § 4.)

SECT. 108M added, 1971, 115 (providing certain benefits for police officers attending law enforcement and related courses at certain educational institutions).

SECT. 109 revised, 1960, 592 § 2; 1964, 54; first sentence revised, 1970, 381; sentence inserted after first sentence, 1971, 151 § 2.

SECT. 110, sentence added, 1950, 242.

SECT. 110A added, 1947, 265 (authorizing the closing of public offices in cities and towns on Saturdays).

SECT. 111 revised, 1932, 109; amended, 1936, 242; revised, 1937, 15; 1941, 368; fourth sentence stricken out and two sentences inserted, 1943, 280; first paragraph revised, 1946, 301; stricken out and three paragraphs inserted, 1948, 330 § 1; stricken out and one paragraph inserted, 1949, 475 § 1; revised, 1951, 242 § 1. (See 1948, 330 § 2; 1951, 242 § 2.)

SECT. 111A amended, 1934, 107; revised, 1949, 172; first sentence stricken out and two sentences inserted, 1956, 46; first sentence amended, 1960, 154; 1967, 335.

SECT. 111B added, 1945, 156 (providing sick leaves for laborers, workmen and mechanics regularly employed by certain cities and towns); amended, 1946, 187; sentence added, 1949, 686.

SECT. 111C added, 1945, 348 (authorizing attendance at funerals or memorial services of war veterans by certain municipal employees without loss of pay); revised, 1953, 179; amended, 1974, 267.

SECT. 111D added, 1949, 384 (relative to vacations without loss of pay for regular members of police and fire forces in certain cities and towns). (See 1950, 36 § 1.)

SECT. 111E added, 1949, 475 § 2 (providing for payment of compensation to certain municipal employees and their beneficiaries in lieu of vacations in certain cases); amended, 1953, 436 § 2; revised, 1954, 13; sentence added 1956, 45.

SECT. 111F added, 1952, 419 (providing injured leave for certain incapacitated police officers and fire fighters); first sentence amended, 1961, 218; sentence added, 1958, 266; section revised, 1964, 149.

SECT. 111G added, 1952, 488 (relative to annual vacations for certain employees of certain cities and towns).

SECT. 111G½ added, 1965, 735 (relative to computation of length of service of certain municipal employees for vacation purposes).

SECT. 111H added, 1953, 293 (relative to overtime service by police officers in cities and towns); revised, 1954, 573 § 1. (See 1954, 573 § 2.)

SECT. 111I added, 1953, 436 § 3 (relative to the payment of salaries, wages or other sums owing by cities and towns upon the death of their officers and employees); revised, 1954, 562 § 3; amended, 1962, 321 § 2; revised, 1967, 663. (See 1953, 436 § 7.)

SECT. 111J added, 1963, 412 (providing that employees of cities and towns who are delegates to a state or national convention of certain veterans' organizations may attend such convention without loss of pay or vacation leave).

SECT. 111K added, 1966, 162 (providing that in certain cities and towns members of the regular or permanent fire force shall be granted summer vacations).

SECT. 111L added, 1968, 33 (regulating vacations for police and fire fighting forces in certain cities and towns).

SECT. 112 revised, 1954, 627 § 18; 1961, 330. (See 1954, 627 §§ 65, 67.)

SECT. 112A added, 1947, 276 (regulating the separation from the service of certain cities and towns of certain war veterans holding unclassified offices or positions).

SECT. 113 amended, 1967, 45 § 6.

SECT. 115, last sentence revised, 1967, 45 § 7.

SECT. 116 revised, 1967, 45 § 8.

SECT. 119, first paragraph amended, 1967 45 § 9; 1974, 88 § 2; second paragraph revised, 1967, 45 § 10; two sentences added, 1950, 137; paragraph added, 1950, 779.

SECT. 120 added, 1949, 133 § 1 (establishing the financial year of fire, water, light and improvement districts); amended, 1967, 45 § 11; revised, 1969, 849 § 46. (See 1949, 133 § 2; 1969, 849 § 79.)

SECT. 121 added, 1950, 211 (requiring the treasurer of fire, water, light and improvement districts to be bonded); amended, 1967, 45 § 12.

SECT. 122 added, 1963, 106 (providing for the appointment of a temporary treasurer in districts); revised, 1967, 45 § 13; 1969, 563 § 1.

SECT. 123 added, 1964, 3 (providing for the appointment of a temporary clerk in districts); amended, 1967, 45 § 14.

SECT. 123A added, 1969, 563 § 2 (relative to the appointment of a temporary or assistant treasurer and clerks of districts).

SECT. 124 added, 1964, 643 § 4 (authorizing fire and water districts to appropriate money for the payment to the commonwealth of the districts' share of the cost of conducting water favorability studies under the direction of the water resources commission).

SECT. 125 added, 1972, 556 (directing cities and towns to formulate plans for temporary housing for victims of fire or other disasters).

SECTS. 126-132 added, 1973, 170 (relative to granting tenure to incumbents of certain appointive municipal offices).

Chapter 42. — Boundaries of Cities and Towns.

SECT. 1 revised, 1933, 278 § 3.

SECT. 2 revised, 1973, 231 § 1.

SECT. 3 repealed, 1973, 231 § 2.

SECT. 5 revised, 1973, 231 § 3.

SECT. 7 revised, 1962, 157.

Chapter 43. — City Charters.

SECT. 1, definition of "Plan D" revised, 1948, 459 § 1; three paragraphs inserted after word "inclusive" in line 22, 1938, 378 § 1; definition of "Plan F" inserted, 1959, 448 § 1.

SECT. 5, paragraph added, 1938, 378 § 2; revised, 1948, 459 § 2.

SECT. 7 amended, 1939, 451 § 8; revised, 1948, 459 § 3; paragraph added, 1954, 67.

SECT. 8, form of petition revised, 1938, 378 § 3; amended, 1948, 459 § 4; section revised, 1959, 448 § 2.

SECT. 9 revised, 1941, 640 § 1; 1948, 459 § 5; 1954, 155; first sentence amended, 1959, 448 § 3; revised, 1961, 146 § 1; 1962, 165 § 1. (See 1941, 740 § 7.)

SECT. 9A added, 1959, 448 § 4 (proceeding after filing of petition for the adoption of Plan 1); repealed, 1961, 146 § 2.

SECT. 9B added, 1962, 165 § 2 (providing that Plan F may be submitted to the voters either at biennial state elections or at regular city elections).

SECT. 10, paragraph added, 1938, 378 § 4.

SECT. 11 revised, 1941, 640 § 2. (See 1941, 640 § 7.)

SECT. 12 amended, 1959, 268.

SECT. 15 amended, 1933, 313 § 7; last paragraph amended, 1938, 378 § 5; section revised, 1941, 640 § 3. (See 1941, 640 § 7.)

SECT. 16 revised, 1959, 448 § 5.

SECT. 16A added, 1959, 448 § 6 (city primary and election under Plan F, and nomination of candidates).

SECT. 17 revised, 1938, 378 § 6.

SECT. 17A added, 1952, 259 § 2 (relative to salaries of certain mayors, city councillors and city managers); amended, 1958, 78 § 2; sentence added, 1958, 513 § 2; third and fourth sentences stricken out, 1963, 731 § 1; sentence added, 1959, 448 § 7.

SECT. 17B added, 1959, 448 § 8 (salary of mayor and members of city council under Plan F).

SECTS. 17C-17D added, 1971, 311 (permitting the question of a four-year term for mayors in certain cities to be placed on the official ballot used at regular city elections).

SECT. 18, paragraph 2, third sentence revised, 1958, 626 § 5; paragraph 4 inserted, 1938, 378 § 7; amended, 1949, 723 § 1.

SECT. 19 revised, 1938, 378 § 8; amended, 1948, 459 § 6.

SECT. 23 amended, 1935, 68 § 1.

SECT. 26, paragraph revised, 1937, 224 § 1; amended, 1938, 378 § 9; 1959, 448 § 9.

SECT. 28 amended, 1951, 25 § 1; 1967, 79 § 3; 1972, 61 § 2, 320 § 2; 1974, 199 § 2.

SECT. 29 revised, 1938, 378 § 10; first sentence revised, 1949, 723 § 2; amended, 1951, 25 § 2; section revised, 1959, 448 § 10; 1967, 79 § 4; sentence added, 1973, 191; paragraph added, 1974, 199 § 3.

SECT. 30 revised, 1938, 378 § 11; first sentence revised, 1948, 459 § 7; 1959, 448 § 11; amended, 1967, 59 § 2.

SECT. 31 amended, 1938, 378 § 12; 1959, 448 § 12.

SECT. 32 amended, 1949, 318; second sentence revised, 1970, 24.

SECT. 34 revised, 1964, 407.

SECT. 35, first sentence revised, 626 § 6.

SECT. 36 revised, 1938, 378 § 13.

SECT. 38, paragraph added, 1967, 406 § 1.

SECT. 39-40 revised, 1972, 38.

SECT. 42 amended, 1935, 68 § 2; first paragraph revised, 1961, 550; second paragraph amended, 1967, 406 § 2.

SECT. 44A amended, 1933, 313 § 8; last two sentences stricken out, and paragraph added, 1934, 30; first paragraph revised, 1938, 378 § 14; amended, 1959, 448 § 13; last sentence of first paragraph stricken out, 1941, 640 § 4. (See 1941, 640 § 7.)

SECT. 44C, first paragraph amended, 1937, 147; 1943, 229 § 1.

SECT. 44H amended, 1932, 180 § 7; 1941, 640 § 5. (See 1941, 640 § 7.)

SECT. 46 amended, 1939, 451 § 9.

SECT. 50A added, 1936, 135 (relative to the filing of vacancies in the city council in cities having a Plan A form of charter).

SECT. 51 repealed, 1952, 259 § 3.

SECT. 56 amended, 1937, 224 § 2.

SECT. 59A added, 1937, 224 § 3 (relative to the filling of vacancies in the city council in cities having a Plan B form of charter); two paragraphs inserted before first paragraph, 1955, 222.

SECT. 62 repealed, 1952, 259 § 3.

SECT. 71, second sentence revised, 1958, 626 § 7.

SECT. 78, repealed, 1952, 259 § 3.

SECTS. 79-92 stricken out and new sections 79-92A (relative to Plan D form of charter) inserted, 1948, 459 § 8.

SECT. 84, fourth sentence revised, 1958, 626 § 8.

SECT. 87 repealed, 1952, 259 § 3.

SECTS. 93-116 added, under caption, 1938, 378 § 15 (providing an additional optional standard form of city charter under which substantial control of the city government is vested in a city council elected at large by proportional representation, with a city manager appointed and removable at pleasure by the city council).

SECTS. 93-116 repealed in so far as they provide for election by proportional representation of city councils and school committees, 1949, 661 § 1; 1952, 281 § 1. (See 1949, 661 §§ 1A-3; 1952, 281 § 2; 1953, 118.)

SECT. 98, fourth sentence revised, 1958, 626 § 9.

SECT. 100 amended, 1941, 722 § 5.

SECT. 101 repealed, 1952, 259 § 3.

SECT. 102 amended, 1941, 722 § 6.

SECT. 103, first paragraph amended, 1950, 353; first sentence revised, 1967, 36; third sentence revised, 1973, 128.

SECT. 110, first paragraph amended, 1949, 181; form of petition amended, 1941, 722 § 7.

SECT. 114, last sentence revised, 1952, 78.

SECT. 115 repealed, 1972, 596 § 1.

SECTS. 117-127 added, under caption, 1959, 448 § 14 (establishing an additional optional standard form of city charter under which the city government is vested in a mayor and a city council elected partly at large and partly by wards, said mayor and city councillors being nominated in party primaries).

Chapter 43A. — Standard Form of Representative Town Meeting Government.

SECT. 3, first paragraph, amended, 1937, 267 § 2.

SECT. 4, first paragraph amended, 1936, 128.

SECT. 6 revised, 1943, 1 § 1; 1943, 453 § 4; amended, 1945, 359; next to last sentence amended, 1947, 291. (See 1943, 1 § 2.)

SECT. 8, first sentence revised, 1943, 453 § 5.

SECT. 10 amended, 1973, 69; sentence added, 1973 § 70.

Chapter 43B — Home Rule Procedures.

New chapter inserted, 1966, 734 § 1. (See 1966, 734 §§ 3, 4.)

SECT. 9, subsection (*b*) amended, 1970, 786 § 1; sentence added, 1970, 786 § 2; subsection revised, 1975, 163 § 17; subsection (*c*), sentence added, 1970, 786 § 3; amended, 1971, 37 § 1; revised, 1975, 163 § 18.

SECT. 10, subsection (*c*), first sentence amended, 1970, 786 § 4; sentence inserted after second sentence, 1970, 786 § 5; first three sentences revised, 1975, 163 § 19.

SECT. 12, first paragraph amended, 1970, 786 § 6; revised, 1971, 37 § 2; amended, 1975, 163 § 16.

SECT. 12A added, 1970, 237 (providing for resubmission of a city or town charter for acceptance); sentence added, 1974, 803.

SECT. 16, sentence added, 1970, 786 § 7; revised, 1975, 163 § 20.

SECT. 19 revised, 1969, 787.

Chapter 44. — Municipal Finance.

For temporary legislation establishing an emergency finance board in the department of the state treasurer, and providing for the borrowing of money by cities and towns against certain tax titles, see 1933, 49, 104; 1934, 313; 1935, 221, 300, 456; 1936, 281; 1938, 57; 1939, 288; 1941, 129; 1943, 413; 1945, 324; 1947, 206; 1949, 79; 1951, 438; 1953, 467; 1955, 262, 726; 1957, 209; 1959, 387; 1961, 205.

For legislation enabling cities, towns and districts to secure the benefits provided by the federal government to assist them in public works projects, see 1945, 74; 1947, 526; 1949, 327; 1951, 22; 1953, 173; 1955, 284; 1957, 222; 1959, 106; 1960, 279; 1961, 8. [For prior legislation, see 1933, 366; 1934, 21; 1935, 213, 404; 1936, 64, 83, 414; 1937, 159; 1938, 50, 82; 1939, 423; 1941, 639; 1943, 58.]

For emergency legislation authorizing cities, towns and districts to make certain appropriations during the existing state of war, see 1943, 5 §§ 1, 6; 75 §§ 1, 2, 4, 5; 1946, 10. [For prior legislation, see 1941, 487; 1942, 4.]

For legislation authorizing the renewal by cities and towns of certain temporary revenue loans, see 1947, 108; 1949, 134.

For legislation relative to the collection of certain taxes and other charges due to the commonwealth, see 1943, 568; 1945, 325, 712; 1946, 615.

For legislation authorizing cities, towns and districts to borrow on account of public welfare and veterans' benefits (and in certain years for additional specified purposes), see 1933, 307, 344; 1934, 335; 1935, 188, 456; 1936, 80, 257; 1937, 107; 1938, 58; 1939, 72, 453; 1941, 92; 1943, 44; 1945, 73; 1946, 584 § 17; 1947, 611; 1949, 90; 1951, 108; 1953, 479; 1955, 18; 1957, 252; 1959, 329.

For legislation regulating the use of receipts from the sale by cities and towns of federal surplus commodity stamps, 1941, 65.

For legislation authorizing cities and towns to borrow for remodeling, reconstructing or making extraordinary repairs to public buildings, see 1948, 275; 1952, 54; 1957, 226.

SECT. 1, definition of "District" added, 1967, 46 § 1; revised, 1969, 505 § 5; definition of "Equalized valuation" added, 1968, 23 § 1; definition of

"Revenue" revised, 1946, 358 § 10; definitions of "Sewage" and "Sewage treatment and disposal facilities" added, 1969, 597 § 1.

SECT. 2 revised, 1936, 224 § 4; amended, 1946, 358 § 11; revised, 1963, 121. (See 1936, 224 §§ 11, 12.)

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3; amended, 1936, 16; 1946, 358 § 12; 1947, 298 § 2; first sentence revised, 1964, 246; amended, 1967, 46 § 1A; section revised, 1967, 73 § 1; first sentence revised, 1969, 849 § 47. (See 1969, 849 § 79.)

SECT. 4A added, 1935, 68 § 3 (temporary loans by cities in anticipation of revenue exempted from charter provisions relative to publication and referendum).

SECT. 5 amended, 1939, 37; first sentence revised, 1967, 73 § 2; section repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 5A amended, 1935, 68 § 4; first sentence revised, 1967, 73 § 3; section repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 5B added, 1943, 61 § 1 (relative to borrowing for liabilities incurred by districts prior to the annual appropriations); repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 6 revised, 1957, 385; amended, 1962, 607 § 1; 1969, 428 § 1.

SECT. 6A amended, 1962, 607 § 2; first paragraph amended, 1969, 428 § 2; revised, 1973, 1140 § 1; paragraph added, 1968, 598 § 1; amended, 1975, 706 § 103. Temporarily affected, 1956, 412. (See 1973, 1140 § 30; 1975, 706 § 312.)

SECT. 7 amended, 1936, 224 § 5; first paragraph amended, 1946, 358 § 13; 1947, 207 § 1; 1948, 275 § 3; revised, 1951, 54, 181 § 1; 1962, 380; 1963, 81; clause (1A) added, 1957, 219; clause (2A) added, 1955, 716 § 2; amended, 1959, 73 § 2; clause (2B) added, 1956, 596 § 2; clause (3A) added, 1947, 207 § 2; repealed, 1948, 275 § 4; clause (4A) added, 1955, 75 § 2; clause (5) revised, 1947, 101; amended, 1951, 282 § 1; clause (6) amended, 1951, 282 § 2; clause (12) repealed, 1946, 358 § 14; clause (14) revised, 1953, 100; amended, 1973, 401; clause (15) added, 1948, 383; clause (16) added, 1951, 181 § 2; amended, 1952, 38; clause (17) added, 1964, 28; section revised, 1965, 206 § 1; first paragraph amended, 1969, 849 § 49; 1971, 766 § 11; clause (1) revised, 1969, 481 § 1; amended, 1970, 63; clause (2) amended, 1969, 481 § 2; clause (3A) added, 1966, 234 § 1; clause (4) amended, 1971, 54; clause (4B) added, 1970, 79 § 1; clause (11) revised, 1969, 849 § 50; clause (18) added, 1966, 63 § 3; clause (19) added, 1967, 883 § 2; clause (20) inserted, 1968, 228 § 1; clauses (21)-(22) inserted, 1969, 481 § 3; clause (21) revised, 1970, 79 § 2; paragraph added, 1965, 581 § 1; clause (22) revised, 1973, 57; section revised, 1974, 88 § 1; clause (4A) revised, 1975, 184. (See 1936, 224 §§ 11, 12; 1965, 206 §§ 2, 3, 581 § 2; 1968, 228 § 2; 1969, 849 § 79.)

SECT. 8, clause (1) revised, 1965, 98; clause (3) revised, 1938, 172 § 5; clause (4) revised, 1958, 383 § 1; 1963, 82; 1965, 68; clause (4A) added, 1966, 60; clause (5) revised, 1941, 83; amended, 1952, 123 § 1; revised, 1958, 383 § 2; clause (6) amended, 1952, 123 § 2; 1970, 55; clause (7A) added, 1957, 224; revised, 1967, 31; clause (7B) added, 1962, 672 § 2; clause (8) amended, 1958, 70 § 1 revised, 1968, 23 § 2; 1973, 933 § 2; clause (8A) added, 1963, 347 § 1; revised, 1973, 933 § 3; clause (9) amended, 1939, 457; 1947, 298 § 3; clause (10) revised, 1968, 23 § 3; amended, 1974, 41; clause (11) stricken out, 1968, 23 § 4; clause (12) revised, 1968, 23 § 5; clause (13) added, 1946, 358 § 15;

amended, 1947, 298 § 4; revised, 1957, 431; first sentence revised, 1968, 23 § 6; clause (14) added, 1954, 106; clause (15) added, 1964, 736 § 1; revised, 1969, 481 § 4; clause (16) added, 1967, 160 § 2; clause (17) added, 1967, 883 § 3; clause (18) added, 1969, 635; second paragraph amended, 1968, 23 § 6A; last paragraph revised, 1960, 592 § 6; 1962, 672 § 3; 1968, 23 § 7; clause (19) added, 1972, 761. (See 1952, 123 § 3.)

SECT. 8A added, 1939, 108 § 1 (providing for submitting to the voters of certain cities the question of approving or disapproving orders authorizing the issue of bonds, notes or certificates of indebtedness for certain purposes); amended, 1968, 28. (See 1939, 108 § 2.)

SECT. 8B added, 1972, 565 (authorizing cities and towns to borrow sums necessary to replace funds lost by insolvency or liquidation of a bank depository); amended, 1974, 40.

SECT. 8C added, 1973, 734 (authorizing cities and towns to incur temporary debt for certain conservation and recreation purposes).

SECT. 9 amended, 1941, 376; 1946, 384 § 1; first paragraph amended, 1950, 169; revised, 1967, 46 § 2; paragraph added, 1947, 298 § 5; revised, 1968, 23 § 8; amended, 1969, 849 § 51. (See 1969, 849 § 79.)

SECT. 10 amended, 1936, 224 § 6; 1939, 24 § 1; 1946, 329; second sentence revised, 1950, 51; section revised, 1952, 56; second sentence revised, 1959, 99; first two sentences revised, 1967, 133; section revised, 1968, 23 § 9; third paragraph amended, 1971, 766 § 12. Temporarily affected, 1968, 25. (See 1936, 224 §§ 11, 12.)

SECT. 11 amended, 1936, 224 § 7. (See 1936, 224 §§ 11, 12.)

SECT. 12 amended, 1936, 224 § 8; repealed, 1946, 358 § 16. (See 1936, 224 §§ 11, 12.)

SECT. 13 revised, 1946, 358 § 17; first sentence stricken out, 1969, 849 § 52; paragraph added, 1948, 5; revised, 1963, 62; amended, 1969, 849 § 53; section repealed, 1971, 766 § 11. (See 1969, 849 § 79.)

SECT. 13A added, 1943, 61 § 2 (relative to the incurring of liabilities by districts prior to the annual appropriations); repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 16, first sentence stricken out and two sentences inserted, 1956, 98; last sentence stricken out, 1936, 224 § 10; section revised, 1964, 27; amended, 1969, 849 § 54; 1970, 64 § 1; paragraph added, 1970, 132. (See 1936, 224 §§ 11, 12; 1969, 849 § 79.)

SECT. 16A added, 1957, 58 § 1 (authorizing the use of facsimile countersignatures on bonds, notes and certificates of indebtedness issued by certain cities).

SECT. 16B and 16C added, 1962, 232 § 2 (permitting the use of facsimile seals by cities, towns or districts and the use of facsimile signatures and countersignatures upon their bonds, notes and certificates of indebtedness).

SECT. 17 amended, 1946, 358 § 18; revised, 1962, 607 § 3; 1963, 80.

SECT. 17A added, 1975, 869 § 1, (relative to the refunding of bond anticipation note issues). (See 1975, 869 § 2.)

SECT. 18 amended, 1946, 358 § 19.

SECT. 19 amended, 1946, 358 § 20.

SECT. 20 amended, 1946, 358 § 21; revised, 1947, 60; sentence added, 1949, 403; section revised, 1966, 61.

SECT. 21 amended, 1946, 358 § 22.

SECT. 22 amended, 1936, 224 § 9; 1970, 64 § 2. (See 1936, 224 §§ 11, 12.)

SECT. 23, first sentence revised, 1967, 46 § 3.

SECT. 24 revised, 1963, 85; first three sentences revised, 1967, 46 § 4.

SECT. 26 amended, 1951, 265.

SECT. 28A added, 1951, 16 (making certain provisions of municipal finance laws applicable to regional school districts); revised, 1957, 262 § 1. (See 1957, 262 § 2.)

SECT. 28B added, 1967, 173 § 2 (relative to countersigning of notes by district planning commission).

SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201; 1935, 284; 1936, 224; repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 30 amended, 1969, 849 § 55. (See 1969, 849 § 79.)

SECT. 31 revised, 1946, 358 § 23; 1949, 138; first sentence revised, 1955, 259; sentence added, 1954, 46; amended, 1971, 766 § 14; revised, 1973, 832; paragraph added, 1969, 505 § 7.

SECT. 31A added, 1941, 473 § 1 (relative to budgets in certain cities); amended, 1953, 654 § 3; first paragraph amended, 1969, 849 § 56; second paragraph amended, 1969, 849 § 57; fourth paragraph revised, 1969, 849 § 58. (See 1969, 849 § 79.)

SECT. 31B added, 1950, 173 (relative to the liabilities which may be incurred by fire, water, light and improvement districts); repealed, 1969, 505 § 6.

SECT. 31C added, 1964, 693 § 1 (providing that payment for certain public construction contracts shall not be barred by reason of being in excess of appropriations). (See 1964, 693 § 2.)

SECT. 32, paragraphs added, 1938, 175 § 1, 378 § 16; section revised, 1941, 473 § 2; first paragraph amended, 1969, 849 § 59; first sentence revised, 1975, 26 § 1; subdivision (2) amended, 1953, 51; fourth paragraph amended, 1969, 849 § 60; revised, 1975, 26 § 2; paragraph added, 1953, 79. (See 1969, 849 § 79.)

SECT. 33 revised, 1941, 473 § 3.

SECT. 33A stricken out and new sections 33A and 33B inserted, 1943, 62 (amending and clarifying the law relative to budgets in cities).

SECT. 33A revised, 1947, 298 § 1; sentence added, 1950, 370; section revised, 1955, 358; amended, 1960, 301; second sentence revised, 1969, 849 § 61. (See 1969, 849 § 79.)

SECT. 33B, first sentence amended, 1971, 766 § 15; two sentences added, 1951, 798 § 6; second sentence revised, 1965, 204. (See 1951, 798 § 8.)

SECT. 34 revised, 1938, 170; paragraph added, 1941, 93; repealed, 1969, 849 § 48. (See 1969, 849 § 79.)

SECT. 35 amended, 1941, 454; revised, 1951, 17 § 1; 1967, 46 § 5.

SECT. 38, sentence added, 1974, 728 § 2.

SECT. 40 amended, 1939, 339; first sentence amended, 1945, 29 § 1; revised, 1967, 46 § 6; sentence inserted after first sentence, 1947, 298 § 6; section revised, 1948, 82; 1951, 17 § 2. (See 1945, 29 § 2; repealed by 1946, 109.)

SECT. 41 revised, 1946, 432 § 4.

SECT. 43, two sentences added, 1951, 276.

SECT. 46 amended, 1953, 654 § 4.

SECT. 46A added, 1932, 155 (making permanent certain provisions of law relative to investigations of municipal accounts and financial transactions by the director of accounts). [For prior temporary legislation, see 1926, 210; 1929, 335.]

SECT. 51 amended, 1934, 355; repealed, 1938, 458.

SECT. 53 revised, 1960, 592 § 3; 1962, 246; amended, 1967, 46 § 7; first sentence revised, 1972, 766 § 4; sentence sentence revised, 1968, 598 § 2; amended, 1970, 525; revised, 1972, 88. (See 1972, 766 § 23.)

SECT. 53A added, 1964, 99 (providing that officers and departments of cities, towns and districts may accept grants or gifts for municipal purposes and may expend the same without appropriation); amended, 1967, 46 § 8; sentence added, 1967, 388 § 1.

SECT. 53B added, 1968, 598 § 3 (providing for application of sums paid by commonwealth to a city, town, or district for useful public works projects as contributions to cost).

SECT. 53C added, 1970, 344 (establishing a revolving fund for payment of police officers for off-duty work details in certain cities and towns); revised, 1973, 773.

SECT. 54 amended, 1933, 200; 1946, 358 § 24; revised, 1948, 194 § 1; 1949, 243; amended, 1953, 83; 1954, 47; first sentence amended, 1971, 299; sentence inserted after first sentence, 1962, 257; revised, 1970, 53.

SECT. 55, sentence added, 1948, 143 § 1; 1951, 59; section revised, 1953, 103; amended, 1960, 592 § 4; first sentence revised, 1967, 46 § 9; sentence inserted after first sentence, 1975, 248; sentence added, 1960, 253; revised, 1967, 91; last two sentences revised, 1971, 545; third sentence amended, 1974, 548; fourth sentence revised, 1973, 224; 1974, 90.

SECT. 55A revised, 1948, 143 § 2, 194 § 2; 1950, 224; amended, 1954, 48.

SECT. 56 revised, 1969, 849 § 62; 1971, 766 § 16; amended, 1973, 52 § 13. (See 1969, 849 § 79.)

SECT. 56A added, 1934, 229 § 1 (relative to the financial year of cities); revised, 1969, 849 § 63; 1971, 766 § 17; amended, 1973, 52 § 14. (See 1934, 229 §§ 2, 3; 1969, 849 § 79.)

SECT. 58 amended, 1951, 15.

SECT. 60 amended, 1967, 46 § 10.

SECT. 63 amended, 1946, 358 § 25; revised, 1962, 377; 1966, 111.

SECT. 63A added, 1955, 247 (providing for a payment in lieu of taxes in the event of a sale of real estate by a city or town); amended, 1971, 766 § 18. (See 1955, 401.)

SECT. 64 added, 1941, 179 (authorizing towns to appropriate money for the payment of certain unpaid bills of previous years); last paragraph revised, 1960, 592 § 5; 1969, 505 § 8; section revised, 1969, 730; 1971, 766 § 18; fifth paragraph stricken out, 1975, 284.

SECT. 65 added, 1945, 635 § 3 (providing for advances of their vacation pay to officers and employees of cities and towns.)

SECT. 66 added, 1956, 21 (authorizing advances to municipal officers and employees on account of certain necessary expenses).

SECT. 67 added, 1972, 807 § 5 (authorizing city and town treasurers to implement certain deferred compensation programs for certain employees).

SECT. 68 added, 1973, 47 (authorizing cities, towns and districts to pay salary increases retroactively).

Chapter 45. — Public Parks, Playgrounds and the Public Domain.

SECT. 1, sentence added, 1967, 790 § 1.

SECT. 2 amended, 1941, 10 § 1.

SECT. 5, sentence added, 1975, 888.

SECT. 5A added, 1969, 430 (requiring sealed proposals for leasing of concessions in certain public parks); amended, 1970, 92.

SECT. 14 revised, 1949, 256; second sentence stricken out and two sentences inserted, 1955, 96; sixth sentence revised, 1970, 86.

SECT. 17A added, 1938, 220 (authorizing cities and towns to use certain ways therein for playground purposes); revised, 1953, 80; 1955, 1; amended, 1962, 338 § 17.

SECT. 18 revised, 1954, 131.

SECT. 21 amended, 1971, 893 § 4.

Chapter 46. — Return and Registry of Births, Marriages and Death.

SECT. 1, first paragraph amended, 1968, 42 § 1; second paragraph amended, 1933, 280 § 1; revised, 1968, 84 § 1, 358 § 1; third paragraph amended, 1971, 254; fourth paragraph amended, 1941, 51; revised, 1954, 627 § 23. (See 1954, 627 §§ 65, 67; 1968, 358 § 5.)

SECT. 1A added, 1939, 61 § 1 (further regulating the making and recording of certificates of birth of certain abandoned children and foundlings).

SECTS. 1B and 1C added, 1952, 72 (relative to filing evidence of certain births and deaths occurring without the commonwealth).

SECT. 1B, second paragraph revised, 1965, 12 § 1; section revised, 1975, 712.

SECT. 1C, second paragraph revised, 1965, 12 § 2.

SECT. 2 revised, 1968, 42 § 2.

SECT. 2A added, 1933, 279 (regulating the impounding of birth records of children born out of wedlock); amended, 1937, 78 § 1; revised, 1939, 269 § 1; amended, 1954, 324; 1960, 48 § 1; sentence added, 1965, 10. (See 1960, 48 § 8.)

SECT. 3, first sentence revised, 1957, 24; third sentence revised, 1960, 48 § 2; fourth sentence stricken out, 1955, 95 § 1; sentence inserted after third sentence, 1959, 48 § 1; second paragraph revised, 1961, 51; paragraph added, 1939, 326 § 1; stricken out, 1963, 22 § 1. Section stricken out and sections 3-3A inserted, 1968, 84 § 2; section 3 amended, 1968, 358 § 2. (See 1959, 48 § 3; 1960, 48 § 8; 1968, 84 § 6.)

SECT. 3B added, 1971, 288 (requiring physicians to report a birth whenever the mother and child are not admitted immediately to a hospital for postnatal care).

SECT. 4 revised, 1968, 84 § 3. (See 1968, 84 § 6.)

SECT. 4A added, 1941, 434 (providing for the verification of returns of births); first sentence revised, 1960, 15 § 1; paragraph added, 1960, 15 § 2; section revised, 1968, 84 § 4. (See 1968, 84 § 6.)

SECT. 5 repealed, 1968, 84 § 5. (See 1968, 84 § 6.)

SECT. 6 revised, 1939, 61 § 2.

SECT. 7A added, 1950, 22 (requiring reports of births in airplanes).

SECT. 9 amended, 1936, 100; 1945, 113; sentence inserted after first sentence, 1954, 137; revised, 1959, 48 § 2; 1960, 48 § 3; section revised, 1969, 106; first sentence revised, 1972, 260. (See 1959, 48 § 3; 1960, 48 § 8.)

SECTS. 9A and 9B added, 1960, 48 § 4 (relative to the filing of certain certificates of death). (See 1960, 48 § 8.)

SECT. 10 revised, 1954, 627 § 24. (See 1954, 627 §§ 65, 67.)

SECT. 11, first sentence amended, 1960, 48 § 5; second sentence stricken out, 1955, 95 § 2. (See 1960, 48 § 8.)

SECT. 12 amended, 1937, 78 § 2; revised, 1945, 439; first sentence amended, 1972, 401; second sentence amended, 1960, 48 § 6. (See 1960, 48 § 8.)

SECT. 13, paragraph in first to sixth lines amended, 1939, 61 § 3; revised, 1960, 342 § 1; second paragraph amended, 1933, 280 § 2; second paragraph stricken out and two new paragraphs inserted, 1938, 63; first paragraph so inserted revised, 1943, 72 § 2; paragraph in eighteenth and nineteenth lines, as appearing in Tercentenary Edition, amended, 1938, 97; revised, 1953, 261 § 1; 1955, 107 § 3; 1959, 146; second sentence of said paragraph stricken out and four sentences inserted, 1960, 342 § 2; fourth paragraph, as so appearing, amended, 1941, 50; same paragraph amended, 1945, 65; 1953, 261 § 2; revised, 1955, 107 § 4; 1956, 342; first sentence of said paragraph revised, 1966, 120; second sentence revised, 1971, 266; fourth sentence revised, 1966, 310; paragraph amended, 1974, 546; paragraph added, 1939, 61 § 4; 1948, 550 § 2.

SECT. 13A added, 1945, 542 (providing for the recording of certain births upon the determination of facts relating thereto by a probate court); revised, 1965, 12 § 3; 1968, 29.

SECT. 16 amended, 1941, 351 § 4; 1958, 613 § 2B; sentence added at end, 1955, 107 § 5.

SECT. 17 revised, 1932, 12; amended, 1939, 269 § 2; revised, 1960, 21 § 1. (See 1960, 21 § 2.)

SECT. 18 revised, 1957, 95.

SECT. 19 revised, 1943, 228 § 1; amended, 1945, 570 § 1; sentence added at end, 1950 366; 1969, 478. (See 1943, 228 § 2; 1945, 570 § 2.)

SECT. 19A added, 1969, 759 (prohibiting reproduction of certified copies of certain birth, marriage and death records).

SECT. 19B added, 1970, 151 (providing for the issuance of abbreviated certified copies of restricted birth records).

SECT. 20 revised, 1941, 351 § 5; amended, 1958, 613 § 2C; revised, 1961, 396 § 1.

SECT. 21 revised, 1964, 508 § 1. (See 1964, 508 § 4.)

SECT. 24 revised, 1960, 48 § 7. (See 1960, 48 § 8.)

SECT. 26, first sentence revised, 1947, 283; sentence inserted after second sentence, 1939, 326 § 2; stricken out, 1963, 22 § 2.

SECT. 30 added, 1964, 310 (providing a penalty for alterings, forging or counterfeiting copies of records of birth, marriage or death).

Chapter 47. — Infirmaries.

SECT. 2 amended, 1967, 658 § 6.

SECT. 11 amended, 1961, 396 § 2.

Chapter 48. — Fires, Fire Departments and Fire Districts.

SECT. 8 amended, 1941, 490 § 10; revised, 1954, 104; first sentence amended, 1975, 706 § 104. (See 1975, 706 § 312.)

SECT. 10 amended, 1973, 62.

SECT. 11 amended, 1973, 45.

SECT. 13 amended, 1938, 204; revised, 1941, 581; 1945, 269; amended, 1951, 274; revised, 1964, 303; amended, 1073, 925 § 4. (See 1973, 925 § 84.)

SECT. 15 amended, 1932, 180 § 8; 1941, 490 § 11; 1975, 706 § 105. (See 1975, 706 § 312.)

SECT. 16 revised, 1943, 103 § 1; amended, 1952, 222; revised, 1973, 108.

SECT. 18 revised, 1943, 103 § 2.

SECT. 20A repealed, 1950, 442.

SECT. 24 amended, 1953, 535 § 3; third sentence amended, 1956, 590.

SECT. 27 revised, 1973, 504.

SECT. 28, fourth sentence amended, 1975, 706 § 106. (See 1975, 706 § 312.)

SECT. 28A amended, 1941, 490 § 12; revised, 1953, 496; 1963, 572; repealed, 1971, 571.

SECT. 28B revised, 1953, 535 § 4.

SECT. 28C added, 1948, 131 (providing for the closing of privately owned forest lands during periods of fire hazard); second sentence amended, 1975, 706 § 107. (See 1975, 706 § 312.)

SECT. 36 amended, 1973, 232 § 1.

SECT. 36A added, 1948, 149 § 1 (providing for the promotion of certain call firemen to membership in the permanent fire force in certain cities and towns); amended, 1973, 232 § 2; 1974, 835 § 141. (See 1974, 835 § 185.)

SECT. 37 revised, 1948, 149 § 2.

SECT. 38 revised, 1963, 160 § 2.

SECT. 42 amended, 1973, 1048 § 1.

SECT. 42A added, 1973, 1048 § 2 (providing for the establishment of fire departments in certain towns).

SECT. 43 revised, 1973, 1048 § 3.

SECT. 44 revised, 1973, 1048 § 4.

SECT. 51A added, 1948, 337 § 1 (providing for the furnishing of gas masks for the use of members of fire departments); second paragraph revised, 1949, 467 § 1; section revised, 1972, 288; 1973, 186. (See 1948, 337 § 2; 1949, 467 § 2.)

SECT. 57A added, 1953, 640 (relative to additional pay or time off for fire fighters and others who are required to work on legal holidays); amended, 1970, 547 § 1. (See 1970, 547 § 6.)

SECT. 57B added, 1959, 285 § 1 (granting time off without loss of pay to delegates to the state convention of the Associated Fire Fighters of Massachusetts AFL:CIO).

SECT. 57C added, 1962, 291 (permitting time off without loss of pay for delegates to certain conventions of fire fighters).

SECT. 57D added, 1962, 517 (providing that fire fighters and others in certain cities and towns be granted an additional day off duty or an additional day's pay when required to work on certain legal holidays); revised, 1967, 522; amended, 1970, 547 § 2. (See 1970, 547 § 6.)

SECT. 57F added, 1965, 141 (providing that certain fire chiefs who are on duty on certain holidays shall be granted an additional day's pay), revised, 1967, 799; amended, 1970, 547 § 3. (See 1970, 547 § 6.)

SECT. 57F added, 1965, 786 (providing that certain police chiefs who are on duty on certain holidays shall be granted an additional day's pay); repealed, 1969, 435 § 2.

SECT. 57G added, 1971, 1082 (increasing the annual rate of compensation of certain heads of fire and police departments); first paragraph amended, 1975, 333; paragraph added, 1974, 415 § 1; revised, 1974, 610 § 1. (See 1974, 415 § 1; 610 § 2.)

SECT. 58A added, 1941, 638 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); first sentence amended, 1964, 329 § 1.

SECT. 58B added, 1945, 413 § 1 (further regulating the hours of duty of permanent members of fire departments in certain cities and towns); second paragraph amended, 1955, 151; section revised, 1957, 713 § 1; first paragraph amended, 1964, 329 § 2; second paragraph revised, 1958, 279. (See 1945, 413 § 2; 1946, 114, 371, 436, 597; 1947, 64, 200; 1964, 329 § 3.)

SECT. 58C added, 1955, 195 (authorizing compensation for overtime service by fire fighters of cities and towns); revised, 1956, 206; 1968, 368; 1969, 62; amended, 1969, 544 § 2; revised, 1972, 234.

SECT. 58D added, 1965, 452 (providing for a forty-two hour work week for fire fighters); second paragraph stricken out and two paragraphs inserted, 1967, 177; third paragraph revised, 1968, 245.

SECT. 58E added, 1966, 272 (allowing certain municipal fire fighters to live outside the city or town in which they are employed); revised, 1972, 370.

SECT. 59, fifth paragraph revised, 1955, 150.

SECT. 59A amended, 1949, 77; first sentence revised, 1960, 14; second paragraph revised, 1975, 754.

SECT. 59E added, under caption, 1939, 419 § 1 (providing for the ultimate abolition of reserve fire forces in certain cities and towns).

SECT. 65 revised, 1956, 95; 1970, 283.

SECT. 66 revised, 1950, 121.

SECT. 69 revised, 1959, 91.

SECT. 70 repealed, 1950, 170.

SECT. 79 revised, 1948, 133; first sentence amended, 1951, 392.

SECTS. 84, 85 and 86 repealed and caption preceding section 84 stricken out, 1967, 129.

SECT. 88 added, 1959, 367 (providing that a fire fighter in certain cities and towns shall not be required to perform the duties of a police officer);

first sentence revised, 1970, 354; sentence added at end, 1962, 345.

SECT. 89 added, 1970, 295 (providing that no fire fighter shall be required to carry firearms).

Chapter 49. — Fences, Fence Viewers, Pounds and Field Drivers.

SECT. 6 revised, 1948, 550 § 3.
SECT. 10 amended, 1951, 143 § 2.
SECT. 26 revised, 1957, 233.
SECT. 29 amended, 1951, 143 § 1.
SECT. 36 revised, 1948, 550 § 4.
SECT. 42 repealed, 1963, 185.

Chapter 49A. — Use of Certain Animals for Scientific Investigation. Experiment or Instruction.

New chapter inserted, 1957, 298 § 1.

SECT. 3, paragraph (*b*) amended, 1973, 49 § 1; 1974, 778 § 1.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

SECT. 1, "Ballot labels" defined, 1941, 511 § 1; "City election" defined, 1943, 453 § 6; "Official ballot" defined, 1941, 511 § 2; "Political committee" defined, 1943, 318 § 5; amended, 1954, 224; definition of "Political party" amended, 1951, 805 § 4; "State officer" defined, 1943, 453 § 7; "Town officer" defined, 1943, 453 § 8. (See 1951, 805 §§ 6, 7.)

SECT. 2 amended, 1932, 141 § 1; sentence added, 1938, 341 § 4.

SECT. 3A added, 1947, 37 (relative to the placing on nomination papers of acceptances of nominations); revised, 1953, 26.

SECT. 4, paragraph added, 1947, 30 § 2; revised, 1963, 113 § 1; amended, 1966, 16; revised, 1969, 119 § 1.

SECT. 6A added, 1948, 15 § 3 (providing for the filling of vacancies in certain elective offices in case of the retirement of an incumbent by reason of superannuation prior to the next regular election).

SECT. 7 and caption preceding section revised, 1965, 530 § 1.

SECT. 8 amended, 1943, 453 § 9.

Chapter 51. — Voters.

For legislation providing for a state wide verification of voting lists, see 1938, 427; repealed and superseded by 1939, 450; amended, 1943, 537; 1945, 127.

SECT. 1, first paragraph amended, 1943, 453 § 10; first sentence revised, 1962, 437 § 1; second sentence amended, 1954, 627 § 19; 1963, 160 § 3; third sentence revised, 1966, 109; four sentences added, 1961, 582 § 1; stricken out, 1962, 437 § 2; first paragraph stricken out and two paragraphs inserted, 1971, 382 § 1; first two paragraphs stricken out and paragraph

inserted, 1972, 28 § 1; first sentence revised, 1972, 587 § 1; third sentence stricken out, 1975, 275; paragraph added, 1932, 206; amended, 1960, 300; stricken out, 1974, 71. (See 1954, 627 §§ 65, 67.)

SECTS. 1A-1D added, 1961, 582 § 2 (relative to qualifications of certain absentee voters in presidential elections); stricken out and sections 1A and 1B inserted, 1962, 437 § 3.

SECT. 1A, first paragraph revised, 1965, 536; section revised, 1966, 367 § 1; first paragraph amended, 1971, 382 § 2; first sentence revised, 1972, 637 § 1; amended, 1974, 768; second paragraph amended, 1971, 320 § 1.

SECT. 1B repealed, 1966, 367 § 2.

SECTS. 1E-1F added, 1972, 637 § 2 (facilitating the rights of certain persons to vote for presidential electors).

SECT. 2 amended, 1933, 254 § 3; revised, 1945, 310; sentence added, 1962, 437 § 4; paragraph added, 1966, 666; section revised, 1975, 367 § 1. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 4; revised, 1943, 453 § 11; first sentence revised, 1972, 549; first two sentences stricken out and four sentences inserted, 1973, 255; sentence added, 1962, 437 § 5. (See 1933, 254 § 66.)

SECT. 4 amended, 1933, 254 § 5; first paragraph revised, 1935, 345 § 1; amended, 1937, 1 § 1; revised, 1938, 186 § 1; section revised, 1938, 440 § 2; caption preceding section revised, 1943, 453 § 2; 1974, 132 § 1; section amended, 1943, 453 § 13; last paragraph revised, 1947, 26; section amended, 1955, 67 § 1; first paragraph amended, 1971, 382 § 3; revised, 1974, 113; second paragraph revised, 1963, 160 § 4; stricken out, 1974, 378. (See 1933, 254 §§ 65, 66; 1937, 226; 1938, 186 § 5; 440 § 23.)

SECT. 5 revised, 1938, 440 § 3; 1939, 188 § 1; repealed, 1963, 160 § 5. (See 1938, 440 § 23.)

SECT. 6 revised, 1938, 440 § 4; 1939, 188 § 2; next to last sentence revised, 1949, 196; last sentence stricken out, 1963, 160 § 5A; sentence added, 1973, 60. (See 1938, 440 § 23.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2; amended, 1938, 440 § 5; revised, 1939, 188 § 3; amended, 1955, 67 § 2; 1959, 137; 1969, 205 § 1; 1974, 67. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 8 amended, 1933, 254 § 7; 1937, 1 § 2; revised, 1938, 186 § 2, 440 § 6; second sentence amended, 1963, 160 § 6. (See 1933, 254 § 66; 1938, 186 § 5, 440 § 23.)

SECT. 9 amended, 1933, 254 § 8; revised, 1938, 440 § 7; repealed, 1973, 1137 § 1. (See 1933, 254 § 66; 1938, 440 § 23; 1973, 1137 § 11.)

SECT. 10 amended, 1938, 440 § 8; repealed, 1943, 453 § 14. (See 1938, 440 § 23.)

SECTS. 10A and 10B added, 1939, 369 § 1 (providing for the securing of information relative to persons residing at inns, lodging houses and public lodging houses); sections stricken out and new section 10A inserted, 1943, 320 § 1; revised, 1955, 176; amended, 1971, 382 § 4; sentence added, 1972, 30.

SECT. 11 revised, 1938, 440 § 9; 1975, 391 § 1. (See 1938, 440 § 23.)

SECT. 12 revised, 1938, 440 § 10; first sentence revised, 1962, 437 § 6; amended, 1975, 391 § 2; sentence added, 1945, 715 § 1. (See 1938, 440 23.) § 23.)

SECT. 13 repealed, 1943, 453 § 15.

SECT. 14 amended, 1973, 925 § 5. (See 1973, 925 § 84.)

SECT. 14A revised, 1938, 440 § 11. (See 1938, 440 § 23.)

SECT. 14B added, 1933, 254 § 9 (amending special acts relative to the listing of voters in certain municipalities so as to conform to the change in taxing date from April 1 to January 1); revised, 1938, 440 § 12; amended, 1943, 453 § 16. (See 1933, 254 §§ 65, 66; 1938, 440 § 23.)

SECT. 15 amended, 1959, 127 § 2; paragraph added, 1975, 543 § 1.

SECT. 16 repealed, 1959, 127 § 1.

SECT. 16A added, 1955, 218 (authorizing the establishment of boards of election commissioners and defining their powers and duties); amended, 1956, 723 § 1; sentence inserted after sixth sentence, 1975, 543 § 2.

SECT. 18 amended, 1950, 142.

SECT. 19, first sentence revised, 1962, 260.

SECT. 20 revised, 1943, 453 § 17.

SECT. 22 amended, 1938, 280; revised, 1943, 453 § 18; amended, 1950, 172; 1973, 83.

SECT. 22A added, 1945, 715 § 2 (providing for registration as voters of persons who are physically unable to apply in person); revised, 1946, 196 § 1; first sentence revised, 1967, 239.

SECT. 23 amended, 1943, 453 § 19; revised, 1945, 715 § 3.

SECT. 24 amended, 1950, 177.

SECT. 25 revised, 1961, 286; sentence revised, 1973, 294.

SECT. 26 amended, 1932, 48 § 1; 1935, 37 § 1; 1938, 473 § 2; 1943, 453 § 20; revised, 1947, 34 § 1; first sentence stricken out and two sentences inserted, 1962, 437 § 7; first sentence revised, 1966, 236 § 1; second sentence amended, 1968, 212; revised, 1971, 382 § 5; sentence inserted before last sentence, 1948, 42; last sentence revised, 1962, 437 § 8; section revised, 1973, 853 § 1; sentence inserted after first sentence, 1975, 600 § 1; third sentence revised, 1974, 190.

SECT. 27 revised, 1932, 48 § 2; amended, 1935, 37 § 2; 1938, 473 § 3; amended, 1943, 109 § 1; revised, 1943, 453 § 21; 1947, 34 § 2.

SECT. 28 revised, 1947, 34 § 3; sentence added, 1971, 382 § 6; amended, 1973, 107; section revised, 1973, 853 § 2.

SECT. 29 amended, 1947, 34 § 4; 1956, 134; first sentence revised, 1967, 763, section revised, 1970, 89; 1973, 853 § 3.

SECT. 29A amended, 1943, 109 § 2; revised, 1947, 34 § 5.

SECT. 29B added, 1938, 179 (providing for sessions of registrars of voters in all the wards of every city prior to each biennial state election); amended, 1943, 453 § 22; 1947, 34 § 6; sentence added, 1962, 437 § 9; first sentence stricken out and two sentences inserted, 1966, 236 § 2; first sentence stricken out and two sentences inserted, 1969, 102.

SECT. 30, first sentence amended, 1943, 453 § 23; section revised, 1947, 34 § 7; first two sentences stricken out and three sentences inserted, 1966, 236 § 3; first sentence stricken out and two sentences inserted, 1967, 238 § 1; sentence added at end, 1962, 437 § 10.

SECT. 31, sentence added, 1966, 236 § 4; revised, 1974, 175.

SECT. 32 amended, 1933, 254 § 10; sentence added at end, 1962, 437 § 11; section revised, 1973, 1137 § 2. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 33, paragraph added, 1945, 246; revised, 160; section revised, 1962, 437 § 12; amended, 1973, 1137 § 3. (See 1973, 1137 § 11.)

SECT. 34 amended, 1933, 254 § 11; sentence added, 1962, 437 § 13; section revised, 1973, 1137 § 4. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 35 revised, 1938, 440 § 13; amended, 1939, 451 § 10; sentence added at end, 1947, 244 § 1; section amended, 1971, 201. (See 1938, 440 § 23.)

SECT. 36 amended, 1933, 254 § 12; 1943, 453 § 24; 1955, 67 § 3; 1962, 437 § 14; revised, 1971, 932; revised, 1973, 1137 § 5; second paragraph revised, 1975, 367 § 2; paragraph added, 1974, 776. (See 1933, 254 § 66; 1973, 1137 § 11.)

SECT. 37 amended, 1933, 254 § 13; revised, 1938, 440 § 14; fourth sentence amended, 1939, 369 § 2; 1943, 320 § 2; last sentence stricken out, 1941, 328 § 2; section revised, 1943, 453 § 25; third sentence revised, 1969, 205 § 2; fifth sentence revised, 1973, 1137 § 6; sixth sentence stricken out and three sentences inserted, 1974, 632; sentence added, 1962, 437 § 15. (See 1933, 254 § 66; 1938, 440 § 23; 1973, 1137 § 11.)

SECT. 38 revised, 1943, 453 § 26; sentence inserted after first sentence, 1966, 308; third sentence revised, 1962, 437 § 16; 1975, 128; fourth sentence amended, 1975, 391 § 3.

SECT. 39 amended, 1938, 440 § 15; repealed, 1969, 205 § 3. (See 1938, 440 § 23.)

SECT. 40, sentence inserted after second sentence, 1962, 437 § 17; revised, 1973, 1137 § 7. (See 1973, 1137 § 11.)

SECT. 41 revised, 1943, 453 § 27; 1974, 133.

SECT. 41A added, 1941, 328 § 1 (ensuring that certain laws relative to registration of persons residing at inns and lodging houses are of general application); revised, 1943, 320 § 3.

SECT. 42 revised, 1945, 715 § 4; 1962, 437 § 18; paragraph added, 1965, 477; first sentence revised, 1971, 382 § 7; 1972, 28 § 2; section revised, 1973, 1137 § 8. (See 1973, 1137 § 11.)

SECT. 42A added, 1945, 715 § 5 (relative to registration as voters of persons who are physically unable to apply in person); revised, 1946, 196 § 2; first paragraph amended, 1961, 130; 1962, 265; section revised 1973, 1137 § 8A. (See 1973, 1137 § 11.)

SECT. 42B added, 1959, 332 (providing for registration sessions in certain factories and mills); sentence added, 1962, 437 § 19; section revised, 1963, 308; 1972, 113; 1973, 655; amended, 1974, 172.

SECT. 42C added, 1973, 492 (authorizing voter registration sessions in high schools and vocational schools).

SECT. 43 amended, 1933, 254 § 14; revised, 1938, 440 § 16; repealed, 1969, 205 § 4. (See 1933, 254 § 66; 1938, 440 § 23.)

SECT. 44 amended, 1943, 453 § 28; revised, 1945, 715 § 6; first sentence revised, 1962, 437 § 20; seventh sentence revised, 1966, 13; section revised, 1971, 382 § 8; 1973, 1137 § 9. (See 1973, 1137 § 11.)

SECT. 45 revised, 1943, 108; 1945, 715 § 7; first sentence revised, 1962, 437 § 21; section repealed, 1971, 320 § 2.

SECT. 45A added, 1974, 111 (relative to registration for voting by a naturalized citizen).

SECT. 46 revised, 1945, 715 § 8; 1962, 437 § 22; 1973, 1137 § 9A. (See 1973, 1137 § 11.)

SECT. 46A added, 1973, 1137 § 9A (requiring the transmittal of copies of certain affidavits of registration). (See 1973, 1137 § 11.)

SECT. 47 revised, 1945, 715 § 9; 1973, 1137 § 9B. (See 1973, 1137 § 11.)

SECT. 47A added, 1973, 1137 § 9B (providing for the registration of certain voters under age eighteen). (See 1973, 1137 § 11.)

SECT. 47B added, 1973, 1137 § 9B (authorizing complaints by registrars against persons making false statements). (See 1973, 1137 § 11.)

SECT. 48, first sentence revised, 1962, 437 § 23.

SECT. 49 revised, 1962, 437 § 24.

SECT. 50 amended, 1938, 440 § 17; 1945, 378; revised, 1962, 511 § 2; 1966, 283; 1975, 211. (See 1938, 440 § 23; 1962, 511.)

SECT. 51 revised, 1962, 511 § 3; last two sentences revised, 1966, 123 § 1.

SECT. 52A added, 1974, 285 (prohibiting the solicitation of votes and the distribution of campaign literature in offices used for voter registration).

SECT. 54, paragraph added, 1946, 537 § 1. (See 1946, 537 § 12.)

SECT. 55 amended, 1933, 254 § 15; sentence added, 1936, 2 § 1; same sentence revised, 1938, 473 § 4; section amended, 1943, 453 § 29; 1950, 193; third and fourth sentences revised, 1949, 212; last sentence revised, 1946, 140 § 15; section revised, 1950, 255; first sentence revised, 1967, 103; fifth sentence revised, 1971, 59. (See 1933, 254 § 66.)

SECT. 57 amended, 1943, 453 § 30.

SECT. 58 revised, 1945, 253.

SECT. 58A added, 1962, 437 § 25 (relative to the preparation of lists of persons qualified to vote for electors of president and vice-president); revised, 1975, 89.

SECT. 59 revised, 1962, 437 § 26; 1973, 555; first paragraph amended, 1974, 189 § 1; second paragraph amended, 1974, 189 § 2.

SECT. 60, first sentence revised, 1962, 437 § 27.

SECT. 61 amended, 1937, 21 § 1; paragraph inserted after first paragraph, 1962, 437 § 28.

SECT. 62 amended, 1943, 453 § 31.

SECT. 63 revised, 1943, 453 § 32.

Chapter 52. — Political Committees.

Chapter stricken out and new chapter inserted, 1938, 346 § 1. (See 1938, 346 §§ 3, 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 52, as so inserted:

SECT. 1, first two paragraphs revised, 1948, 614 § 1; section revised, 1950, 280 § 1; amended, 1955, 138 § 1; first paragraph revised, 1961, 145; second sentence revised, 1975, 600 § 2; second paragraph revised, 1975, 600 § 3. (See 1948, 614 §§ 8, 9.)

SECT. 1A added, 1948, 614 § 2 (relative to nominations of candidates for members of state political committees); repealed, 1950, 280 § 2. (See 1948, 614 §§ 8, 9.)

SECT. 2, first sentence amended, 1955, 138 § 2; sentence added, 1948, 23; section revised, 1958, 111; first paragraph, first sentence revised, 1975, 600 § 4; paragraph added, 1974, 621.

SECT. 4 amended, 1955, 138 § 3; first sentence revised, 1975, 600 § 5.

SECT. 5, sentence inserted after first sentence, 1967, 105; sentence added, 1963, 303.

SECT. 6 revised, 1957, 38.

SECT. 9 revised, 1941, 337 § 1; first sentence revised, 1953, 406 § 1; third sentence revised, 1971, 920 § 1; last sentence revised, 1969, 825 § 1; section revised, 1973, 429 § 1; second sentence revised, 1975, 600 § 6. (See 1971, 920 § 11.)

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 1 amended, 1939, 371; 1973, 110.

SECT. 2 amended, 1932, 310 § 4; last sentence revised, 1934, 32 § 1; section revised, 1938, 473 § 5; 1941, 337 § 2; first sentence amended, 1953, 406 § 2; revised, 1966, 407 § 1; amended, 1973, 429 § 1A; section revised, 1975, 600 § 7. (See 1937, 384, 435.)

SECT. 3 revised, 1936, 116 § 1; amended, 1937, 45 § 1; revised, 1943, 334 § 1; first sentence revised, 1965, 584 § 1; first sentence stricken out and three sentences inserted, 1971, 224; sentence inserted after first sentence, 1963, 287; sentence added, 1945, 55.

SECT. 5, first paragraph amended, 1954, 31; 1966, 56 § 1; paragraph added, 1947, 141; revised, 1955, 288 § 1; section revised, 1973, 429 § 2.

SECT. 6 amended, 1936, 101; revised, 1939, 191; 1941, 266; amended, 1943, 50; revised, 1943, 334 § 2; second sentence stricken out, 1972, 51; first sentence stricken out and two sentences inserted, 1973, 849; sentence inserted after first sentence, 1972, 400 § 1; third sentence revised, 1960, 224.

SECT. 7 amended, 1933, 254 § 16; sentence inserted, 1936, 2 § 2; section revised, 1936, 4 § 1; amended, 1937, 25 § 1; 1938, 341 § 5; first paragraph, first and second sentences revised, 1943, 334 § 3; first sentence revised, 1968, 112; 1971, 512 § 1; 1974, 200 § 1; second sentence revised, 1968, 114; last three sentences revised, 1954, 183 § 2; 1963, 210; last sentence amended, 1968, 488; paragraph added, 1971, 512 § 2; amended, 1974, 169; paragraph added, 1974, 63. (See 1933, 254 § 66; 1974, 200 § 2.)

SECT. 7A added, 1943, 229 § 2 (relative to the certification of nomination petitions for preliminary elections in cities).

SECT. 8, first paragraph amended, 1932, 135 § 4; section amended, 1933, 35 § 1; first sentence amended, 1938, 473 § 6; section revised, 1943, 334 § 4; first paragraph amended, 1955, 288 § 2; 1957, 14; revised, 1957, 278 § 1; amended, 1971, 202; second paragraph amended, 1951, 805 § 5; 1963, 307; third sentence revised, 1970, 869 § 1; 1972, 400 § 2. (See 1951, 805 §§ 6, 7.)

SECT. 9 revised, 1961, 390.

SECT. 9A added, 1962, 249 § 1 (regulating the issuance of nomination papers for use in city and town primaries and elections, and limiting the number of such papers obtainable); amended, 1964, 175.

SECT. 10, first paragraph amended, 1934, 111; revised, 1937, 45 § 2; amended, 1938, 373 § 4; 1946, 20 § 2; revised, 1963, 236 § 1; last sentence stricken out and two sentences inserted, 1968, 762 § 1; paragraph revised, 1971, 920 § 1A; second paragraph revised, 1933, 313 § 2; 1941, 278; amended, 1941, 472 § 4; first two sentences stricken out and one sentence inserted, 1954, 114; 1943, 229 § 3; first sentence revised, 1968, 762 § 2; last sentence revised, 1971, 920 § 2; third paragraph revised, 1937 , 77 § 2; amended, 1943, 334 § 5; revised, 1947, 74; paragraph inserted after third paragraph, 1948, 63. (See 1971, 920 § 11.)

SECT. 11, sentence added, 1933, 313 § 3; revised, 1937, 77 § 3; section revised, 1937, 212 § 1; amended, 1943, 334 § 6; second sentence revised, 1956, 135.

SECT. 12 revised, 1937, 212 § 2; first paragraph amended, 1943, 334 § 7; paragraph added, 1939, 166.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations).

SECT. 13, sentence, added, 1933, 313 § 4; section amended, 1937, 26, 77 § 4; revised, 1955, 221.

SECT. 14, sentence inserted after first sentence, 1972, 400 § 3; sentence inserted after third sentence, 1943, 334 § 8.

SECT. 15 amended, 1943, 334 § 9.

SECT. 17 amended, 1943, 334 § 10; two sentences added, 1962, 249 § 2.

SECT. 17A added, under the heading "ENDORSEMENT FOR NOMINATION OF MEMBERS OF STATE POLITICAL COMMITTEES BY CONVENTIONS", 1938, 397; second paragraph amended, 1945, 237 § 1; fifth paragraph amended, 1945, 20; last paragraph stricken out, 1964, 76 § 1.

SECT. 18 revised, 1934, 282.

SECT. 20 revised, 1943, 334 § 11; sentence added, 1975, 352 § 1.

SECT. 21 amended, 1945, 237 § 2; second sentence revised, 1971, 322.

SECT. 22A amended, 1932, 80; 1938, 192; 1943, 51; 1948, 596; 1975, 288, 352 § 2.

SECT. 22B added, 1938, 191 (requiring persons circulating initiative and referendum petitions to attest the validity of signatures thereto under the penalties of perjury); amended, 1961, 344.

SECT. 24. See 1937, 275.

SECT. 26 amended, 1943, 334 § 12; three sentences inserted after first sentence, 1967, 496; paragraph added, 1945, 51.

SECT. 28 amended, 1932, 310 § 5; revised, 1933, 313 § 5; amended, 1934, 32 § 2; revised, 1938, 473 § 7; first paragraph amended, 1946, 20 § 3; revised, 1968, 762 § 3; second sentence revised, 1975, 600 § 8. (See 1937, 384, 435.) Temporarily affected, 1958, 73.

SECT. 32 amended, 1932, 310 § 6; 1938, 473 § 8. (See 1937, 384, 435.)

SECT. 33, sentence added, 1941, 511 § 3.

SECT. 34 revised, 1932, 310 § 7; first paragraph revised, 1938, 436 § 1; fourth paragraph revised, 1937, 22; section revised, 1938, 473 § 9; second and third paragraphs revised, 1941, 337 § 3; fifth paragraph revised, 1941,

352; amended, 1943, 334 § 13; section revised, 1953, 406 § 3; second paragraph revised, 1954, 225; 1958, 289; 1960, 216; 1962, 758; third paragraph revised, 1964, 76 § 2; fourth paragraph amended, 1970, 41; seventh paragraph revised, 1961, 261; 1962, 272; amended, 1964, 55 § 1; section revised, 1973, 429 § 3; fourth and fifth paragraphs revised, 1975, 600 § 9; seventh paragraph amended, 1974, 380 § 1. (See 1937, 384, 435.)

SECT. 34A added, 1971, 920 § 6 (requiring the state secretary to prepare certain papers for absentee voting at each biennial or special state primary). (See 1971, 920 § 11.)

SECT. 35 amended, 1932, 310 § 8; 1938, 473 § 10; amended, 1941, 337 § 4; second sentence revised, 1975, 600 § 10. (See 1937, 384, 435.)

SECT. 35A added, 1943, 301 (relative to pasters or stickers for use at primaries).

SECT. 35B added, 1965, 584 § 2 (providing that city or town clerks notify persons nominated by pasters or write-ins of the necessity of complying with certain laws).

SECT. 36 amended, 1941, 511 § 4.

SECT. 37 revised, 1943, 334 § 14; first paragraph, first sentence revised, 1973, 1137 § 10; second sentence revised, 1971, 920 § 3; third paragraph, first sentence revised, 1967, 191; sentence added, 1949, 194; revised, 1957, 26. (See 1971, 920 § 11; 1973, 1137 § 11.)

SECT. 37A added, 1971, 920 § 4 (relating to party designation by absentee voters in a primary). (See 1971, 920 § 11.)

SECT. 38 amended, 1938, 299; 1943, 334 § 15; 1945, 237 § 3; revised, 1959, 74; first sentence stricken out and two sentences inserted, 1963, 113 § 2; first sentence amended, 1967, 238 § 2; revised, 1969, 119 § 2; sentence inserted after first sentence, 1971, 920 § 5; section revised, 1972, 115; first sentence revised, 1974, 79 § 1; third sentence revised, 1974, 79 § 2. (See 1971, 920 § 11.)

SECT. 38A added, 1962, 375 (providing for a biennial count of the enrolled and unenrolled voters of the commonwealth).

SECT. 39A added, 1961, 109 (regulating the counting of votes for members of ward and town committees); repealed, 1966, 176 § 1.

SECT. 40 revised, 1932, 30.

SECT. 40A added, 1943, 334 § 16 (requiring petitions for recounts at primaries of a political party to be signed by enrolled voters thereof).

SECT. 41 revised, 1932, 310 § 9; section and title preceding it stricken out and new section inserted under the heading "PROVISIONS APPLYING TO STATE PRIMARIES", 1938, 473 § 11; section revised, 1941, 337 § 5. (See 1937, 384, 435.)

SECT. 42 amended, 1932, 310 § 10; 1937, 24 § 2; revised, 1938, 373 § 1; 1953, 406 § 4. (See 1937, 384, 435.)

SECT. 43 amended, 1932, 310 § 11; 1937, 201; 1949, 109 § 1; 1971, 935; revised, 1972, 279; amended, 1973, 144. (See 1937, 384, 435.)

SECT. 44 revised, 1932, 310 § 12; amended, 1935, 38; revised, 1938, 373 § 2, 473 § 12; amended, 1941, 337 § 6; revised, 1952, 221; 1953, 406 § 5; last sentence stricken out and two sentences inserted, 1954, 183 § 1; third sentence revised, 1955, 249; section revised, 1964, 260; second sentence revised, 1966, 56 § 2; 1972, 50; first and second sentences revised, 1973, 429 § 4; third sentence amended, 1966, 335 § 1. (See 1937, 384, 435.)

SECT. 45 amended, 1932, 310 § 13; first paragraph amended, 1936, 22; 1938, 84; section revised, 1938, 473 § 13; amended, 1941, 337 § 7; first paragraph amended, 1947, 338 § 1; third paragraph revised, 1966, 176 § 2; 1972, 8; paragraph added, 1946, 537 § 2. (See 1937, 384, 435; 1946, 537 § 12.)

SECT. 46 amended, 1936, 4 § 2; revised, 1937, 25 § 2; amended, 1941, 337 § 8; first paragraph, sentence added, 1975, 139 § 1; second paragraph, second sentence amended, 1975, 600 § 11.

SECT. 47 amended, 1932, 310 § 14; 1938, 473 § 14; sentence added, 1975, 352 § 3. (See 1937, 384, 435.)

SECT. 48 amended, 1932, 310 § 15; first paragraph revised, 1938, 373 § 3; paragraph added at end, 1938, 272; same paragraph amended, 1941, 563; paragraph added at end, 1941, 675; section amended, 1943, 53; first paragraph amended, 1946, 20 § 4; section revised, 1951, 332; first paragraph revised, 1953, 406 § 6; 1963, 236 § 2; amended, 1963, 284; revised, 1971, 920 § 7; second paragraph amended, 1964, 254; second sentence revised, 1975, 139 § 2; paragraph added, 1966, 66; section revised, 1975, 600 § 12. (See 1937, 384, 435; 1971, 920 § 11.)

SECT. 48A added, 1956, 232 (relative to the nomination of certain candidates at state primaries).

SECT. 49 revised, 1932, 310 § 16; 1938, 473 § 15. (See 1937, 384, 435.)

SECT. 51 amended, 1932, 310 § 17; 1938, 473 § 16; revised, 1960, 434 § 2. (See 1937, 384, 435.)

SECT. 52 amended, 1932, 310 § 18; revised, 1938, 473 § 17; amended, 1941, 337 § 9; revised, 1948, 614 § 3; 1950, 280 § 3; sentence added, 1965, 584 § 2A. (See 1937, 384, 435; 1948, 614 §§ 8, 9.)

SECT. 53 revised, 1932, 310 § 19; 1938, 473 § 18; amended, 1941, 337 § 10; 1948, 614 § 4; 1950, 280 § 4. (See 1937, 384, 435; 1948, 614 §§ 8, 9.)

SECT. 53A amended, 1932, 310 § 20; revised, 1938, 473 § 19. (See 1937, 384, 435.)

SECT. 54 revised and heading inserted preceding said section, 1932, 310 § 21; two sentences added, 1935, 482 § 1; section amended, 1936, 11 § 1; 1937, 24 § 3; section (and heading) revised, 1938, 346 § 2; section amended, 1941, 337 § 11; section revised, under new heading, 1953, 406 § 7; section amended, 1955, 138 § 4; first sentence revised, 1957, 278 § 2; stricken out and two sentences inserted, 1958, 230; first sentence amended, 1959, 553; section revised, 1960, 83; first sentence revised, 1966, 29; third, fourth and fifth sentences revised, 1964, 399; seventh sentence stricken out and three sentences inserted, 1966, 141; section revised, 1969, 825 § 2; repealed, 1973, 429 § 5. (See 1936, 11 §§ 2, 3; 1937, 384, 435; 1938, 346 §§ 3, 4.)

SECTS. 54A and 54B added, 1932, 310 § 22 (relative to proceedings at preprimary conventions, to the form of certificates of nomination of candidates thereat, and to the acceptance of such nominations); repealed, 1938, 473 § 20. (See 1937, 384, 435.)

SECTS. 54C and 54D added, 1953, 406 § 8 (relative to the certification and seating of candidates and delegates at state conventions).

SECT. 54C, first paragraph amended, 1966, 56 § 3.

SECTS. 54C-54D repealed, 1973, 429 § 5.

SECT. 55, paragraph added, 1936, 116 § 2.

SECT. 56 amended, 1943, 334 § 17.

SECT. 57 amended, 1937, 410; 1945, 237 § 4.

SECT. 58, sentence added, 1962, 249 § 3.

SECT. 59, fifth sentence stricken out and two sentences inserted, 1962, 269 § 1.

SECT. 60 revised, 1962, 269 § 2.

SECT. 61 amended, 1936, 140; 1937, 411; 1941, 272; 1971, 920 § 8. (See 1971, 920 § 11.)

SECT. 62 revised, 1966, 12.

SECTS. 65-70 (and caption) repealed, 1932, 310 § 23. (See 1937, 384, 435; 1938, 473 § 21.)

SECTS. 70A-70H added, under heading "PROVISIONS APPLYING TO PRESIDENTIAL PRIMARIES," 1938, 473 § 21.

SECT. 70B amended, 1941, 337 § 12; revised, 1966, 407 § 2; amended, 1970, 104 § 1; 1971, 920 § 8A; revised, 1975, 600 § 13. (See 1971, 920 § 11.)

SECT. 70C amended, 1975, 600 § 14.

SECT. 70D, fourth sentence stricken out and two sentences inserted, 1947, 338 § 2; section revised, 1948, 614 § 5; first sentence stricken out and two sentences inserted, 1966, 407 § 3; second and third sentences (as appearing in 1950, 280 § 5) revised, 1957, 299; second sentence (as so appearing) revised, 1972, 6 § 1; fourth sentence revised, 1956, 74 § 1; sentence inserted after fourth sentence, 1964, 76 § 3; section revised, 1975, 600 § 15. (See 1948, 614 §§ 8, 9; 1956, 74 § 2.)

SECT. 70E, sentence inserted before last sentence, 1947, 31; four paragraphs added, 1951, 764; section revised, 1966, 407 § 4; amended, 1969, 61 § 1; first two paragraphs revised, 1969, 819 § 1; first paragraph, first sentence amended, 1972, 6 § 2; second, third and fourth sentences revised, 1972, 7 § 1; section revised, 1975, 600 § 16.

SECT. 70F amended, 1939, 452 § 11; revised, 1948, 614 § 6; 1950, 280 § 6; 1966, 407 § 5; amended, 1969, 61 § 2; 819 § 2; revised, 1975, 600 § 17. (See 1948, 614 §§ 8, 9.)

SECT. 70G, first sentence revised, 1966, 407 § 6; second paragraph, as appearing in 1938, 473 § 21, amended, 1948, 614 § 7; 1950, 280 § 7; two paragraphs inserted after first paragraph, 1953, 406 § 9; section revised, 1975, 600 § 18. (See 1948, 614 §§ 8, 9.)

SECTS. 70I-70K added, 1966, 407 § 7 (relative to presidential primaries).

SECT. 70I revised, 1972, 63; 1975, 600 § 19.

SECT. 70J, first paragraph, first sentence amended, 1972, 7 § 2; second sentence stricken out, 1969, 61 § 3; second paragraph amended, 1970, 104 § 2; section repealed, 1975, 600 § 20.

SECT. 70K repealed, 1969, 61 § 4.

SECT. 71. See 1937, 275.

SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting); revised, 1937, 77 § 5; 1945, 1.

SECT. 76, paragraph added, 1946, 537 § 3. (See 1946, 537 § 12.)

SECT. 87, paragraph added, 1946, 537 § 4. (See 1946, 537 § 12.)

SECT. 112 amended, 1935, 59 § 2.

SECT. 117 amended, 1932, 141 § 2.

SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office); revised, 1936, 204.

Chapter 54. — Elections.

For legislation relative to absent voting by members of the armed forces during time of war, see 1948, 531.

SECT. 1 revised, 1965, 424; 1971, 820 § 3; 1972, 735 § 3; 1975, 10 § 5.

SECT. 2 amended, 1943, 411 § 1; 1971, 820 § 4; 1972, 735 § 4; second paragraph amended, 1975, 10 § 6.

SECT. 3 repealed, 1971, 820 § 5.

SECT. 4 revised, 1935, 482 § 2; amended, 1936, 185; revised, 1937, 412; amended, 1971, 820 § 6; revised, 1973, 38; 1975, 10 § 7.

SECT. 5 revised, 1943, 209 § 1.

SECT. 6 revised, 1943, 411 § 2; amended, 1971, 820 § 7; revised, 1972, 735 § 5; 1975, 10 § 8; paragraph inserted after first paragraph, 1975, 365 § 2.

SECT. 7 revised, 1943, 411 § 3; amended, 1947, 267 § 1; amended, 1971, 820 § 8; revised, 1972, 735 § 6.

SECT. 7A added, 1947, 267 § 3 (authorizing the division of precincts in certain towns for the sole purpose of facilitating voting therein).

SECT. 9 amended, 1971, 820 § 9; revised, 1972, 735 § 7; amended, 1975, 10 § 9.

SECT. 9A added, 1937, 267 § 1 (relative to the use of precincts in certain towns in the formation of representative districts); revised, 1947, 267 § 2; 1966, 282; 1971, 820 § 10; second and fourth paragraphs stricken out, 1972, 735 § 8; section revised, 1975, 10 § 10.

SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1; 1937, 27; 1938, 341 § 6; revised, 1941, 432 § 1; first sentence amended, 1964, 186; two sentences inserted after first sentence, 1962, 437 § 29.

SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).

SECT. 11B added, 1941, 432 § 2 (relative to the appointment of election officers in certain cities); revised, 1943, 230.

SECT. 12 amended, 1934, 158 § 2; revised, 1945, 363; first paragraph revised, 1960, 431 § 1; first two paragraphs revised, 1962, 266; first paragraph amended, 1962, 437 § 30; first sentence amended, 1974, 272 § 1.

SECT. 13 amended, 1934, 158 § 3; 1943, 411 § 4; fourth sentence revised, 1962, 437 § 31.

SECT. 14 amended, 1943, 411 § 5.

SECT. 15, sentence added, 1961, 335.

SECT. 16, paragraph added, 1962, 437 § 32.

SECT. 16A added, 1943, 411 § 6 (relative to the temporary filling of vacancies in the offices of election officers); amended, 1960, 431 § 2.

SECT. 17 amended, 1960, 431 § 3.

SECT. 18 repealed, 1960, 431 § 4.

SECT. 19 amended, 1934, 158 § 4; repealed, 1960, 431 § 4.

SECT. 21 amended, 1934, 158 § 5; repealed, 1960, 431 § 4.

SECT. 22 amended, 1943, 411 § 7.

SECT. 23, first paragraph amended, 1943, 411 § 8; 1962, 437 § 33; 1966, 107; paragraph added 1946, 537 § 5. (See 1946, 537 § 12.)

SECT. 24, sentence inserted after first sentence, 1962, 437 § 34; fourth sentence revised, 1969, 259; 1972, 735 § 9; two sentences inserted after fourth sentence, 1974, 272 § 2; last sentence stricken out and two sentences inserted, 1943, 209 § 2; last sentence amended, 1966, 118.

SECT. 25 revised, 1943, 411 § 9; paragraph added, 1967, 564 § 1.

SECT. 26 amended, 1938, 281 § 1; 1943, 240; revised, 1963, 624 § 1.

SECT. 27, paragraph added, 1946, 537 § 6. (See 1946, 537 § 12.)

SECT. 30 amended, 1943, 310 § 1; revised, 1962, 437 § 35.

SECT. 30A added, 1943, 310 § 2 (relative to election officers in places where voting machines are used); revised, 1947, 255 § 1.

SECT. 31, paragraph added, 1943, 310 § 3; three sentences added, 1975, 353.

SECT. 32, paragraph added, 1967, 564 § 2.

SECT. 33, first paragraph, fourth sentence stricken out, 1935, 238 § 1; paragraph added, 1935, 238 § 1; amended, 1951, 709 § 1; 1969, 200; 1974, 131; paragraph added, 1951, 709 § 2; stricken out and three paragraphs inserted, 1967, 564 § 2.

SECTS. 33A-33D added, 1943, 310 § 4 (relative to the use of voting machines at primaries and elections).

SECT. 33B, third sentence revised, 1964, 72 § 1.

SECT. 33C, first sentence revised, 1967, 564 § 4; last sentence revised, 1967, 564 § 4.

SECTS. 33E-33H added, 1967, 564 § 5 (relative to electronic voting).

SECT. 33E, second paragraph, three sentences added at end, 1970, 61.

SECT. 33F, second paragraph stricken out, 1969, 551 § 1.

SECT. 33H, paragraph inserted after first paragraph, 1968, 27; third paragraph, third sentence revised, 1969, 551 § 2.

SECT. 34 revised, 1936, 205 § 1; first sentence revised, 1967, 410; second paragraph stricken out, 1938, 281 § 2; section amended, 1945, 84; sentence inserted after first sentence, 1962, 437 § 36; last sentence amended, 1962, 376; section revised, 1967, 564 § 6; first paragraph, last sentence revised, 1969, 57 § 1; third paragraph revised, 1969, 57 § 2.

SECT. 35 revised, 1943, 310 § 5; amended, 1971, 65; 1973, 150.

SECTS. 35A and 35B added, 1938, 281 § 3 (relative to voting by challenged voters at polling places where voting machines are used and to the counting of votes where such machines are used).

SECT. 35A, sentence added, 1941, 511 § 5; section amended, 1945, 62; first sentence revised, 1963, 374 § 1; 1966, 123 § 2; second sentence revised, 1969, 58 § 1; fourth sentence revised, 1969, 58 § 2.

SECT. 35B, second sentence of second paragraph revised, 1941, 511 § 6; second paragraph revised, 1943, 310 § 6; sentence inserted after fifth sentence, 1963, 184 § 2; eighth sentence (as appearing in 1943, 310 § 6) amended, 1963, 374 § 2; revised, 1966, 123 § 3; third paragraph amended, 1941, 511 § 7.

SECT. 37 revised, 1967, 564 § 7.

SECT. 38 revised, 1936, 205 § 2.

SECT. 40, sentence inserted after first sentence, 1967, 564 § 8.

SECT. 41, first paragraph revised, 1962, 437 § 37; second paragraph amended, 1965, 584 § 3; first sentence revised, 1970, 869 § 2; third paragraph amended, 1933, 35 § 2; 1938, 190, 436 § 2; 1946, 78; 1955, 256; 1970, 869 § 3; 1974, 380 § 2; last paragraph stricken out and three paragraphs inserted, 1943, 411 § 11; sentence added, 1952, 128; revised, 1953, 1; 1954, 127.

SECT. 41A added, 1970, 869 § 4 (relative to the election of governor and lieutenant governor as a team); revised, 1972, 400 § 4.

SECT. 42 amended, 1932, 135 § 5; first paragraph amended, 1935, 238 § 2; same paragraph revised and paragraph inserted, 1941, 292; first two paragraphs revised, 1948, 272; first paragraph revised, 1970, 869 § 5; 1972, 400 § 5; second paragraph amended, 1953, 212, 432; 1964, 55 § 2; 1965, 584 § 4; 1974, 380 § 3; last paragraph amended, 1943, 411 § 12; first sentence revised, 1970, 869 § 6; amended, 1972, 97; last sentence revised, 1962, 437 § 38; sentence added, 1970, 424 § 1.

SECT. 42A added, 1947, 138 § 1 (relative to questions appearing upon ballots at state and municipal elections).

SECT. 42A added, 1974, 820 (relative to questions of public policy on official election ballots); stricken out and section 42B added, 1975, 182.

SECT. 43 revised, 1932, 135 § 1.

SECT. 43A added, 1957, 126 § 1 (placing the office of United States senator ahead of state constitutional officers on ballots, ballot labels and voting machines at state elections and primaries); first paragraph revised, 1959, 298; 1962, 358; 1970, 869 § 7; amended, 1972, 400 § 6; third paragraph revised, 1970, 869 § 8; amended, 1972, 400 § 7.

SECT. 44 amended, 1943, 411 § 13; third and fourth sentences stricken out and sentence inserted, 1957, 126 § 2.

SECT. 45, first sentence revised, 1943, 281 § 1; paragraph added, 1943, 281 § 2; revised, 1967, 564 § 9.

SECT. 48 amended, 1943, 290; sentence inserted after third sentence, 1967, 564 § 10.

SECT. 49 amended, 1943, 411 § 14; sentence added, 1962, 437 § 39.

SECT. 53 amended, 1945, 64; first sentence revised, 1962, 437 § 40; second sentence revised, 1969, 575; paragraph added, 1973, 1014.

SECT. 58A added, 1956, 180 (relative to the form of question to be used in placing provisions of the general laws on the ballot for acceptance by the voters of cities and towns); paragraph added 1959, 43; 1964, 256.

SECT. 60, last sentence amended, 1938, 281 § 6.

SECT. 62 amended, 1935, 257 § 5. (See 1935, 257 § 12.)

SECT. 64, second paragraph amended, 1967, 247 § 1; third paragraph revised, 1949, 109 § 2; 1972, 395 § 1; fourth paragraph amended, 1967, 386; last paragraph amended, 1934, 39 § 5; last paragraph stricken out and two paragraphs inserted, 1967, 247 § 2; last paragraph amended, 1969, 203; stricken out, 1972, 395 § 2.

SECT. 65 revised, 1933, 289 § 1; amended, 1943, 411 § 15; second sentence stricken out and two sentences inserted, 1952, 129; same sentence stricken out and one sentence inserted, 1955, 266; paragraph inserted after first paragraph, 1951, 257; paragraph added, 1946, 537 § 7; section revised, 1957, 54; sentence inserted after first sentence, 1970, 62. (See 1946, 537 § 12.)

SECT. 66 revised, 1961, 147; third sentence revised, 1962, 437 § 41; fourth paragraph amended, 1967, 104.

SECT. 67 revised, 1964, 72 § 2.

SECT. 68, paragraph added, 1946, 537 § 8. (See 1946, 537 § 12.)

SECT. 69 amended, 1947, 255 § 2.

SECT. 70 revised, 1943, 411 § 16; amended, 1947, 255 § 3.

SECT. 71. See 1937, 275.

SECT. 71A added, 1943, 411 § 17 (requiring the election officers in cities and in certain towns be supervised by the city or town clerk); amended, 1961, 288.

SECT. 73, paragraph added, 1946, 537 § 9. (See 1946, 537 § 12.)

SECT. 75 amended, 1943, 411 § 18.

SECT. 76 revised, 1943, 411 § 19; second sentence revised, 1964, 72 § 3; sentence inserted after second sentence, 1966, 436.

SECT. 76A added, 1943, 411 § 20 (requiring a person applying to vote to write his name upon request of any election officer); amended, 1965, 283 § 1; repealed, 1975, 95.

SECT. 77 revised, 1967, 564 § 11; 1970, 869 § 10.

SECT. 77A added, 1970, 869 § 9 (relative to the election of governor and lieutenant governor); repealed, 1972, 400 § 8.

SECT. 78 revised, 1932, 135 § 2; amended, 1967, 564 § 12; sentence added, 1970, 424 § 2; sentence added, 1972, 400 § 9.

SECT. 78A added, 1970, 424 § 3 (relative to the candidates for presidential electors and the office of president and vice president).

SECT. 79 amended, 1943, 411 § 21; 1965, 283 § 2; revised, 1972, 52 § 1.

SECT. 80 revised, 1958, 194; sentence added, 1966, 134.

SECT. 83, first sentence revised, 1964, 72 § 4; fourth sentence stricken out, 1964, 72 § 5.

SECT. 85, paragraph inserted after first paragraph, 1962, 437 § 42.

SECT. 85A added, 1937, 275 § 1 (relative to the challenging of voters at polling places at certain elections, primaries and caucuses). (See 1937, 275 § 2.)

SECT. 86 revised, 1945, 466 § 1; amended, 1950, 21; 1951, 153 § 1; revised, 1954, 101; 1959, 178 § 1; 1961, 213 § 1; amended, 1968, 632 § 1; 1971, 409 § 1, 920 § 9; revised, 1975, 260 § 1; 719. (See 1971, 920 § 11.)

SECT. 87, subsection (*a*) revised, 1945, 52; subsection (*b*) revised, 1936, 404 § 1; amended, 1961, 212; 1945, 466 § 2; 1951, 153 § 2; 1959, 178 § 2; 1961, 213 § 2; paragraph added, 1948, 477 § 1; subsection (*b*) revised, 1966, 368 § 1; amended, 1969, 545 §§ 1, 2; 1971, 409 § 2; 1972, 218 § 1; 1975, 87; subsection (*c*) revised, 1936, 404 § 2; amended, 1937, 162 § 2; 1941, 279 § 2; 1944, 1 § 9; 1945, 231 §§ 1, 2, 466 § 3; 1960, 685 § 1; 1962, 267 § 1; 1961, 209; 1962, 267 § 2; revised, 1966, 368 § 1; 1967, 134 § 1; amended, 1969, 545 § 3; revised, 1973, 106; amended, 1975, 260 § 2; subsection (*d*) revised, 1941, 333; subsection (*e*) revised, 1946, 140 § 13; subsection (*f*) added, 1965, 592; amended, 1969, 545 § 4; 1971, 409 § 3; revised, 1972, 218 § 2.

SECT. 89 revised, 1936, 404 § 3; second sentence amended, 1965, 329 § 1; 1966, 368 § 2; sentence inserted after second sentence, 1960, 16; 1963, 111; third sentence revised, 1974, 197; sentence added, 1963, 374 § 3; revised, 1969, 60.

SECT. 90 repealed, 1946, 140 § 14.

SECT. 91, first sentence amended, 1965, 329 § 2; sentence inserted after first sentence, 1971, 409 § 4; second sentence revised, 1963, 374 § 4; last sentence revised, 1963, 374 § 5; two sentences added, 1966, 123 § 4.

SECT. 92 revised, 1936, 404 § 4; amended, 1937, 162 § 1; 1941, 279 § 1; revised, 1945, 466 § 4; second sentence revised, 1960, 685 § 2; first paragraph revised, 1961, 242 § 1; last paragraph revised, 1961, 133; section revised, 1966, 368 § 3; amended, 1967, 134 § 2; second paragraph amended, 1967, 106; 1974, 157.

SECT. 93 revised, 1936, 404 § 5; amended, 1941, 722 § 8.

SECT. 94 amended, 1952, 39 § 1; revised, 1954, 102; 1956, 67; 1963, 374 § 6; 1966, 123 § 5.

SECT. 95 revised, 1936, 404 § 6; amended, 1945, 466 § 5; first sentence amended, 1952, 39 § 2; revised, 1959, 70; section revised, 1960, 685 § 3; 1963, 374 § 7; third sentence amended, 1963, 624 § 2; section revised, 1966, 123 § 6; 1975, 267.

SECT. 96 amended, 1936, 404 § 7; 1963, 374 § 8; 1966, 123 § 7; 1972, 218 § 3.

SECT. 98 amended, 1945, 466 § 6; revised, 1961, 242 § 2; amended, 1965, 283 § 3; revised, 1972, 52 § 2.

SECT. 100 revised, 1936, 404 § 8; 1963, 374 § 9; 1966, 123 § 8.

SECT. 103A added, 1933, 313 § 1 (providing for absent voting at regular city elections); affected, 1936, 404 § 9; revised, 1937, 77 § 1; first paragraph amended, 1939, 152; revised, 1948, 477 § 2; 1968, 632 § 2; 1971, 920 § 10; amended, 1972, 42; 1975, 157; paragraph added, 1946, 118; stricken out, 1969, 39. (See 1971, 920 § 11.)

SECTS. 103B-103Q added, under caption ABSENT VOTING FOR FEDERAL SERVICE PERSONNEL, 1962, 511 § 1. (See 1962, 511 § 5.)

SECT. 103B, definition of "Federal service personnel" revised, 1971, 783.

SECT. 103E, third paragraph revised, 1974, 800 § 1.

SECT. 103I repealed, 1967, 115 § 1.

SECT. 103J, first paragraph amended, 1967, 378; 1972, 587 § 2; fifth paragraph amended, 1967, 115 § 2; section revised, 1974, 800 § 2.

SECT. 103L revised, 1969, 204 § 1.

SECT. 103M amended, 1963, 374 § 10; revised, 1966, 123 § 9; 1969, 204 § 2.

SECT. 103N revised, 1969, 204 § 3; amended, 1973, 925 § 6. (See 1973, 925 § 84.)

SECT. 103O, paragraph (*c*) amended, 1972, 587 § 3; paragraphs (*a*)-(*e*) revised, 1974, 800 § 3; paragraph (*f*) revised, 1969, 205 § 5.

SECT. 104 amended, 1934, 39 § 6.

SECT. 105, first paragraph amended, 1952, 39 § 3; 1959, 113; revised, 1959, 155 § 1; first sentence stricken out and two sentences inserted, 1967, 564 § 13; second and third sentences revised, 1962, 437 § 43; third sentence amended, 1965, 242; fifth sentence stricken out, 1961, 304; seventh sentence revised, 1963, 374 § 11; stricken out, 1966, 123 § 10; second paragraph revised, 1947, 95; 1962, 437 § 44; 1963, 374 § 12; 1966, 123 § 11; paragraph inserted after second paragraph, 1964, 719 § 1; fourth paragraph amended, 1938, 341 § 7; stricken out, 1960, 434 § 1.

SECT. 105A added, 1967, 564 § 14 (relative to counting of ballots of voting machines).

SECT. 107 revised, 1943, 411 § 22; amended, 1946, 93; third sentence revised, 1962, 437 § 45; amended, 1965, 412 § 1; fifth sentence amended, 1965, 412 § 2; sentence added, 1967, 564 § 15.

SECT. 108 revised, 1963, 374 § 13; 1966, 123 § 12.

SECT. 109 amended, 1943, 411 § 23; 1962, 343.

SECT. 110A added, 1964, 719 § 2 (relative to central tabulation facilities for state elections and the returns transmitted thereto).

SECT. 112 amended, 1935, 257 § 6; 1939, 31 § 3; first sentence revised, 1946, 130 § 2. (See 1935, 237 § 12.)

SECT. 115, second sentence revised, 1952, 207.

SECT. 116, first sentence revised, 1946, 130 § 3.

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECTS. 124-128 repealed, 1946, 130 § 4.

SECT. 132 amended, 1932, 33; first sentence stricken out and three sentences inserted, 1963, 374 § 14; first sentence revised, 1966, 123 § 13; sentence added, 1962, 437 § 46.

SECT. 133 amended, 1937, 21 § 2.

SECT. 134 amended, 1943, 411 § 24.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1; 1938, 250 § 1; 1941, 236; third paragraph revised, 1937, 303; amended, 1941, 350; last paragraph revised, 1938, 250 § 2; paragraph inserted after first paragraph, 1938, 281 § 4; section revised, 1943, 417; paragraph inserted after first paragraph, 1945, 149; first paragraph stricken out and three paragraphs inserted, 1945, 315; first paragraph revised, 1961, 263; 1962, 264; first sentence revised, 1971, 178; sentence added, 1971, 208; second paragraph amended, 1957, 45; revised, 1963, 234; amended, 1966, 123 § 14; revised, 1967, 321; amended, 1973, 722; third paragraph amended, 1963, 627 § 1; third paragraph (as appearing in 1943, 417) revised, 1947, 353 § 1; amended, 1974, 62; fourth paragraph (as so appearing) amended, 1963, 627 § 2; fifth paragraph (as so appearing) amended, 1959, 155 § 2; revised, 1966, 123 § 15; seventh paragraph (as so appearing) revised, 1947, 353 § 2. (See 1933, 254 § 66.)

§ 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting

SECT. 135A added, 1938, 281 § 5 (relative to the recounting of votes where voting machines are used); amended, 1943, 411 § 25; sentence inserted after first sentence 1945, 142; sentence inserted after first sentence, 1949, 188; third sentence revised, 1969, 79; sentence added, 1975, 600 § 21.

SECT. 135B added, 1967, 564 § 16 (relative to recounting of voting machine votes).

SECT. 137 amended, 1935, 55.

SECT. 138, last paragraph amended, 1937, 23 § 1.

SECT. 139 amended, 1973, 268.

SECT. 140 amended, 1973, 268.

SECT. 141 amended, 1939, 508 § 16; first paragraph stricken out, 1946, 130 § 5; second paragraph amended, 1945, 38 § 7; 1946, 20 § 1.

SECT. 144 revised, 1935, 257 § 8; first paragraph amended, 1939, 31 § 4. (See 1935, 257 § 12.)

SECT. 146 amended, 1935, 257 § 9. (See 1935, 257 § 12.)

SECT. 148 amended, 1937, 23 § 2.

SECT. 151 amended, 1932, 135 § 3.
SECT. 158 amended, 1935, 257 § 10; first paragraph revised, 1939, 31 § 5. (See 1935, 257 § 12.)
SECT. 161 (except last paragraph) amended, 1934, 265; second paragraph amended, 1967, 877 § 2; paragraph added, 1946, 594; section repealed, 1972, 735 § 10. (See 1939, 467; 1967, 877 § 8.)

Chapter 54A. — Election of City and Town Officers by Proportional Representation and Preferential Voting.

New chapter inserted, 1937, 345.

Chapter inserted by 1937, 345 stricken out and new chapter inserted, 1938, 341 § 1.

The following references are to Chapter 54A, as so inserted:
SECT. 1 amended, 1041, 345.
SECT. 2, paragraph added, 1938, 378 § 17; section revised, 1941, 640 § 6. (See 1941, 640 § 7.)
SECT. 8 revised, 1960, 166.
SECT. 9, paragraph (*t*) added, 1950, 28.

Chapter repealed, 1972, 596 § 2.

Chapter 55. — Disclosure of Campaign Expenditures and Contributions and Election Inquests (former title, Corrupt Practice and Election Inquests).

Chapter stricken out and new chapter 55 inserted, 1975, 151, under new title Disclosure and Regulation of Campaign Expenditures and Contributions.

For prior changes see Table of Changes contained in Acts and Resolves of 1974.

The following references are to Chapter 55, as so inserted:
SECT. 6 revised, 1975, 774 § 2. (See 1975, 774 § 5.)
SECT. 9, first paragraph revised, 1975, 373.
SECT. 22 revised, 1975, 491.

Chapter 55A. — Limited Public Financing of Campaigns for Statewide Elective Office.

New chapter inserted, 1975, 774 § 3. (See 1975, 774 § 5.)

Chapter 56. — Violations of Election Laws.

Chapter stricken out and new chapter 56 inserted, 1946, 537 § 11. (See 1946, 537 § 12.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 56, as so inserted:

SECT. 2 revised, 1974, 188.

SECT. 4, first sentence revised, 1974, 132 § 2.

SECT. 5 revised, 1974, 132 § 3.

SECT. 11A added, 1971, 301 (imposing a penalty for altering the district designation of a nomination paper).

SECT. 20 repealed, 1965, 530 § 2.

SECT. 27A added, 1964, 266 (providing a penalty for the unlawful distribution of absent voter ballots).

SECT. 39 amended, 1973, 1226.

SECT. 41, first paragraph revised, 1950, 88.

SECT. 41A added, 1950, 91 (relative to the unauthorized use of persons' names in political advertising); revised, 1964, 147 § 1.

SECT. 42 revised, 1964, 147 § 2.

SECT. 43A added, 1951, 104 (regulating use of the word "Veteran" by candidates for public office).

SECT. 44A added, 1949, 238 (prohibiting the distribution of certain lists of candidates for state office unless the name of the person responsible therefor appears thereon).

Chapter 57. — Congressional, Councillor and Senatorial Districts, and Apportionment of Representatives.

SECT. 1 revised, 1941, 556; 1962, 315 § 1; 1967, 472 § 1; amended, 1967, 816 § 1; revised, 1971, 1074 § 1. (See 1967, 816 § 2.)

SECT. 2 revised, 1939, 507 § 1; 1948, 250 § 1; 1960, 432 § 1; amended, 1965, 127 § 1; revised, 1970, 498 § 1; amended, 1971, 42 § 1; 1972, 3 § 1; 1973, 14 § 1, 16 § 1; revised, 1973, 663 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3.)

SECT. 3 revised, 1939, 507 § 2; 1948, 250 § 2; 1960, 432 § 2; amended, 1965, 127 § 2; revised, 1970, 498 § 2; amended, 1971, 42 § 2; 1972, 3 § 2; 1973, 14 § 2; 16 § 2; revised, 1973, 663 § 1. (See 1948, 250 §§ 3, 4; 1960, 432 §§ 3, 4; 1973, 663 § 3;

SECT. 4 revised, 1939, 467 § 1; 1947, 182 § 1; 1963, 666 § 1; 1967, 877 § 3; 1973, 326 § 1. (See 1939, 467 §§ 2, 3, 4; 1947, 182 §§ 2, 3, 4; 1963, 666 §§ 2, 3, 4; 1967, 877 § 8; 1973, 326 § 4.)

SECT. 5. See 1939, 467; revised, 1967, 877 § 4; section repealed, 1973, 326 § 2. (See 1967, 877 § 8; 1973, 326 § 4.)

Chapter 58. — General Provisions relative to Taxation.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1932, 309; 1933, 369; 1934, 386; 1935, 498; 1936, 440; 1937, 444; 1938, 503; 1939, 516; 1941, 731; 1943, 568; 1945, 325, 712; 1946, 615.

SECT. 1, first sentence revised, 1943, 428 § 2; amended, 1975, 684 § 30; two sentences inserted after the second sentence, 1971, 895 § 1; fifth sentence amended, 1932, 180 § 9; revised, 1937, 108 § 2. (See 1975, 684 § 97.)

SECT. 2 amended, 1933, 254 § 18; paragraph added, 1941, 726 § 2; revised, 1953, 654 § 5; section revised, 1958, 490 § 1; first paragraph, sentence added, 1975, 102; second paragraph revised, 1965, 696 § 1; 1969, 537 § 1; amended, 1975, 684 § 31. (See 1933, 254 § 66; 1958, 490 § 3; 1965, 696 § 2; 1969, 537 § 2; 1975, 684 § 97.)

SECT. 3 amended, 1933, 254 § 19; first paragraph amended, 1971, 926; first sentence revised, 1975, 684 § 32; paragraph added, 1963, 660 § 5; 1974, 740. (See 1933, 254 § 66; 1963, 660 § 9; 1975, 684 § 97.)

SECTS. 7A-7E added, under caption, 1955, 649 (relative to assessment systems in cities and towns).

SECT. 7A, first sentence revised, 1961, 165.

SECT. 8 revised, 1935, 322 § 1; 1945, 351 § 2; amended, 1953, 654 § 6.

SECT. 8A added, 1951, 500 (relative to reimbursement of municipalities for loss of taxes through abatements to paraplegic veterans); revised, 1957, 687.

SECT. 8B added, 1974, 487 § 1 (imposing a time limitation for filing certain reimbursement claims by cities and towns).

SECT. 9 revised, 1939, 346; 1941, 112; amended, 1953, 654 § 7.

SECT. 10 amended, 1934, 323 § 9; 1951, 641 § 3; revised, 1953, 654 § 8; 1963, 660 § 6. (See 1934, 323 § 11; 1951, 641 §§ 18, 19; 1963, 660 § 9.)

SECTS. 9 and 10 stricken out and sections 9, 10, 10A, 10B and 10C inserted, 1966, 14 § 43.

SECT. 10, sentence added at end, 1968, 256 § 1. (See 1968, 256 § 2.)

SECT. 10C, second sentence stricken out and two sentences inserted, 1974, 492 § 5. (See 1974, 592 § 24.)

SECT. 11 amended, 1939, 451 § 14; repealed, 1941, 609 § 1.

SECT. 12 amended, 1941, 490 § 13; repealed, 1941, 609 § 1.

SECT. 13 amended, 1933, 254 § 20; 1945, 564; 1953, 654 § 9; revised, 1955, 467; first sentence revised, 1956, 701 § 1; amended, 1960, 593 § 1; 1969, 834 § 2; 838 § 9; section revised, 1971, 984 § 1; 1974, 492 § 6; first paragraph, first sentence amended, 1975, 706 § 108; third paragraph, fourth sentence amended, 1975, 706 § 109. (See 1933, 254 § 66; 1956, 701 § 2; 1960, 593 § 2; 1969, 838 § 74; 1974, 492 § 24; 1975, 706 § 312.)

SECT. 14 amended, 1939, 451 § 15; 1953, 654 § 10; revised, 1974, 492 § 6. (See 1974, 492 § 24.)

SECT. 15 amended, 1933, 254 § 21; revised, 1941, 490 § 14; amended, 1953, 654 § 11; 1975, 706 § 110. (See 1933, 254 § 66; 1975, 706 § 312.)

SECT. 15A added, 1956, 701 § 1A (providing that certain land exempt from local taxation at the time of its acquisition by the commonwealth shall not be included in any determination of valuation for purposes of reimbursement); revised, 1963, 584 § 3; amended, 1975, 706 § 111. (See 1956, 701 § 2; 1975, 706 § 312.)

SECT. 17A amended, 1939, 451 § 26; 1953, 654 § 12.

SECT. 17B added, 1945, 592 § 1 (relative to payments by the commonwealth to certain towns in reimbursement for loss of taxes by reason of property taken for flood control); amended, 1953, 654 § 13; revised, 1959, 412 § 1; 1961, 468 § 1. (See 1945, 592 § 2; 1959, 412 § 2; 1961, 468 § 2.)

SECT. 18 revised, 1933, 350 § 7; amended, 1936, 405 § 1; 1939, 451 § 16; 1945, 624 § 1; revised, 1945, 735 § 4; amended, 1955, 780 § 9; amended, 1953, 654 § 14; amended, 1951, 641 § 4; amended, 1947, 679 § 3; affected, 1933, 357 § 4; 1935, 438 § 2; revised, 1956, 599 § 1; 1961, 420 § 1; second sentence amended, 1963, 660 § 7; section revised, 1966, 14 § 29; subsection (*a*) amended, 1966, 14 § 70; 1967, 796 § 1; subsection (*b*) revised, 1966, 698 § 86; subsection (*c*) revised, 1967, 757 § 5; section repealed, 1969, 546 § 6. (See 1933, 307 § 11, 350 § 9; 1936, 362 § 4; 1951, 641 §§ 18, 19; 1955, 780 § 10; 1956, 599 § 5; 1961, 420 § 3; 1963, 660 § 9; 1967, 757 § 10; 1969, 546 § 34.)

SECT. 18A added, 1966, 14 § 30 (providing the methods of distribution to the cities and towns from the Local Aid Fund); subsection (*a*) amended, 1967, 796 § 2; paragraph (3), first sentence revised, 1967, 796 § 3; subsection (*c*) stricken out, 1967, 796 § 4; paragraph added, 1968, 566 § 1; section revised, 1969, 546 § 7; subsection (*a*), last sentence amended, 1970, 601 § 2; subsection (*b*), paragraph (1) amended, 1969, 849 § 64; revised, 1974, 492 § 8; paragraph (2) amended, 1969, 849 § 65; paragraph (3) revised, 1971, 1005 § 3; 1972, 766 § 5; section revised, 1974, 492 § 7; first sentence and subsection (*a*) revised, 1975, 684 § 33. (See 1968, 566 § 3; 1969, 546 §§ 16, 34; 1969, 849 § 79; 1970, 601 § 11; 1972, 766 § 23; 1974, 492 § 24; 1975, 684 § 97.)

SECT. 18B added, 1971, 497 § 13 (relating to the distribution of a portion of the Highway Fund to the cities and towns); first paragraph amended, 1974, 492 § 9. (See 1971, 497 § 15; 1974, 492 § 24.)

SECT. 18C added, 1971, 813 § 3 (regulating the manner of distribution of the amounts credited in the Local Aid Fund to the cities and towns); paragraph (*a*) revised, 1974, 492 § 10. (See 1974, 492 § 24.)

SECT. 20 revised, 1936, 362 § 3; amended, 1937, 108 § 1; 1953, 654 § 15; introductory paragraph amended, 1941, 656 § 1; 1945, 624 § 2; section revised, 1961, 420 § 2; first paragraph revised, 1963, 714 § 6; second paragraph amended, 1963, 660 § 8; section repealed, 1966, 14 § 31. (See 1936, 362 §§ 4, 8; 1937, 108 § 3; 1961, 420 § 3; 1963, 660 § 9, 714 § 10.)

SECT. 20A added, 1936, 376 § 2 (relative to the set-off of money due to the commonwealth from a city or town against sums due to the city or town from the commonwealth); revised, 1966, 14 § 34.

SECT. 21 amended, 1933, 254 § 22; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECTS. 22 and 23 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 24 amended, 1933, 254 § 23; repealed, 1951, 641 § 2. (See 1933, 254 § 66; 1951, 641 §§ 18, 19.)

SECT. 24A revised, 1934, 323 § 2; first sentence amended, 1945, 624 § 3; section repealed, 1951, 641 § 2. (See 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 25 revised, 1934, 323 § 3; amended, 1939, 451 § 17; first sentence revised, 1941, 729 § 11; section revised, 1945, 624 § 4, 687; amended, 1951, 641 § 5; 1953, 654 § 16; revised, 1966, 14 § 35. (See 1934, 323 § 11; 1941, 729 § 15; 1951, 641 §§ 18, 19.)

SECT. 25A revised, 1934, 323 § 4; first sentence revised, 1945, 624 § 5; amended, 1951, 641 § 6; 1953, 654 § 17; revised, 1966, 14 § 36; sentence inserted after first sentence, 1968, 566 § 2; section revised, 1969, 546 § 8; 849 § 66; amended, 1971, 813 § 4; revised, 1973, 52 § 4. (See 1934, 323 § 11; 1951, 641 §§ 18, 19; 1968, 566 § 3; 1969, 546 § 34; 849 § 79.)

SECT. 25B added, 1964, 563 § 2 (providing that the state tax commission certify to the state treasurer for payment to the Massachusetts Bay Transportation Authority certain portions of the proceeds of the cigarette excise); amended, 1971, 1075 § 1; 1973, 1141 §§ 3, 4.

SECT. 26 amended, 1933, 254 § 24; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 26A added, under caption, 1945, 523 § 1 (relative to abatement of uncollectible taxes); amended, 1953, 654 § 18.

SECT. 26B added, 1964, 491 (relating to the assessment, collection and refund of small amounts); first paragraph amended, 1975, 684 § 34; second paragraph revised, 1973, 873; amended, 1975, 684 § 35. (See 1975, 684 § 97.)

SECT. 27, first sentence revised, 1943, 521 § 1; section amended, 1951, 641 § 7; 1953, 654 § 19; first sentence revised, 1959, 525; first three sentences stricken out and three sentences inserted, 1964, 468 § 1; third sentence revised, 1969, 556 § 1; sixth sentence stricken out, 1966, 14 § 37; section repealed, 1970, 601 § 1. (See 1951, 641 §§ 18, 19; 1964, 468 § 2; 1970, 601 § 11.)

SECTS. 28A and 28B added, under caption, 1947, 483 § 1 (provisions for aiding in the collection of federal and state personal income taxes).

SECT. 28C added, 1964, 500 (providing for the reciprocal enforcement of tax liabilities between the commonwealth and other states).

SECT. 29, first sentence revised, 1953, 654 § 20; paragraph (1) amended, 1956, 129; paragraph (4) stricken out, 1945, 161 § 1.

SECT. 30 revised, 1945, 624 § 6; amended, 1951, 641 § 8. (See 1951, 641 §§ 18, 19.)

SECT. 31 added, under caption, 1937, 135 § 1 (relative to forms of application for abatement of taxes and certain other forms and the approval thereof by the commissioner of corporations and taxation); amended, 1953, 654 § 21; 1975, 684 § 36. (See 1975, 684 § 97.)

SECT. 31A added, 1969, 531 § 1 (revising penalty on late returns and interest on late payments); paragraph added, 1970, 560 § 1. (See 1969, 531 § 2; 1970, 560 § 2.)

SECT. 31B added, 1973, 708 § 1 (providing for uniform rates of interest on certain tax refunds). (See 1973, 708 § 10.)

SECT. 32 added, 1953, 654 § 22 (relative to the summons, attendance and testimony of witnesses before the commissioner).

SECT. 33 added, 1967, 577 § 1 (establishing a lien on property for unpaid taxes); amended, 1969, 559 § 1; 1971, 768 § 1. (See 1969, 559 § 2; 1971, 768 § 2.)

SECT. 34 added, 1968, 154 § 1 (providing penalty for paying tax liability with bad check); first sentence revised, 1975, 462 § 1. (See 1968, 154 § 2; 1975, 462 § 2.)

SECT. 35 added, 1969, 530 (providing for immediate assessments of state taxes in certain cases).

SECTS. 36-47 added, 1969, 620 (providing additional remedies for the collection of state taxes).

SECT. 37, subsection (*b*), paragraph (1) amended, 1970, 566 § 1.

SECT. 39, subsection (*b*), last sentence revised, 1970, 566 § 2; subsection (*e*), paragraph (3) revised, 1970, 566 § 3.

SECT. 41, subsection (*b*), paragraph (2) amended, 1970, 566 § 4.

SECT. 43, subsection (*b*) amended, 1970, 566 § 5.

SECT. 46 amended, 1970, 566 § 6.

SECTS. 48-49 added, 1973, 922 § 1 (relative to the disclosure of the contents of tax returns and the joint audit thereof).

SECT. 50 added, 1974, 747 § 1 (authorizing the commissioner of corporations and taxation to designate depositories for the collection of state taxes). (See 1974, 747 § 2.)

SECT. 51 added, 1975, 438 (relative to the timely mailing of certain tax payments).

Chapter 58A. — Appellate Tax Board (former title, Board of Tax Appeals).

Title changed, 1937, 400 § 2.

SECT. 1 revised, 1937, 400 § 3; first paragraph amended, 1948, 583; revised, 1950, 784; amended, 1953, 654 § 23; 1955, 730 § 41; fourth sentence revised, 1957, 732; 1963, 801 § 74; 1969, 766 § 44; amended, 1971, 116 § 42; 1972, 300 § 40; 1973, 426 § 43; 1193 § 2; 1974, 422 § 48. (See 1937, 400 §§ 1, 2, 4, 5, 7; 1955, 730 § 43; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50.)

SECT. 5 revised, 1941, 381, 596 § 24.

SECT. 6 amended, 1932, 180 § 10; revised, 1933, 167 § 4; amended, 1934, 323 § 10; revised, 1938, 478 § 4; first sentence revised, 1941, 609 § 2; amended, 1941, 726 § 1; revised, 1945, 367 § 3; section revised, 1945, 621 § 1; first sentence revised, 1947, 632 § 2; amended, 1951, 641 § 9; 1957, 617 § 12A; section amended, 1953, 654 § 24; first sentence amended, 1975, 684 § 37; last two sentences stricken out and six sentences inserted, 1958, 523 § 1; last sentence stricken out and two sentences inserted, 1969, 556 § 2. (See 1933, 167 § 5; 1934, 323 § 11; 1937, 400 § 1; 1947, 632 § 3; 1951, 641 §§ 18, 19; 1957, 617 § 13; 1958, 523 § 4; 1975, 684 § 97.)

SECT. 7 revised, 1933, 321 § 2; amended, 1939, 451 § 18; 1945, 621 § 2; 1952, 502; 1953, 654 § 25; 1972, 684 § 2. (See 1933, 321 § 9; 1972, 684 § 136.)

SECT. 7A added, 1933, 321 § 3 (providing for the establishment of informal procedure before the appellate tax board); revised, 1935, 447; third sentence revised, 1938, 384; 1943, 282; section revised, 1945, 621 § 3; amended, 1972, 684 § 3. (See 1933, 321 §§ 8, 9; 1972, 684 § 136.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 8A added, 1935, 276 § 1 (providing for adequate discovery in tax appeal cases).

SECT. 9 amended, 1953, 654 § 26; revised, 1971, 871.

SECT. 10 revised, 1933, 321 § 5. (See 1933, 321 § 9.)

SECT. 12 amended, 1933, 321 § 6. (See 1933, 321 § 9.)

SECT. 12A added, 1943, 430 (relative to taxation of costs by the appellate tax board in certain appeals as to the assessed value where it exceeds the value as recently determined by said board).

SECT. 12B added, 1950, 262 (relative to the admissibility of evidence of assessed valuations at hearings before the appellate tax board).

SECT. 13 revised, 1933, 321 § 7; first sentence revised, 1956, 630; 1957, 522; sentence inserted after third sentence, 1969, 692; fifth sentence stricken

out, 1954, 681 § 5; sentence inserted after fourth sentence, 1968, 120 § 2; sixth sentence amended, 1953, 654 § 27; 1954, 681 § 5; revised, 1968, 120 § 3; sentence inserted after sixth sentence, 1954, 681 § 5; stricken out, 1968, 120 § 4; eighth sentence amended, 1953, 654 § 27; fifteenth sentence revised, 1933, 350 § 8; amended, 1935, 218 § 1; 1939, 366 § 1; 1953, 654 § 27; revised, 1965, 597 § 3A; section revised, 1973, 1114 § 5. (See 1933, 321 § 9; 350 § 9; 1954, 681 §§ 20, 22; 1965, 597 § 4; 1968, 120 § 5; 1973, 1114 § 351.)

Chapter 59. — Assessment of Local Taxes.

For temporary legislation exempting persons in the military and naval service of the United States from the payment of poll taxes, see 1943, 406; 1947, 637.

For temporary legislation exempting from taxation certain real property of residents of the commonwealth serving in the armed forces of the United States, and their spouses, see 1943, 412; 1945, 627 § 2; repealed, 1954, 627 § 58.

For temporary legislation extending the time during which soldiers and sailors and their wives, widows or parents may apply for abatement or exemption from certain real estate taxes, see 1950, 165; 1951, 301; 1955, 148; 1956, 287; 1957, 41; 1958, 37; 1959, 88; 1960, 35; 1961, 9; 1962, 7; 1963, 7; 1964, 39.

For temporary legislation extending the time during which widows, orphans, soldiers and sailors and their wives, their widows, their fathers or mothers, certain elderly persons and blind persons may apply for abatement or exemption from certain real estate taxes, see 1968, 378.

SECT. 1 amended, 1936, 202 § 1; revised, 1938, 186 § 3; repealed, 1963, 160 § 7. (See 1936, 202 § 2; 1938, 186 § 5.)

SECT. 2 revised, 1954, 459 § 1.

SECT. 3A revised, 1951, 667 § 1; 1974, 383 § 1; amended, 1975, 513 § 2. (See 1974, 383 § 3; 1975, 513 § 4.)

SECT. 3B added, 1946, 393 (to abolish certain implied exemptions from local taxation); first sentence revised, 1974, 155 § 1. (See 1974, 155 § 2.)

SECT. 3C added, 1952, 614 § 1 (relative to local taxation of certain pipe lines). (See 1952, 614 § 3.)

SECT. 3D added, 1956, 690 § 1 (providing for the assessment and taxation of certain land owned by the United States and leased to private interests); first sentence revised, 1958, 549 § 1; section repealed, 1974, 383 § 2. (See 1974, 383 § 3.)

SECT. 3E added, 1975, 513 § 3 (relative to the local taxation of certain real estate on government-owned property). (See 1975, 513 § 4.)

SECT. 5, first sentence amended, 1963, 160 § 8; 1970, 270 § 1; revised, 1974, 831 § 1; amended, 1975, 734 § 1; (see 1970, 270 § 3; 1974, 831 § 6; 1975, 734 § 3); clause First revised, 1936, 81; 1938, 47; 1956, 690 § 3; clause Second revised, 1951, 667 § 2; 1975, 706 § 112 (see 1975, 706 § 312); clause Third, subsection (*a*) revised, 1969, 129; subsection (*c*) amended, 1933, 198 § 1 (see 1933, 198 § 2); clause Third revised, 1957, 500 § 1 (see 1957, 500 § 2); subsection (*b*) revised, 1970, 219 § 1; subsection (*d*) amended, 1974, 811 § 1; subsection (*e*) added, 1974, 811 § 2 (see 1970, 219 § 2; 1974, 811 § 3); clause

Fourth revised and clause Fourth A added, 1970, 600 § 1 (see 1970, 600 § 2); clause Fifth amended, 1974, 823; clause Eighth amended, 1947, 83 § 1; clause Eleventh revised, 1938, 317; amended, 1953, 231; 1954, 341; revised, 1962, 439; 1964, 69, 354 § 1 (see 1964, 354 § 2); 1965, 212 § 1 (see 1965, 212 § 2); 1966, 216 § 1 (see 1966, 216 § 2); 1967, 212 § 1 (see 1967, 212 § 2); amended, 1970, 234 § 1 (see 1970, 234 § 2); 1972, 186 § 1; revised, 1975, 283; clause Twelfth revised, 1966, 262; clause Sixteenth revised, 1936, 362 § 1 (see 1936, 362 §§ 4, 8); 1941, 467; amended, 1949, 732; 1952, 232 § 1 (see 1952, 232 § 2); 1953, 654 § 28; 1954, 435 § 1 (see 1954, 435 § 2); revised, 1957, 541; paragraph (1A) inserted after paragraph (1), 1969, 884 § 4; clause Seventeenth revised, 1935, 294; amended, 1939, 451 § 19; revised, 1941, 227 § 1; 1954, 351; amended, 1965, 620 § 1 (see 1965, 620 § 4); revised, 1966, 371; sentence added, 1970, 270 § 2 (see 1970, 270 § 3); clause amended, 1971, 449 § 1 (see 1971, 449 § 2); revised, 1971, 1110 § 1 (see 1971, 1110 § 11); first sentence revised, 1973, 696 § 1 (see 1973, 696 § 3); clause Seventeenth A added, 1938, 186 § 4 (see 1938, 186 § 5); sentence added, 1943, 559; amended, 1949, 236; revised, 1953, 358; clause revised, 1960, 316, 714; stricken out, 1963, 160 § 9; clause Seventeenth B added, 1950, 796; amended, 1951, 730; stricken out, 1963, 160 § 9; clause Eighteenth revised, 1941, 227 § 2; amended, 1963, 160 § 10; revised, 1965, 620 § 2 (see 1965, 620 § 4); clause Twentieth revised, 1937, 132; 1941, 482; 1947, 310; 1951, 640 § 1 (see 1951, 610 § 2); amended, 1953, 347; revised, 1956, 384; amended, 1964, 285 § 1 (see 1964, 285 § 3); revised, 1972, 144 § 1 (see 1972, 144 § 2); clause Twenty-first revised, 1956, 400 § 1; clause Twenty-second amended, 1939, 451 § 20; paragraph (*a*) amended, 1945, 527 § 1; clause revised, 1946, 579; 1947, 612 § 1 (see 1947, 12 § 26); paragraph (*a*) sentence added, 1949, 206; paragraph (*d*) revised, 1948, 560; paragraph (*e*) and one other paragraph inserted, 1948, 644 § 1 (see 1948, 644 § 3); paragraph added, 1948, 644 § 2 (see 1948, 644 § 3); clause revised, 1949, 534 § 1; 1951, 675; paragraph (*g*) revised, 1954, 245; clause revised, 1954, 683 § 1 (see 1954, 683 §§ 2A, 3); first sentence revised, 1956, 381 § 1, 651; 1957, 525 § 1; 1958, 282 § 1; amended, 1960, 811 § 1 (see 1957, 525 § 5; 1958, 282 § 3); paragraph (*a*) revised, 1955, 403 § 3 (see 1955, 403 § 14); 1957, 525 § 2; 1958, 282 § 2; 1960, 414 § 1 (see 1957, 525 § 5; 1958, 282 § 3; 1960, 414 § 2); paragraph (*b*) stricken out, 1957, 525 § 3 (see 1957, 525 § 5); paragraph (*c*) revised, 1956, 381 § 2; paragraph (*d*) stricken out, 1956, 381 § 3; paragraph added after paragraph (*h*), 1955, 312; paragraph (*i*) added, 1960, 764 § 1 (see 1960, 764 § 2); clause revised, 1962, 666 § 1; first paragraph revised, 1966, 359 § 1 (see 1966, 359 § 5); 1971, 1110 § 2 (see 1971, 1110 § 11); paragraph (*a*), sentence added, 1969, 292 § 1; paragraph (*d*) amended, 1974, 831 § 2 (see 1974, 831 § 6); paragraph (*e*) revised, 1971, 1110 § 3 (see 1971, 1110 § 11); paragraph (*f*), sentence added, 1969, 292 § 2 (see 1969, 292 § 5); paragraph revised, 1971, 1110 § 4 (see 1971, 1110 § 11); 1973, 696 § 2 (see 1973, 696 § 3); clause Twenty-second A added, 1954, 683 § 2 (see 1954, 683 § 3); first paragraph revised, 1957, 525 § 4; amended, 1960, 811 § 2 (see 1957, 525 § 5); clause revised, 1962, 666 § 2; first paragraph amended, 1965, 398; revised, 1966, 359 § 2 (see 1966, 359 § 5); clause revised, 1971, 1110 § 5*; clause Twenty-second B added, 1959, 233 § 1 (see 1959, 233 § 2); clause revised, 1962, 666 § 3; first paragraph revised, 1966, 359 § 3 (see 1966, 395 § 5); paragraph inserted after first paragraph,

1969, 292 § 3 (see 1969, 292 § 5); clause revised, 1971, 1110 § 7; clause Twenty-second D added, 1965, 881; first paragraph revised, 1966, 359 § 4 (see 1966, 359 § 5); paragraph inserted after first paragraph, 1969, 292 § 4 (see 1969, 292 § 5); clause revised, 1971, 1110 § 7*; clause Twenty-second D added, 1965, 881; clause revised, 1971, 1110 § 8; clause Twenty-second E added, 1974, 831 § 3 (see 1974, 831 § 6); clause Twenty-third amended, 1932, 114 § 4; revised, 1947, 647; 1949, 534 § 2; 1962, 281; stricken out, 1963, 160 § 11; clause Twenty-fifth amended, 1951, 272; 1964, 502 § 6; 1965, 748 § 2; revised, 1968, 549; clause Twenty-seventh revised, 1971, 555 § 3 (see 1971, 555 § 67); clause Twenty-eighth revised, 1971, 555 § 4 (see 1971, 555 § 67); stricken out, 1973, 723 § 1 (see 1973, 723 § 19); clause Thirty-second amended, 1951, 641 § 10 (see 1951, 641 §§ 18, 19); clause Thirty-fifth revised, 1939, 24 § 2; 1962, 644 § 2; clause Thirty-sixth added, 1952, 583 § 2 (see 1952, 583 § 3); revised, 1968, 464 § 1; clause Thirty-seventh added, 1953, 379; amended, 1959, 88 § 2; revised, 1959, 444 § 1 (see 1959, 444 § 2); last sentence revised, 1960, 18; stricken out, 1965, 615 § 1 (see 1965, 615 § 4); clause revised, 1970, 179 § 1 (see 1970, 179 § 2); 1973, 872 § 1 (see 1973, 872 § 2); clause Thirty-eighth added, 1957, 444 § 2; clause Thirty-ninth added, 1961, 539; amended, 1966, 700 § 1; stricken out, 1972, 707 § 1 (see 1972, 707 § 4); clause Fortieth added, 1963, 345; clause Forty-first added, 1963, 808 § 1 (see 1963, 808 § 2); amended, 1964, 681 § 1 (see 1964, 681 § 2); revised, 1966, 294 § 1 (see 1966, 294 § 2); sentence added, 1966, 419; clause revised, 1966, 728; 1970, 456 § 1 (see 1970, 456 § 2); amended, 1971, 1069 § 1; 1974, 347 § 1 (see 1971, 1069 § 2; 1974, 347 § 2); clause Forty-first A added, 1974, 287 § 1 (see 1974, 287 § 3); clause Forty-second added, 1964, 715 § 1 (see 1964, 715 § 2); amended, 1965, 267 § 1 (see 1965, 267 § 3; 1966, 385); revised, 1971, 1110 § 9 (see 1971, 1110 § 11); clause Forty-third added, 1965, 267 § 2 (see 1965, 267 § 3; 1966, 385); revised, 1971, 1110 § 10 (see 1971, 1110 § 11); clause Forty-fourth added, 1966, 700 § 2; revised, 1972, 707 § 2 (see 1972, 707 § 4); third paragraph amended, 1975; 706 § 113 (see 1975, 706 § 312); clause Forty-fifth added, 1975, 734 § 2 (see 1975, 734 § 3.)

SECT. 5A added, 1941, 227 § 3 (relative to collection of taxes from estates of persons who were relieved therefrom for lack of ability to pay, or otherwise); first sentence revised, 1948, 541; section repealed, 1965, 620 § 3. (See 1965, 620 § 4.)

SECT. 6 amended, 1933, 254 § 25; 1936, 59 § 1; first paragraph amended, 1941, 440; revised, 1946, 410; two sentences inserted after first sentence, 1968, 497 § 1. (See 1933, 254 § 66; 1936, 59 § 3.)

SECTS. 6 and 7. (See 1934, 307.)

SECT. 7A added, 1945, 367 § 2 (relative to payments in lieu of taxes on certain property held by a municipality or district in another municipality); first paragraph, first sentence amended, 1971, 766 § 19; two sentences added, 1968, 497 § 2.

SECT. 8 amended, 1933, 80, 254 § 26; paragraph added, 1935, 119 § 1. (See 1933, 254, § 66; 1935, 119 § 2.)

SECT. 8A added, under caption, 1956, 400 § 2 (relative to excise tax on farm animals); first paragraph revised, 1960, 130; 1964, 285 § 2; 1969, 310; first sentence revised, 1973, 925 § 7. (See 1964, 285 § 3; 1973, 925 § 84.

SECT. 9 amended, 1933, 254 § 27; revised, 1939, 342 § 4; repealed, 1963, 160 § 12. (See 1933, 254 § 66.)

SECT. 10 amended, 1933, 254 § 28; repealed, 1963, 160 § 12. (See 1933, 254 § 66.)

SECT. 11 amended, 1933, 254 § 29; revised, 1936, 92; 1939, 175; sentence inserted after third sentence, 1956, 690 § 2; same sentence stricken out, 1958, 549 § 2; paragraph added, 1956, 397; revised, 1957, 418; paragraph added, 1971, 286; 1972, 719 § 1. (See 1933, 254 § 66; 1972, 719 § 2.)

SECT. 16 amended, 1937, 114.

SECT. 17A added, 1974, 343 (establishing municipal liens for certain expenses incurred by municipalities).

SECT. 18, opening paragraph and clauses First and Second amended, 1933, 254 § 30; clause Second revised, 1936, 362 § 2; (See 1933, 254 § 66; 1936, 362 § 8.)

SECT. 19 amended, 1933, 254 § 31; revised, 1945, 143. (See 1933, 254 § 66.)

SECT. 20 revised, 1933, 254 § 32; amended, 1936, 376 § 1; revised, 1946, 432 § 1. (See 1933, 254 § 66.)

SECT. 21 revised, 1933, 254 § 33; 1936, 376 § 2; second sentence amended, 1945, 624 § 7; first three sentences stricken out and five sentences inserted, 1946, 432 § 2; section revised, 1971, 766 § 19. (See 1933, 254, § 66.)

SECT. 21A added, 1971, 889 (providing for additional compensation for assessors and assistant assessors who have completed certain courses of study).

SECT. 21B added, 1971, 895 § 2 (requiring assessors to attend certain training programs).

SECT. 23, two sentences added, 1948, 576; last four sentences of first paragraph revised, 1951, 798 § 7; second sentence amended, and third sentence revised, 1953, 654 § 29; fourth sentence revised, 1955, 143; two paragraphs inserted after first paragraph, 1955, 202 § 1; same two paragraphs amended, 1963, 160 § 13; first two paragraphs revised, 1969, 849 § 67; second paragraph revised, 1971, 563; paragraph added, 1938, 175 § 2; 1949, 104 § 1; section revised, 1971, 766 § 20; first paragraph revised, 1973, 52 § 5; amended, 1974, 80; section revised, 1975, 43; paragraph inserted after second paragraph, 1975, 375 § 3. Temporarily affected, 1954, 43. (See 1951, 798 § 8; 1952, 359; 1953, 119; 1955, 202 § 2; 1969, 849 § 79.)

SECT. 23A amended, 1963, 160 § 14; 1971, 766 § 21.

SECT. 23B revised, 1963, 160 § 15.

SECT. 23C added, 1952, 578 § 1 (providing for separate school tax rates); first paragraph revised, 1954, 460 § 1; "School percentage" defined, 1954, 460 § 2; section revised, 1966, 14 § 38; 315 § 1; second paragraph amended, 1969, 546 § 9. (See 1969, 546 § 34.)

SECT. 25, first sentence revised, 1950, 257; amended, 1953, 654 § 30; 1963, 160 § 16; 1971, 766 § 21; sentence added, 1949, 105 § 2.

SECT. 27 amended, 1936, 118 § 2. (See 1936, 118 § 3.)

SECT. 29, second sentence amended, 1963, 160 § 17; last three sentences revised, 1933, 254 § 34; last sentence revised, 1963, 160 § 18. (See 1933, 254 § 66; 1963, 160 § 33.)

SECT. 33 amended, 1933, 254 § 35; first sentence revised, 1954, 459 § 2. (See 1933, 254 § 66.)

SECT. 38 revised, 1975, 853.

SECT. 38A added, 1952, 614 § 2 (relative to the valuation for taxation of natural gas or petroleum pipe lines); amended, 1953, 654 § 31. (See 1952, 614 § 3.)

SECTS. 38B-38C added, 1970, 118 (authorizing assessors to require written returns and testimony under oath).

SECT. 39 amended, 1933, 254 § 36; 1939, 451 § 22; revised, 1953, 468, 654 § 32; 1955, 344 § 1. (See 1933, 254 § 66; 1955, 344 § 3.)

SECT. 40 amended, 1953, 654 § 33.

SECT. 41 amended, 1933, 254 § 37; 1953, 654 § 34. (See 1933, 254 § 66.

SECT. 42 amended, 1953, 654 § 35.

SECT. 43, first sentence revised, 1948, 112 § 1.

SECT. 44 amended, 1963, 160 § 19; 1973, 671 § 1. (See 1973, 671 § 3.)

SECT. 45 amended, 1933, 254 § 38; first sentence revised, 1948, 112 § 2; form appended to section amended, 1933, 254 § 39; section revised, 1963, 160 § 20; 1969, 532 § 1. (See 1933, 254 § 66; 1969, 532 § 5.)

SECT. 46 amended, 1963, 160 § 21; 1973, 671 § 2. (See 1973, 671 § 3.)

SECT. 47 amended, 1933, 254 § 40. (See 1933, 254 § 66.)

SECT. 48 revised, 1947, 84.

SECTS. 47-48 repealed, 1969, 532 § 2. (See 1969, 532 § 5.)

SECT. 49 amended, 1933, 254 § 41; first sentence revised, 1948, 112 § 3; section revised, 1955, 245 § 1; last sentence stricken out, 1969, 532 § 3. (See 1933, 254 § 66; 1955, 245 § 2; 1969, 532 § 5.)

SECT. 50 revised, 1948, 112 § 4; 1971, 262 § 1.

SECT. 54 revised, 1954, 444 § 1. (See 1954, 444 § 5.)

SECT. 57 amended, 1933, 151 § 1; revised, 1933, 254 § 42; 1935, 158 § 1; amended, 1937, 203 § 1; revised, 1938, 330 § 1; 1941, 254 § 1; first two sentences revised, 1947, 522 § 1; first sentence revised, 1949, 265 § 1; second sentence revised, 1965, 597 § 1; 1968, 290 § 1; second sentence stricken out and two sentences inserted, 1969, 849 § 68; second sentence revised, 1971, 766 § 22; 1973, 52 § 6; third sentence stricken out, 1963, 160 § 22; fourth and fifth sentences stricken out and three sentences inserted, 1947, 99 § 1; fourth and fifth sentences revised, 1969, 849 § 69; sentence added, 1949, 278 § 1. (See 1933, 151 § 2, 254 § 66; 1935, 158 § 2; 1937, 203 § 2; 1938, 330 § 2; 1947, 99 § 2; 1949, 265 § 2; 278 § 2; 1968, 290 § 2; 1969, 849 § 79.)

SECT. 59, sentence added, 1933, 165 § 1; section revised, 1933, 254 § 43, 266 § 1; 1934, 136 § 2; amended, 1935, 187 § 1; revised, 1939, 250 § 1; first sentence revised, 1943, 166 § 1; 1945, 621 § 4; 1946, 199 § 1; 1963, 125; paragraph added, 1965, 615 § 2; revised, 1974, 831 § 4. (See 1933, 254 § 66, 266 § 2; 1934, 136 § 3; 1935, 187 § 2; 1946, 199 § 2; 1949, 277; 1950, 165; 1965, 597 § 4, 615 § 4; 1974, 831 § 6.) Temporarily affected, 1953, 568.

SECT. 60 revised, 1941, 209; 1945, 620; amended, 1963, 160 § 23.

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 61A added, 1935, 276 § 2 (providing for adequate discovery in proceedings for tax abatement); sentence added, 1968, 292.

SECT. 63 amended, 1943, 79; revised, 1974, 288.

SECT. 64, first paragraph amended, 1933, 130 § 1; second paragraph amended, 1935, 218 § 2; section revised, 1937, 400 § 6; 1938, 478 § 1; first paragraph, first sentence amended, 1939, 31 § 6; 1973, 664 § 1; paragraph revised, 1945, 621 § 5; first sentence stricken out and two sentences

inserted, 1975, 677 § 1; second paragraph amended, 1939, 366 § 2; 1943, 248; revised, 1956, 544; seventh sentence revised, 1965, 597 § 2. (See 1937, 400 §§ 1-5, 7; 1965, 597 § 4; 1973, 664 § 2; 1975, 677 § 5.)

SECT. 65 amended, 1933, 130 § 2; 167 § 1; revised, 1938, 478 § 2; 1939, 31 § 7; first sentence revised, 1945, 621 § 6; 1975, 677 § 2. (See 1975, 677 § 5.)

SECT. 65A added, 1932, 218 § 1 (providing that the sale or taking of real property for payment of unpaid taxes thereon shall not prejudice proceedings for the abatement of such taxes); revised, 1933, 325 § 18. (See 1932, 218 § 2; 1933, 325 § 19.)

SECT. 65B added, 1938, 478 § 3 (relative to appeals to the appellate tax board from the refusal of assessors to abate certain taxes on real estate); revised, 1945, 621 § 7; 1975, 677 § 3. (See 1975, 677 § 5.)

SECT. 65C added, 1953, 476 § 1 (providing for late entry of certain appeals to the appellate tax board); revised, 1975, 677 § 4. (See 1953, 476 § 2; 1975, 677 § 5.)

SECT. 65D added, 1956, 452 § 1 (relative to certain appeals filed with the appellate tax board). (See 1956, 452 § 2.)

SECT. 69 amended, 1935, 218 § 3; 1939, 366 § 3; revised, 1965, 597 § 3; amended, 1973, 689.

SECT. 70A added, 1945, 351 § 1 (regulating the procedure after abatement of a local tax, assessment, rate or charge).

SECT. 71 amended, 1963, 160 § 24.

SECT. 72A added, 1968, 253 (permitting an abatement of a portion of unpaid real property taxes on land acquired by a town).

SECT. 73 amended, 1933, 254 § 44; 1953, 654 § 36; stricken out, 1955, 344 § 2. (See 1933, 254 § 66; 1955, 344 § 3.)

SECT. 74 amended, 1933, 254 § 45; 1939, 24 § 3: 1945, 137. (See 1933, 254 § 66.)

SECT. 75 amended, 1934, 104; first sentence revised, 1946, 339.

SECT. 77 revised, 1945, 333.

SECT. 78 amended, 1941, 258 § 5; last sentence revised, 1969, 849 § 70. (See 1969, 849 § 79.)

SECT. 79 amended, 1938, 150 § 1; last sentence revised, 1946, 251 § 2. (See 1946, 251 § 3.)

SECT. 83 amended, 1933, 254 § 46; 1939, 24 § 4; revised, 1958, 490 § 2; 1968, 240. (See 1933, 254 § 66; 1958, 490 § 3.)

SECT. 84 amended, 1933, 254 § 47; revised, 1971, 262 § 2. (See 1933, 254 § 66.)

SECT. 85 amended, 1933, 254 § 48; repealed, 1945, 271. (See 1933, 254 § 66.) Affected, 1941, 609.

SECT. 86 amended, 1933, 254 § 49. (See 1933, 254 § 66.)

SECT. 94 revised, 1969, 532 § 4. (See 1969, 532 § 5.)

Chapter 60. — Collection of Local Taxes.

SECT. 1, third paragraph revised, 1933, 164 § 1; last two paragraphs amended, 1943, 37 § 1; paragraph inserted after introductory paragraph, 1973, 1215 § 3.

SECT. 3 revised, 1933, 254 § 50; sentence inserted after first sentence, 1954, 444 § 2; amended, 1941, 258 § 2; 1943, 37 § 2; third sentence stricken out, 1963, 160 § 25; sentence inserted after third sentence, 1943, 166 § 2; fifth sentence revised, 1971, 766 § 23. (See 1933, 254 § 66; 1954, 444 § 5.)

SECT. 3A added, 1934, 136 § 1 (requiring that certain information relative to abatement or exemptions be included in tax bills); amended, 1936, 156; revised, 1943, 166 § 3, 564 § 1 (providing that additional information be included in certain tax bills issued subsequent to the termination of the present war); sentence added, 1952, 578 § 2; section revised, 1954, 444 § 3; first sentence revised, 1965, 615 § 3; amended, 1974, 831 § 5; sentence inserted after first sentence, 1974, 341; third sentence revised, 1966, 14 § 39; 1967, 757 § 6; 1969, 546 § 17. (See 1934, 136 § 3; 1943, 564 § 2; 1949, 277; 1954, 444 §§ 4, 5; 1965, 615 § 4; 1967, 757 § 10; 1969, 546 § 34; 1974, 831 § 6.)

SECT. 3B added, 1935, 322 § 2 (relative to the suspension of payment of certain assessments payable by certain persons entitled to exemption from local taxes).

SECT. 4 revised, 1939, 342 § 5; repealed and caption preceding section stricken out, 1963, 160 § 26.

SECT. 5 revised, 1933, 168 § 2; amended, 1941, 258 § 3; last sentence revised, 1955, 474 § 1; section repealed, 1963, 160 § 26.

SECT. 6 revised, 1967, 100; 1975, 71.

SECT. 13, sentence added, 1937, 143 § 5; section revised, 1939, 44; 1941, 308.

SECT. 15, first paragraph amended, 1934, 151 § 2; 1935, 252 § 1; section revised, 1943, 179; 1952, 398; amended, 1955, 474 § 2; clause 2 revised, 1958, 306 § 1; clauses 9 and 10 revised, 1958, 306 § 2; clause 10 revised, 1971, 273 § 1; clause 11 revised, 1971, 273 § 2; clauses 15-16 revised, 1971, 273 § 3. (See 1958, 306 § 3.)

SECT. 15A added, 1935, 252 § 2 (further regulating charges and fees for the collection of poll taxes); revised, 1948, 386; 1959, 152; repealed, 1963, 160 § 27.

SECT. 16 revised, 1933, 168 § 1; amended, 1933, 254 § 51. (See 1933, 168 § 4, 254 § 66.)

SECT. 17 revised, 1971, 766 § 23.

SECT. 18 repealed, 1932, 54 § 1.

SECT. 19, paragraph added, 1970, 218 § 1. (See 1970, 218 § 2.)

SECT. 22 revised, 1933, 254 § 52; first sentence revised, 1947, 278; affected, 1933, 308; amended, 1963, 160 § 28. (See 1933, 254 § 66.)

SECT. 22A added, 1941, 573 § 1 (relative to bills for taxes on parcels of real estate and payments on account thereof). (See 1941, 573 § 2.)

SECT. 23 revised, 1932, 197 § 1; fourth sentence revised, 1952, 388; two sentences added, 1943, 478 § 3; fifth sentence amended, 1954, 487 § 2A; section revised, 1958, 537; fourth sentence revised, 1971, 269; last sentence amended, 1960, 421 § 1. (See 1954, 487 § 3.)

SECT. 29 revised, 1963, 160 § 29.

SECT. 34, first sentence amended, 1947, 313.

SECT. 35 revised, 1938, 150 § 2; 1946, 251 § 1. (See 1946, 251 § 3.)

SECT. 37 amended, 1933, 254 § 53, 325 § 1; 1934, 131 § 2; revised, 1934, 169; amended, 1935, 269; 1936, 146; last sentence revised, 1941, 84 § 1; section revised, 1943, 478 § 1. (See 1933, 254 § 66; 1934, 131 § 3; 1941, 84 § 2.)

SECT. 37A added, 1943, 478 § 2 (relative to the continuance of local tax liens during the existence of legal impediments to sales or takings thereunder); third sentence amended, 1960, 421 § 2.

SECT. 38 amended, 1933, 254 § 54, 325 § 2. (See 1933, 254 § 66, 325 § 21.)

SECT. 39 amended, 1933, 325 § 3.

SECT. 42 revised, 1933, 164 § 2.

SECT. 43, last sentence revised, 1932, 54 § 2; section amended, 1935, 183, 236.

SECT. 45 amended, 1933, 325 § 4; 1937, 209; 1938, 339 § 1; 1971, 716 § 2; 1973, 1215 § 4. (See 1971, 716 § 3.)

SECT. 46, paragraph added, 1934, 131 § 1.

SECT. 48 amended, 1933, 325 § 5. (See 1933, 325 § 20.)

SECT. 50 revised, 1933, 325 § 6; amended, 1935, 414 § 1; 1936, 93 § 2; amended, 1941, 319 § 1. (See 1935, 414 § 4; 1941, 319 §§ 3, 4.)

SECT. 50A added, 1934, 154 § 2 (providing for protection of interests in real estate held under tax sales or takings).

SECT. 50B added, 1946, 185 (requiring cities and towns to appropriate or provide sums necessary for foreclosure of tax titles by proceedings in the land court).

SECT. 51 amended, 1933, 254 § 55. (See 1933, 254 § 66.)

SECT. 52 revised, 1936, 392 § 1; second sentence revised, 1973, 249.

SECT. 53 revised, 1933, 164 § 3; two paragraphs added, 1970, 85. (See 1933, 325 § 20.)

SECT. 54 amended, 1933, 325 § 7; 1938, 339 § 2.

SECT. 55 amended, 1933, 325 § 8.

SECT. 58 revised, 1932, 2; 1939, 250 § 2.

SECT. 59 amended, 1933, 254 § 56. (See 1933, 245 § 66.)

SECT. 60 revised, 1945, 130.

SECT. 61 revised, 1933, 325 § 9; amended, 1934, 48; 1936, 93 § 1. (See 1933, 325 § 20.)

SECT. 61A added, 1943, 188 (relative to taking for nonpayment of taxes lands subject to tax titles held by municipalities when the assessment unit is changed).

SECT. 62 revised, 1933, 325 § 10; first paragraph amended, 1934, 218; revised, 1935, 414 § 2; second paragraph revised, 1935, 278; section revised, 1936, 392 § 2; first paragraph amended, 1966, 263 § 1; first sentence amended, 1970, 235 § 1; second paragraph amended, 1941, 231; sentence inserted before last sentence, 1947, 133; paragraph inserted after the second paragraph, 1938, 415 § 5. (See 1935, 414 § 4; 1966, 263 § 3; 1970, 235 § 4.)

SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3; third sentence amended, 1970, 235 § 2. (See 1970, 235 § 4.)

SECT. 65 amended, 1933, 325 § 12; 1938, 305; 1971, 716 § 1; first sentence revised, 1973, 1215 § 5. (See 1971, 716 § 3.)

SECT. 66 amended, 1935, 224 § 1. (See 1935, 224 § 6.)

SECT. 67 amended, 1935, 224 § 2. (See 1935, 224 § 6.)

SECT. 68, first paragraph amended, 1935, 224 § 3, 414 § 3; 1966, 263 § 2; 1970, 235 § 3; paragraph added, 1935, 354 § 1. (See 1935, 224 § 6, 354 § 3; 414 § 4; 1966, 363 § 3; 1970, 235 § 4.)

SECT. 69 amended, 1935, 224 § 4; sentence added, 1945, 226 § 1. (See 1935, 224 § 6.)

SECT. 69A added, 1945, 226 § 2 (relative to the conclusiveness of decrees foreclosing tax titles).

SECT. 70 amended, 1935, 224 § 5. (See 1935, 224 § 6.)

SECT. 71 amended, 1941, 319 § 2. (See 1941, 319 §§ 3, 4.)

SECT. 74 repealed, 1973, 515 § 1.

SECT. 75 amended, 1936, 189 § 1; revised, 1973, 515 § 2.

SECT. 76 revised, 1935, 318 § 1; amended, 1936, 189 § 2; 1973, 515 § 3. (See 1935, 318 §§ 2, 8.)

SECT. 76A added, 1935, 354 § 2 (providing for redemption in part from tax sales in certain cases); paragraph added, 1939, 181: amended, 1953, 674 § 10. (See 1935, 354 § 3.)

SECT. 76B added, 1938, 415 § 6 (relative to the effect of errors or irregularities in respect to water rates and charges included in a tax title account).

SECT. 76C added, 1945, 268 (providing for notice to certain municipal officers of certain action in connection with tax titles).

SECT. 77, paragraph added, 1938, 339 § 3; amended, 1953, 654 § 37.

SECT. 77A added, 1945, 78 (relative to recording of deeds of cities and towns conveying land acquired through foreclosure of tax titles).

SECT. 77B added, 1947, 224 § 1 (making permanent certain temporary provisions of law relative to certain land acquired by municipalities). (See 1947, 224 § 2.) (For prior temporary legislation, see 1938, 358: 1939, 123; 1941, 296.)

SECT. 78 amended, 1933, 325 § 13; repealed, 1936, 194. (See 1933, 325 § 20.)

SECT. 79, first paragraph amended, 1968, 157; first sentence revised, 1973, 1215 § 6; second paragraph amended, 1933, 325 § 14; 1935, 173 § 1; section revised, 1941, 594 § 1; third paragraph amended, 1963, 201; 1966, 114 § 1; sentence added 1968, 353 § 1. (See 1966, 114 § 2; 1968, 353 § 2.)

SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2; amended, 1941, 594 § 2. (See 1939, 123; 1941, 296.)

SECTS. 80A and 80B added, 1941, 594 § 3 (relative to the validity of title acquired at sales of lands of low value held by cities and towns under tax titles).

SECT. 80B revised, 1946, 302; amended, 1973, 515 § 4.

SECT. 81A added, 1973, 1215 § 7 (relative to the inspection and certification of certain abandoned property).

SECT. 82 amended, 1945, 267 § 1.

SECT. 83 amended, 1945, 267 § 2.

SECT. 84 revised, 1935, 260.

SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)

SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.

SECT. 93 revised, 1943, 199; last sentence revised, 1945, 397 § 2. (See 1945, 397 § 3.)

SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2; revised, 1935, 248 § 3; amended, 1939, 451 § 23; 1941, 380 § 6; sentence added, 1943, 107; revised, 1949, 202. (See 1934, 315 § 3.)

SECT. 97 revised, 1934, 151 § 1.

SECT. 104 revised, 1937, 43.

SECT. 105 revised, 1933, 168 § 3; 1941, 258 § 4.

Form 2 in schedule at end of chapter repealed, 1932, 54 § 1; schedule of forms at end of chapter stricken out, 1933, 168 § 3.

Chapter 60A. — Excise Tax on Registered Motor Vehicles in Lieu of Local Tax.

For legislation exempting certain disabled veterans from payment of certain motor vehicle excise taxes and registration fees, see 1948, 368.

SECT. 1, first paragraph amended, 1936, 384 § 1; last paragraph amended, 1936, 384 § 2; paragraph added, 1938, 111; section revised, 1938, 480 § 1; table revised, 1953, 653; third paragraph revised, 1953, 654 § 38; fourth paragraph amended, 1941, 718 § 1; revised, 1949, 342; amended, 1950, 666 § 1; 1951, 736 § 4; paragraph inserted after fourth paragraph, 1949, 401; revised, 1950, 731; 1954, 548; sixth paragraph revised, 1953, 388; 1968, 503; last paragraph revised, 1947, 644; 1952, 412; paragraph added, 1951, 165; section revised, 1954, 640 § 1; first paragraph revised, 1960, 758 § 1; paragraph inserted after fourth paragraph, 1974, 242 § 1; fifth paragraph revised, 1955, 320; amended, 1955, 403 § 4; revised, 1959, 273 § 1; amended, 1966, 140; 1967, 117; 1972, 121; paragraph inserted after fifth paragraph, 1962, 644 § 1; sixth paragraph revised, 1955, 587 § 1; fifth and sixth paragraphs stricken out and paragraph inserted, 1965, 622 § 1; seventh paragraph amended, 1956, 328 § 1; last paragraph revised, 1957, 174. (See 1941, 718 § 2; 1951, 736 § 5; 1955, 403 § 14, 587 § 3; 1956, 328 § 2; 1959, 273 § 2; 1960, 758 § 2; 1965, 622 § 2; 1974, 242 § 3.)

SECT. 1A added, 1949, 484 (providing for but one excise tax on a motor vehicle in each year in certain cases); sentence added, 1952, 285; repealed, 1955, 587 § 2. (See 1955, 587 § 3.)

SECT. 2 revised, 1936, 384 § 3; 1938, 480 § 2; amended, 1939, 366 § 4; 1950, 666 § 2; 1952, 400; 1953, 654 § 39; 1954, 373 § 1; revised, 1954, 640 § 2; third sentence revised, 1962, 231 § 2; sixth sentence revised, 1957, 375; seventh sentence revised, 1970, 142; ninth sentence revised, 1959, 371 § 1; 1974, 211. (See 1934, 375 § 2; 1959, 371 § 2; 1962, 231 § 4.) Affected by 1962, 727.

SECT. 2A added, 1938, 492 § 1 (providing for the suspension of certificates of registration in cases of nonpayment of the excise on registered motor vehicles); last sentence stricken out, 1943, 18; second sentence revised, 1945, 443; section revised, 1953, 339 § 1; amended, 1958, 91; second sentence revised, 1969, 183; third sentence revised, 1973, 139; two sentences inserted after third sentence, 1970, 250. (See 1953, 339 § 2.)

SECT. 3 revised, 1936, 384 § 4; 1938, 480 § 3.

SECT. 4 revised, 1938, 480 § 4, 492 § 2.

SECT. 5 stricken out, 1953, 654 § 40.

SECT. 6 amended, 1936, 384 § 5; revised, 1938, 480 § 5.

Chapter 61. — Classification and Taxation of Forest Lands and Forest Products (former title Taxation of Forest Products and Classification and Taxation of Forest Lands.

Chapter stricken out, and new chapter 61 (with new title) inserted, 1941, 652 § 1. (See 1941, 652 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 61, as so inserted:

SECT. 1, first paragraph stricken out and two paragraphs inserted, 1943, 461 § 1; first paragraph amended, 1955, 705 § 1; section revised, 1969; 873 § 1; first paragraph amended, 1974, 545, 563; fourth paragraph amended, 1975, 706 § 114. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5; 1975, 706 § 312.)

SECT. 2, first schedule revised, 1955, 705 § 2; second schedule and all preceding such schedule revised, 1943, 461 § 2; section revised, 1969, 873 § 1. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5.)

SECT. 4 revised, 1969, 873 § 2. (See 1969, 873 § 5.)

SECT. 5 amended, 1969, 873 § 3. (See 1969, 873 § 5.)

SECT. 6 amended, 1943, 461 § 3; revised, 1969, 873 § 4. (See 1943, 461 §§ 4 and 5; 1969, 873 § 5.)

SECT. 7 added, 1955, 705 § 3 (relative to the taxation of wild land); repealed, 1974, 587 § 1. (See 1974, 587 § 2.)

Chapter 61A. — inserted, 1973, 1118 § 1. (See 1973, 1118 § 3.)

The following references are to chapter 61A, as so inserted: —

SECT. 2 revised, 1975, 794 § 1.

SECT. 9, first paragraph revised, 1975, 648; third sentence amended, 1975, 794 § 2; second paragraph stricken out and five paragraphs inserted, 1975, 794 § 3.

SECT. 12, fourth sentence amended, 1975, 794 § 4; fifth and sixth sentences stricken out and three sentences inserted, 1975, 794 § 5; sentence added, 1975, 794 § 6.

SECT. 13, subsection (*c*) amended, 1975, 794 § 7.

SECT. 14, first sentence stricken out and two sentences inserted, 1975, 794 § 8; five sentences added, 1975, 794 § 9.

SECT. 16, second sentence stricken out and two sentences inserted, 1975, 794 § 10.

SECT. 19 revised, 1975, 794 § 11.

SECT. 19A added, 1975, 794 § 12 (relative to the issuance of certain certificates of certain taxes).

Chapter 62. — Taxation of Incomes.

For legislation establishing an additional tax upon personal incomes to provide funds for old age assistance, see 1941, 729 §§ 9, 15; 1948, 503 § 5; 1949, 674 § 2; 1951, 386 § 2; 1953, 246 § 6; 1955, 707 § 5. (See also 1951, 800 §§ 1, 2, 3.)

For prior temporary legislation relative to the taxation of dividends of certain corporations, see 1933, 307, 357; 1935, 489; 1936, 82 § 1; 1937, 395; 1938, 489 §§ 2-5; 1939, 373; 1941, 331; 1943, 285. (See also, 1945, 735.)

For temporary legislation providing for additional taxes upon personal incomes, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3; 1943, 482 §§ 1, 3, 4; 1945, 557 §§ 1, 3, 4; 1948, 503 §§ 1, 4, 6; 1949, 674 § 2; 1951, 386 § 2; 1953, 246 § 2; 1955, 707 § 2; 1956, 354; 1957, 456; 1959, 31 §§ 2-4; 1961, 139; 1963, 499. (See also 1951, 800 §§ 1, 2, 3; 1953, 246 §§ 5, 15.)

For temporary legislation relative to the payment of income taxes by persons who served in the armed forces of the United States during the existing war, see 1946, 604.

For temporary legislation providing that income taxes shall be due and payable when the tax return therefor is required to be filed, see 1950, 816 § 2; affected, 1951, 750; 1952, 623; 1953, 246 § 5; 1954, 70 § 2. (See 1950, 816 § 4.)

SECT. 1, first sentence revised, 1954, 679 § 1; 1966, 698 § 2; 1967, 796 § 5; subsection (*a*), paragraph First revised, 1957, 491 § 1; 1958, 554 § 1; 1961, 250, 493 § 2; 1966, 698 § 2A: paragraph Fifth added, 1946, 539; subsection (*b*) revised, 1945, 735 § 1; amended, 1957, 445 § 1; revised 1959, 556 § 1; subsection (*c*) amended, 1957, 445 § 2; paragraph Third added, 1935, 489 § 6; subsection (*d*) revised, 1966, 698 § 3; 1967, 796 § 6; subsection (*e*) amended, 1935, 489 § 7; sentence added, 1963, 496; subsection (*g*) revised, 1954, 545; 1955, 635 § 1; subsection (*h*) added, 1954, 679 § 2; revised, 1967, 796 § 7. (See 1945, 735 § 5; 1954, 679 § 7; 1957, 445 § 3, 491 § 2; 1958, 554 § 2.)

SECT. 3 revised, 1943, 45 § 1.

SECT. 5 amended, 1966, 698 § 4; first sentence of subsection (*a*) revised, 1954, 679 § 3; 1966, 698 § 5; 1967, 796 § 8; subsection (*b*) amended, 1935, 489 § 8; revised, 1939, 486 § 1; first sentence stricken out and three sentences inserted, 1954, 679 § 4; first three sentences stricken out and four sentences inserted, 1956, 443 § 1; first sentence revised, 1957, 677 § 1; second sentence revised, 1966, 14 § 5; sentence inserted after fourth sentence, 1966, 14 § 6; subsection (*b*) revised, 1966, 559; first five sentences stricken out and sentence inserted, 1966, 698 § 6; first sentence revised, 1967, 796 § 9; sixth sentence stricken out, 1968, 278 § 2; subsection (*c*) revised, 1934, 363 § 1; 1935, 481 § 1; amended and paragraph added, 1954, 599 § 1; subsection (*c*) revised, 1955, 635 § 2; amended, 1956, 607 § 1; revised, 1957, 540 § 1; amended, 1959, 556 § 2; 1960, 554 § 1; 1966, 698 § 7; first sentence revised, 1967, 796 § 10; subsections (*f*) and (*g*) added, 1954, 679 § 5; subsection (*f*), first paragraph amended, 1957, 435 § 1; subsection (*g*) revised, 1957, 677 § 2; subsections (*f*) and (*g*) stricken out and subsection (*f*) inserted, 1967, 796 § 11; sentence added, 1968, 434 § 1. (See 1934, 363 § 2; 1935, 481 § 2; 1939, 486 § 3; 1954, 679 § 7; 1956, 443 § 2, 607 § 2; 1957, 435 § 4, 540 § 3, 677 § 8; 1960, 554 § 2; 1968, 434 § 2.)

SECT. 5A added, 1955, 780 § 1 (relative to the taxation of income earned in the commonwealth by nonresidents); subsection (*c*), first sentence revised, 1957, 677 § 3; subsection revised, 1958, 491 § 1; subsection (*d*), second sentence revised, 1957, 677 § 4; section revised, 1966, 698 § 8; first three sentences revised, 1967, 796 § 12. (See 1957, 677 § 8; 1958, 491 § 3.)

SECT. 5B added, 1966, 698 § 9. (relative to certain exemptions against business income in computing income tax); paragraph (1), clause (*iii*) stricken out, 1968, 278 § 3; clause (*iv*) amended, 1967, 796 § 13; paragraph (2), clause (*iii*) stricken out, 1968, 278 § 4; clause (*iv*) amended, 1967, 796 § 14; revised, 1968, 557 § 1; paragraph (3) amended, 1967, 796 § 15; paragraph (4) amended, 1967, 796 § 16; 1969, 557 § 1; paragraph (6) added, 1967, 699 § 1; paragraph (7) amended, 1971, 978 § 1A. (See 1967, 699 § 2; 1968, 278 § 5; 557 § 2; 1971, 978 § 2.)

SECT. 6, first paragraph revised, 1954, 611 § 1; amended, 1955, 780 § 2; first paragraph revised, 1957, 677 § 5; first sentence amended, 1960, 557; revised 1966, 698 § 10; clause (*a*), sentence added, 1947, 485 § 1; clause (*b*) amended, 1956, 460 § 1; clause (*c*) revised, 1956, 517 § 1; 1957, 448 § 1; 1960, 556 § 1; amended, 1967, 796 § 17; provision (1) revised, 1968, 556 § 1; 1969, 546 § 1; clause (*g*) revised, 1935, 436 § 1; amended, 1956, 460 § 2; clause (*h*)

revised, 1943, 511; 1951, 800 § 4; 1953, 514; 1954, 251 § 1, 657 § 1; 1958, 510 § 1; 1963, 750 § 1; stricken out, 1966, 698 § 11; clause (*i*) added, 1955, 717 § 1; stricken out, 1966, 698 § 12. (See 1935, 436 § 2; 1947, 485 § 3; 1951, 800 § 6; 1954, 251 § 2, 611 § 3, 657 § 2; 1955, 717 § 2, 780 § 10; 1956, 460 § 3, 157 § 2; 1957, 448 § 3; 1958, 510 § 2; 1963, 750 § 2; 1968, 556 § 2; 1969, 546 § 34.)

SECT. 6A added, 1955, 780 § 2A (providing for a credit for taxes paid to another state for income earned therein); revised, 1957, 448 § 2, 677 § 6; 1958, 489 § 1. (See 1955, 780 § 10; 1957, 448 § 3, 677 § 8; 1958, 489 § 2.)

SECT. 6B added, 1966, 14 § 7 (providing credit for taxes paid); third paragraph amended, 1966, 698 § 13; third paragraph revised, 1967, 755 § 1.

SECT. 7 amended, 1953, 654 § 41; first paragraph stricken out, 1955, 618 § 1; second and third paragraphs revised, 1954, 599 § 2; stricken out and three paragraphs inserted, 1955, 635 § 3; first paragraph amended, 1957, 446 § 1; third paragraph revised, 1957, 540 § 2; section revised, 1958, 152; first paragraph revised, 1958, 576 § 1; clause (*j*) revised, 1959, 556 § 3; first paragraph amended, 1962, 596 § 1; third paragraph amended, 1958, 576 § 2. (See 1958, 576 § 3.)

SECTS. 7A and 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 7A revised, 1959, 461; paragraph added, 1967, 526.

SECT. 7B amended, 1953, 654 § 42.

SECT. 8, paragraph (*a*) revised, 1951, 800 § 5; 1969, 533 § 1; paragraph (*d*) revised, 1957, 644 § 1; 1966, 698 § 14; paragraph (*e*) revised, 1954, 560; paragraph (*g*) amended, 1947, 83 § 2; 1952, 555; revised, 1962, 576 § 1; amended, 1966, 557 § 1; paragraph (*h*) added, 1945, 625 § 4; paragraphs (*i*) and (*j*) added, 1947, 485 § 2; revised, 1969, 629 § 1; paragraph (k) added, 1954, 443; paragraph (*l*) added, 1957, 677 sw-1§ 7; paragraph (*m*) added, 1968, 278 § 1; (See 1947, 485 § 3; 1951, 800 § 6; 1953, 208; 1957, 644 § 5, 677 § 8; 1962, 576 § 2; 1966, 557 § 2; 1968, 278 § 5; 1969, 533 § 2; 629 § 2.)

SECTS. 1-8 revised, 1971, 555 § 5; 1973, 723 § 2. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 1, paragraph (*e*) revised, 1973, 723 § 16. (See 1973, 723 § 19.)

SECT. 2, subsection (*a*), paragraph (2), subparagraph (F) revised, 1975, 684 § 38; subsection (*b*), paragraph (1), subparagraph (A) revised, 1974, 77 § 1; subsection (*d*) revised, 1975, 684 § 39. (See 1974, 77 § 2; 1975, 684 § 97.)

SECT. 3, subsection B, paragraph (*a*), subparagraph (7) added, 1974, 848 § 1; subparagraph (8) added, 1975, 684 § 40. (See 1974, 848 § 2; 1975, 684 § 97.)

SECT. 4, paragraph (*a*) revised, 1975, 684 § 41. (See 1975, 684 § 97.)

SECT. 6C added, 1975, 774 § 4 (providing for a one dollar contribution to the state election campaign fund). (See 1975, 774 § 5.)

SECT. 9 amended, 1955, 592 § 1; revised, 1957, 644 § 2; second paragraph amended, 1966, 698 § 15. (See 1957, 644 § 5.)

SECT. 10 amended, 1954, 387 § 1; revised, 1955, 592 § 2; paragraph added 1955, 780 § 3; section revised, 1957, 644 § 3; subsection (*a*) amended, 1966, 698 § 16; subsection (*b*) revised, 1971, 555 § 6; amended, 1973, 723 § 3; subsection (*c*) amended, 1973, 913 § 1; subsection (*d*) revised, 1966, 698 § 17; (See 1954, 387 § 2; 1955, 780 § 10; 1957, 644 § 5; 1971, 555 § 67; 1973, 723 § 19, 913 § 4.)

SECT. 11 revised, 1955, 592 § 3; amended, 1973, 913 § 2. (See 1973, 913 § 4.)

SECTS. 11A and 11B added, 1973, 913 § 3 (relative to the taxation of the income of certain trusts). (See 1973, 913 § 4.)

SECT. 12 revised, 1971, 555 § 7; amended, 1973, 723 § 4. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 12A added, 1954, 679 § 6 (relative to the exemption of certain unearned income); first sentence revised, 1957, 437 § 1; section revised, 1971, 555 § 7; amended, 1973, 723 § 5. (See 1954, 679 § 7; 1957, 437 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 13 revised, 1955, 527; 1957, 644 § 4. (See 1957, 644 § 5.)

SECT. 14 revised, 1971, 555 § 8. (See 1971, 555 § 67.)

SECT. 16 amended, 1953, 654 § 43.

SECT. 17 revised, 1955, 780 § 4. (See 1955, 780 § 10.)

SECT. 18. See Sect. 18 of Chapter 58 in this Table.

SECTS. 17-21 stricken out and sections 17, 18 and 19 inserted, 1966, 698 § 18.

SECT. 17 subsection (*a*) amended, 1971, 555 § 9; subsection (*b*) amended, 1970, 561 § 1; subsection (*c*) amended, 1971, 555 § 10; 1973, 723 § 6; subsection (*d*) amended, 1971, 555 § 11; subsection (*e*) added, 1973, 912 § 1. (See 1970, 561 § 2; 1971, 555 § 67; 1973, 723 § 19; 912 § 2.)

SECT. 18 amended, 1971, 555 § 12. (See 1971, 555 § 67.)

SECT. 21A added, under caption, 1936, 310 (providing that individuals under certain circumstances shall be presumed to be inhabitants of the commonwealth for income tax purposes); repealed, 1938, 489 § 8.

SECT. 22 revised, 1939, 486 § 2; clause (*a*) revised, 1954, 611 § 2; paragraph added after first paragraph, 1954, 648 § 1; revised, 1957, 435 § 2; paragraph added, 1955, 780 § 5; amended, 1957, 435 § 3; paragraph added, 1958, 491 § 2; section revised, 1966, 698 § 19; 1971, 555 § 13; amended, 1973, 723 §§ 7, 8. (See 1939, 486 § 3; 1954, 611 § 3; 1955, 780 § 10; 1957, 435 § 4; 1958, 491 § 3; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 24 revised, 1943, 45 § 2; amended, 1954, 70 § 1; first sentence amended, 1966, 698 § 20. (See 1954, 70 § 2.)

SECT. 25, third sentence revised, 1955, 592 § 4; last sentence revised 1947, 322 § 1.

SECT. 25A added, 1935, 438 § 3 (relative to returns of taxable gains from certain transactions in real property); repealed, 1971, 555 § 14. (See 1971, 555 § 67.)

SECT. 26 amended, 1966, 698 § 21.

SECT. 27 repealed, 1956, 128.

SECT. 29 revised, 1954, 648 § 2; last two sentences stricken out, 1969, 534.

SECT. 30 amended, 1935, 152; first sentence amended, 1951, 452 § 1; revised, 1956, 310 § 1; section revised, 1958, 509 § 1. (See 1956, 310 § 3; 1958, 509 § 3.)

SECT. 31 revised, 1943, 45 § 3.

SECT. 32, first sentence amended, 1962, 117 § 1; third sentence amended, 1951, 452 § 2; 1953, 654 § 44.

SECT. 33, first paragraph revised; 1943, 45 § 5; 1954, 391 § 1; amended, 1955, 780 § 6; second paragraph revised, 1945, 735 § 2; paragraph inserted before last paragraph, 1932, 186; last paragraph amended, 1958, 54 § 1; section revised, 1971, 555 § 15; first paragraph amended, 1973, 672 § 1. (See 1945, 735 § 5; 1954, 391 § 2; 1955, 780 § 10; 1958, 54 § 2; 1971, 555 § 67; 1973, 672 § 2.)

SECT. 34 repealed, 1947, 483 § 2.

SECT. 35 revised, 1961, 555 § 1. (See 1961, 555 § 5.)

SECT. 36 amended, 1933, 167 § 2; revised, 1955, 539 § 1.

SECT. 36A added, 1966, 698 § 22 (relative to the assessment of income tax on income of a non-resident who fails to file a return of income earned by him from sources within the commonwealth); amended, 1973, 723 § 9. (See 1973, 723 § 19.)

SECT. 37 revised, 1933, 350 § 1; amended, 1949, 698 § 1; first sentence revised, 1956, 310 § 2; sentence inserted after second sentence, 1954, 605 § 1; section revised, 1958, 509 § 2; 1961, 555 § 2. (See 1933, 350 § 9; 1949, 698 § 2; 1954, 605 § 2; 1956, 310 § 3; 1958, 509 § 3; 1961, 555 § 5.)

SECT. 37A added, 1933, 350 § 2 (providing for the payment of income taxes in two installments); amended, 1947, 322 § 2; revised, 1954, 69; 1961, 555 § 3; amended, 1968, 302 § 2. Temporarily affected, 1950, 816 § 2; 1951, 750; 1952, 623 § 2; 1953, 246 § 5. (See 1933, 350 § 9; 1950, 816 § 4; 1961, 555 § 5; 1968, 302 § 3.)

SECT. 37B added, 1968, 302 § 1 (relating to the assessment and abatement of federal income tax changes); revised, 1971, 555 § 16; amended, 1973, 723 § 10. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 38 stricken out, 1953, 654 § 45.

SECT. 39, first sentence revised, 1933, 350 § 3; 1956, 300; third sentence amended, 1962, 117 § 2. (See 1933, 350 § 9.)

SECT. 40 repealed, 1961, 251.

SECT. 41 revised, 1932, 152; 1933, 350 § 4; 1964, 460 § 2. (See 1933, 350 § 9.)

SECT. 43 amended, 1933, 350 § 5; 1937, 135 § 2; first sentence stricken out and three sentences inserted, 1951, 528; section amended, 1953, 654 § 46; revised, 1954, 269; 1955, 545; 1959, 17 § 2; 1961, 252 § 1; 1964, 488 § 1; first paragraph revised, 1970, 601 § 3; second paragraph amended, 1966, 698 § 23; revised, 1973, 708 § 2. (See 1933, 350 § 9; 1961, 252 § 2; 1964, 488 § 2; 1970, 601 § 11; 1973, 708 § 10.)

SECT. 44 amended, 1953, 654 § 47.

SECT. 45 amended, 1939, 451 § 24; 1945, 523 § 2; 1953, 654 § 48; revised, 1958, 523 § 2. (See 1958, 523 § 4.)

SECT. 46 revised, 1933, 350 § 6; 1955, 243. (See 1933, 350 § 9.)

SECT. 55 revised, 1958, 298 § 1; second paragraph amended, 1966, 698 § 24. (See 1958, 298 § 2.)

SECT. 56 revised, 1943, 45 § 5; 1955, 539 § 2; two paragraphs added 1959, 315.

SECT. 58 revised, 1955, 661; 1973, 922 § 2; first sentence revised, 1975, 514 § 1.

SECT. 58A added, 1972, 453 (prohibiting disclosure of information by tax preparers).

SECT. 61 added, under caption, 1952, 262 (defining the term "received" as relates to income); revised, 1956, 597 § 1; subsection (*b*), first paragraph revised, 1962, 596 § 2; subsections (*c*), (*d*) and (*e*) added, 1966, 698 § 25; section repealed, 1971, 555 § 17. (See 1956, 597 § 2; 1962, 596 § 3; 1971, 555 § 67.)

SECT. 62 added, under caption, 1955, 618 § 2 (relating to the method of accounting required under the income tax law).

SECT. 63 added, 1958, 308 § 1 (permitting income to be reported on the installment method under certain circumstances); paragraph (*d*) added, 1971, 555 § 18; section revised, 1973, 723 § 11. (See 1958, 308 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 64 added, 1968, 423 § 1 (providing income tax table for taxpayers' use). (See 1968, 423 § 2.)

Chapter 62A. — Simplified Method of Computing Individual Income Taxes.

New chapter inserted, 1955, 692 § 1. (See 1955, 692 § 2.)

SECT. 1, definition of "Dependent" revised, 1966, 698 § 26; 1969, 535 § 2; 1971, 555 § 19; definition of "Eligible individual" revised, 1969, 535 § 1. (See 1969, 535 § 3; 1971, 555 § 67.)

SECT. 2 revised, 1957, 544 § 1; 1966, 698 § 27; amended, 1971, 555 § 20. (See 1957, 544 § 2; 1971, 555 § 67.)

SECT. 3, paragraph added, 1966, 14 § 8; section revised, 1966, 698 § 28; first paragraph stricken out, 1968, 286 § 1; last paragraph revised, 1971, 555 § 21. (See 1968, 286 § 2; 1971, 555 § 67.)

SECT. 4, first paragraph amended, 1961, 555 § 4; section revised, 1966, 698 § 29.

SECT. 6 revised, 1966, 698 § 30.

SECT. 7, first sentence amended, 1966, 14 § 32; section repealed, 1971, 555 § 22. (See 1966, 14 § 71; 1971, 555 § 67.)

Chapter repealed, 1972, 590.

Chapter 62B. — Withholding of Taxes on Wages and Declaration of Estimated Income Tax

New chapter inserted, 1959, 17 § 1.

SECT. 1, definition of "Employee" revised, 1966, 698 § 32; definition of "Internal Revenue Code" revised, 1963, 714 § 1; 1966, 698 § 31; definition of "Wages" revised, 1972, 591. (See 1963, 714 § 10.)

SECT. 2, first sentence amended, 1966, 698 § 33.

SECT. 4, paragraph (*a*) revised, 1966, 698 § 34; 1971, 555 § 23; paragraph (*b*) amended, 1966, 698 § 35; paragraphs (*c*), (*d*) and (*e*) revised, 1966, 698 § 36. (See 1971, 555 § 67.)

SECT. 5, first paragraph revised, 1963, 714 § 2; amended, 1964, 402; revised, 1975, 684 § 42; second paragraph stricken out, 1969, 546 § 2; third paragraph amended, 1966, 698 § 37; fifth paragraph stricken out, 1963, 714 § 3. (See 1963, 714 § 10; 1969, 546 § 34; 1975, 684 § 97.)

SECT. 6, last sentence amended, 1963, 405; section revised, 1967, 577 § 2.

SECT. 8 amended, 1963, 714 § 4; 1973, 708 § 3. (See 1963, 714 § 10; 1973, 708 § 10.)

SECT. 11, paragraph (*d*) amended, 1966, 698 § 38; paragraph (*f*) added, 1968, 408 § 1. (See 1968, 408 § 2.)

SECT. 12 amended, 1966, 698 § 39.

SECT. 13, first sentence revised, 1960, 159 § 1; second paragraph, clause (*a*) revised, 1966, 698 § 40; paragraph added, 1963, 434 § 1. (See 1960, 159 § 2; 1963, 434 § 2.)

SECT. 17 amended, 1966, 698 § 41.

SECT. 18, paragraph (*a*) amended, 1966, 698 § 42; second sentence revised, 1969, 536 § 1; paragraph (*b*) amended, 1966, 698 § 43; paragraph (*d*) amended, 1966, 698 § 44. (See 1969, 536 § 3.)

Chapter 63. — Taxation of Corporations.

SECT. 1, paragraph defining "Bank" revised, 1943, 472; amended, 1966, 698 § 44A; paragraph defining "Net income" revised, 1933, 327 § 1; 1971, 555 § 25; amended, 1973, 877 § 1; paragraph defining "Taxable year" revised, 1962, 613 § 1. (See 1933, 327 § 7; 1971, 555 § 67; 1973, 877 § 2.)

SECT. 2 amended, 1933, 327 § 2; 1939, 451 § 25; 1941, 509 § 3; 1953, 654 § 49; first two sentences stricken out and three sentences inserted, 1962, 613 § 2; first sentence revised, 1966, 14 § 9; section revised, 1975, 684 § 43. Temporarily affected, 1951, 386 § 5; 1953, 246 § 9; 1955, 707 § 8; 1957, 456 § 8; 1959, 31 § 7; 1961, 139 § 7. (See 1933, 327 § 7; 1941, 509 § 9; 1962, 613 §§ 5, 6; 1966, 14 § 16; 1975, 684 § 97.)

SECT. 3 amended, 1933, 254 § 58; 1934, 323 § 5; 1945, 161 § 2; 1953, 654 § 50; 1955, 611 § 1; revised, 1962, 613 § 3. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 4 amended, 1939, 368; 1941, 509 § 4; revised, 1962, 613 § 4. (See 1941, 509 § 9.)

SECT. 5 amended, 1933, 254 § 59; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 6 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 7 revised, 1966, 14 § 10.

SECT. 11 revised, 1959, 456 § 1; 1961, 493 § 3; 1966, 14 § 11; caption preceding section revised, 1968, 75 § 1; last paragraph revised, 1971, 555 § 26; section revised, 1975, 684 § 44. (See 1959, 456 § 5; 1971, 555 § 67; 1975, 684 § 97.)

SECT. 12, paragraph (*c*) amended, 1937, 274 § 1; 1955, 432 § 5; paragraph (*h*) added, 1934, 362; paragraph (*i*) added, 1948, 544 § 7A; paragraphs (*j*) and (*k*) added, 1953, 292; paragraph (*l*) added, 1954, 354; paragraph (*m*) added, 1954, 436; paragraph (*n*) added, 1954, 543; paragraph (*o*) added, 1955, 476 § 9; paragraph (*p*) added, 1956, 465 § 30; paragraph (*q*) added, 1956, 463; paragraph (*r*) added, 1957, 701 § 11; revised, 1958, 606 § 24; paragraph (*s*) added, 1958, 603 § 18; paragraph (*t*) added, 1960, 701 § 7; paragraph (*u*) added, 1960, 773 § 23; paragraph (*v*) added, 1960, 804 § 1; paragraph (*w*) added, 1961, 452 § 26; paragraph (*x*) added, 1961, 557 § 23; paragraph (*y*) added, 1962, 778 § 17; paragraph (*z*) added, 1963, 703 § 25; paragraph (*aa*) added, 1964, 563 § 3; paragraph (*bb*) added, 1964, 703 § 26; section repealed, 1966, 14 § 12. (See 1955, 432 §§ 2, 4, 24, 476 § 10.)

SECT. 13 revised, 1959, 456 § 2; 1961, 493 § 4; 1966, 14 § 13. (See 1959, 456 § 5.)

SECT. 17 revised, 1959, 456 § 3; 1966, 14 § 14; amended, 1967, 755 § 2. (See 1959, 456 § 5.)

SECT. 18 revised, 1939, 447 § 1; 1948, 486 § 1; amended, 1954, 515 § 1; revised, 1960, 558 § 1; amended, 1971, 555 § 29. (See 1939, 447 § 3; 1948, 486 §§ 2-4; 1971, 555 § 67.)

SECT. 18A amended, 1939, 447 § 2; 1953, 654 § 51; revised, 1959, 456 § 4; caption following section stricken out, 1968, 75 § 2. (See 1939, 447 § 3.)

SECT. 19 repealed, 1966, 14 § 15.

SECT. 20 amended, 1941, 509 § 5; revised, 1943, 531 § 1; second paragraph revised, 1958, 575; fourth paragraph amended, 1953, 654 § 52; section

revised, 1960, 558 § 4; second paragraph revised, 1966, 596 § 1. (See 1941, 509 § 9; 1943, 531 §§ 2, 3, 7; 1948, 587; 1966, 596 § 2.)

SECT. 22 revised, 1945, 721 § 1; amended, 1946, 387 § 1; 1966, 698 § 45; temporarily affected, 1951, 386 § 6; 1953, 246 § 10; 1955, 707 § 9; 1957, 456 § 9; 1959, 31 § 8. (See 1945, 721 § 5; 1946, 387 § 7.)

SECT. 22A added, 1971, 555 § 27 (further regulating payment of excise tax by certain domestic insurance companies). (See 1971, 555 § 67.)

SECT. 23 revised, 1945, 721 § 2; amended, 1946, 387 § 2. (See 1945, 721 § 5; 1946, 387 § 7.)

SECT. 24 amended, 1943, 531 § 4; revised, 1945, 721 § 3. (See 1943, 531 § 7; 1945, 721 § 5.)

SECT. 24A added, 1971, 555 § 31 (relating to the effect of retaliatory taxes on the excise tax imposed on certain insurance companies). (See 1971, 555 § 67.)

SECT. 25 amended, 1943, 531 § 5; 1945, 721 § 4; 1960, 558 § 7; 1953, 654 § 53; 1971, 555 § 28. (See 1943, 531 § 7; 1945, 721 § 5; 1971, 555 § 67.)

SECT. 26 amended, 1946, 387 § 3; 1953, 654 § 54. (See 1946, 387 § 7.)

SECT. 27 amended, 1946, 387 § 4; revised, 1960, 558 § 8. (See 1946, 387 § 7.)

SECT. 28 amended, 1939, 451 § 27; 1941, 509 § 6; revised, 1943, 531 § 6; paragraph inserted after second paragraph, 1945, 342; second and third paragraphs revised, 1946, 387 § 5; third paragraph revised, 1950, 427; paragraph inserted after third paragraph, 1953, 633; last paragraph amended, 1953, 654 § 55; section revised, 1960, 558 § 9. (See 1941, 509 § 9; 1943, 531 § 7; 1946, 387 § 7.)

SECT. 29, first sentence revised, 1960, 558 § 10.

SECT. 29A added, 1946, 387 § 6 (relative to the taxation of marine and fire and marine insurance companies); subsection (7) revised, 1960, 558 § 11. (See 1946, 387 § 7.)

SECT. 29B added, 1947, 488 § 4 (relative to the taxation of the exchange of reciprocal or inter-insurance contracts).

SECTS. 30-51. For temporary legislation providing for further additional taxes levied under these sections, see 1947, 598; 1948, 574; 1949, 674; 1950, 608; 1951, 386; 1953, 246; 1955, 707 § 1; 1956, 354; 1957, 456.

SECTS. 30-60. For legislation establishing an additional tax under these sections to provide funds for old age assistance, see 1941, 729 §§ 9, 15; 1955, 540 § 5.

For temporary legislation providing for additional taxes levied under these sections, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 § 19; 1941, 416 §§ 1, 3; 1943, 382 §§ 1, 3, 4; 1945, 557 §§ 1, 3, 4; 1948, 503 §§ 1, 4, 6; 1948, 574; 1956, 354; 1957, 456 § 1; 1959, 31 § 1; 1960, 548 § 10; 1961, 139; 1963, 499.

SECT. 30, paragraph 1 revised, 1963, 654 § 2; 1964, 723 § 2; 1971, 555 § 32; 1975, 684 § 45; paragraph 2 revised, 1943, 459 § 1; 1966, 14 § 18; 1969, 538; 1971, 555 § 32; 1975, 684 § 45; paragraph 3, subdivision (*a*) revised, 1939, 24 § 5; sentence added at end, 1947, 622 § 1; paragraph contained in lines 48-51 amended, 1938, 58 § 3; revised, 1943, 459 § 2; stricken out, 1956, 550 § 1; paragraph contained in lines 52-69 revised, 1934, 237 § 1; paragraph 3 revised, 1958, 679 § 1; subdivision (*b*) revised, 1960, 548 § 1; subdivision (*d*)

revised, 1960, 548 § 2; paragraph 3 stricken out, 1962, 756 § 1; paragraph 4, subdivision (*a*) revised, 1939, 24 § 6; subdivision (*b*), last paragraph stricken out, 1956, 550 § 2; sentence added, 1947, 622 § 2; paragraph contained in lines 70-74 amended, 1933, 58 § 4; revised, 1934, 237 § 1; 1943, 459 § 3; paragraph 4 revised, 1958, 679 § 2; subdivision (*b*) revised, 1960, 548 § 3; amended, 1961, 450 § 1; paragraph 4 stricken out, 1962, 756 § 1; paragraph 5 revised, 1933, 327 § 3; 1966, 698 § 46; clause (*a*) revised, 1967, 755 § 3; clause (*b*) amended, 1973, 752 § 1; paragraph 6 revised, 1956, 550 § 3; paragraphs 7-12 added, 1962, 756 § 2; paragraph 7 amended, 1966, 698 § 47; two sentences added, 1969, 539 § 1; paragraph revised, 1970, 634 § 1; paragraph 8 amended, 1964, 375 § 1; paragraph 9 amended, 1964, 375 § 2; 1966, 698 § 48; second sentence revised, 1968, 165; paragraph 10 amended, 1964, 375 § 3; 1966, 698 § 49; paragraph 11 amended, 1964, 375 § 4; 1966, 698 § 50; paragraph 13 added, 1966, 698 § 51; paragraphs 14 and 15 added, 1973, 752 § 2. (See 1933, 58 § 5, 327 § 7; 1934, 237 § 2; 1947, 622 § 5; 1956, 550 § 13; 1958, 679 § 3; 1961, 450 § 2; 1964, 375 § 5, 723 §§ 6, 7; 1969, 539 § 2; 1970, 634 § 7; 1971, 555 67; 1973, 752 § 12; 1975, 684 § 97.)

SECT. 30A added, 1962, 756 § 3 (relative to the determination of the rate of tax on certain corporate property); repealed, 1966, 698 § 52. (See 1962, 756 § 12.)

SECT. 31 repealed, 1962, 756 § 4.

SECT. 31A added, 1970, 634 § 2 (providing for a credit to certain manufacturing, business, agricultural and commercial fishing corporations); paragraph (*f*) added, 1973, 752 § 3. (See 1970, 634 § 7; 1973, 752 § 12.)

SECT. 31B added, 1970, 634 § 3 (providing for lowering of certain rates); amended, 1975, 684 § 46. (See 1970, 634 § 7; 1975, 684 § 97.)

SECT. 31C added, 1973, 791 (providing for a certain credit under the corporation excise law for certain corporations increasing their number of employees).

SECT. 32 revised, 1933, 342 § 1; amended, 1936, 362 § 5; 1939, 363 § 1; revised, 1956, 550 § 4; 1957, 577 § 1; subsection (*a*) amended, 1967, 796 § 18; 1973, 927 § 1; subsection (*b*) revised, 1958, 406 § 1; section revised, 1960, 548 § 4; 756 § 5; 1966, 698 § 53; 1975, 684 § 47; subsection (*a*), clause (*2*) revised, 1975, 684 § 48. (See 1933, 342 § 6; 1936, 362 § 8; 1939, 363 § 2; 1956, 550 § 13; 1957, 577 § 3; 1958, 406 § 3; 1960, 548 § 11; 1973, 927 § 4; 1975, 684 § 97.)

SECT. 32A amended, 1933, 342 § 2; revised, 1956, 550 § 5; repealed, 1960, 548 § 5. (See 1933, 342 § 6; 1956, 550 § 13.)

SECT. 32B added, 1973, 927 § 2 (providing for a combined return of income by certain corporations). (See 1973, 927 § 4.)

SECT. 33 revised, 1933, 303 § 1; second paragraph stricken out, 1962, 756 § 6; paragraph inserted after first paragraph, 1966, 698 § 54. (See 1933, 303 § 3.)

SECT. 34 amended, 1933, 327 § 4; repealed, 1960, 548 § 6. (See 1933, 327 § 7.)

SECT. 35 revised, 1933, 58 § 1; amended, 1953, 654 § 56; revised, 1956, 550 § 6. (See 1956, 550 § 13.)

SECT. 36 revised, 1933, 327 § 5; amended, 1935, 473 § 2; second sentence revised, 1950, 506; first two sentences stricken out and sentence inserted,

1954, 270 § 1; section amended, 1953, 654 § 57; paragraph added, 1954, 270 § 2; section revised, 1955, 613; second sentence revised, 1956, 550 § 7; amended, 1966, 698 § 55; second paragraph amended, 1966, 698 § 56; third paragraph, first sentence revised, 1970, 601 § 4; section revised, 1972, 661 § 1. (See 1933, 327 § 7; 1935, 473 § 7; 1956, 550 § 13; 1970, 601 § 11; 1972, 661 § 2.)

SECT. 37 repealed, 1966, 698 § 57.

SECT. 38, paragraph 2, subdivision (*c*) revised, , 1960, 553; paragraph 3 amended, 1961, 419 § 1; paragraph 10 added, 1933, 342 § 3; section revised, 1966, 698 § 58; subsection (*a*), clause (1) revised, 1971, 555 § 33; 1973, 752 § 4; 1974, 722 § 1; clause (2) revised, 1974, 722 § 2; subsection (*c*) revised, 1975, 684 § 49. subsection (*d*) amended, 1973, 752 § 5; subsection (*e*) revised, 1973, 752 § 6; subsection (*f*), clause 2 revised, 1970, 562; 1972, 748 § 1; subsection amended, 1973, 752 § 7; subsection (*g*), first sentence revised, 1975, 684 § 50. (See 1933, 342 § 6; 1961, 419 § 2; 1971, 555 § 67; 1972, 748 § 2; 1973, 752 § 12; 1974, 722 § 3; 1975, 684 § 97.)

SECT. 38A revised, 1966, 698 § 59; 1971, 555 § 34. (See 1971, 555 § 67.)

SECT. 38B, first sentence amended, 1953, 654 § 58; last paragraph amended, 1935, 473 § 3; revised, 1956, 379 § 2; section revised, 1956, 550 § 8; amended, 1962, 560 § 1; last two paragraphs stricken out, 1962, 756 § 7; section revised, 1966, 698 § 60; 1971, 555 § 35; subsections (*a*) and (*b*) revised, 1973, 752 § 8; 1975, 684 § 51. (See 1935, 473 § 7; 1956, 55 § 13; 1971, 555 § 67; 1973, 752 § 12; 1975, 684 § 97.) [For temporary legislation affecting taxation, during the years 1934 to 1946, inclusive, of corporations subject to this section, see 1934, 317 § 1; 1935, 489, § 4; 1937, 395 § 5; 1938, 489 § 6; 1939, 373 § 5; 1941, 331 § 5; 1943, 285 § 5.]

SECT. 38C revised, 1937, 383, § 1; first sentence revised, 1964, 723 § 3; section revised, 1970, 634 § 4. (See 1937, 383 § 3; 1964, 723 §§ 6, 7; 1970, 634 § 7.)

SECT. 38D added, 1966, 701 (providing for an elective deduction and exemption under the business and manufacturing corporation excise for the construction or improvement of industrial waste treatment facilities); paragraph (*b*), clause (1) amended, 1967, 659; section revised, 1972, 707 § 3; paragraph (*b*), clause (2) amended, 1975, 706 § 115. (See 1972, 707 § 4; 1975, 706 § 312.)

SECTS. 38E-38F added, 1970, 848 § 2 (providing for tax credits for certain corporations).

SECT. 38G added, 1973, 752 § 9 (extending the investment credit under the corporation excise law). (See 1973, 752 § 12.)

SECT. 39, subsection (1) revised, 1936, 362 § 6; last paragraph amended, 1933, 327 § 6; paragraph added, 1933, 342 § 4; section revised, 1956, 550 § 9; 1957, 577 § 2; subsection (*a*) amended, 1967, 796 § 19; 1973, 927 § 3; subsection (*b*) revised, 1958, 406 § 2; section revised, 1960, 548 § 7; 1962, 756 § 8; second sentence revised, 1966, 14 § 19; section revised, 1966, 698 § 61; 1975, 684 § 52; subsection (*a*), clause (2) revised, 1975, 684 § 53. (See 1933, 327 § 7, 342 § 6; 1936, 362 § 8; 1956, 550 § 13; 1957, 577 § 3; 1958, 406 § 3; 1973, 927 § 4; 1975, 684 § 97.)

SECT. 39A revised, 1933, 303 § 2; first paragraph amended, 1934, 134; paragraph inserted after first paragraph, 1966, 698 § 62; second paragraph stricken out, 1962, 756 § 9. (See 1933, 303 § 3.)

SECT. 39C revised, 1956, 550 § 10; repealed, 1960, 548 § 8. (See 1956, 550 § 13.)

SECT. 40 revised, 1933, 58 § 2.

SECT. 41 repealed, 1966, 698 § 63.

SECT. 42, last sentence amended, 1932, 180 § 11; section revised, 1933, 342 § 5; second sentence revised, 1956, 550 § 11; last sentence stricken out, 1953, 654 § 59; section revised, 1966, 698 § 64; first paragraph revised, 1969, 599, § 1. (See 1933, 342 § 6; 1956, 550 § 13; 1969, 599 § 2.)

SECT. 42A revised, 1966, 698 § 65; 1971, 555 § 36. (See 1971, 555 § 67.)

SECT. 42B revised, 1937, 383 § 2; 1970, 634 § 5. (See 1937, 383 § 3; 1970, 634 § 7.)

SECT. 42C added, 1962, 560 § 2 (relative to the taxation of corporations dealing exclusively in securities on their own behalf); repealed, 1966, 698 § 66. (See 1962, 560 § 4.)

SECT. 43 repealed, 1945, 735 § 3. (See 1933, 307 § 9A; 1935, 489 § 2; 1937, 395 § 2; 1938, 489 § 3; 1939, 373 § 2; 1941, 331 § 2; 1943, 285 § 2.)

SECT. 44 amended, 1935, 473 § 4; 1936, 362 § 7; first sentence revised, 1960, 548 § 9; last sentence revised, 1955, 549 § 1; section revised, 1962, 557 § 1; third and fifth sentences amended, 1962, 756 § 18; 1966, 698 § 67. (See 1935, 473 § 7; 1936, 362 § 8; 1960, 548 § 11; 1962, 557 § 5.)

SECT. 45 amended, 1933, 195 § 1; revised, 1935, 473 § 5; amended, 1943, 395; 1950, 505; first sentence revised, 1955, 549 § 2; section revised, 1962, 557 § 2. (See 1933, 195 § 2; 1935, 473 § 7.)

SECT. 45A added, 1961, 440 (authorizing an extension of the statutory time limit for the assessment of the corporation excise).

SECT. 46 revised, 1954, 193; sentence added, 1955, 549 § 3; section revised, 1962, 557 § 3.

SECT. 47 stricken out, 1953, 654 § 60.

SECT. 48 revised, 1935, 473 § 1; 1956, 379 § 1; first sentence revised, 1962, 557 § 4. (See 1935, 473 § 7.)

For temporary legislation providing that certain taxes payable under this section shall be due and payable when the tax return therefor is required to be filed, see 1950, 816; affected, 1951, 750; 1952, 623 § 2; 1953, 246 § 5; 1954, 70 § 2.

SECT. 49 amended, 1953, 654 § 61.

SECT. 51, first sentence stricken out and three sentences inserted, 1951, 529; section amended, 1953, 654 § 62; 1954, 515 § 2; revised, 1957, 434 § 1; 1958, 503 § 1; first sentence revised, 1970, 601 § 5; third sentence revised, 1970, 601 § 6; fifth sentence stricken out, 1973, 708 § 4. (See 1957, 434 § 2; 1958, 503 § 2; 1970, 601 § 11; 1973, 708 § 10.)

SECT. 52, second sentence amended, 1946, 394 § 1; fourth sentence amended, 1946, 394 § 2; eighth sentence amended, 1955, 611 § 2.

SECT. 52A added, under caption, 1951, 641 § 1 (relative to taxation of certain utility corporations); subdivision (1), paragraph (*a*) amended, 1963, 662; paragraph (*b*) amended, 1952, 344; 1955, 611 § 3; revised, 1971, 555 § 37;

paragraph (*d*) added, 1957, 629 § 1; subdivision (2) revised, 1966, 698 § 68; 1971, 555 § 38; subdivision (4) amended, 1954, 515 § 3; clause Fifth revised, 1954, 490; subdivisions (6) and (7) amended, 1953, 654 § 63; subdivision (6) amended, 1954, 515 § 4; revised, 1956, 555 § 1; subdivision (7) amended, 1956, 555 § 2; subdivision (9) amended, 1955, 611 § 4; subdivisions (4)-(11) stricken out and subdivisions (4)-(7) inserted, 1962, 475 § 1. (See 1951, 641 §§ 18, 19; 1956, 555 §§ 3, 4; 1957, 629 § 2; 1962, 475 § 2; 1971, 555 § 67.)

SECT. 53, first paragraph amended, 1933, 254 § 60; 1941, 509 § 7; 1951, 641 § 11; clause Third amended, 1955, 611 § 5; clause Fourth revised, 1934, 323 § 6; stricken out, 1951, 641 § 11. (See 1933, 254 § 66; 1934, 323 § 11; 1941, 509 § 9; 1951, 641 §§ 18, 19.)

SECT. 54, paragraph in lines 9-17 amended, 1933, 254 § 61; same paragraph revised, 1934, 323 § 7; last paragraph amended, 1934, 323 § 7A; section repealed, 1951, 641 § 2. (See 1933, 254 § 66; 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 55, first paragraph amended, 1936, 134; section amended, 1939, 24 § 7; second last paragraph revised, 1947, 622 § 3; section revised, 1951, 641 § 12; last paragraph amended, 1963, 365 § 1. (See 1947, 622 § 5; 1951, 641 §§ 18, 19; 1963, 365 § 4.)

SECT. 56A revised, 1934, 317 § 3; first sentence amended, 1951, 641 § 13; revised, 1962, 560 § 3; section repealed, 1966, 698 § 69. (See 1934, 317 § 4; 1951, 641 §§ 18, 19.)

SECT. 58 amended, 1951, 641 § 14. (See 1951, 641 §§ 18, 19.)

SECT. 59 amended, 1934, 323 § 8; 1951, 641 § 15. (See 1934, 323 § 11; 1951, 641 §§ 18, 19.)

SECT. 60 amended, 1939, 451 § 28; 1941, 509 § 8; 1954, 515 § 5; 1953, 654 § 64. (See 1941, 509 § 9.)

SECT. 67, third sentence revised, 1956, 550 § 12; fourth sentence amended, 1963, 365 § 2; sentence added, 1951, 641 § 16. (See 1951, 641 §§ 18, 19; 1956, 550 § 13; 1963, 365 § 4.)

SECT. 68A amended, 1939, 24 § 8; revised, 1947, 622 § 4; amended, 1954, 515 § 6. (See 1947, 622 § 5.)

SECT. 68B added, 1961, 283 § 1 (authorizing the commissioner of corporations and taxation to extend the time for filing corporation excise returns); paragraph added at end, 1969, 621 § 1; revised, 1971, 799 § 1. (See 1961, 283 § 2; 1971, 799 § 2.)

SECT. 69 amended, 1951, 641 § 17; revised, 1961, 278. (See 1951, 641 §§ 18, 19.)

SECT. 70 revised, 1935, 473 § 6. (See 1935, 473 § 7.)

SECT. 71 amended, 1933, 167 § 3; 1939, 451 § 29; 1945, 523 § 3; 1953, 654 § 65; revised, 1954, 515 § 7; first sentence revised, 1958, 523 § 3; amended, 1961, 277. (See 1958, 523 § 4.)

SECT. 71A amended, 1935, 150; 1939, 451 § 30; 1953, 654 § 66; revised, 1958, 305; 1973, 922 § 3; first sentence revised, 1975, 514 § 2.

SECT. 71B added, 1937, 135 § 3 (providing that applications for abatement or correction of taxes, made pursuant to any provision of this chapter, shall be in writing upon forms approved by the commissioner); amended, 1953, 654 § 67.

SECT. 72 revised, 1964, 460 § 3.

SECT. 74 stricken out and sections 74 and 74A inserted, 1966, 14 § 20.
SECT. 76 revised, 1954, 461 § 1. (See 1954, 461 §§ 3, 4.)
SECT. 76A added, 1972, 609 § 1 (establishing a fee for the issuance of certain documents relative to corporations).
SECT. 81 revised, 1939, 24 § 9.

Chapter 63A. — Taxation of Certain Corporations, Associations and Organizations Engaged in the Sale of Alcoholic Beverages.

For temporary legislation providing for additional taxes upon certain corporations, see 1948, 503 §§ 3, 4; 1949, 674 § 4; 1951, 386 §§ 4, 7; 1953, 246 §§ 8, 11,15; 1955, 495, 707 § 7; 1956, 354; 1957, 456 § 7; 1959, 31 § 6; 1961, 139 § 6.

For temporary legislation providing that certain taxes under this chapter shall be due and payable when the tax return therefor is required to be filed, see 1950, 816; affected, 1951, 750; 1952, 623; 1953, 246 § 5; repealed, 1954, 70 § 2.

New chapter inserted, 1947, 632 § 1. (See 1947, 632 § 3.)

Chapter stricken out and new chapter 63A inserted, 1955, 580 § 1. (See 1955, 580 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to chapter 63A, as so inserted:

SECT. 2 revised, 1966, 698 § 70.
SECTS. 4-5 stricken out and section 4 inserted, 1973, 708 § 5. (See 1973, 708 § 10.)

Chapter 63B. — Declaration of Estimated Tax by Corporations.

New chapter inserted, 1963, 714 § 5. (See 1963, 714 §§ 9, 10.)

SECT. 3, first paragraph revised, 1975, 427 § 1. (See 1975, 427 § 3.)
SECT. 4, paragraph (*a*) revised, 1975, 427 § 2, 684 § 54; paragraph (*b*) revised, 1975, 427 § 2. (See 1975, 427 § 3, 684 § 97.)
SECT. 6, paragraph (*a*), second sentence revised, 1969, 536 § 2; 1975, 684 § 55. (See 1969, 536 § 3; 1975, 684 § 97.)

Chapter 63C. — Taxation of Income of Certain Corporations.

New chapter inserted, 1966, 14 § 21. (See 1966, 14 § 79.)

SECT. 1, definitions of "Domestic corporation" and "Foreign corporation" revised, 1971, 555 § 39; definition of "Net income" revised, 1971, 745. (See 1971, 555 § 67.)
SECT. 2, first sentence revised, 1967, 796 § 20; amended, 1973, 885 § 1. (See 1973, 885 § 3.)

SECT. 3 revised, 1966, 698 § 71; amended, 1967, 555 § 4.
SECT. 6 amended, 1966, 698 § 72.

Chapter 64. — Taxation of Stock Transfers.

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

Chapter repealed, 1954, 353 § 1. (See 1954, 353 §§ 2, 3.)

Chapter 64A. — Taxation of Sales of Gasoline (former title, Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel).

Title changed, 1956, 619 § 3.

Chapter affected, 1932, 248; 1935, 336; 1936, 398; 1938, 431 § 2; 1939, 408; 1941, 330; 1943, 270; 1945, 571; 1949, 744 § 3.

SECT. 1, paragraph (*c*) revised, 1957, 617 § 1; paragraph (*d*) revised, 1936, 357 § 1; amended, 1948, 492 § 1; revised, 1951, 414 § 1; definition of "Special fuels" stricken out, 1956, 619 § 4; sentence defining "Diesel engine fuel" added, 1947, 666 § 1; paragraph (*e*) revised, 1957, 617 § 2; paragraph (*f*) revised, 1957, 617 § 3; paragraph (*g*) amended, 1941, 490 § 16; paragraph (*i*) added, 1957, 617 § 4. (See 1936, 357 § 3; 1947, 666 §§ 2A, 4; 1956, 619 § 6; 1957, 617 § 13.)

SECT. 2 revised, 1957, 617 § 5; paragraph inserted after fifth paragraph, 1961, 300; section amended, 1973, 565 §§ 1, 2. (See 1957, 617 § 13; 1973, 565 § 8.)

SECT. 3, last sentence amended, 1943, 420 § 1; 1957, 383 § 1; section amended, 1957, 617 § 8; revised, 1973, 565 § 3. (See 1957, 383 § 4, 617 § 13.)

SECT. 4 revised, 1938, 431 § 1; paragraph added, 1945, 556; section revised, 1949, 744 § 1; first sentence amended, 1953, 654 § 72; second sentence revised, 1951, 699 § 2; 1952, 556 § 12; 1956, 718 § 12; third sentence amended, 1953, 654 § 72; first paragraph revised, 1960, 411 § 1; amended, 1965, 451 § 1; revised, 1973, 565 § 4; first sentence revised, 1969, 721 § 1; second sentence revised, 1971, 497 § 1; third sentence stricken out, 1969, 546 § 28; paragraph added, 1957, 617 § 6; amended, 1965, 451 § 2; revised, 1969, 721 § 2; second sentence revised, 1971, 497 § 2. (See 1951, 699 §§ 3-5; 1952, 556 §§ 13-15; 1956, 718 §§ 14, 15; 1957, 617 § 13; 1960, 411 § 3; 1965, 451 §§ 7, 9A, 10; 1969, 546 § 34; 1971, 497 § 15.)

SECT. 4A added, 1947, 666 § 2 (providing for the taxation of Diesel engine fuel); next to last sentence revised, 1948, 464; section stricken out and sections 4A-4E inserted, 1949, 744 § 2 (relative to the sale, distribution and rate of tax on Diesel engine fuel); repealed, 1956, 619 § 5. (See 1947, 666 §§ 2A, 4; 1956, 619 § 6.)

SECT. 4A revised, 1951, 414 § 2; repealed, 1956, 619 § 5.

SECT. 5 amended, 1936, 357 § 2; 1939, 451 § 32; revised, 1943, 420 § 2; amended, 1953, 654 § 73; revised, 1957, 383 § 2; amended, 1957, 617 § 9; revised, 1958, 336; 1973, 565 § 5. (See 1936, 357 § 3; 1957, 383 § 4, 617 § 13.)

SECT. 6 amended, 1957, 617 § 10; 1973, 565 § 6. (See 1957, 617 § 13.)

SECT. 7 revised, 1943, 420 § 3; first sentence revised, 1948, 492 § 2; amended, 1952, 377 § 3; 1956, 552 § 1; section amended, 1949, 200; 1953, 654 § 74; section revised, 1957, 383 § 3, 728 § 1; first sentence revised, 1973, 565 § 7; third sentence amended, 1962, 715 § 3; revised, 1963, 503 § 1. (See 1956, 552 § 3; 1957, 383 § 4, 728 § 5; 1963, 503 § 2.)

SECT. 7A added, 1956, 552 § 2 (relative to the reimbursement of the excise tax on certain fuels used by persons engaged in the business of farming); revised, 1960, 410 § 1; second sentence revised, 1968, 257 § 1. (See 1960, 410 § 2; 1968, 257 § 3.)

SECT. 8A added, 1956, 559 (providing for the sale of certain motor vehicle fuel); revised, 1957, 617 § 7; sentence added, 1959, 540 § 1. (See 1957, 617 § 13; 1959, 540 § 2.)

SECT. 9 amended, 1953, 654 § 75.

SECT. 10 amended, 1939, 451 § 33; revised, 1943, 420 § 4; second sentence revised, 1953, 654 § 76; amended, 1957, 617 § 11; section revised, 1960, 383. (See 1957, 617 § 13.)

SECT. 11 amended, 1957, 617 § 12. (See 1957, 617 § 13.)

SECT. 12 revised, 1941, 490 § 17.

SECT. 13 revised, 1962, 715 § 4; clause (*a*) amended, 1970, 878 § 1; clause (*b*) revised, 1970, 878 § 2; amended, 1973, 594 § 2; section revised, 1971, 497 § 3. (See 1971, 497 § 15.)

Chapter 64B. — Excise upon Charges for Meals served to the Public.

New chapter inserted, 1941, 729 § 17. (See 1941, 729 § 15.)

SECT. 1, definition of "taxable charge", revised, 1945, 663 § 1; 1946, 326 § 1; 1949, 725; 1953, 627 § 1; 1971, 555 § 44A; amended, 1973, 723 § 12; revised, 1975, 684 § 56; definition of "Meal" added, 1975, 684 § 57; definition of "Restaurant" added, 1975, 684 § 57; revised, 1975, 720 § 1. (See 1971, 555 § 67; 1973, 723 § 19; 1975, 684 § 97, 720 § 3.)

SECT. 2 revised, 1945, 663 § 2; 1946, 326 § 2; amended, 1953, 654 § 77; 1971, 555 § 44B, 901 § 1. (See 1971, 555 § 67.)

SECT. 2A added, 1953, 627 § 2 (exempting certain meals from the excise imposed by this chapter); clause (*a*) amended, 1970, 888 § 16; clause (*d*) added, 1961, 477; clauses (*e*) and (*f*) added, 1975, 684 § 58. (See 1970, 888 § 31; 1975, 684 § 97.)

SECT. 2B added, 1975, 720 § 2 (exempting certain food or beverages from the meal excise law). (See 1975, 720 § 3.)

SECT. 3 revised, 1945, 663 § 3; 1946, 326 § 3; amended, 1971, 555 § 44C: revised, 1975, 684 § 96. (See 1971, 555 § 67; 1975, 684 § 97.)

SECT. 4 revised, 1953, 617.

SECT. 5, first sentence amended, 1969, 673 § 1; second sentence amended, 1970, 195 § 1; third sentence amended, 1953, 654 § 78. (See 1970, 195 § 2.)

SECT. 6, paragraph added, 1943, 521 § 2; amended, 1948, 658; 1953, 654 § 79; second paragraph revised, 1954, 503 § 1; stricken out, 1969, 546 § 3. (See 1954, 503 § 2; 1969, 546 § 34.)

SECT. 6A added, 1972, 523 § 1 (further regulating the liability for room occupancy and meal excises).

SECT. 7 revised, 1946, 564; next to last sentence stricken out and two sentences inserted, 1953, 654 § 80; third sentence revised, 1957, 368 § 1; section amended, 1973, 708 § 6. (See 1957, 368 § 2; 1973. 708 § 10.)

SECTS. 4-9 stricken out, 1975, 684 § 96. (See 1975, 684 § 97.)

SECT. 10 amended, 1953, 654 § 81; revised, 1955, 540 § 4; repealed, 1966, 14 § 33. (See 1955, 540 §§ 5-7.)

Chapter repealed, 1975, 684 § 87. (See 1975, 684 § 97.)

Chapter 64C. — Cigarette Excise.

New chapter inserted, 1945, 547 § 1. (See 1945, 547 §§ 2, 3, 731 § 9; 1949, 771.)

For legislation providing for temporary cigarette taxes, see 1939, 454 §§ 1-18; 1941, 417, 715; 1943, 407; 1945, 731 § 9; 1949, 771; 1951, 386 § 9; 1953, 246 § 13; 1955, 707 § 11; 1956, 354; 1957, 465 § 11; 1958, 457 § 1; 1959, 31 § 10; 1961, 139; 1963, 499.

For legislation providing for temporary taxes on cigars and tobacco, see 1949, 796 § 2 (See 1949, 796 § 3;) repealed, 1950, 827.

SECT. 1, third sentence revised, 1966, 541 § 1; sentence added, 1966, 435 § 1. (See 1966, 435 § 7, 541 § 2.)

SECT. 2, seventh sentence amended, 1956, 90 § 1. (See 1956, 90 § 3.)

SECT. 3 revised, 1956, 90 § 2. (See 1956, 90 § 3.)

SECT. 4 amended, 1953, 654 § 82.

SECT. 6 amended, 1953, 654 § 83; 1956, 720 § 1; revised, 1960, 774 § 7; second, third and fourth sentences revised, 1964, 563 § 5; 1966, 14 § 22; third sentence stricken out, 1966, 435 § 2; second and fourth sentences revised, 1969, 361 § 1; 1971, 245 § 1. (See 1956, 720 §§ 2-4; 1960, 774 §§ 6, 8, 9, 10; 1964, 563 § 4; 1966, 435 §§ 6, 7; 1969, 361 § 5; 1971, 245 § 4.)

SECT. 7, first two sentences stricken out and three sentences inserted, 1957, 373 § 1. (See 1957, 373 § 2.)

SECT. 9, first paragraph amended, 1964, 469; paragraph added, 1956, 322 § 1. (See 1956, 322 § 2.)

SECT. 10, sentence inserted after tenth sentence, 1966, 435 § 3. (See 1966, 435 § 7.)

SECT. 13, paragraph (*b*) revised, 1958, 633 § 1; paragraph (*d*) revised, 1958, 633 § 2.

SECT. 15 amended, 1958, 633 § 3.

SECT. 21 amended, 1966, 435 § 4. (See 1966, 435 § 7.)

SECT. 22 amended, 1953, 654 § 84.

SECT. 23 amended, 1953, 654 § 85.

SECT. 24 amended, 1956, 239.

SECT. 25 amended, 1953, 654 § 86.

SECT. 28 added, 1964, 563 § 6 (providing that a portion of the cigarette excise shall be credited to the General Fund and used solely for meeting certain transportation requirements); subsection (*a*) revised, 1969, 361 § 4; subsection (*c*) added, 1966, 14 § 23; section revised, 1971, 245 § 3. (See 1969, 361 § 5; 1971, 245 § 4.)

SECTS. 29-30 added, 1966, 435 § 5 (providing that payment of the cigarette excise be evidenced by stamps affixed to the cigarette packages).

SECT. 30, third paragraph revised, 1969, 361 § 3. (See 1969, 361 § 5.)

Chapter 64D. — Excise on Deeds, Instruments and Writings.

New chapter inserted, 1951, 710 § 1. (See 1951, 710 § 2.)

SECT. 1 revised, 1953, 303; amended, 1967, 581 § 1; last sentence revised, 1968, 591. (See 1967, 581 § 2.)

SECT. 2, sentence inserted after first sentence, 1955, 651 § 2; section revised, 1962, 491 § 1. (See 1962, 491 § 2.)

SECT. 3, five paragraphs added, 1955, 651 § 1.

SECTS. 3A and 3B added, 1954, 550 (establishing a fund for the purchase by registries of deeds of documentary stamps to be sold by said registries).

SECT. 4 amended, 1953, 654 § 87.

SECT. 6, second sentence stricken out and two sentences inserted, 1953, 503.

SECT. 6A added, 1968, 532 § 1 (providing penalty for failing to affix required stamps to certain instruments prior to recording in any registry of deeds). (See 1968, 532 § 2.)

Chapter 64E. — Taxation of Special Fuels Used in the Propulsion of Motor Vehicles.

New chapter inserted, 1956, 619 § 1. (See 1956, 619 § 6.)

SECT. 2, fourth paragraph revised, 1975, 819 § 1. (See 1975, 819 § 7.)

SECT. 3, last paragraph revised, 1957, 382 § 1. (See 1957, 382 § 4.)

SECT. 4, first paragraph amended, 1956, 718 § 12A; 1965, 451 § 3; first sentence revised, 1969, 721 § 3; second sentence revised, 1971, 497 § 4; second paragraph revised, 1960, 411 § 2; 1965, 451 § 4; stricken out, 1969, 546 § 29. (See 1956, 718 §§ 14, 15; 1960, 411 § 3; 1965, 451 §§ 8, 9A, 10; 1969, 546 § 34; 1971, 497 § 15.)

SECT. 5 revised, 1957, 382 § 2, 728 § 2. (See 1957, 382 § 4, 728 § 5.)

SECT. 7 revised, 1957, 382 § 3. (See 1957, 382 § 4.)

SECT. 11 revised, 1961, 64.

SECT. 13 revised, 1971, 497 § 5. (See 1971, 497 § 15.)

SECT. 16 added, 1975, 819 § 2 (relative to arrests for violation of the special fuels tax law). (See 1975, 819 § 7.)

Chapter 64F. — Taxation of Fuel and Special Fuels Acquired Outside and Used within the Commonwealth.

New chapter inserted, 1956, 619 § 2. (See 1956, 619 § 6.)

SECT. 2 revised, 1975, 819 § 3. (See 1975, 819 § 7.)

SECT. 3, first paragraph revised, 1956, 718 § 12B; first sentence amended, 1965, 451 § 5; revised, 1971, 497 § 6; two sentences added, 1957, 728 § 3; second paragraph amended, 1975, 819 § 4. (See 1956, 718 §§ 14, 15; 1957, 728 § 5; 1971, 497 § 15; 1975, 819 § 7.)

SECT. 4, first sentence revised, 1957, 377 § 1; stricken out and two sentences inserted, 1975, 819 § 5. (See 1957, 377 § 4; 1975, 819 § 7.)

SECT. 6, second sentence revised, 1956, 718 § 12C, section revised, 1960, 375 § 1; first sentence revised, 1969, 721 § 4; second sentence revised, 1965, 451 § 6; 1971, 497 § 7. (See 1956, 718 §§ 14, 15; 1960, 375 § 3; 1971, 497 § 15.)

SECT. 7, second paragraph revised, 1957, 377 § 2. (See 1957, 377 § 4.)

SECT. 8 revised, 1957, 377 § 3; first sentence revised, 1960, 375 § 2. (See 1957, 377 § 4.)

SECT. 14 revised, 1971, 497 § 8. (See 1971, 497 § 15.)

SECT. 16 added, 1975, 819 § 6 (relative to arrests for certain violations of the motor vehicle law). (See 1975, 819 § 7.)

Chapter 64G. — Room Occupancy Excise.

New chapter inserted, 1966, 14 § 25. (See 1966, 14 § 79.)

SECT. 1, paragraphs (*a*), (*b*) and (*c*) revised, 1967, 745.

SECT. 7A added, 1970, 699 (providing for the abatement of excises on certain room occupancy accounts).

SECT. 7B added, 1972, 523 § 2 (further regulating the liability for room occupancy and meal excises).

Chapter 64H. — Tax on Retail Sales of Certain Tangible Personal Property.

New chapter inserted, 1967, 757 § 1. (See 1967, 757 § 10.)

SECT. 1, paragraph (5) revised, 1971, 555 § 40; paragraph (9) amended, 1971, 555 § 41; paragraph (12), clause (*f*) added, 1970, 563 § 1. (See 1970, 563 § 2; 1971, 555 § 67.)

SECT. 2 revised, 1975, 684 § 59. (See 1975, 684 § 97.)

SECT. 3, second paragraph revised, 1967, 797 § 2; section revised, 1970, 683; paragraph (*c*) amended, 1971, 555 § 42. (See 1971, 555 § 67.)

SECT. 4 revised, 1975, 684 § 60. (See 1975, 684 § 97.)

SECT. 5 amended, 1975, 684 § 61. (See 1975, 684 § 97.)

SECT. 6, paragraph (*c*) amended, 1970, 566 § 7; paragraph (*e*) amended, 1968, 341; paragraphs (*g*)-(*h*) revised, 1971, 555 § 44; paragraph (*g*) revised, 1975, 684 § 62; paragraph (*i*) revised, 1971, 1088; paragraph (*k*) amended, 1971, 850; paragraph (*o*) amended, 1968, 502 § 1; paragraph (*p*) amended, 1968, 711 § 1; paragraphs (*r*)-(*s*) revised, 1971, 555 § 45; paragraph (*u*) revised, 1968, 87 § 1; paragraph (*w*) added, 1968, 69; paragraph (*x*) added, 1970, 597; paragraph (*y*) added, 1971, 555 § 45A; paragraph (*z*) added, 1973, 932; paragraph (*aa*) added, 1973, 1141 § 4A; paragraph (*bb*) added, 1975, 684 § 63. (See 1968, 87 § 2; 1971, 555 § 67; 1975, 684 § 97.)

SECT. 7, paragraph (*a*) revised, 1975, 684 § 64; paragraph (*c*) second paragraph revised, 1975, 684 § 65. (See 1975, 684 § 97.)

SECT. 8, paragraphs (*f*)-(*i*) added, 1968, 89 § 1. (See 1968, 89 § 3.)

SECT. 13, paragraph (*a*) amended, 1971, 749 § 1; paragraph (*b*) amended, 1973, 922 § 4; clause (3) revised, 1975, 514 § 3.

SECT. 14, repealed, 1969, 546 § 4. (See 1969, 546 § 34.)

SECT. 20, first two sentences revised, 1970, 601 § 7; second paragraph amended, 1973, 708 § 7. (See 1970, 601 § 1; 1973, 708 § 10.)

SECT. 22, third sentence stricken out and two sentences inserted, 1968, 447 § 1.

SECT. 24, third paragraph revised, 1968, 61 § 1.

SECT. 25, paragraph added, 1972, 662 § 1.

SECT. 25A added, 1969, 558 § 1 (relating to sales and use tax on boats and airplanes).

SECT. 26 amended, 1970, 564 § 1.

SECT. 27, paragraph added, 1969, 558 § 2.

SECT. 28, paragraph (*b*) second sentence revised, 1968, 76 § 1.

SECT. 30A added, 1973, 706 § 1 (filing of bond or deposit by non-resident contractors; revised, 1975, 684 § 66. (See 1975, 684 § 97.)

SECT. 32 added, 1968, 62 § 1 (providing for service of process on state secretary in actions against out-of-state vendors under sales and use tax law).

Chapter 64I. — Tax on Storage, Use or Other Consumption of Certain Tangible Personal Property.

New chapter inserted, 1967, 757 § 2.

SECT. 2 revised, 1975, 684 § 67. (See 1975, 684 § 97.)

SECT. 4, second paragraph revised, 1967, 797 § 3; paragraph added, 1971, 555 § 47. (See 1971, 555 § 67.)

SECT. 5 revised, 1975, 684 § 68. (See 1975, 684 § 97.)

SECT. 7, paragraph (*a*) revised, 1968, 88 § 1; paragraph (*b*) revised, 1969, 558 § 3; paragraph (*c*) revised, 1968, 88 § 2. (See 1968, 88 § 3.)

SECT. 8, paragraphs (*g*)-(*j*) added, 1968, 89 § 2. (See 1968, 89 § 3.)

SECT. 15, first paragraph amended, 1971, 749 § 2; second paragraph amended, 1973, 922 § 5; 1975, 514 § 4.

SECT. 21, first paragraph, first sentence revised, 1970, 601 § 8; third sentence revised, 1970, 601 § 9; second paragraph amended, 1973, 708 § 8. (See 1970, 601 § 11; 1973, 708 § 10.)

SECT. 23, first paragraph, third sentence stricken out and two sentences inserted, 1968, 447 § 2.

SECT. 25, second paragraph, second sentence revised, 1968, 61 § 2.

SECT. 26, paragraph added, 1972, 662 § 2.

SECT. 26A added, 1969, 558 § 4 (relating to sales and use tax on boats and airplanes).

SECT. 27 amended, 1970, 564 § 2.

SECT. 28, paragraph added, 1969, 558 § 5.

SECT. 29, paragraph (*b*), second sentence revised, 1968, 76 § 2.

SECT. 31A added, 1973, 706 § 2 (filing of bond or deposit by non-resident contractors); revised, 1975, 684 § 69. (See 1975, 684 § 97.)

SECT. 33 added, 1968, 62 § 2 (providing for service of process on state secretary in legal actions against certain out-of-state vendors).

Chapter 65. — Taxation of Legacies and Successions.

For legislation establishing an additional tax upon legacies and successions to provide funds for old age assistance, see 1941, 729 §§ 9A, 15.

For temporary legislation providing for additional taxes upon legacies and successions, see 1935, 480; 1936, 397; 1937, 422; 1938, 502; 1939, 454 §§ 20, 22; 1941, 416 §§ 2, 3; 1943, 482 §§ 2, 3, 4; 1945, 557 §§ 2, 3, 4; 1948, 503 §§ 2, 4; 1949, 674 § 3; 1951, 386 § 3; 1953, 246 § 7; 1955, 707 § 6; 1956, 354; 1957, 456 § 6; 1959, 31 § 5; 1961, 139 § 5; 1963, 499 § 5.

SECT. 1, table revised, 1933, 293, 1939, 454 § 22; 1941, 415 § 1; 1966, 698 § 73; 1967, 463 § 1; 698 § 73; 1967, 463 § 1; 1969, 600 § 1; first sentence revised, 1941, 605 § 1; amended, 1949, 792 § 1; revised, 1950, 556; 1955, 596; amended, 1971, 555 § 51; first paragraph amended, 1968, 535; paragraph added after table, 1949, 792 § 2; revised, 1961, 403; 1969, 600 § 2; amended, 1969, 675 § 1; second and third paragraphs revised, 1970, 566 § 8; paragraph inserted after third paragraph, 1971, 555 § 52; revised, 1973, 723 § 13; paragraph added, 1967, 463 § 2. (See 1941, 415 § 2, 605 § 2; 1966, 698 § 87; 1969, 600 § 3; 1970, 566 § 9; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 2 repealed, 1971, 555 § 53. (See 1971, 555 § 67.)

SECT. 3 amended, 1939, 380.

SECT. 7 revised, 1957, 429 § 1; 1971, 555 § 54; paragraph inserted after third paragraph, 1972, 712 § 1; section amended, 1973, 723 § 14. (See 1957, 429 § 2; 1971, 555 § 67; 1973, 723 § 19.)

SECT. 9, first sentence revised, 1952, 445 § 1; paragraph added, 1954, 595 § 1; section revised, 1957, 502 § 1; second paragraph amended, 1964, 470 § 1. (See 1957, 502 § 2.) (See 1954, 595 §§ 2, 3; 1956, 488.)

SECT. 11 amended, 1949, 749; revised, 1971, 555 § 55. (See 1971, 555 § 67.)

SECT. 13 amended, 1971, 555 § 56; 1973, 723 § 15. (See 1971, 555 § 67; 1973, 723 § 19.)

SECT. 14 amended, 1953, 654 § 88.

SECT. 15 revised, 1948, 543 § 1. (See 1948, 543 § 2.)

SECT. 22 revised, 1961, 469 § 1; first paragraph revised, 1964, 470 § 2; amended, 1969, 541 § 1; second paragraph amended, 1969, 541 § 2; stricken out, 1970, 338; section revised, 1971, 555 § 57; second paragraph stricken out and two paragraphs inserted, 1972, 712 § 2. (See 1961, 469 § 4; 1969, 541 § 4; 1971, 555 § 67.)

SECTS. 24A-24F added, 1933, 319 (providing reciprocal relations in respect to death taxes upon estates of nonresident decedents).

SECT. 25 amended, 1939, 451 § 34; revised, 1939, 494 § 1; 1954, 572 § 1; 1961, 469 § 2; amended, 1971, 555 § 58. (See 1961, 469 § 4; 1971, 555 § 67.)

SECT. 26 amended, 1939, 451 § 35; revised, 1939, 494 § 2; amended, 1953, 654 § 89; revised, 1954, 572 § 2; 1961, 469 § 3.

SECT. 27 amended, 1953, 654 § 90; first sentence stricken out and three sentences inserted, 1967, 550 § 1; three sentences inserted after sixth sentence, 1969, 560. (See 1967, 550 § 2.)

SECT. 27 stricken out and new sections 27-27A inserted, 1971, 555 § 59. (See 1971, 555 § 67.)

SECT. 32 amended, 1939, 451 § 26; last sentence stricken out, 1945, 523 § 4; last sentence revised, 1971, 555 § 60. (See 1971, 555 § 67.)

SECT. 33 revised, 1963, 417; 1964, 460 § 4.

SECT. 33A added, 1969, 561 § 1 (limiting the time for the assessment and collection of inheritance taxes); third sentence revised, 1972, 524 § 1; sentence added, 1970, 565 § 1. (See 1970, 565 § 2.)

SECT. 35 revised, 1958, 313; 1973, 922 § 6; amended, 1975, 514 § 5.

SECT. 35A added, 1957, 369 § 1 (relative to the furnishing of certain certificates and other papers relating to the tax on legacies and succession and establishing fees therefor); first sentence revised, 1969, 541 § 3; 1971, 555 § 61. (See 1969, 541 § 4; 1971, 555 § 67.)

Chapter 65A. — Taxation of Transfers of Certain Estates.

SECT. 1, paragraph added, 1932, 284; second paragraph revised, 1933, 316 § 1; section amended, 1937, 420 § 1. (See 1933, 316 § 2; 1937, 420 § 4.)

SECT. 2 revised, 1971, 555 § 62. (See 1971, 555 § 67.)

SECT. 3 revised, 1969, 562.

SECT. 4 amended, 1970, 601 § 10. (See 1970, 601 § 11.)

SECT. 5 stricken out, and new sections 5-5B inserted, 1943, 519 § 1 (providing for the equitable apportionment in certain cases of estate taxes and the collection and payment thereof). (See 1943, 519 § 2.)

SECT. 5 revised, 1948, 605 § 1; 1975, 684 § 73. (See 1948, 605 §§ 3, 4; 1975, 684 § 97.)

SECT. 5A revised, 1948, 605 § 2. (See 1948, 605 §§ 3, 4.)

SECT. 6 amended, 1937, 420 § 2; third sentence revised, 1943, 471; 1945, 529; section amended, 1953, 654 § 91; third sentence amended, 1973, 708 § 9. (See 1937, 420 § 4; 1973, 708 § 10.)

SECT. 7 repealed, 1937, 420 § 3. (See 1937, 420 § 4.)

Chapter 65B. — Settlement of Disputes respecting the Domicile of Decedents for Death Tax Purposes.

New chapter inserted, 1943, 428 § 1. (See 1943, 428 § 3.)

SECT. 3 amended, 1953, 654 § 92.

SECT. 4, paragraph (*a*) amended, 1953, 654 § 93.

Chapter 65C. — Massachusetts Estate Tax.

New chapter inserted, 1975, 684 § 74. (See 1975, 684 § 97.)

Chapter 66. — Public Records.

SECT. 1 amended, 1945, 580 § 7.

SECT. 3 revised, 1936, 305; 1941, 662 § 1; second sentence amended, 1975, 282.

SECT. 4 amended, 1950, 310; 1973, 1050 § 2. (See 1973, 1050 § 7.)

SECTS. 5, 7 and 16 affected, 1941, 662 § 2.

SECT. 5A added, 1958, 626 § 10 (relative to the records of certain public boards and commissions); amended, 1960, 437 § 6; revised, 1964, 323 § 2.

SECT. 8 amended, 1943, 128; 1949, 395 § 2; first sentence revised, 1962, 427 § 3; 1974, 141. (See 1949, 395 § 3; 1950, 182, 350.)

SECT. 8A added, 1951, 56 (relative to the destruction of certain records by city and town clerks).

SECT. 10 revised, 1948, 550 § 5; 1973, 1050 § 3. (See 1973, 1050 § 7.)

SECT. 13, sentence added, 1951, 200.

SECT. 15 amended, 1939, 40.

SECT. 16 revised, 1948, 550 § 6; 1970, 30.

SECT. 17A added, 1941, 630 § 1 (making records relating to old age assistance, aid to dependent children and aid to the blind confidential); revised, 1943, 169; amended, 1945, 240 § 1; revised, 1946, 67; amended, 1948, 202; revised, 1948, 525; amended, 1953, 342; 1966, 535 § 4; sentence added, 1956, 356; section revised, 1969, 885 § 27.

SECT. 17B added, 1969, 831 § 1 (further defining "public records"); amended, 1970, 778; repealed, 1973, 1050 § 4. (See 1973, 1050 § 7.)

SECT. 17C added, 1975, 303 § 4 (providing for judicial orders relative to public records). (See 1975, 303 § 5.)

SECT. 18 amended, 1945, 393 § 6.

Chapter 66A. — Fair Information Practices.

New chapter inserted, 1975, 776 § 1. (See 1975, 776 § 5.)

Chapter 67. — Parishes and Religious Societies.

SECT. 7 revised, 1945, 28.

SECT. 40 amended, 1952, 580; revised, 1972, 180 § 2.

SECT. 41 revised, 1967, 466.

SECT. 49 amended, 1970, 37 § 1.

SECT. 51 revised, 1962, 750 § 2.

SECT. 52 amended, 1970, 37 § 2.

SECT. 55 added, 1953, 592 (to provide for the incorporation of churches, congregations, parishes, committees and other religious organizations under the jurisdiction of the Orthodox Church); third paragraph amended, 1962, 750 § 3.

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECT. 1 amended, 1971, 297; 1972, 186 § 3.

SECT. 6 revised, 1972, 186 § 4.

SECT. 9 repealed, 1965, 40.

SECT. 10, first sentence amended, 1957, 94; sentence added, 1934, 238.

SECT. 15 amended, 1946, 23; repealed, 1954, 529 § 3.

SECT. 17 added, 1954, 559 (relative to the solicitation of funds for charitable purposes); fifth paragraph amended, 1955, 498; section revised, 1957, 352; repealed, 1964, 718 § 2. (See 1964, 718 § 3.)

SECTS. 18-31 added, 1964, 718 § 1 (regulating the solicitation of charitable contributions from the public). (See 1964, 718 § 3.)

SECT. 20, subsection (11) revised, 1972, 393.

SECT. 21, subsection (*c*) amended, 1972, 613 § 1.

SECT. 24 amended, 1972, 613 § 2.

SECT. 27, subsection (*e*) revised, 1965, 324.

SECT. 32 added, 1971, 595 (authorizing charitable organizations to become members of The Common Fund for Nonprofit Organizations, a New York nonprofit membership corporation).

Chapter 68A. — Limitations Upon the Conduct of Certain Trusts and Corporations Having Charitable Interests.

New chapter inserted, 1971, 367 § 1. (See 1971, 367 § 2.)

Chapter 69. — Powers and Duties of the Department of Education.

For an act to encourage the establishment of regional and consolidated public schools and to provide financial assistance to cities and towns in the construction of school buildings, see 1948, 645; 1949, 637, 741; 1950, 490, 508, 528; 1952, 413; 1953, 470; 1954, 329, 346; 1957, 322, 358, 703; 1958, 356; 1959, 591; 1961, 377, 471.

SECT. 1A added, 1974, 645 (establishing the position of director of physical education).

SECT. 4 revised, 1952, 585 § 8.

SECT. 5 repealed, 1969, 254 § 3.

SECT. 6 amended, 1932, 127 § 3; 1960, 403 § 1; second and third sentences revised, 1972, 684 § 4. (See 1972, 684 § 136.)

SECT. 7 amended, 1935, 275; 1937, 213, 327; 1938, 315; revised, 1938, 424; amended, 1941, 351 § 6, 561; revised, 1943, 403; second sentence amended, 1958, 613 § 2D; sentence inserted after second sentence, 1956, 186; section revised, 1965, 572 § 9.

SECT. 7A added, 1946, 439 § 1 (extending to certain members of the armed forces, and to veterans of World War II, university extension courses free of charge); revised, 1954, 627 § 20; 1958, 409; amended, 1968, 595. (See 1946, 439 § 2; 1954, 627 §§ 65, 67.)

SECT. 7B added, 1946, 548 § 1 (relative to higher educational opportunities for children of certain deceased members or former members of the armed forces); first paragraph amended, 1948, 381; second paragraph amended, 1947, 399; 1948, 357; section revised, 1950, 758; 1951, 747; amended, 1952, 497; first paragraph revised, 1954, 627 § 21; 1963, 492. (See 1954, 627 §§ 65, 67.)

SECT. 7C added, 1957, 692 (providing for the granting of certain scholarships to certain students at the State Teachers College at Fitchburg); amended, 1960, 403 § 2; second paragraph, third sentence amended, 1972, 766 § 6. (See 1972, 766 § 23.)

SECT. 7D added, 1963, 702 (establishing additional special education scholarships); first paragraph amended, 1967, 268 § 1; second paragraph amended, 1967, 502; third sentence amended, 1972, 766 § 7. (See 1972, 766 § 23.)

SECT. 7E added, 1966, 712 § 1 (establishing education scholarships for certain children of certain police officers and fire fighters who are killed or die in the performance of duty); amended, 1973, 786 § 1. (See 1973, 786 § 2.)

SECT. 7F added, 1972, 602 (establishing education scholarships for certain children of prisoners of war or servicemen missing in action in Southeast Asia).

SECT. 8 amended, 1932, 127 § 4; 1960, 403 § 3.

SECT. 9 amended, 1938, 442 § 1.

SECT. 9A added, 1938, 442 § 2 (further regulating education in the use of English and certain other subjects adapted to fit persons for American citizenship).

SECT. 10 revised, 1966, 14 § 44.

SECT. 10A added, 1951, 693 (providing for the advancement of education for American citizenship).

SECT. 11 revised, 1939, 409 § 4. (See 1939, 409 §§ 1, 5.)

SECT. 12 repealed and caption preceding section stricken out, 1966, 535 § 5.

SECT. 13 stricken out and sections 13-13D inserted, 1951, 673 § 1. (See 1951, 673 § 8.)

SECTS. 13A-13D repealed, 1966, 535 § 5.

SECT. 14 revised, 1951, 673 § 2; repealed, 1966, 535 § 5. (See 1957, 669.)

SECT. 15, sentence added, 1951, 673 § 3; section repealed, 1966, 535 § 5.

SECT. 16 repealed, 1952, 345.

SECTS. 17 and 18 stricken out and section 17 inserted, 1951, 673 § 4.

SECT. 17 repealed, 1966, 535 § 5.

SECT. 19 amended, 1943, 89 § 1; revised, 1951, 673 § 5; repealed, 1966, 535 § 5.

SECT. 19A added, 1943, 89 § 2 (requiring reports to the director of the division of the blind of results of examinations of blind persons); repealed, 1966, 535 § 5.

SECT. 19B added, 1945, 554 (providing for examinations by ophthalmologists of certain applicants for aid to the blind); repealed, 1966, 535 § 5.

SECTS. 20-22 repealed, 1951, 673 § 6.

SECT. 23 revised, 1943, 526; first paragraph amended, 1947, 458; 1951, 555; revised, 1956, 585 § 1; amended, 1962, 503 § 1; paragraph inserted after first paragraph, 1951, 551; paragraph added, 1945, 541 § 1; amended, 1962, 505; section repealed, 1966, 535 § 5. (See 1956, 585 § 2; 1962, 503 § 2.)

SECT. 23A added, 1938, 28 (requiring the furnishing of information to the director of the division of the blind by certain banks and other depositories); repealed, 1966, 535 § 5.

SECT. 23B added, 1945, 541 § 2 (relative to granting aid or assistance to certain blind persons); repealed, 1966, 535 § 5.

SECT. 24 repealed, 1966, 535 § 5.

SECT. 24A added, 1953, 457 § 1 (providing that permits to operate vending stands in public buildings be granted to the division of the blind); revised, 1956, 477; 1962, 336; repealed, 1966, 535 § 5. (See 1953, 457 § 2.)

SECT. 25 revised, 1935, 397; repealed, 1966, 535 § 5.

SECTS. 25A-25E added, 1938, 329 (regulating the raising of funds for the benefit of the blind); repealed, 1966, 535 § 5.

SECT. 26, first sentence amended, 1945, 524; 1951, 673 § 6A; paragraph added, 1935, 286; section revised, 1952, 498 § 1; 1957, 582; 1958, 508; third sentence amended, 1964, 497.

SECT. 26A added, 1941, 630 § 2 (relative to information concerning recipients of aid to the blind), repealed, 1966, 535 § 5.

SECT. 28 revised, 1952, 498 § 2; 1957, 615 § 1; 1967, 759 § 1.

SECT. 28A added, 1957, 615 § 2 (providing reimbursement to cities, towns and regional school districts for extra compensation paid to teachers of special day classes for deaf pupils).

SECT. 28B added, 1968, 618 (providing for reimbursement by commonwealth of sixty-five per cent of the approved construction costs of schools for the deaf).

SECT. 29 added, 1938, 313 (relative to instruction in lip reading for certain school children whose hearing is defective); revised, 1960, 600; 1967, 760.

SECTS. 29A and 29B added, under caption, 1954, 514 § 3 (relative to the powers and duties of the division of special education for mentally retarded children).

SECT. 29A revised, 1955, 626 § 1; amended, 1956, 570 § 1.

SECT. 29B revised, 1955, 626 § 1; amended, 1956, 535 § 1; 1957, 615 § 3; revised, 1960, 627; amended, 1960, 750 § 2; 1966, 647 § 2; sentence added, 1966, 501 § 2; revised, 1967, 874 § 1; 1968, 617 § 1; amended, 1970, 888 § 17. (See 1960, 750 § 3; 1970, 888 § 31.)

SECT. 29C added, 1956, 570 § 2 (relative to the allocation of the expense of purchasing, leasing and maintaining special audio-equipment for the instruction of physically handicapped children); revised, 1966, 14 § 45; 1969, 546 § 10. (See 1969, 546 § 34.)

SECT. 29D added, 1956, 635 (relative to recreational programs for physically handicapped children); revised, 1958, 556; second sentence amended, 1969, 254 § 4; last sentence revised, 1966, 14 § 46; 1969, 546 § 11. (See 1969, 546 § 34.)

SECT. 29E added, 1967, 761 (providing for programs for children with impaired hearing).

SECTS. 26-29E repealed, 1972, 766 § 8. (See 1972, 766 § 23.)

SECTS. 30 and 31 added, under caption, 1943, 549 § 3 (relative to approval by the Board of Collegiate Authority of the organization of certain educational institutions and of certain amendments to their charters).

SECT. 30 amended, 1962, 750 § 4; caption preceding section stricken out, 1965, 572 § 10; first sentence amended, 1965, 572 § 11; sentence inserted after second sentence, 1974, 782 § 1; sentence inserted after fifth sentence, 1953, 290; sentence added, 1960, 405; amended, 1967, 268 § 2.

SECT. 30A added, 1963, 202 (providing for the revocation or suspension of the power of certain educational institutions to grant degrees); amended, 1965, 572 § 12.

SECT. 31, introductory paragraph amended, 1965, 572 § 13; revised, 1974, 782 § 2; clause Second amended, 1972, 159 § 1; clause Thirteenth amended, 1972, 159 § 2.

SECT. 31A added, 1964, 66 (further regulating the awarding of degrees by educational institutions in the commonwealth); revised, 1975, 669.

SECT. 31B added, 1973, 305 (requiring the transfer of certain records to the board of higher education).

SECT. 31C added, 1973, 564 (requiring institutions to notify certain applicants of whether said institutions have certain academic accreditation).

SECTS. 32 and 33 added, under caption, 1951, 673 § 7 (relative to instruction of visually handicapped and blind children).

SECT. 33, sentence added, 1952, 397.

SECT. 34 added, 1968, 706 (relating to itinerant programs for visually handicapped children).

SECTS. 32-34 repealed, 1972, 766 § 8. (See 1972, 766 § 23.)

SECT. 35 added, under caption, 1971, 1005 § 4 (establishing a bureau of transitional bilingual education).

Chapter 70. — School Funds and State Aid for Public Schools (former title, School Funds and Other State Aid for Public Schools).

Chapter stricken out and new chapter 70 (with new title) inserted, 1948, 643 § 1. (See 1948, 643 § 3, 645.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 70, as so inserted:

SECT. 3, first sentence revised, 1956, 599 § 2. (See 1956, 599 § 4, 5.)

SECT. 3A added, 1950, 703 (providing state reimbursement for cities and towns for payment to certain teachers); repealed, 1955, 626 § 2A.

SECT. 3B added, 1950, 774 (providing state reimbursement for towns forming regional school districts); sentence added, 1953, 547 § 2.

SECT. 3C added, 1954, 514 § 4 (providing for reimbursement of cities and towns on account of special education for mentally retarded children); repealed, 1955, 626 § 2A.

SECT. 4, sentence added, 1953, 437 § 1.

SECT. 4A added, 1956, 453 (relative to state reimbursement to certain towns in regional school districts).

SECT. 6 revised, 1951, 592 § 1. (See 1951, 592 § 2.)

SECT. 9, second sentence revised, 1956, 599 § 3. (See 1956, 599 § 5.)

SECT. 10, sentence added, 1950, 620.

SECT. 11 amended, 1960, 403 § 4; revised, 1963, 642 § 4.

Chapter stricken out and new chapter 70 inserted, 1966, 14 § 40. (See 1966, 14 § 79.)

SECT. 2, paragraph (*c*) amended, 1967, 791 § 1; revised, 1970, 871 § 6; amended, 1971, 930 § 1; 1972, 766 § 9; paragraphs (*e*) and (*f*) revised, 1973, 925 § 8. (See 1971, 930 § 2; 1972, 766 § 23; 1973, 925 § 84.)

SECT. 4 amended, 1970, 455 § 1; 1973, 925 § 8A; 1974, 492 § 11. (See 1970, 455 § 2; 1973, 925 § 84; 1974, 492 § 24.)

SECT. 5 amended, 1973, 925 § 8B. (See 1973, 925 § 84.)

Chapter 71. — Public Schools.

SECT. 1 amended, 1953, 137; first sentence amended, 1962, 11; revised, 1965, 572 § 14; two sentences inserted after first sentence, 1966, 187; second sentence (as appearing in 1953, 137) amended, 1962, 301 § 1; three sentences added, 1971, 922 § 1; eighth and ninth sentences revised, 1972, 66; section amended, 1973, 651; 1974, 753.

SECT. 1A added, 1966, 130 (providing for the opening of each school day with a period of silent meditation); revised, 1973, 621.

SECT. 1B added, 1970, 264 (permitting public school students to participate in voluntary prayer with the approval of their parents).

SECT. 2 amended, 1938, 246 § 1; revised, 1949, 468; 1952, 282.

SECT. 3 amended, 1962, 301 § 2; revised, 1966, 150.

SECT. 4 amended, 1953, 260; second sentence revised, 1955, 109; stricken out and two sentences inserted, 1963, 530 § 1; section revised, 1965, 572 § 15; second sentence amended, 1972, 100 § 1.

SECT. 4A added, 1963, 530 § 2 (providing penalties for failure to keep open certain schools for one hundred and eighty days during each school year); revised, 1965, 572 § 16; amended, 1969, 254 § 5.

SECT. 5 repealed, 1948, 643 § 2. (See 1948, 643 § 3.)

SECT. 6, second and third sentences of first paragraph stricken out, 1947, 679 § 4.

SECT. 6A added, 1963, 9 (permitting the admission of students from outside the commonwealth to certain public schools therein); sentence added, 1970, 246 § 1.

SECT. 7 amended, 1941, 590; repealed, 1947, 679 § 5.

SECT. 7A added, 1947, 679 § 1 (providing for reimbursement to cities and towns for certain expenses incurred for the transportation of pupils); first paragraph revised, 1949, 754; amended, 1962, 729 § 1; 1963, 539; 1966, 14 § 47; three paragraphs inserted after first paragraph, 1962, 729 § 2; fifth paragraph stricken out, 1966, 14 § 48.

SECT. 7B added, 1964, 563 § 8 (providing additional reimbursement to certain cities and towns for certain expenses incurred for the transportation of pupils); amended, 1973, 1141 § 5.

SECTS. 8 and 9 repealed, 1948, 643 § 2. (See 1948, 643 § 3.)

SECT. 12 repealed, 1969, 254 § 6.

SECT. 13 revised, 1972, 215 § 1; amended, 1973, 111; revised, 1975, 305.

SECT. 13A added, 1938, 241 (requiring the teaching of the Italian language in certain public high schools in certain cases).

SECT. 13B added, 1939, 311 (relative to the teaching of modern languages in certain public high schools).

SECT. 13C added, 1945, 402 (requiring the teaching of the Polish language in certain public high schools in certain cases).

SECTS. 13A-C repealed, 1972, 215 § 2.

SECT. 13D added, 1948, 205 (providing for motor vehicle driving education in high schools); paragraph added, 1954, 49; 1963, 349 § 1; section revised, 1967, 111.

SECT. 13E added, 1949, 99 (requiring the teaching of the Lithuanian language in public schools in certain cases); repealed, 1972, 215 § 2.

SECT. 13F added, 1957, 709 (providing that cities and towns may contribute to the financing of educational television programs from funds appropriated for school purposes); two sentences inserted after second sentence, 1971, 1115.

SECT. 13F stricken out and sections 13F-13I inserted, 1960, 567 § 1 (establishing in the department of education an executive committee for educational television). (See 1960, 567 § 3.)

SECTS. 14-16 stricken out and sections 13F-13I inserted, under caption, 1949, 638 § 1 (relative to the formation of regional school districts). (See 1949, 638 § 2.)

SECT. 14 revised, 1951, 331 § 1.

SECT. 14A amended, 1951, 331 § 2.

SECT. 14B amended, 1951, 331 § 3; clause (*b*) revised, 1955, 142 § 1; clause (*c*) revised, 1952, 471 § 1; 1960, 650 § 1. (See 1952, 471 § 2; 1955, 142 § 2; 1960, 650 § 2.)

SECT. 14C added, 1954, 214 (authorizing certain towns to sell, lease or license school buildings to a regional school district); last sentence stricken out and two sentences inserted, 1955, 58; section amended, 1955, 127 § 1. (See 1955, 127 § 2.)

SECT. 14D added, 1968, 376 § 1 (permitting regional school districts to include provisions in the agreement between the member towns requiring approval of the incurring of indebtedness of the district by the registered voters thereof at an election).

SECT. 15, first paragraph revised, 1951, 331 § 4; 1955, 141 § 1; amended, 1957, 53; last paragraph revised, 1966, 136. (See 1955, 141 § 2.)

SECTS. 16-16I inserted, 1949, 638 § 1. (See 1949, 638 § 2.)

SECT. 16, clause (*a*) revised, 1962, 232 § 3; clause (*c*) revised, 1955, 65; clause (*d*) revised, 1955, 65; 1956, 243; 1961, 380; 1965, 367; amended, 1966, 137; 1973, 1049; 1974, 33; clause (*e*) revised, 1962, 232 § 4; clause (*g*) revised, 1972, 134; clause (*j*) revised, 1975, 141 § 1; clause (*m*) amended, 1969, 849 § 71; revised, 1973, 1025 § 1; clause (*n*) added, 1968, 376 § 2; clause (*o*) added, 1971, 265; clause (*p*) added, 1971, 919; clause (*q*) added, 1972, 49. (See 1969, 849 § 79; 1975, 141 § 3.)

SECT. 16A revised, 1958, 129; second sentence stricken out and two sentences inserted, 1963, 132; seventh sentence amended, 1973, 1104 § 1; sentence added, 1964, 17; sentence added, 1968, 272.

SECT. 16B, first paragraph amended and second paragraph stricken out, 1969, 849 § 72; paragraph added, 1958, 619; first paragraph amended, 1973, 1025 § 2; 1974, 492 § 12. (See 1969, 849 § 79; 1974, 492 § 24.)

SECT. 16C revised, 1952, 470; 1966, 14 § 49.

SECT. 16D revised, 1967, 779; 1974, 492 § 13. (See 1974, 492 § 24.)

SECT. 16F. See 1952, 601.

SECT. 17 revised, 1973, 298.

SECT. 19 amended, 1939, 461 § 1.

SECT. 20 revised, 1951, 680; 1962, 28.

SECT. 21 amended, 1945, 133 § 1.

SECT. 24, first sentence revised, 1966, 14 § 50; last sentence revised, 1966, 14 § 51.

SECTS. 26A-26F added, 1946, 165 § 1 (providing for extended school services for certain children of certain employed mothers). (See 1946, 165 §§ 2, 3.)

SECTS. 26E and 26F stricken out and section 26E inserted, 1966, 14 § 52.

SECT. 30A added, 1935, 370 § 1 (requiring that an oath or affirmation be taken or subscribed to by certain professors, instructors and teachers in the colleges, universities and schools of the commonwealth); sentence added, 1948, 160 § 2. (See 1935, 370 §§ 2, 2A, 3.)

SECT. 31A added, 1973, 209 (authorizing school committees to set guidelines for Christmas and other celebrations in schools).

SECT. 32 amended, 1970, 547 § 4. (See 1970, 547 § 6.)

SECT. 34 revised, 1939, 294.

SECTS. 34A and 34B added, 1943, 547 (requiring persons operating or maintaining educational institutions to furnish, upon request, certain transcripts of records).

SECT. 34C added, 1951, 67 (relative to granting high school diplomas to certain students who enter the armed forces); revised, 1954, 91; repealed, 1965, 43.

SECT. 34D added, 1972, 213 (directing the board of education to regulate maintenance of student records).

SECT. 34E added, 1973, 785 (providing for parental inspection or inspection by a pupil over eighteen of certain records of such pupil).

SECT. 34F added, 1974, 677 (providing for regulations relative to the retention, duplication, storage, and destruction of school records).

SECT. 37A added, 1958, 119 (authorizing school committees to accept and disburse grants and gifts for educational purposes from charitable foundations and private corporations).

SECT. 37B added, 1963, 466 § 3 (authorizing the purchase of annuities for employees of public educational institutions); amended and sentence added, 1967, 769 § 4; first sentence revised, 1970, 279.

SECTS. 37C and 37D added, 1965, 641 § 1 (providing for the elimination of racial imbalance in the public schools).

SECT. 37C amended, 1974, 636 § 4.

SECT. 37D, paragraph inserted after second paragraph, 1971, 958; paragraph inserted after third paragraph, 1969, 643; section revised, 1974, 636 § 5.

SECT. 37E added, 1969, 128 § 1 (authorizing employment of legal counsel by a school committee for collective bargaining purposes); amended, 1975, 141 § 2. (See 1975, 141 § 3.)

SECT. 37F added, 1970, 362 (authorizing the school committees of cities and towns to employ legal counsel for general purposes); revised, 1972, 86.

SECT. 37G added, 1972, 107 § 1 (prohibiting corporal punishment in the public schools and county training schools).

SECT. 37G added, 1972, 467 (requiring publication of school rules and regulations relative to the conduct of students or teachers); repealed, 1973, 430 § 5.

SECT. 37H added, 1973, 430 § 5 (requiring publication of school rules and regulations relative to the conduct of students or teachers).

SECTS. 37I-37J added, 1974, 636 § 8 (providing for magnet school facilities and magnet educational programs).

SECT. 37K added, 1975, 456 (authorizing school committees to permit students to operate certain business demonstration projects).

SECT. 38, two sentences inserted after first sentence, 1965, 164; third sentence revised, 1970, 780; sentence added, 1960, 333 § 2; paragraph added, 1971, 507; revised, 1974, 342.

SECTS. 38A-38F added, 1941, 676 § 2 (relative to occupational guidance and placement). (See 1941, 646.)

SECT. 38B revised, 1966, 14 § 53.

SECT. 38E revised, 1966, 14 § 54.

SECT. 38G added, 1951, 278 § 1 (to establish standards of certification of teachers in the public schools); first two paragraphs stricken out and one paragraph inserted, 1952, 530; revised, 1953, 264; amended, 1956, 122; section revised, 1960, 20 § 1; first paragraph revised, 1960, 333 § 1; 1968, 599; 1970, 454 § 1; amended, 1972, 684 § 5; second paragraph amended, 1965, 172; revised, 1970, 454 § 2; paragraph added, 1965, 345; revised, 1972, 64; section revised, 1973, 847 § 5. (See 1951, 278 § 2; 1960, 20 § 2; 1972, 684 § 136.)

SECT. 38H added, 1965, 276 (providing that school librarians and school library supervisors or co-ordinators be given tenure in the same manner as teachers).

SECT. 38I added, 1966, 143 (authorizing school committees to reimburse teachers for certain tuition charges and fees).

SECT. 38J added, 1970, 33 (providing tenure rights for school adjustment counsellors).

SECT. 38K added, 1970, 434 (authorizing a public relations bureau in the school department).

SECT. 38L added, 1971, 379 § 2 (authorizing city, town or regional school committees to buy certain indemnification insurance).

SECT. 38M added, 1972, 95 (establishing student advisory committees to school committees).

SECT. 38N added, 1972, 136 (requiring school committees to hold public hearing on their proposed annual budgets).

SECT. 38O added, 1975, 371 (providing for school committee advisory committees on sex education).

SECT. 40 amended, 1941, 507; 1943, 494; revised, 1945, 727 § 1; two sentences added at end, 1946, 527 § 1; section revised, 1949, 684; first sentence revised, 1951, 499; 1952, 69; 1956, 434; 1957, 447; 1958, 545; 1959, 602 § 1; 1962, 594 § 1; 1964, 267 § 1; 1967, 272 § 1; last sentence stricken out, 1962, 519; sentence added, 1967, 278; 1973, 52 § 15. (See 1945, 727 § 2; 1946, 527 §§ 2, 3; 1959, 602 § 2; 1962, 594 § 2; 1964, 267 § 2; 1967, 272 § 2.)

SECT. 41 revised, 1947, 597 § 1; sentence added, 1950, 283; section revised, 1953, 372; amended, 1956, 132 § 1; revised, 1972, 464 § 1; first sentence revised, 1973, 847 § 6. (See 1972, 464 § 8.)

SECT. 41A added, 1962, 277 (providing for leaves of absence to public school teachers for study or research); first sentence revised, 1968, 136; sentence added, 1967, 860 § 1; 1971, 323; section revised, 1975, 349. (See 1967, 860 § 2.)

SECT. 42 revised, 1934, 123; first sentence revised, 1947, 597 § 2; amended, 1956, 132 § 2; sentence inserted after first sentence, 1970, 388 § 1; second sentence (as appearing in 1934, 123) revised, 1972, 464 § 2; sentence inserted after second sentence, 1953, 244; third sentence (as appearing in 1934, 123) amended, 1966, 185 § 1; sentence inserted after said sentence, 1946, 195; fourth sentence (as appearing in 1934, 123) amended, 1966, 185 § 2. (See 1972, 464 § 8.)

SECT. 42A added, 1945, 330 (giving certain rights to school principals and supervisors in cases of demotion); revised, 1953, 269; 1975, 199.

SECT. 42B added, 1952, 545 (providing for tenure of teachers and superintendents in regional school districts); sentence added, 1956, 136 § 1; section revised, 1969, 653; paragraph added, 1970, 389, 491; 1971, 307. (See 1956, 136 § 2.)

SECT. 42C added, 1957, 195 (requiring school officials to permit teachers to inspect records kept concerning them or their work).

SECT. 42D added, 1966, 185 § 3 (relative to the suspension of teachers and superintendents of public schools); first paragraph amended, 1972, 464 § 3; last paragraph revised, 1968, 156; 1975, 316. (See 1972, 464 § 8.)

SECT. 43, second sentence revised, 1972, 464 § 4; sentence added, 1963, 466 § 4. (See 1972, 464 § 8.)

SECT. 43A added, 1958, 462 (providing that certain teachers or superintendents dismissed by action of a school committee may appeal therefrom to the superior court); first sentence revised, 1971, 518; 1972, 464 § 5; 1974, 105 § 1; section revised, 1975, 337. (See 1972, 464 § 8; 1974, 105 § 2.)

SECT. 43B added, 1961, 240 (providing for the reimbursement of certain teachers and superintendents of schools for expenses incurred in defending themselves against removal proceedings); revised, 1942, 464 § 6. (See 1972, 464 § 8.)

SECT. 46 amended, 1941, 194 § 4; revised, 1954, 514 § 5; 1955, 626 § 3; 1956, 535 § 4; amended, 1965, 221; paragraph inserted after first paragraph, 1965, 701; paragraph added, 1957, 584; revised, 1966, 72; paragraph added, 1968, 297.

SECT. 46A amended, 1932, 159; revised, 1945, 534; 1946, 357; paragraph inserted after second paragraph, 1953, 352; stricken out, 1954, 296 § 2; last sentence stricken out and three sentences inserted, 1947, 384; section revised, 1955, 772 § 1; first paragraph amended, 1956, 570 § 3; second paragraph amended, 1968, 555.

SECT. 46B added, 1954, 296 § 1 (providing for reimbursement of cities and towns for transportation of certain handicapped children to special schools); revised, 1955, 772 § 2; 1960, 649; first sentence amended, 1964, 554; revised, 1967, 881; 1968, 352 § 3; second sentence amended, 1966, 14 § 55; revised, 1969, 546 § 12. (See 1969, 546 § 34.)

SECTS. 46-46B repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46C and 46D added, 1954, 514 § 6 (relative to joinder of cities and town for the purpose of conducting special classes for mentally retarded children).

SECT. 46C revised, 1955, 626 § 4; amended, 1956, 535 § 5; revised, 1963, 574; repealed, 1968, 352 § 2.

SECT. 46D repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECTS. 46E and 46F added, 1955, 626 § 2 (providing for reimbursement by the commonwealth of certain costs of conducting special classes approved by the division of special education by certain school districts).

SECT. 46E amended, 1956, 535 § 2; paragraph added, 1962, 708; section amended, 1966, 14 § 56; first paragraph revised, 1969, 546 § 13. (See 1969, 546 § 34.)

SECT. 46F amended, 1956, 535 § 3, 570 § 4; revised, 1960, 628; amended, 1966, 14 § 57; revised, 1969, 546 § 14. (See 1969, 546 § 34.)

SECTS. 46E-46F repealed, 1972, 766 § 10 (See 1972, 766 § 23.)

SECT. 46G added, 1955, 696 (to strengthen the activities of cities and towns in the prevention of juvenile delinquency); second sentence amended, 1968, 66; last sentence revised, 1966, 14 § 58; section revised, 1970, 426.

SECTS. 46H and 46I added, 1960, 750 § 1 (providing for the instruction and training of certain emotionally distrubed children, and reimbursing cities and towns and school districts expenses incurred in connection therewith). (See 1960, 750 § 3.)

SECT. 46H, third paragraph revised, 1967, 626.

SECT. 46J added, 1962, 555 (providing for joint special education programs for emotionally disturbed children); revised, 1968, 353 § 1.

SECTS. 46K and 46L added, 1966, 647 § 1 (providing for the instruction and training of children with certain learning impairments).

SECT. 46M added, 1968, 695 (providing that commonwealth pay costs of tuition and transportation for certain physically handicapped children in private schools, hospitals and institutions).

SECTS. 46H-46M repealed, 1972, 766 § 10. (See 1972, 766 § 23.)

SECT. 47 revised, 1935, 199; 1950, 658; 1951, 411 § 1; amended, 1952, 316 § 1; revised, 1954, 271; second sentence amended, 1969, 678; 1970, 721; third sentence amended, 1962, 301 § 3; sentence inserted after third sentence, 1969, 66; fourth sentence revised, 1959, 113; 1962, 301 § 4.

SECT. 47A added, 1954, 220 (authorizing school committees to contract for hire of athletic coaches for periods not exceeding three years).

SECT. 48, paragraph added, 1973, 1196; amended, 1975, 652.

SECT. 48A amended, 1935, 47; revised, 1958, 164.

SECT. 48B added, 1964, 32 (authorizing school committees to purchase uniforms to be worn by certain employees).

SECT. 52 amended, 1932, 90.

SECT. 53, first sentence amended, 1974, 411 § 1. (See 1974, 411 § 4.)

SECT. 53A, first sentence amended, 1974, 411 § 2; second sentence amended, 1974, 411 § 2A; sentence added, 1950, 208 § 1. (See 1950, 208 § 2; 1974, 411 § 4.)

SECT. 53B amended, 1974, 411 § 3. (See 1974, 411 § 4.)

SECT. 54 amended, 1938, 265 § 1; 1945, 133 § 2.

SECT. 54A added, 1972, 74 (requiring certain school physicians to attend interscholastic football games); revised, 1975, 569.

SECT. 54B added, 1973, 817 (regulating the use of psychotropic drugs in the public schools).

SECT. 55 revised, 1938, 265 § 2; amended, 1952, 89.

SECT. 55A added, 1938, 265 § 3 (relative to the disposition of children showing signs of ill health or of being infected with a dangerous disease); paragraph added, 1973, 660.

SECT. 55B added, 1950, 732 § 1 (prohibiting the employment in schools of certain persons suffering from tuberculosis and requiring periodic examinations of school employees); eighth sentence stricken out and two sentences inserted, 1952, 469; eighth sentence revised, 1954, 658; section revised, 1958, 15; 1954, 378.

SECT. 55C added, 1964, 51 (requiring pupils and teachers to wear eye protective devices while attending certain classes in public schools); revised, 1966, 21. (See 1964, 510.)

SECT. 56 revised, 1938, 265 § 4.

SECT. 57 revised, 1943, 384; 1951, 502 § 1; second sentence revised, 1955, 684; 1956, 428; amended, 1970, 443 § 3; first sentence revised, 1973, 1197; amended, 1975, 480. (See 1951, 502 § 2.)

SECT. 58 amended, 1932, 127 § 8; revised, 1935, 287; repealed, 1945, 543 § 1.

SECT. 59A added, 1952, 506 (providing for the employment of a superintendent of schools in certain small towns); revised, 1953, 557; second paragraph revised, 1966, 14 § 59.

SECT. 59B added, 1973, 421 (relative to the employment and duties of public school principals).

SECT. 60 repealed, 1969, 254 § 6.

SECT. 61 amended, 1951, 643 § 1; revised, 1952, 108; 1953, 334. (See 1951, 643 §§ 1A-3.)

SECT. 63, paragraph added, 1945, 223 § 1. (See 1945, 223 § 2.)

SECT. 64 revised, 1949, 794; 1955, 565; first sentence revised, 1956, 237; section revised, 1956, 448 § 1; 1963, 740 § 1.

SECT. 65 revised, 1949, 794; 1955, 565; 1956, 448 § 2; 1963, 740 § 2; 1966, 14 § 60.

SECT. 66, paragraph added, 1937, 281; section repaled, 1958, 241.

SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)

SECT. 69 revised, 1935, 258; sentence inserted after fourth sentence, 1969, 77.

SECT. 69A added, 1965, 502 (providing for a plaque containing the words "For God and Country" to be placed in a conspicuous location in every public school building within the commonwealth).

SECT. 71 amended, 1935, 193; sentence inserted after third sentence, 1966, 344.

SECT. 71A added, 1965, 404 (authorizing school committees to designate the location of highway safety stations for children awaiting a school bus).

SECT. 71B added, 1968, 283 (encouraging the use of public school gymnasiums for adult physical fitness programs).

SECT. 71C added, 1973, 800 (establishing a revolving fund for receipts of municipal community school programs).

SECT. 72. See 1948, 548; 1949, 303.

SECTS. 75-79 added, 1948, 620 § 5 (providing for extended courses of instruction on junior college level in high schools). (See 1948, 620 § 6.)

SECT. 78 revised, 1957, 756; 1966, 14 § 61, 724.

SECT. 79 revised, 1958, 168; amended, 1965, 572 § 17.

SECT. 80 added, 1958, 127 § 1 (establishing a lunch period for public school teachers); amended, 1958, 368. (See 1958, 127 § 2.)

SECT. 81 added, 1958, 605 § 2 (providing that no junior college shall be established by a city or town).

SECTS. 82-86 added, 1974, 670 (defining and clarifying certain rights and responsibilities of public secondary school students).

Chapter 71A. — Transitional Bilingual Education.

New chapter inserted, 1971, 1005 § 2.

Chapter 71B. — Children With Special Needs.

New chapter inserted, 1972, 766 § 11. (See 1972, 766 § 23.)

SECT. 5, second paragraph revised, 1973, 318 § 1.

SECT. 13, third paragraph revised, 1975, 375 § 1.

SECT. 13A added, 1975, 375 § 2 (further regulating the application of the distribution of special education funds).

Chapter 72. — School Registers and Returns.

SECT. 2, sentence inserted after first sentence, 1966, 14 § 62.

SECT. 2A added, 1966, 14 § 63 (providing for the filing by superintendents of schools of certain reports of student enrollment); first paragraph amended, 1973, 925 § 8C; paragraph added, 1972, 100 § 2; amended, 1973, 925 § 8D. (See 1973, 925 § 84.)

SECT. 3, paragraph in lines 6-10 revised, 1939, 461 § 2; section revised, 1966, 14 § 64.

SECT. 6, revised, 1962, 410.

SECT. 8, first two sentences stricken out and one sentence inserted, 1957, 290; first paragraph amended, 1954, 231 § 1; fourth sentence revised, 1966, 14 § 65; 1973, 1073 § 1A; paragraph added, 1959, 321.

Chapter 73. — State Colleges and Community Colleges (former title, State Teachers Colleges and Community Colleges).

Title changed, 1932, 127 § 9; 1948, 620 § 1; 1960, 403 § 5.

SECT. 1 amended, 1932, 127 § 10; revised, 1948, 620 § 2; 1952, 585 § 9; amended, 1952, 618 § 1; revised, 1959, 246 § 2; paragraph added, 1960, 284; section revised, 1960, 403 § 6; five paragraphs added, 1962, 553; section revised, 1963, 642 § 5; first sentence revised, 1964, 561 § 7; first paragraph stricken out and two paragraphs inserted, 1965, 572 § 18; three paragraphs added, 1964, 561 § 8. (See 1948, 620 § 6; 1952, 618 §§ 4-12.)

SECT. 1A added, 1952, 499 § 1 (relative to the increase of fees and charges for services rendered by the department of education); amended, 1959, 246 § 3; revised, 1960, 403 § 7; amended, 1963, 642 § 6.

SECT. 1B added, 1961, 434 (authorizing the board of education to establish activity fees in state colleges); first sentence amended, 1963, 642 § 7; revised, 1964, 561 § 9.

SECTS. 1C and 1D added, 1963, 642 § 8.

SECT. 1E added, 1973, 1089 § 2 (allowing the location of banks at state and community colleges).

SECT. 2 amended, 1932, 127 § 11; 1960, 403 § 8.

SECT. 2A added, 1938, 246 § 2 (making the constitutions of the United States and of this commonwealth required subjects of instruction in state teachers colleges); amended, 1960, 403 § 9.

SECT. 3 amended, 1932, 127 § 12; first sentence revised, 1952, 618 § 2; section revised, 1960, 403 § 10; amended, 1963, 642 § 9. (See 1952, 618 §§ 4-12.)

SECT. 4A amended, 1932, 127 § 13; 1960, 403 § 11.

SECT. 4A amended, 1932, 127 § 4; sentence added, 1952, 618 § 3; section revised, 1960, 403 § 12; amended, 1963, 642 § 10. (See 1952, 618 §§ 4-12.)

SECT. 4B added, 1954, 350 (regulating the dismissal of certain teachers in state teachers colleges); revised, 1956, 480; first sentence amended, 1960, 403 § 13; 1963, 642 § 11; revised, 1964, 561 § 10.

SECT. 5 amended, 1932, 127 § 15; 1960, 403 § 14; revised, 1963, 642 § 12. (Temporarily affected, 1933, 233; 1934, 130; 1935, 277.)

SECT. 5A added, 1963, 429 (establishing the State College Research Foundation); repealed, 1963, 642 § 12A.

SECT. 6 amended, 1932, 127 § 16; 1960, 403 § 15; revised, 1963, 642 § 12.

SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21; 1948, 620 § 3; sentence added, 1950, 60; section revised, 1957, 309; 1958, 605 § 3; amended, 1959, 246 § 4, 592; revised, 1960, 403 § 16; amended, 1963, § 86, 642 § 13; last sentence stricken out and two sentences inserted, 1964, 561 § 11; section repealed, 1965, 572 § 19. (See 1948, 620 § 6; 1959, 477.)

SECTS. 8 and 9 added, 1948, 620 § 4 (relative to the establishment of community colleges by the department of education and providing courses therein). (See 1948, 620 § 6.)

SECT. 8 amended, 1959, 246 § 5; revised, 1960, 403 § 17; amended, 1963, 642 § 14.

SECT. 8A added, 1973, 1189 § 2 (authorizing Vietnam veterans to attend certain classes at community colleges without tuition charge).

SECT. 9 repealed, 1958, 605 § 4.

SECTS. 10-18 added, 1963, 642 § 15 (relative to the administration of the state colleges). (See 1963, 642 §§ 16, 17.)

SECT. 10, first sentence revised, 1972, 425; second sentence revised, 1964, 561 § 12.

SECT. 16, second paragraph amended, 1964, 357 § 4; third paragraph amended, 1964, 357 § 5; second sentence revised, 1968, 739 § 1; amended, 1970, 148; last paragraph amended, 1967, 846; section amended, 1974, 835 § 142. (See 1964, 357 § 11; 1974, 835 § 185.)

SECT. 19 added, 1968, 334 (changing names of certain state colleges); amended, 1973, 1175 § 6.

SECT. 20 added, 1970, 834 (providing for admission of certain police to state colleges on a cooperative plan); revised, 1972, 550.

Chapter 74. — Vocational Education.

SECT. 1 revised, 1938, 446 § 1; amended, 1941, 617 § 1; "State board" defined, 1952, 630 § 2; definition revised, 1965, 572 § 20. (See 1938, 446 § 14.)

SECT. 2 amended, 1938, 446 § 2; revised, 1952, 630 § 3; 1957, 599 § 1. (See 1938, 446 § 14.)

SECT. 2A added, 1972, 263 (providing guidelines for vocational school work activities).

SECT. 3 amended, 1938, 446 § 3; revised, 1957, 599 § 2. (See 1938, 446 § 14.)

SECT. 4 amended, 1938, 446 § 4; revised, 1957, 599 § 3. (See 1938, 446 § 14.)

SECT. 5 amended, 1952, 630 § 4.

SECT. 5A added, 1952, 471 § 3 (relative to the establishment of independent distributive occupations, industrial, agricultural and household arts schools by regional school districts). (See 1952, 471 § 2.)

SECT. 6 amended, 1938, 446 § 5; 1952, 630 § 5; revised, 1957, 599 § 4. (See 1938, 466 § 14.)

SECT. 7 amended, 1938, 446 § 6; 1952, 630 § 6; revised, 1957, 599 § 5. (See 1938, 446 § 14.)

SECT. 7A amended, 1952, 630 § 7; 1973, 925 § 8E. (See 1973, 925 § 84.)

SECT. 7B added, 1972, 760 (providing for the conduct of certain classes under the state apprenticeship program).

SECT. 8 amended, 1952, 630 § 8; sentence added, 1970, 730.

SECT. 8A revised, 1937, 323; paragraph added, 1939, 308; section revised, 1950, 622; amended, 1966, 14 § 66; 1973, 925 § 8F. (See 1973, 925 § 84.)

SECT. 9 amended, 1938, 466 § 7; 1952, 471 § 4; revised, 1957, 496 § 1, 599 § 6; 1966, 14 § 67; 1967, 791 § 2; paragraph added, 1974, 773. (See 1938, 446 § 14.)

SECT. 10 revised, 1966, 14 § 68; 1967, 791 § 3.

SECT. 11 amended, 1933, 102 § 2; 1941, 617 § 2; revised, 1966, 561. (See 1933, 102 § 4; revised, 1966, 561.)

SECT. 12 amended, 1952, 471 § 5; revised, 1957, 496 § 2; 1966, 14 § 69; 1967, 791 § 4.

SECT. 13 amended, 1938, 446 § 8; revised, 1957, 599 § 7. (See 1938, 446 § 14.)

SECT. 14 revised, 1943, 540; paragraph added, 1952, 471 § 6; 1969, 364.

SECT. 14A added, 1943, 540 (relative to federal funds for vocational education); amended, 1952, 630 § 9.

SECT. 18 amended, 1952, 630 § 10.

SECT. 19 revised, 1938, 446 § 9. (See 1938, 446 § 14); repealed, 1947, 652 § 13.

SECT. 20 revised, 1947, 652 § 9; sentence added, 1955, 700 § 2; stricken out, 1956, 602 § 7; section revised, 1965, 572 § 21. (See 1956, 602 §§ 17-20.)

SECT. 21 amended, 1938, 446 § 10; 1946, 552 § 2; revised, 1947, 652 § 10; amended, 1956, 602 § 8; revised, 1965, 572 § 22. (See 1938, 446 § 14; 1946, 552 §§ 4, 5; 1956, 602 §§ 17-20.)

SECT. 22 amended, 1938, 446 § 11; revised, 1947, 652 § 11; amended, 1956, 602 § 9; revised, 1965, 572 § 23. (See 1938, 466 § 14; 1956, 602 §§ 17-20.)

SECT. 22A amended, 1938, 446 § 12; revised, 1947, 652 § 12; two sentences added, 1955, 700 § 1; section repealed, 1956, 602 § 10. (See 1938, 446 § 14; 1956, 602 §§ 17-20.)

SECT. 22B, first paragraph amended, 1948, 360; section repealed, 1956, 602 § 10. (See 1956, 602 §§ 17-20.)

SECT. 22C added, 1945, 561 (authorizing the division of the blind to use federal funds available in a program of rehabilitation of the blind); repealed, 1966, 535 § 6.

SECT. 22D added, 1946, 552 § 3 (providing for co-operation by the commonwealth with the veterans' administration in the administration of federal laws and regulations relating to the rehabilitation of disabled veterans of World War II); amended, 1965, 572 § 24. (See 1946, 552 §§ 4, 5.)

SECT. 22E added, 1950, 206 (relative to tenure of teachers elected for vocational education); revised, 1969, 233.

SECT. 23 repealed, 1933, 102 § 3.

SECT. 24 revised, 1963, 24.

SECT. 24A added, 1947, 497 (relative to the appointment of veterans as teachers in state aided approved vocational schools); revised, 1958, 154; repealed, 1967, 50.

SECT. 25 revised, 1962, 419 § 2.

SECT. 26 revised, 1962, 419 § 3.

SECT. 28 revised, 1939, 501 § 6; amended, 1945, 158 § 6; first sentence revised, 1969, 849 § 73. (See 1969, 849 § 79.)

SECT. 30 amended, 1937, 41; revised, 1962, 419 § 4.

SECT. 31 revised, 1964, 498.

SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school); amended, 1943, 42; revised, 1954, 63; 1962, 419 § 5.

SECT. 31B added, 1960, 481 (relative to athletic and other organizations of county agricultural school pupils); first sentence revised, 1962, 419 § 5A; third sentence revised, 1970, 69; fourth sentence amended, 1974, 31.

SECT. 31C added, 1963, 323 (authorizing the county commissioners of Essex county to appropriate money for insurance coverage for students at the Essex Agricultural and Technicial Institute who are injured while participating in athletic activities); amended, 1964, 512.

SECT. 33 revised, 1962, 419 § 6; two sentences added, 1970, 548.

SECT. 35. second sentence revised, 1956, 455; section revised, 1962, 419 § 7.

SECT. 35A added, 1961, 525 (authorizing the Essex county agricultural school to give certain courses to high school graduates and to award associate degrees to those completing such courses); revised, 1962, 419 § 7A; amended, 1965, 572 § 25.

SECT. 36 revised, 1962, 419 § 8.

SECT. 37 revised, 1962, 419 § 9.

SECT. 37A added, 1963, 562 § 1 (authorizing certain industrial, technical, agricultural and vocational schools to establish courses beyond secondary level and authorizing said schools to grant certain degrees to persons completing such courses of instruction); revised, 1965, 572 § 26; amended, 1967, 268 § 3.

SECT. 42, caption preceding section changed, 1946, 257 § 9; section revised, 1946, 257 § 1; 1947, 387; amended, 1953, 488 § 1; caption preceding section changed and section revised, 1957, 347 § 1; amended, 1965, 572 § 27. (See 1953, 488 § 4.)

SECT. 42A added, 1953, 523 (authorizing the Bradford Durfee Technical Institute of Fall River and the New Bedford Institute of Textiles and Technology to grant the honorary degree of master of science); revised, 1957, 347 § 2.

SECT. 42B added, 1957, 410 (authorizing the board of trustees of the New Bedford Institute of Technology to grant certain honorary doctorates); revised, 1958, 243; amended, 1965, 572 § 28.

SECT. 42C added, 1958, 538 § 2 (providing tenure for certain teachers in the employ of the commonwealth after three years' service); three paragraphs added, 1962, 499 § 2; stricken out, 1963, 696 § 1.

SECTS. 42D-42Q added, 1963, 696 § 2 (relative to the administration of the Bradford Durfee College of Technology and the New Bedford Institute of Technology). (See 1963, 696 §§ 3-5.)

SECT. 42O, second paragraph amended, 1964, 357 § 6; third paragraph amended, 1964, 357 § 7; 1974, 835 § 143; sixth paragraph amended, 1974, 835 § 143. (See 1964, 357 § 11; 1974, 835 § 185.)

SECT. 43 amended, 1946, 257 § 2; 1957, 347 § 2A.

SECT. 44 amended, 1946, 257 § 3; 1957, 347 § 2B.

SECT. 45 amended, 1946, 257 § 4; 1957, 347 § 2C.

SECT. 46 amended, 1946, 257 § 5; 1957, 347 § 2D.

SECT. 46A amended, 1946, 257 § 6; 1957, 347 § 2E.

SECT. 46B added, 1957, 409 (authorizing the board of trustees of the New Bedford Institute of Technology to establish and manage the research foundation of said Institute); revised, 1962, 258.

SECT. 46C added, 1961, 513 (providing for scholarships at the Bradford Durfee College of Technology and the New Bedford Institute of Technology).

SECT. 47E, paragraph added, 1935, 22; section revised, 1946, 378; second paragraph amended, 1949, 28; section revised, 1951, 202.

SECT. 47G revised, 1950, 772.

SECTS. 47-48 and caption preceding section 47 stricken out, 1953, 407 § 2. (See 1953, 407 §§ 1, 8.)

SECT. 49, caption preceding section changed, 1942, 1 § 3; stricken out, 1964, 561 § 13; section amended, 1942, 1 § 5; revised, 1946, 340; 1952, 499 § 2; repealed, 1964, 561 § 13. (See 1942, 1 § 9.)

SECT. 49A added, 1946, 340 (authorizing the board of commissioners of the Massachusetts Maritime Academy to grant degrees); repealed, 1964, 561 § 13.

SECT. 50 repealed, 1964, 561 § 13.

SECT. 51 repealed, 1964, 561 § 13.

SECT. 53 revised, 1942, 1 § 6; repealed, 1964, 561 § 13. (See 1942, 1 § 9.)

SECT. 54 added, under caption, 1949, 630 (providing for institutional on-farm training for veterans of World War II); revised, 1955, 680; 1965, 572 § 29.

SECT. 55 added, under caption, 1953, 581 (establishing a state agency for surplus property); revised, 1965, 572 § 30.

Chapter 75. — University of Massachusetts (former title, Massachusetts State College).

Name changed, 1947, 344 § 1.

SECTS. 1-15 stricken out and sixteen sections inserted, 1962, 648 § 1. (See 1962, 648 §§ 3, 4, 5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1961.

The following references are to sections 1 to 15, as so inserted:

SECT. 1 amended, 1969, 396 § 7.

SECT. 2 amended, 1962, 787 § 2; sentence inserted after fourth sentence, 1964, 562 § 1; section revised, 1965, 572 § 31; third sentence amended, 1969, 396 § 8.

SECT. 2A added, 1973, 1089 § 3 (allowing the location of banks at the University of Massachusetts).

SECT. 11, two sentences added, 1965, 877; third sentence revised, 1973, 845.

SECT. 14, second paragraph, first sentence amended, 1964, 357 § 8; second sentence stricken out and two sentences inserted, 1963, 801 § 75; second paragraph revised, 1966, 659 § 1; third paragraph, second sentence amended, 1964, 357 § 9; 1966, 659 § 2; paragraph amended, 1974, 835 § 144; fourth paragraph amended, 1974, 835 § 144; sixth paragraph amended, 1974, 835 § 144; paragraph added, 1975, 539. (See 1964, 357 § 11; 1974, 835 § 185.)

SECT. 16 amended, 1947, 344 § 20.

SECT. 16A added, 1945, 586 (providing for the establishment at the Massachusetts Agricultural Experiment Station of a diagnostic laboratory dealing with the causes, etc., of diseases of domestic animals); amended, 1947, 344 § 21; revised, 1947, 471.

SECT. 20 repealed, 1973, 607 § 1. (See 1973, 607 § 9.)

SECT. 22 amended, 1947, 344 § 22.

SECT. 24 amended, 1947, 344 § 23.

SECT. 25 amended, 1947, 344 § 24.

SECT. 26 amended, 1947, 344 § 25.

SECT. 31 added, 1951, 524 (providing for scholarships at the University of Massachusetts).

SECT. 32 added, 1960, 493 (providing that annually a graduate of Kfar Silver Agricultural Training Institute in Israel be admitted to the University of Massachusetts).

SECTS. 31 and 32 stricken out and sections 31, 32 and 32A added, 1962, 648 § 2 (relative to the administration of the University of Massachusetts).

SECT. 32B added, 1972, 160 § 1 (establishing the David I. Walsh-Leverett Saltonstall visiting lectureship program).

SECT. 33 added, 1962, 621 (establishing scholarships for students of agriculture and others at the University of Massachusetts).

SECT. 33A added, 1973, 1037 §1 (establishing a General Court Fellowship Program).

SECTS. 34-36 added, under caption, 1962, 787 §3 (establishing a medical school within the University of Massachusetts).

SECT. 35, sentence added, 1963, 727; section revised, 1966, 659 §3.

SECT. 37 added, under caption, 1967, 697 (establishing a television center at the University of Massachusetts).

Chapter 75A. — University of Lowell (former title, Lowell Technological Institute of Massachusetts).

SECT. 1B added, 1973, 1089 §4 (authorizing the location of a branch bank on the university grounds).

SECTS. 1-24, inclusive, stricken out and twenty-eight sections inserted, 1973, 1175 §7. (See 1973, 1175 §14.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

SECT. 1A added, 1975, 532 (authorizing the trustees to delegate their authority).

SECT. 11 amended, 1974, 835 §145. (See 1974, 835 §185.)

SECT. 16, third sentence revised, 1974, 520 §3.

SECT. 17 revised, 1974, 520 §4.

Chapter 75B. — Southeastern Massachusetts University (former title, South Eastern Massachusetts University) (former title, Southeastern Massachusetts Technological Institute).

New chapter inserted, 1960, 543 §3. (See 1960, 543 §§4-10.)

Title revised, 1969, 396 §9; 684 §2.

SECTS. 1-20, inclusive, stricken out and sections 1-17, inclusive, inserted, 1964, 582 §1. (See 1964, 582 §§2, 3, 4.)

SECT. 1 revised, 1965, 572 §34; amended, 1969, 396 §10; 684 §2.

SECT. 1A added, 1973, 1089 §5 (allowing the location of banks at Southeastern Massachusetts University).

SECT. 2 repealed, 1965, 572 §35.

SECTS. 3-4 revised, 1969, 396 §11.

SECT. 6 amended, 1969, 396 §12.

SECT. 7 amended, 1969, 396 §13.

SECT. 8 amended, 1969, 396 §14.

SECT. 9 amended, 1969, 396 §15.

SECT. 10, second paragraph, third sentence revised, 1968, 739 §5; amended, 1969, 396 §16; paragraph amended, 1974, 835 §146. (See 1974, 835 §185.)

SECT. 11 revised, 1969, 396 §17.

SECT. 12, two sentences added, 1963, 801 §77; section revised, 1969, 396 §17.

SECT. 13 amended, 1969, 396 §18.

SECT. 16 revised, 1969, 396 §19.

SECT. 17 amended, 1969, 396 §20.

Chapter 75C. — Private Correspondence Schools.

New chapter inserted, 1963, 625 § 1.

SECT. 1 amended, 1965, 34 § 1.

SECT. 3, first paragraph revised, 1965, 34 § 2.

SECT. 9 amended, 1965, 34 § 3.

Chapter 75D. — Private Business Schools.

New chapter inserted, 1971, 1096 § 1. (See 1971, 1096 § 2.)

SECT. 1 amended, 1974, 674.

SECT. 3, second paragraph amended, 1973, 737.

Chapter 76. — School Attendance.

SECT. 1 revised, 1939, 461 § 3; first paragraph, first sentence revised, 1965, 572 § 36; amended, 1967, 808 § 2; revised, 1972, 100 § 3; amended, 1972, 766 § 12; sentence inserted after third sentence, 1941, 423; last sentence revised, 1950, 400; 1971, 437; second paragraph amended, 1971, 875. (See 1972, 766 § 12.)

SECT. 2, two sentences added, 1947, 241 § 1; third sentence revised, 1965, 649 § 1; two sentences inserted after third sentence, 1969, 849 § 5; sentence inserted after fifth sentence, 1972, 731 § 5. (See 1947, 241 § 2; 1965, 659 § 7.)

SECT. 3, first sentence revised, 1973, 925 § 9; sentence inserted after first sentence, 1974, 344. (See 1973, 925 § 84.)

SECT. 4 amended, 1969, 543.

SECT. 5 revised, 1971, 622 § 1; amended, 1973, 925 § 9A. (See 1973, 925 § 84.)

SECT. 6, sentence added, 1970, 246 § 2.

SECT. 7 amended, 1951, 579.

SECT. 11 revised, 1972, 766 § 13. (See 1972, 76 § 23.)

SECTS. 12A and 12B added, 1966, 506 (providing for the attendance of certain children in public schools of cities and towns other than the cities and towns in which they reside).

SECT. 12A, paragraph added, 1968, 622 § 1; section revised, 1974, 636 § 7.

SECT. 12B, second paragraph revised, 1968, 622 § 2; section amended, 1968, 735.

SECT. 15 revised, 1938, 265 § 5; 1967, 590; first paragraph revised, 1972, 161; third paragraph revised, 1971, 285.

SECT. 15A added, 1966, 583 (exempting certain physicians and nurses from civil liability in carrying out public health programs); section repealed, 1967, 309 § 1.

SECT. 15A added, 1971, 491.

SECT. 15B added, 1973, 946 (providing for the testing, treatment and care of persons susceptible to certain genetically-linked diseases).

SECT. 16 amended, 1971, 622 § 2.

SECT. 18 added, 1973, 375 (prohibiting the exclusion of certain public school children prior to meeting with school committees); revised, 1973, 915.

SECTS. 19 and 20 added, 1973, 1073 § 1 (providing for supervisors of attendance).

Chapter 77. — School Offenders and County Training Schools.

Chapter repealed, 1973, 1073 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 78. — Libraries.

SECT. 4 revised, 1935, 202.

SECT. 9 amended, 1952, 585 § 10.

SECT. 11 revised, 1952, 585 § 16.

SECT. 14, caption preceding section revised, 1952, 585 § 11; section amended, 1952, 585 § 12.

SECT. 15 amended, 1952, 585 § 13.

SECTS. 16, 17 and 18 repealed, 1960, 429 § 5.

SECT. 19 revised, 1952, 585 § 17; 1960, 429 § 6.

SECTS. 19A-19D added, 1960, 760 § 1 (providing state aid for free public libraries). (See 1960, 760 §§ 2, 3.)

SECT. 19A amended, 1963, 672; clauses (1) and (2) revised, 1970, 636 § 1; second paragraph amended, 1970, 636 § 2.

SECT. 19C revised, 1970, 636 § 3.

SECT. 19D amended, 1970, 636 § 4.

SECT. 19E added, 1974, 764 (providing for the improvement and development of comprehensive library media services).

SECTS. 22-31 added, under caption, 1948, 320 (providing for the certification of librarians).

SECT. 22 amended, 1952, 585 § 14.

SECT. 24 amended, 1952, 585 § 15.

SECT. 26 revised, 1952, 585 § 18.

SECT. 32 added, 1964, 150 (providing for leaves of absence to members of a public library staff for study or research).

Chapter 79. — Eminent Domain.

SECT. 3, first paragraph amended, 1938, 172 § 6; 1959, 626 § 1; two sentences added, 1943, 251 § 1; third, fourth and fifth sentences stricken out and one sentence inserted, 1964, 579 § 1. (See 1943, 251 § 4.)

SECT. 5A added, 1948, 180 (restricting the taking by eminent domain of ancient landmarks and property of historical or antiquarian interest); revised, 1963, 697 § 5; paragraph added, 1972, 29; section revised, 1973, 1155 § 8.

SECT. 5B added, 1950, 532 (restricting the taking by eminent domain of property used for agricultural purposes); revised, 1972, 143.

SECT. 5C added, 1975, 563 (requiring notice prior to certain eminent domain and easement takings).

SECT. 6 revised, 1964, 579 § 2.

SECT. 6A added, 1963, 843 § 1 (providing for payment by the commonwealth of certain moving costs of persons displaced by eminent domain proceedings); sentence added, 1967, 162 § 1; section amended, 1968, 759 § 4. (See 1963, 842 § 2.)

SECTS. 7A-7G added, 1964, 579 § 3 (relating to proceedings for the taking of real estate and interests therein by eminent domain). (See 1964, 579 § 8.)

SECT. 7A revised, 1971, 697.

SECT. 7C amended, 1966, 530 § 2.

SECT. 7D revised, 1965, 573; 1967, 476 § 1; 1970, 795 § 1; 1975, 791.

SECT. 7E amended, 1967, 476 § 2; revised, 1970, 795 § 2.

SECT. 7F revised, 1970, 795 § 3.

SECT. 7H added, 1971, 818 (authorizing taking authorities to pay sums of less than five hundred dollars to certain persons in whom rights to damages have vested).

SECT. 8 amended, 1936, 187 § 1; first sentence amended, 1960, 49; second sentence revised, 1959, 626 § 2; sentence inserted after second sentence, 1943, 251 § 2; section repealed, 1964, 579 § 4. (See 1943, 251 § 4; 1959, 626 § 6.)

SECT. 8A added, 1959, 626 § 3 (relative to land takings and providing that offers in settlement or pro tanto for such takings shall be made within certain periods of time); second paragraph amended, 1963, 793 § 2; section revised, 1966, 530 § 1. (See 1959, 626 § 6; 1963, 793 § 3.)

SECT. 8B added, 1964, 633 § 1 (providing that certain persons shall not be required to vacate certain property taken by eminent domain until four months after notice of such taking); paragraph added, 1965, 468. (See 1964, 633 § 2.)

SECT. 9, last sentence amended, 1938, 172 § 7.

SECT. 10A added, 1964, 579 § 5 (relative to the method of enforcing compliance with certain proceedings for takings by eminent domain).

SECT. 12, first sentence amended, 1959, 626 § 4; sentence added, 1953, 634 § 1; revised, 1975, 522 § 1; sentence added, 1968, 759 § 5. (See 1953, 634 § 2; 1975, 522 § 3.)

SECT. 12A added, 1973, 1207 (providing for full compensation for certain property destroyed by disaster and to be acquired by eminent domain); revised, 1974, 29 § 1. (See 1973, 1207 § 2; 1974, 29 § 2.)

SECT. 15 repealed, 1936, 385 § 1. (See 1936, 385 § 2.)

SECT. 16 amended, 1936, 187 § 2; 1938, 185; revised, 1943, 95; paragraph added, 1943, 251 § 3; sentence added, 1950, 230; section revised, 1962, 797 § 1; second paragraph stricken out, 1964, 579 § 6. (See 1943, 251 § 4; 1962, 797 § 2.)

SECT. 22, last sentence revised, 1964, 548 § 1; section revised, 1973, 983 § 1.

SECT. 34 amended, 1952, 633.

SECT. 35 amended, 1969, 209.

SECT. 35A added, 1964, 457 (relating to the apportionment of taxes in certain eminent domain proceedings).

SECT. 36A added, 1964, 579 § 7 (relative to the time within which certain bodies politic and corporate against which judgments entered for damages for eminent domain takings shall make payment).

SECT. 37 amended, 1956, 641; revised, 1960, 298 § 1; first sentence amended, 1963, 793 § 1; section revised, 1964, 548 § 2; second sentence amended, 1973, 983 § 2; third sentence revised, 1965, 653 § 1; sentence added, 1973, 983 § 3. (See 1963, 793 § 3; 1965, 653 § 2.)

SECT. 39, sentence added, 1955, 242; section revised, 1959, 626 § 5; sentence added, 1964, 548 § 3. (See 1959, 626 § 6.)

SECT. 44A added, 1935, 189 (relative to certain tax liens upon real estate taken by right of eminent domain); amended, 1936, 137.

Chapter 79A. — Relocation Assistance.

New chapter inserted, 1965, 790 § 4. (See 1965, 790 § 5, 6.)

SECT. 1 revised, 1973, 863 § 1.

SECT. 2 amended, 1973, 863 § 2.

SECT. 3 revised, 1973, 863 § 3.

SECT. 4 revised, 1973, 863 § 4.

SECT. 5 amended, 1973, 863 § 5.

SECT. 6 revised, 1973, 863 § 6.

SECT. 7, paragraph added, 1971, 315; section revised, 1973, 863 § 7.

SECT. 11 revised, 1973, 863 § 8.

SECT. 12 amended, 1973, 863 § 9.

SECTS. 13-15 added, 1973, 863 § 10 (increasing state relocation benefits in conformance with the federal uniform relocation act).

Chapter 80. — Betterments.

SECT. 1 amended, 1933, 254 § 62; definition of "relocation payment" revised, 1968, 759 § 1. (See 1933, 254 § 66.)

SECT. 2, first sentence revised, 1962, 234.

SECT. 4 revised, 1933, 63 § 1; amended, 1968, 759 § 2.

SECT. 5 amended, 1933, 157 § 2. (See 1933, 157 § 3.)

SECT. 6 amended, 1968, 407.

SECT. 7, first paragraph amended, 1968, 759 § 3.

SECT. 10 revised, 1933, 147.

SECT. 10A added, 1933, 157 § 1 (providing that failure of a board of officers to take action upon a petition for abatement of a betterment assessment shall, for the purposes of appeal, be equivalent to refusal to abate the assessment). (See 1933, 157 § 3.)

SECT. 12 revised, 1943, 252 § 1, 478 § 4; seventh sentence amended, 1955, 194; sentence added, 1947, 116; 1953, 344; revised, 1972, 184.

SECT. 13 amended, 1933, 63 § 2, 254 § 63; revised, 1934, 315 § 1; first sentence amended, 1941, 595; revised, 1971, 270; 1972, 109 § 1; third sentence amended, 1954, 286; revised, 1956, 311 § 1; last sentence stricken out and paragraph added, 1938, 489 § 1; second paragraph revised, 1956, 311 § 2. (See 1933, 254 § 66; 1934, 315 § 3; 1941, 724; 1972, 109 § 2.)

SECT. 13A added, 1943, 252 § 2 (relative to the time within which certain betterment and other assessments on unimproved land shall be paid).

Chapter 80A. — Eminent Domain Takings and Betterment Assessments by Judicial Proceedings.

SECT. 12, fourth sentence amended, 1964, 478 § 1. (See 1964, 478 § 2.)

Chapter 81. — State Highways.

For legislation providing for an accelerated highway program, see 1949, 306; 1950, 685; 1952, 556; 1954, 403; 1956, 718; 1958, 32 §§ 1-5; 1962, 782; 1963, 822; 1965, 679. For act making available certain federal funds for highway construction, see 1960, 528; 1961, 590.

SECT. 1, fourth sentence revised, 1968, 736 § 3.

SECT. 3, last sentence stricken out and two sentences inserted, 1952, 401.

SECT. 5 revised, 1937, 218 § 1.

SECT. 7A added, 1937, 344 (granting certain powers to the department of public works with respect to certain ways connecting with state highways); revised, 1948, 448; sentence inserted before last sentence, 1951, 453; revised, 1960, 183.

SECT. 7B added, 1941, 519 (giving the department of public works the power to take a slope easement, so called, in certain cases).

SECT. 7C added, 1943, 397 (relative to limited access ways); sentence added, 1949, 583; 1950, 829; revised, 1957, 700 § 1; amended, 1971, 607; three paragraphs added, 1973, 1016 § 1. (See 1957, 700 § 2.)

SECT. 7D added, 1948, 449 (authorizing the department of public works to grant certain easements within state highway locations).

SECT. 7E added, 1949, 764 (authorizing the department of public works to sell certain land or rights therein which it has acquired for certain purposes); revised, 1957, 530, 761; amended, 1962, 610; revised, 1965, 755; paragraph added, 1971, 606.

SECT. 7F added, 1958, 582 (authorizing agents and employees of the department of public works to enter upon private property for the purpose of making surveys, soundings and drillings).

SECT. 7G added, 1960, 710 (authorizing the department of public works to acquire land or easements therein for the purposes of relocating the facilities of public utility companies).

SECT. 7H added, 1960, 767 (relative to the leasing of land by the department of public works for use as a public parking facility).

SECT. 7I added, 1962, 587 (authorizing the advancement of funds by the department of public works in furtherance of agreements with railroad corporations which provide for relocation or other work on property of such corporations).

SECT. 7J added, 1963, 594 § 1 (providing persons displayed from real property taken by the department shall be granted relocation payments); revised, 1966, 646 § 1; sentence added, 1967, 162 § 2; 1973, 733. (See 1963, 594 § 2; 1966, 646 § 2.)

SECT. 7K added, 1966, 215 (authorizing a public utility company to enter on certain land taken by eminent domain for the purposes of relocating its facilities).

SECT. 7L added, 1966, 677 (authorizing the department of public works to lease air-rights over state highways).

SECT. 7M added, 1971, 633 (authorizing the department of public works to acquire land for certain purposes to replace land acquired for federal highway programs); sentence added, 1973, 1155 § 9.

SECT. 8 revised, 1936, 371; amended, 1937, 218 § 2; last sentence revised, 1951, 532.

SECT. 13 revised, 1952, 563 § 1; third sentence amended, 1953, 354 § 1; stricken out and two sentences inserted, 1955, 379 § 1. (See 1952, 563 § 2; 1953, 354 § 2; 1955, 379 § 2.)

SECT. 13A added, 1936, 342 (authorizing the department of public works to accept in behalf of the commonwealth gifts of certain easements for the purpose of landscaping along state highways, and to do such landscaping).

SECT. 13B added, 1967, 397 (relative to restoration and preservation of scenic beauty and historic sites adjacent to Federal-aid highways); first sentence amended, 1973, 1155 § 10.

SECT. 19, last four sentences stricken out, 1933, 187 § 1. (See 1933, 187 § 2.)

SECT. 20A added, 1945, 539 (providing for the illumination of hazardous locations on state highways).

SECT. 21 amended, 1948, 298; first sentence revised, 1954, 219; sentence inserted after first sentence, 1975, 227; two sentences added, 1950, 507; third sentence revised, 1971, 541; two sentences added, 1963, 370 § 2.

SECT. 26 amended, 1934, 366; first paragraph amended, 1949, 706 § 1; revised, 1951, 655 § 1; paragraph inserted after second paragraph, 1962, 603 § 2; paragraph added, 1946, 523; amended, 1949, 706 § 2; revised, 1954, 524. (See 1951, 655 § 3.)

SECT. 27 amended, 1939, 224.

SECT. 29A added, 1943, 416 (authorizing the department of public works to lay out and alter ways other than state highways and facilitating the securing of federal aid in connection therewith).

SECT. 30, first sentence revised, 1951, 520.

SECT. 31 repealed, 1951, 655 § 2.

SECTS. 31-32 added, 1971, 497 § 14 (relative to the portion of the Highway Fund allocated for reimbursement to cities and towns).

SECT. 31, first paragraph, subsection (*a*) amended, 1974, 492 § 14; fourth paragraph amended, 1974, 492 § 15. (See 1974, 492 § 24.)

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 490 § 1; sentence inserted after first sentence, 1967, 218.

SECT. 5, first sentence revised, 1969, 490 § 2.

SECT. 7 amended, 1933, 283 § 2.

SECT. 11A added, 1962, 589 (authorizing agents and employees of county commissioners to enter upon private property for the purpose of making reconnaissances, surveys, soundings, inspections and examinations).

SECT. 24, first sentence revised, 1958, 240.

SECT. 32B added, 1933, 283 § 3 (authorizing the taking of easements of slope, so called, by county, city or town officers in connection with the laying out, widening, altering or relocating of public ways).

SECT. 34 amended, 1935, 309; 1941, 533.

SECT. 40 added, 1959, 316 (requiring a contractor making an excavation in a public ways to give notice thereof to public utility companies); revised, 1963, 370 § 1; amended, 1968, 403 § 1.

SECT. 41 added, 1968, 403 § 2 (requiring notice to utility companies before excavating within their defined rights-of-way and easements).

SECT. 42 added, 1970, 208 (requiring notice to public utility companies of certain excavations on private land).

Chapter 83. — Sewers, Drains and Sidewalks.

SECT. 1 revised, 1964, 736 § 2; first paragraph, two sentences added, 1969, 597 § 2; fifth paragraph revised, 1969, 758 § 7.

SECT. 3A added, 1968, 248 (permitting cities or towns to repair sewers on private ways).

SECT. 6, first sentence amended, 1975, 706 § 116. (See 1975, 706 § 312.)

SECT. 7, first sentence amended, 1975, 706 § 117. (See 1975, 706 § 312.)

SECT. 10 revised, 1964, 736 § 3.

SECT. 8 revised, 1963, 370 § 3.

SECT. 15A added, 1948, 52 § 1 (authorizing municipalities to redetermine from time to time the fixed uniform rates charged to abutters for the construction of sewers). (See 1948, 52 § 2.)

SECT. 16 amended, 1961, 311.

SECT. 19 revised, 1943, 252 § 4. (See 1943, 252 § 6.)

SECT. 23 revised, 1964, 736 § 4; second sentence revised, 1975, 228.

SECT. 25, sentence added, 1973, 288.

SECT. 27, last sentence revised, 1943, 252 § 5.

SECT. 29 added, 1943, 252 § 3 (relative to the continuance of liens created under special acts in connection with certain betterment and other assessments.)

Chapter 84. — Repair of Ways and Bridges.

SECT. 1, revised, 1974, 601.

SECT. 2, paragraph added, 1956, 270.

SECT. 5A added, 1945, 319 (authorizing towns to enter into agreements for the removal of snow and ice from public ways in adjoining towns, etc.).

SECT. 12, first sentence revised, 1973, 575.

SECT. 15 amended, 1965, 214.

SECT. 18 revised, 1933, 114 § 1; 1965, 378 § 1; sentence added, 1973, 1085.

SECT. 19 amended, 1933, 114 § 2; revised, 1965, 378 § 2.

SECT. 20 revised, 1933, 114 § 3; amended, 1939, 147.

SECT. 21 amended, 1955, 505; revised, 1965, 378 § 3.

SECT. 27 added, 1960, 766 § 1 (imposing liability for damages for failure to maintain a barrier around an excavation abutting on a punlic way).

SECT. 27A added, 1972, 228 (requiring the erection of barriers at excavation sites abutting public ways).

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 2, second and third sentences amended, 1947, 442 § 2; section revised, 1951, 646 § 1; sentence inserted after second sentence, 1968, 694 § 2; fifth sentence revised, 1974, 574; sentence added, 1975, 234.

SECT. 2A added, 1941, 346 § 2 (authorizing the department of public works to remove vehicles from state highways when said vehicles interfere with the removal of snow and ice); 1957, 338.

SECT. 2B added, 1959, 541 (authorizing the department of public works to make regulations to exclude, govern and restrict the use of limited access and express state highways).

SECT. 2C added, 1961, 524 (authorizing the towing of vehicles from state highways for purposes of promoting public safety and convenience).

SECT. 2D added, 1967, 862 (authorizing the erection of signs on limited access ways indicating the availability of services of public convenience).

SECT. 2E added, 1970, 342 § 1 (authorizing the department of public works to exclude persons and motor vehicles from state highways or portions thereof).

SECT. 7A added, 1973, 1208 (regulating the storage and use of snow removal chemicals); second sentence amended, 1975, 706 § 118. (See 1975, 706 § 312.)

SECT. 8 revised, 1960, 88.

SECT. 9 revised, 1958, 158.

SECT. 9A added, 1976, 666 (authorizing the department of public works to order discontinuance of flashing lights on certain billboards, and other advertising devices).

SECT. 11A added, 1941, 710 § 1 (relative to the registration and operation of certain bicycles); first paragraph amended, 1961, 518 § 2; 1974, 321; second paragraph revised, 1961, 518 § 3. (See 1961, 518 § 5.)

SECT. 11B added, 1961, 518 § 4 (further regulating the operation of bicycles on the highways of the commonwealth); third sentence stricken out and three sentences inserted, 1962, 346; ninth sentence revised, 1971, 484; section revised, 1973, 806 § 2. (See 1961, 518 § 5.)

SECT. 11C added, 1973, 596 (providing for the noncriminal disposition of bicycle law violations); first paragraph revised, 1974, 424 § 2. (See 1974, 424 § 5.)

SECTS. 12-14 repealed, 1941, 710 § 2.

SECT. 14B added, 1938, 432 (requiring the use of certain signal lights at locations on unlighted ways where certain vehicles are disabled); first paragraph amended, 1946, 375; 1953, 234 § 1; second sentence revised, 1974, 529 § 1; second paragraph amended, 1953, 234 § 2; revised, 1968, 92. (See 1974, 529 § 3.)

SECT. 15 revised, 1964, 71.

SECT. 17B added, 1933, 43 (prohibiting riding upon the rear or on the side of street railway cars or motor buses without the consent of the persons in charge thereof); revised, 1943, 322 § 2.

SECT. 21A added, 1951, 618 (authorizing cities and towns to erect certain signs on state highways); revised, 1952, 61; 1969, 357.

SECT. 25 amended, 1953, 319 § 10. (See 1953, 319 §§ 39, 40.)

SECT. 30, amended, 1935, 30; 1938, 171 § 1; first sentence amended, 1946,

397 § 2; 1951, 568; four paragraphs inserted after first paragraph, 1974, 851 § 3; stricken out, 1975, 494 § 1. (See 1975, 494 § 15.)

SECT. 30A added, 1975, 494 § 2 (relative to permits for the movement of certain vehicles). (See 1975, 494 § 15.)

SECT. 31 revised, 1938, 171 § 2.

SECT. 32 revised, 1975, 494 § 3. (See 1975, 494 § 15.)

SECT. 33 revised, 1975, 494 § 4. (See 1975, 494 § 15.)

SECT. 34 revised, 1974, 851 § 4. (See 1974, 851 § 12.)

SECT. 35, last sentence revised, 1955, 91; section revised, 1974, 851 § 5; last sentence revised, 1975, 494 § 5. (See 1974, 851 § 12; 1975, 494 § 15.)

SECT. 36 added, 1951, 303 (providing that vehicles driven on public ways shall be so constructed or loaded as to prevent the contents from dropping); revised, 1961, 281; 1962, 160; first sentence stricken out and two sentences inserted, 1965, 518; third sentence amended, 1973, 498.

Chapter 86. — Boundaries of Highways and Other Public Places, and Encroachments Thereon.

SECT. 1, last sentence revised, 1964, 189.

Chapter 87. — Shade Trees.

SECT. 15 amended, 1961, 265; 1941, 490 § 18; 1949, 761 § 12.

Chapter 88. — Ferries, Canals and Public Landings.

SECT. 14 revised, 1956, 262.

SECT. 19 revised, 1945, 442.

Chapter 89. — Law of the Road.

SECT. 1 revised, 1951, 646 § 2; 1964, 124 § 1.

SECT. 2 revised, 1933, 301; 1966, 86.

SECT. 4 revised, 1949, 301 § 1; 1951, 646 § 3; amended, 1964, 124 § 2. (See 1949, 301 § 2.)

SECTS. 4A and 4B added, 1952, 461 § 1 (relative to driving vehicles on ways which are divided into lanes).

SECT. 4A, sentence added, 1975, 79.

SECT. 4B, sentence added, 1954, 304.

SECT. 4C added, 1971, 572 (restricting trucks to right hand travel lanes on multi-lane highways).

SECT. 5 amended, 1936, 49; 1952, 461 § 2; 1970, 143; revised, 1972, 82. (See 1938, 149.)

SECT. 7 amended, 1961, 173; 1974, 144.

SECT. 7A revised, 1952, 172.

SECT. 7B added, 1934, 382 (relative to the application of traffic laws and regulations to fire apparatus and other emergency vehicles); revised, 1964, 182.

SECT. 9 revised, 1948, 416; first sentence revised, 1969, 522; third sentence revised, 1971, 479; fourth sentence stricken out and two sentences inserted, 1962, 225.

SECT. 11 added, 1967, 405 § 1 (establishing regulations for vehicles approaching pedestrians on certain marked crosswalks); third paragraph revised, 1973, 146. (See 1967, 405 § 3.)

Chapter 90. — Motor Vehicles and Aircraft.

For legislation exempting certain disabled veterans from payment of certain motor vehicle excise taxes and registration fees, see 1948, 368; repealed, 1954, 627 § 61.

SECT. 1, definition of "ambulance" inserted, 1965, 35; revised, 1965, 689; "antique motor car" defined, 1948, 432 § 1; definition of "auto home" inserted, 1967, 711 § 2; definition of "dealer" revised, 1948, 511 § 1; definition of "Licensed private driver school" inserted, 1971, 770 § 1; "farmer" defined, 1951, 736 § 1; amended, 1965, 643; revised, 1966, 23; 1969, 122; "farming" defined, 1955, 483 § 2; revised, 1956, 539; 1965, 528 § 1; definition of "Gross vehicle weight rating" inserted, 1974, 851 § 6; revised, 1975, 494 § 6; "heavy duty platform trailer" defined, 1939, 354 § 1; amended, 1941, 30; revised, 1945, 595 § 1; "incompetent person" defined, 1970, 252; "manufacturer" defined, 1948, 511 § 2; revised, 1956, 268; definition of "mobile construction crane" inserted, 1973, 1198 § 1; definition of "motor cycle" revised, 1950, 321 § 1; 1965, 85 § 1; 1970, 138; definition of "motor vehicles" amended 1932, 182; 1938, 36; revised, 1948, 93; 1950, 321 § 2; definition of "nonresident" revised, 1952, 266 § 1; amended, 1952, 566 § 1; revised, 1953, 463 § 1; "owner" defined, 1952, 266 § 2; revised, 1972, 732 § 1; "owner-repairman" defined, 1948, 511 § 3; revised, 1968, 238 § 1; definition of "register number" revised, 1935, 43; 1967, 164; "repairman" defined, 1948, 511 § 4; revised, 1951, 89; 1953, 378; 1969, 340; "retread or recap" and "other than first quality" defined, 1970, 475 § 2; definition of "right to operate" inserted, 1966, 238; revised, 1968, 294; "school bus" defined, 1932, 271 § 1; revised, 1946, 91; amended, 1947, 216 § 1; revised, 1950, 502 § 1; 1969, 54 § 1; 1975, 878 § 1; definition of "school pupil" inserted, 1975, 878 § 1; "semi-trailer" and "semi-trailer unit" defined, 1933, 332 § 1; definition of "student" inserted, 1969, 705; "tractor" defined and definition of "trailer" revised, 1933, 332 § 2; definition of "tractor" revised, 1961, 121 § 1; 1969, 206; definition of "trailer" amended, 1939, 354 § 2; revised, 1951, 578 § 1; 1956, 267; 1973, 127; "transporter" defined, 1948, 511 § 5; revised, 1950, 321 § 3. (See 1932, 271 § 7; 1933, 322 § 5; 1951, 578 § 2; 1951, 736 § 5; 1952, 566 § 2; 1965, 85 § 2; 1968, 238 § 2; 1970, 475 § 3; 1975, 494 § 15, 878 § 6.)

SECT. 1A amended, 1933, 372 § 3; 1934, 264 § 2; last sentence revised, 1948, 572 § 1; section revised, 1950, 471; first sentence revised, 1972, 69; sentence inserted after first sentence, 1971, 211; second sentence revised, 1955, 172; paragraph added, 1950, 502 § 5. (See 1948, 572 § 3.)

SECT. 2, first paragraph revised, 1950, 443; amended, 1954, 305; revised, 1961, 73 § 1; second sentence revised, 1962, 231 § 1; sentence added, 1971, 754 § 2; third paragraph revised, 1956, 179; fourth paragraph revised, 1932, 5; amended, 1955, 283 § 1; third and fourth paragraphs stricken out and one paragraph inserted, 1967, 736 § 1; fifth paragraph amended, 1956, 59; sentence inserted after first sentence, 1961, 568 § 1; revised, 1965, 102; stricken out and two sentences inserted, 1965, 202 § 1; first and second sentence amended, 1967, 736 § 2; second sentence revised, 1973, 925 § 10;

two sentences inserted after second sentence, 1973, 905 § 1; third sentence amended, 1974, 120; sixth paragraph revised, 1960, 581; amended, 1967, 736 § 3; first sentence revised, 1969, 742 § 1; seventh paragraph revised, 1939, 436 § 1; 1949, 470, 644 § 3; 1952, 82; amended, 1953, 225; 1955, 45 § 3; 1956, 130, 168; 1957, 417 § 4; revised, 1958, 274; first sentence amended, 1959, 205; third sentence revised, 1959, 495; 1961, 442; two sentences inserted after third sentence, 1965, 819 § 2; fourth sentence (as appearing in 1958, 274) revised, 1965, 57; sixth sentence revised, 1967, 736 § 4; sentence added, 1965, 819 § 1; eighth paragraph revised, 1933, 54; amended, 1948, 94; second sentence of said paragraph stricken out, 1960, 226; last sentence revised, 1967, 736 § 5; 1975, 701; paragraph added, 1952, 554. (See 1955, 283 § 3; 1961, 568 § 3; 1962, 231 § 3; 1967, 736 § 11; 1971, 754 § 4; 1973, 925 § 84.)

SECT. 2A added, 1953, 579 (providing for the registration of motor vehicles or trailers owned by minors).

SECT. 2B added, 1969, 282 (requiring owner of motor vehicle to remove visible evidence of ownership from the vehicle upon transfer to another).

SECT. 2C added, 1969, 405 (authorizing minors to enter into legal contracts pertaining to motor vehicles); repealed, 1973, 925 § 11. (See 1973, 925 § 84.)

SECT. 3, first sentence revised, 1933, 188; section revised, 1939, 325; first paragraph, first sentence amended, 1953, 463 § 2; paragraph inserted after second paragraph, 1953, 463 § 3; amended, 1971, 500; paragraph inserted after second paragraph, 1962, 19 § 1; revised, 1967, 580; first sentence stricken out and two sentences inserted, 1970, 353; fifth paragraph amended, 1966, 144 § 1; paragraph added, 1941, 282; 1972, 732 § 2; amended, 1974, 660 § 1; paragraph added, 1974, 660 § 2. (See 1962, 19 § 2.)

SECT. 3A amended, 1952, 125; revised, 1953, 366 § 1; first sentence amended, 1955, 196 § 1.

SECT. 3B revised, 1953, 366 § 2; first sentence amended, 1955, 196 § 2.

SECT. 3C revised, 1937, 387.

SECT. 3D, first sentence revised, 1953, 366 § 3; 1956, 75.

SECT. 3G added, 1945, 590 § 1 (relative to recovery for damage caused by motor vehicles of non-residents); first paragraph revised, 1973, 1114 § 6; second and third sentences stricken out and one sentence inserted, 1975, 377 § 1; second paragraph, three sentences added, 1952, 77. (See 1945, 590 § 2; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 5, last sentence amended, 1947, 311; section revised, 1947, 401 § 1; 1948, 511 § 6; 1949, 94; 1951, 736 § 2; 1952, 377 § 1; 1955, 483 § 1; second sentence amended, 1965, 528 § 2; third sentence revised, 1965, 700 § 1; first three sentences stricken out and four sentences inserted, 1965, 830; second sentence amended, 1966, 213 § 1; fifth and sixth sentences stricken out, 1967, 736 § 6; last sentence amended, 1966, 213 § 2; sentence added, 1970, 254; stricken out, 1971, 959; section revised, 1973, 871, 1198 § 2; amended, 1974, 652; third sentence revised, 1975, 259. (See 1947, 401 § 3; 1951, 736 § 5; 1967, 736 § 11.)

SECT. 5A added, 1943, 409 § 2 (relative to the use of a general distinguishing mark or number on all motor vehicles under the control of the military forces); revised, 1948, 304.

SECT. 5B added, 1961, 423 (relative to the registration of certain motor vehicles by residents of the commonwealth who are in the military service of the United States).

SECT. 6, first sentence revised, 1939, 436 § 2; 1965, 700 § 2; second sentence revised, 1968, 293; sentence added, 1971, 207.

SECT. 6A added, 1948, 432 § 3 (providing for special registration plates for antique motor cars).

SECT. 6B added, 1953, 2 § 2 (permitting the issuance of one number plate for each motor vehicle); first sentence revised, 1966, 537. (See 1953, 2 §§ 1, 3.)

SECT. 6C added, 1963, 472 (requiring the repossessor of a motor vehicle to return the number plates issued to the former owner).

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109; stricken out and two sentences inserted, 1965, 627 § 1; two sentences inserted after second sentence, 1959, 618 § 1; third sentence, as so inserted, revised, 1964, 411; third sentence stricken out and two sentences inserted, 1967, 623 § 1; fourth sentence stricken out and two sentences inserted, 1966, 204; sentence added after fourth sentence, 1939, 153; revised, 1972, 112; sixth sentence (as appearing in 1933, 51) revised, 1960, 242; amended, 1966, 81; 1967, 168; revised, 1968, 309; seventh sentence (as so appearing) revised, 1962, 116, 395 § 1; stricken out and two sentences inserted, 1962, 709 § 1; said two sentences stricken out and one sentence inserted, 1963, 409 § 1; ninth sentence revised, 1949, 260; amended, 1951, 235; revised, 1966, 149 § 1; 1975, 621; sentence inserted, 1969, 260; sentence inserted after ninth sentence, 1951, 370; 1968, 109; eleventh sentence revised, 1952, 253; 1971, 175; twelfth and thirteenth sentences stricken out and one sentence inserted, 1955, 124; twelfth sentence (as appearing in 1933, 51) revised, 1968, 110; sentence inserted after twelfth sentence, 1971, 206; stricken out, 1971, 934; first paragraph, sentence added, 1954, 570 § 1; 1963, 826 § 1; 1973, 1019; 1965, 69 § 1; 1967, 13; amended, 1968, 225; revised, 1969, 170; sentence added, 1972, 149; 1974, 445; 1975, 59; paragraph inserted after first paragraph, 1962, 132; paragraph added, 1941, 443; revised, 1964, 187; 1965, 392; 1973, 145; paragraph inserted, 1974, 25; paragraph added, 1970, 684. (See 1932, 123 § 2; 1954, 570 § 2; 1959, 618 § 2; 1962, 395 § 3, 709; 2; 1963, 409 § 2, 826 § 2; 1965, 69 § 2, 627 § 2.)

SECT. 7A revised, 1932, 41, 271 § 2. (See 1932, 271 § 7.)

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus). (See 1932, 271 § 7.)

SECTS. 7A and 7B stricken out, and new sections 7A-7C inserted, 1945, 241 § 1. (See 1945, 241 § 3.)

SECT. 7A, first sentence amended, 1950, 140; first sentence stricken out and two sentences inserted, 1950, 525; first sentence amended, 1951, 416; revised, 1961, 581; amended, 1962, 395 § 2; revised, 1964, 178; 1965, 71; first sentence stricken out and two sentences inserted, 1966, 268; first sentence amended, 1967, 202 § 1; revised, 1971, 136; amended, 1971, 1032 § 1; 1973, 423; sentence inserted after first sentence, 1967, 202 § 2; second sentence (as appearing in 1950, 525) revised, 1964, 179; fifth sentence amended, 1974, 766 § 1; sentence added, 1975, 233; (See 1974, 766 § 2.)

SECT. 7B, clause (1) revised, 1950, 502 § 2; 1973, 237 § 1; clause (4) revised, 1962, 515 § 1; 1963, 199; 1966, 74; 1973, 925 § 12; clause (6) inserted, 1950, 459 § 1; revised, 1973, 238 § 1; clause (7) inserted, 1951, 196 § 1; revised, 1966, 149 § 2; 1974, 118; clause (8) added, 1971, 803; clause (9) added, 1973, 250; clause (10) added, 1973, 314; clause (11) added, 1973, 497; clause (12) added, 1974, 555; clause (13) added, 1975, 313; section revised, 1975, 878 § 2. (See 1950, 459 § 2; 1973, 925 § 84; 1975, 878 § 6.)

SECT. 7C revised, 1948, 307; first sentence amended, 1951, 419 § 1; sentence added, 1950, 502 § 3. (See 1951, 419 § 2.)

SECT. 7D added, 1947, 216 § 2 (making certain provisions of law relating to school buses applicable to certain motor vehicles used for the transportation of school children); revised, 1950, 502 § 4; 1969, 339; 1975, 878 § 3. (See 1975, 878 § 6.)

SECT. 7E added, 1949, 266 (relative to the display of red lights upon vehicles owned and operated by firemen and certain other persons); first sentence revised, 1954, 306; amended, 1956, 142.

SECT. 7F added, 1957, 136 (providing that the operator or attendant of an ambulance transporting sick or injured persons shall be trained in first aid); revised, 1964, 164; 1967, 219. (See 1973, 948 § 5.)

SECT. 7G added, 1964, 299 (prohibiting the servicing, sale or grinding of certain used brake drums); sentence inserted after second sentence, 1968, 251; amended, 1970, 101.

SECT. 7H added, 1965, 394 § 1 (establishing minimum safety standards for brake linings). (See 1965, 394 § 2.)

SECT. 7I added, 1965, 823 (authorizing suitable identification and equipment for emergency disaster service vehicles of charitable corporations).

SECT. 7J added, 1966, 8 (authorizing the registrar of motor vehicles to make regulations relative to handle bars on motorcycles).

SECT. 7K added, 1966, 655 (providing for the establishment of minimum safety standards for construction and performance of tires).

SECT. 7L added, 1968, 713 § 1 (prohibiting standees in certain school buses).

SECT. 7M added, 1970, 475 § 1 (regulating the sale of retread or recapped tires). (See 1970, 475 § 3.)

SECT. 7N added, 1970, 635 § 1 (authorizing the voiding of certain motor vehicle contracts of sale); revised, 1971, 687 § 1. (See 1970, 635 § 2; 1971, 687 § 2.)

SECT. 7O added, 1970, 840 (prohibiting removal of pollution emission reduction devices).

SECT. 7P added, 1973, 188 (regulating the changing of the height of motor vehicles).

SECT. 7P added, 1973, 301 (prohibiting the operation of motor vehicles failing to comply with certain thread depth regulations); section renumbered to read section 7Q, 1973, 798 § 1. (See 1974, 798 § 2.)

SECT. 8 amended, 1934, 103; 1937, 284; next to last sentence revised, 1948, 399 § 1; sentence contained in lines 19-22 (as appearing in 1937, 284) stricken out, 1948, 619 § 1; first paragraph amended, 1955, 488 § 1; 1956, 388

§ 1; 1957, 351; paragraph added, 1950, 655; section revised, 1958, 307; first sentence stricken out and four sentences (as appearing in 1962, 687) inserted, 1962, 687; first sentence revised, 1966, 144 § 2; second sentence amended, 1963, 745; stricken out and two sentences inserted, 1966, 358 § 1; fourth sentence amended, 1963, 278 fourth sentence (as appearing in 1958, 307) revised, 1960, 604; tenth sentence revised, 1967, 601 § 1; eleventh sentence revised, 1967, 295 § 1 (see 1967, 295 § 2); thirteenth, fourteenth and fifteenth sentences stricken out and one sentence inserted, 1967, 601 § 2; last paragraph stricken out, 1960, 582; sentence added, 1968, 551; section revised, 1973, 361 § 1. (See 1948, 399 § 3, 619 §§ 2, 3; 1955, 488 § 3; 1966, 358 § 3; 1967, 295 § 2.)

SECT. 8A added, 1962, 515 § 2 (regulating the licensing of operators of school buses); first paragraph revised, 1966, 144 § 3; amended, 1970, 100; revised, 1973, 925 § 13; paragraph inserted after first paragraph, 1975, 878 § 4. (See 1973, 925 § 84; 1975, 878 § 6.)

SECT. 8B added, 1963, 713 § 2 (relative to a learner's permit for unlicensed drivers learning to drive); first paragraph amended, 1966, 358 § 2; sentence inserted after first sentence, 1973, 361 § 2; second sentence stricken out and two sentences inserted, 1967, 187; third sentence amended, 1973, 925 § 14; third paragraph amended, 1966, 522 § 1; last sentence revised, 1967, 624. (See 1963, 713 § 4; 1966, 358 § 3; 1973, 925 § 84.)

SECT. 8C added, 1973, 766 (establishing a medical advisory board to the registry of motor vehicles).

SECT. 8D added, 1975, 879 § 1 (relative to anatomical donor cards). (See 1975, 879 § 2.)

SECT. 9 amended, 1934, 361; 1941, 283; first sentence revised, 1952, 244; first sentence stricken out and three sentences inserted, 1956, 85; first sentence amended, 1964, 271, 376; 1967, 736 § 7; revised, 1968, 653; third sentence revised, 1959, 259; last sentence revised, 1961, 73 § 2. (See 1967, 736 § 11.)

SECT. 9A revised, 1932, 168 § 1; 1935, 393 § 1; 1949, 358; 1952, 100; second sentence revised, 1974, 15. (See 1932, 168 §§ 2, 3; 1935, 393 § 2.)

SECT. 9B added, 1957, 471 (exempting certain motor vehicles owned by military personnel from registration for a limited period of time); amended, 1962, 734; 1967, 181; revised, 1969, 708.

SECT. 9C added, 1974, 671 § 1 (prohibiting the repair of certain tires without the use of certain safety equipment). (See 1974, 671 § 2.)

SECT. 10 amended, 1935, 219; first sentence stricken out and two sentences inserted, 1963, 713 § 1; second sentence (as appearing in 1935, 219) stricken out and two sentences inserted, 1948, 130; second sentence revised, 1962, 501; amended, 1968, 41; third sentence revised, 1955, 314; paragraph added, 1950, 139; amended, 1966, 144 § 4. (See 1963, 713 § 4.)

SECT. 10A added, 1952, 126 (requiring operators of trackless trolleys to be licensed to operate motor vehicles); paragraph added, 1952, 287 § 1; section repealed, 1953, 276. (See 1952, 287 § 2.)

SECT. 11, first sentence revised, 1952, 377 § 2; sentence added, 1954, 446; section revised, 1956, 388 § 2; first sentence revised, 1963, 454; 1965, 58, 202 § 2; 1970, 251; last sentence revised, 1968, 254.

SECT. 13, second sentence revised, 1973, 476; two sentences inserted after second sentence, 1950, 763; sentence added, 1949, 707; revised, 1950, 305; sentence added, 1967, 93, 192; 1974, 24.

SECT. 14 amended, 1938, 166; third sentence revised, 1947, 418; section revised, 1948, 324; sentence inserted after first sentence, 1961, 318; revised, 1961, 518 § 1; 1973, 806 § 3; third sentence revised, 1950, 502 § 6; 1951, 196 § 2; 1961, 374; 1965, 244; fourth sentence revised, 1969, 54 § 2; 1973, 97; 1975, 878 § 5; last sentence stricken out and two sentences inserted, 1957, 166; sentence inserted after eighth sentence, 1974, 335; two paragraphs added, 1974, 665. (See 1961, 518 § 5; 1975, 878 § 6.)

SECT. 14A added, 1949, 279 (providing for the protection of blind persons while crossing ways); last sentence revised, 1961, 60.

SECT. 14B added, 1951, 649 (providing that motor vehicle operators give uniform signals on all ways); first paragraph, clauses 1, 2 and 3 revised, 1965, 149; paragraph added, 1952, 321.

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1; revised, 1951, 557; second sentence revised, 1961, 248; sentence inserted after second sentence, 1971, 132. (See 1932, 271 § 7.)

SECT. 16, sentence inserted after second sentence, 1961, 66; section revised, 1965, 239; fifth sentence revised, 1968, 11; 1971, 1032 § 2; paragraph added, 1971, 412; revised, 1973, 46; 1974, 233.

SECT. 16A added, 1972, 598 (requiring operators of certain motor vehicles to turn off motors after a certain time period).

SECT. 17, sentence added, 1932, 271 § 4; section amended, 1947, 406; revised, 1948, 564 § 1; second sentence revised, 1963, 716; amended, 1964, 185; revised, 1965, 474; last sentence revised, 1964, 176; sentence added, 1972, 463; stricken out, 1974, 49; sentence added, 1974, 851 § 7; section revised, 1975, 173 § 1; first sentence revised, 1975, 329 § 1; fifth sentence stricken out, 1975, 494 § 7. (See 1932, 271 § 7; 1975, 329 § 2, 494 § 15.)

SECT. 18 amended, 1945, 125; revised, 1948, 564 § 2; first paragraph amended, 1956, 500; revised, 1960, 341; amended, 1962, 338 § 18; first sentence revised, 1969, 76; amended, 1970, 342 § 2; 1975, 706 § 119; sentence inserted after first sentence, 1968, 694 § 3; paragraph added, 1955, 135; amended, 1962, 338 § 19; second sentence stricken out, 1968, 222. (See 1975, 706 § 312.)

SECT. 18A added, 1962, 409 § 1 (authorizing the commonwealth, the metropolitan district commission, and cities and towns to adopt rules regulating the use of ways by pedestrians and for the non-criminal disposition of violations thereof); first two sentences revised, 1963, 298; second paragraph amended, 1964, 128. (See 1962, 409 § 2.)

SECT. 19, last sentence revised, 1933, 332 § 3; 1935, 223 § 1; section revised, 1935, 326 (but see 1935, 465); amended, 1936, 388 § 1; revised, 1941, 314; first sentence amended, 1946, 380; last two sentences amended, 1945, 595 § 4; stricken out and four sentences inserted, 1946, 341; paragraph added, 1948, 394; section revised, 1951, 573; first sentence amended, 1959, 378; 1966, 369; revised, 1967, 395; amended, 1969, 307; sentence inserted after first sentence, 1973, 386; second sentence stricken out and two sentences inserted, 1968, 221; sentence inserted after second sentence, 1963, 321; sentence inserted after third sentence, 1969, 13; third sentence (as

appearing in 1951, 573) revised, 1961, 553; sentence inserted, 1965, 259; fourth sentence amended, 1967, 71; revised, 1967, 479; 1969, 694; fifth sentence revised, 1968, 31; 1969, 182. (See 1933, 332 § 5; 1935, 223 § 2; 1936, 388 § 2.) Affected, 1941, 589; 1951, 310.

SECT. 19A added, 1946, 397 § 1 (authorizing certain semi-trailer units and motor vehicles to travel upon public ways without certain permits); first paragraph revised, 1955, 736; 1961, 523 § 1; 1975, 494 § 8; paragraph added, 1951, 344; amended, 1965, 282; sentence inserted after first sentence, 1972, 126; paragraph added, 1951, 617; amended, 1956, 389 § 1; stricken out and four paragraphs inserted, 1974, 851 § 8; third paragraph revised, 1975, 494 § 9; fourth paragraph, sentence added, 1975, 494 § 10; paragraph added, 1951, 782; revised, 1952, 408; first sentence amended, 1956, 389 § 2; 1961, 523 § 2; revised, 1962, 228; 1971, 127; last sentence revised, 1956, 61. (See 1975, 494 § 15.)

SECT. 19B added, 1951, 572 § 1 (relative to the dimensions of motor buses); amended, 1957, 258 § 1; revised, 1958, 190 § 1; repealed, 1967, 621 § 1. (See 1951, 572 § 2; 1957, 258 § 2; 1958, 190 § 2; 1967, 621 § 2.) Affected, 1951, 310.

SECT. 19C added, 1974, 263 (further regulating the towing of motor vehicles).

SECT. 19D added, 1974, 851 § 9 (requiring certain certificates of inspection for the issuance of certain permits); revised, 1975, 494 § 11. (See 1975, 494 § 15.)

SECT. 19E added, 1975, 494 § 11A (relative to the operation of certain vehicles on interstate and defense highways). (See 1975, 494 § 15.)

SECT. 20, first sentence revised, 1951, 567; amended, 1956, 389 § 3; 1966, 110; section revised, 1967, 182; 1974, 851 § 10; 1975, 494 § 12. (See 1975, 494 § 15.)

SECT. 20A added, 1934, 368 § 1 (providing for the non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws); revised, 1935, 176; first paragraph revised, 1938, 201; first sentence revised, 1952, 193 § 1; fifth sentence amended, 1949, 425 § 1; revised, 1952, 193 § 2; third paragraph revised, 1949, 425 § 2; amended, 1952, 98; fifth paragraph revised, 1949, 425 § 3; sentence added, 1951, 69; section revised, 1953, 249 § 1; first paragraph amended, 1962, 786 § 1; sentence added, 1955, 386 § 1; revised, 1955, 751 § 1; 1956, 404; 1962, 786 § 2; second paragraph amended, 1960, 454; 1961, 233 § 1; second sentence of said paragraph amended, 1962, 338 § 20; revised, 1962, 420 § 1, 786 § 3; third paragraph, second and third sentences revised, 1955, 386 § 2; fourth sentence revised, 1962, 786 § 4; fourth paragraph revised, 1961, 233 § 2; paragraph inserted after said paragraph, 1961, 233 § 3; revised, 1961, 455 § 6; 1962, 338 § 21; stricken out, 1962, 786 § 5; paragraph added, 1954, 302. (See 1934, 368 § 2; 1949, 425 § 4; 1953, 249 §§ 2, 3; 1955, 751 § 2; 1962, 338 § 24, 786 § 8.)

SECT. 20B added, 1960, 810 (relative to the crossing of certain ways by pedestrians); repealed, 1967, 405 § 2. (See 1967, 405 § 3.)

SECTS. 20C and 20D added, 1962, 786 § 6 (relative to the non-criminal disposition of parking violations). (See 1962, 786 § 8.)

SECT. 20C fifth paragraph amended, 1966, 119; sixth paragraph amended, 1963, 451 § 1; eighth paragraph amended, 1963, 451 § 2.

SECT. 20E added, 1973, 1108 (further regulating the responsibilities of certain motor vehicle lessors for certain parking regulations).

SECT. 21 amended, 1936, 406; 1954, 669; revised, 1961, 422 § 1; amended, 1962, 254, 394 § 1; revised, 1963, 332; first sentence amended, 1963, 369 § 1; 1968, 362; 1972, 806 § 32; last sentence revised, 1971, 1071 § 3; section revised, 1973, 461 § 1. (See 1971, 1071 § 9; 1973, 461 § 2.)

SECT. 22, first paragraph amended, 1963, 276; first sentence amended, 1968, 237; paragraph inserted after first paragraph, 1962, 261; two paragraphs added, 1933, 191; first sentence (as appearing in 1933, 191) amended, 1941, 312; paragraph added, 1968, 332; section revised, 1969, 637; clause (b), sentence inserted after first sentence, 1974, 96; third sentence revised, 1971, 174.

SECT. 22A added, 1932, 304 § 1 (requiring the suspension of licenses to operate motor vehicles issued to persons who do not satisfy judgments in motor vehicle accident cases involving property damage); first sentence revised, 1963, 769; 1964, 133; second sentence amended, 1964, 298; sentence added, 1969, 227; paragraph added, 1960, 327. (See 1932, 304 § 2.)

SECT. 22B added, 1963, 525 (providing a penalty for abandoning motor vehicles on public or private ways or on certain property); revised, 1973, 290.

SECT. 22C added, 1965, 393 (providing for the removal and disposal of certain abandoned motor vehicles); revised, 1967, 748.

SECT. 22D added, 1965, 692 § 6 (providing that the registrar of motor vehicles not suspend or revoke licenses to operate motor vehicles solely because of automobile law violations); revised, 1967, 432 § 1. (See 1965, 692 § 7.)

SECT. 22E added, 1966, 172 (providing a penalty for taking parts from certain abandoned motor vehicles).

SECT. 22F added, 1971, 1033 § 1 (designating certain operators of motor vehicles as habitual traffic offenders and providing for revocation or suspension of their licenses or rights to operate motor vehicles); amended, 1974, 145. (See 1971, 1033 § 4.)

SECT. 23, first paragraph revised, 1954, 74; amended, 1963, 331; 1970, 186; sentence added, 1971, 1033 § 2; paragraph added, 1933, 69. (See 1971, 1033 § 4.)

SECT. 24 amended, 1932, 26 § 1; first sentence amended, 1936, 182 § 1; sentence contained in lines 65-97 amended, 1935, 360; paragraph added, 1936, 182 § 2; section revised, 1936, 434 § 1; subdivision (1), paragraph (*a*) amended, 1938, 145; first sentence revised, 1961, 347, 422 § 2; amended, 1962, 394 § 2; revised, 1963, 369 § 2; 1971, 1071 § 4; paragraph (*b*) revised, 1964, 200 § 1; paragraph (*c*) revised, 1939, 82; amended, 1955, 198 § 1; revised, 1964, 200 § 2; 1970, 253; amended, 1974, 647 § 2; paragraph (*d*) amended, 1955, 198 § 2; paragraph (*e*) added, 1961, 340; stricken out and paragraphs (*e*), (*f*) and (*g*) added, 1967 773; paragraph (*e*) amended, 1972, 376, 488 § 1; 1974, 425; paragraph (*f*) amended, 1972, 488 § 2; subdivision (2) paragraph (*a*) amended, 1937, 230 § 1; 1964, 200 § 3; 1966, 316; 1968, 259; 1969, 7, 202; 1972, 111; 1973, 243; 1974, 206 § 2, 418; 1975, 156 § 1; (2) (*b*)

amended, 1964, 200 § 4; subdivision (2) (*c*) amended, 1937, 117; 1955, 198 § 3; 1964, 200 § 5; 1966, 191 § 1; 1969, 163; 1971, 1007; 1973, 227. (See 1937, 230 § 2; 1971, 1071 § 9; 1974, 647 § 3.)

SECT. 24A revised, 1970, 321.

SECT. 24B added, 1960, 249 (providing a penalty for the altering, forging, or counterfeiting of a license to operate a motor vehicle or of a certificate of registration); revised, 1962, 23; amended, 1965, 224; first paragraph revised, 1971, 176; paragraph inserted after first paragraph, 1974, 206 § 1; revised, 1975, 156 § 2; paragraph added, 1967, 151; amended, 1973, 212.

SECT. 24C added, 1963, 338 (prohibiting a minor from operating any motor vehicle in which there is any alcoholic beverage unless he is accompanied by his parent or legal guardian); first paragraph revised, 1966, 122; section repealed, 1966, 317 § 1.

SECTS. 24D-24E added, 1974, 647 § 1 (establishing an alternative procedure for the disposition of cases involving persons convicted of operating motor vehicles while under the influence of intoxicating liquor). (See 1974, 647 § 3.)

SECT. 24D revised, 1975, 505 § 1; sixth paragraph revised, 1975, 758 § 4.

SECT. 24E revised, 1975, 505 § 2.

SECT. 24F added, 1975, 218 (imposing liability on persons convicted of using motor vehicles without authority).

SECT. 26 revised, 1953, 570 § 2; 1956, 225; 1964, 405; first paragraph amended, 1965, 628; paragraph inserted after second paragraph, 1965, 270; stricken out, 1965, 664.

SECT. 26A added, 1969, 40 (requiring reports of change of name and address).

SECT. 27 amended, 1949, 115 § 2; revised, 1953, 319 § 11; first sentence amended, 1953, 570 § 3; section revised, 1961, 592 § 1; first paragraph revised, 1962, 700; section revised, 1962, 789 § 1. (See 1953, 319 §§ 39, 40.)

SECT. 28 revised, 1950, 536.

SECT. 29, last sentence amended, 1932, 26 § 2; section amended, 1935, 477 § 1; sentence inserted after first sentence, 1970, 534 § 1; revised, 1972, 105 § 1; second sentence revised, 1936, 391; first four sentences revised, 1947, 508; 1949, 557; second sentence revised, 1965, 216; 1973, 702; two sentences inserted after fourth sentence, 1959, 610; fourth, fifth and sixth sentences stricken out and two sentences inserted, 1970, 534 § 2; sixth sentence (as appearing in 1935, 477 § 1) amended, 1952, 15; ninth sentence revised, 1964, 194; 1965, 156; 1967, 163; tenth sentence revised, 1968, 364; last two sentences revised, 1938, 146; 1967, 193. (See 1970, 534 § 4; 1972, 105 § 2.)

SECT. 29A added, 1953, 570 § 4 (relative to notice by police officers and certain others of violations of the motor vehicle laws); repealed, 1961, 592 § 2.

SECT. 30, second sentence revised, 1956, 351; sentence inserted after second sentence, 1973, 189.

SECT. 30A added, 1972, 239 (restricting the use of computer terminals under the control of the registrar of motor vehicles).

SECT. 31 revised, 1948; 201 § 2; amended, 1966, 222 § 1. (See 1948, 201 § 4.)

SECT. 31A, last sentence revised, 1956, 387.

SECT. 32, first sentence revised, 1953, 196; 1966, 222 § 2; last sentence revised, 1966, 178.

SECT. 32A, first paragraph revised, 1958, 278; paragraph added, 1949, 321; first sentence revised, 1954, 392; fifth sentence revised, 1951, 418; 1957, 307; section revised, 1961, 458.

SECT. 32B repealed, 1934, 209 § 2. (See 1934, 209 § 3.)

SECTS. 32C-32F added, 1934, 209 § 1 (further regulating the business of leasing motor vehicles upon a mileage basis). (See 1934, 209 § 3.)

SECT. 32C amended, 1966, 222 § 3; first paragraph, sentence added, 1971, 117.

SECT. 32D amended, 1966, 222 § 4.

SECT. 32E, first paragraph revised, 1966, 222 § 5; paragraph added, 1959, 282 § 1; revised, 1961, 177 § 1. (See 1959, 282 § 6.)

SECT. 32F amended, 1966, 222 § 6.

SECT. 32G added, 1953, 563 (relative to licensing of persons engaged in the business of giving instruction in the driving of motor vehicles); first paragraph amended, 1960, 467; revised, 1971, 770 § 2; amended, 1974, 680; paragraph inserted after first paragraph, 1957, 628; amended, 1966, 189; fourth paragraph revised, 1956, 383 § 1; eleventh paragraph revised, 1956, 383 § 2; paragraph added, 1962, 415; revised, 1963, 349 § 2.

SECT. 32H added, 1963, 802 (requiring lessors of motorcycles to be licensed by the registrar of motor vehicles).

SECT. 33, first four paragraphs stricken out, and five paragraphs inserted, 1932, 249 § 1; third paragraph (as appearing in 1932, 249 § 1) revised, 1948, 572 § 2; fourth paragraph (as so appearing) amended, 1933, 183 § 1; revised, 1948, 584 § 2; fifth paragraph (as so appearing) revised, 1947, 666 § 3; paragraph in lines 21-41 amended, 1932, 180 § 12; stricken out, and two paragraphs inserted, 1933, 332 § 4; two paragraphs so inserted stricken out, and paragraph inserted, 1935, 409 § 1; the paragraph so inserted amended, 1936, 380 § 1; subdivisions (2) and (3) of the paragraph so inserted revised, 1937, 377; subdivision (2) of said paragraph revised, 1945, 595 § 2; amended, 1968, 749 § 1; subdivision (3) of said paragraph amended, 1938, 430; subdivision (4) of said paragraph amended, 1939, 354 § 3; subdivision (6) of said paragraph amended, 1939, 354 § 4; revised, 1945, 595 § 3; last sentence revised, 1947, 463; sixth paragraph (inserted by 1935, 409 § 1) revised, 1951, 630 § 1; paragraph inserted after subdivision (6), 1948, 432 § 2; paragraph in lines 69-75 (as appearing in the Ter. Ed.) revised, 1948, 511 § 7; paragraph inserted after "registrar" in line 75 (as appearing in the Ter. Ed.) 1947, 401 § 2; revised, 1948, 511 § 7; paragraph in lines 85-87 (as appearing in the Ter. Ed.) revised, 1948, 399 § 2, 619 § 2; paragraph inserted, 1950, 306; last paragraph amended, 1936, 401; paragraph added, 1949, 644 § 4; section revised, 1951, 699 § 1; paragraph inserted after paragraph numbered (6), 1952, 173 § 1; fifteenth paragraph revised, 1951, 736 § 3; twenty-fourth paragraph revised, 1952, 459; section revised, 1952, 540; third paragraph revised, 1954, 241; first sentence of fifth paragraph revised, 1953, 304; sentence inserted, 1953, 607; subdivision (3) revised, 1956, 569; eleventh paragraph of subdivision (7) revised, 1959, 414; four-

teenth paragraph of subdivision (7) revised, 1955, 488 § 2; section revised, 1959, 571 § 1; second paragraph revised, 1965, 819 § 3; amended, 1963, 713 § 3; revised, 1967, 696; 1975, 684 § 75; fourth paragraph (as appearing in 1959, 571 § 1) revised, 1963, 421; 1971, 453; subdivision (2) revised, 1961, 121 § 2; 1962, 573; subdivisions (1) to (6) revised, 1965, 679 § 12; subdivision (1) amended, 1966, 723; subdivision (4) amended, 1968, 749 § 2; revised, 1975, 684 § 76; subdivision (5) amended, 1968, 749 § 3; revised, 1975, 684 § 76; subdivision (6) amended, 1968, 749 § 4; subdivision (7) amended, 1965, 679 § 13; paragraph inserted after second paragraph, 1967, 711 § 1; fifth paragraph revised, 1965, 700 § 3; 1975, 684 § 77; two paragraphs inserted after fifth paragraph, 1969, 742 § 2; sixth paragraph (as appearing in 1959, 571 § 1) stricken out, 1967, 736 § 8; seventh and eighth paragraphs (as so appearing stricken out and paragraph inserted, 1972, 684 § 6; ninth and tenth paragraphs (as so appearing) stricken out and paragraph inserted, 1967, 601 § 3; first sentence revised, 1975, 560; eleventh paragraph revised, 1960, 580; 1966, 522 § 2; twelfth paragraph (as appearing in 1959, 571 § 1) amended, 1972, 684 § 7; thirteenth paragraph (as so appearing) amended, 1972, 684 § 8; fourteenth paragraph (as so appearing) amended, 1972, 684 § 9; fifteenth paragraph (as so appearing) amended, 1972, 684 § 10; paragraph inserted after eighteenth paragraph, 1969, 682; paragraph added, 1969, 742 § 3; sentence added, 1971, 194; paragraph added, 1974, 851 § 11; revised, 1975, 494 § 13. (See 1932, 249 § 2; 1933, 183 § 2; 332 § 5; 1935, 409 § 2; 1936, 380 § 2; 1947, 401 § 3, 666 § 4; 1948, 368, 399 § 3, 572 § 3, 619 § 3; 1951, 630 § 2, 699 § 5, 736 § 5; 1952, 173 § 2; 1955, 488 § 3; 1959, 571 § 2; 1963, 713 § 4; 1967, 736 § 11; 1968, 749 § 5; 1972, 684 § 136; 1975, 684 § 97.)

SECT. 33A added, 1958, 6 § 2 (confirming the validity of the signature on certain certificates of registration and certain licenses to operate motor vehicles); revised, 1966, 205.

SECT. 33B added, 1967, 519 (relative to assistance to cities and towns to eliminate accidents at high accident locations); first two paragraphs revised, 1972, 87; first paragraph revised, 1973, 303.

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1; section revised, 1943, 427 § 2; amended, 1962, 603 § 1. (See 1934, 364 § 3.)

SECT. 34A, first paragraph amended, 1970, 670 § 1; paragraph defining "certificate" revised, 1945, 384 § 1; amended, 1949, 571 § 1; revised, 1967, 736 § 8A; paragraph defining "guest occupant" added, 1935, 459 § 1; paragraph defining "motor vehicle liability bond" revised, 1935, 459 § 2; amended, 1959, 282 § 2; 1961, 177 § 2; revised, 1963, 358 § 1, 476 § 1; amended, 1964, 517 § 1; paragraph defining "motor vehicle liability policy" revised, 1935, 459 § 2; amended, 1959, 282 § 3; 1961, 177 § 3; revised, 1963, 358 § 2, 476 § 2; amended, 1964, 517 § 2; paragraph defining "Personal injury protection" added, 1970, 670 § 2; sentence added, 1971, 794; paragraph amended, 1973, 599 § 2; paragraph added, 1973, 806 § 4. (See 1935, 459 § 5; 1945, 384 § 3; 1959, 282 § 6; 1963, 358 § 4, 476 § 3; 1964, 517 § 4; 1967, 736 § 11; 1970, 670 § 10; 1973, 599 § 3.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2; fifth paragraph revised, 1949, 571 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13; 1949, 571 § 3.

SECT. 34D revised, 1935, 459 § 3; 1949, 571 § 4; first sentence amended, 1959, 282 § 4; 1961, 177 § 4; revised, 1963, 358 § 3; amended, 1964, 517 § 3; 1970, 670 § 3; last sentence revised, 1950, 162 § 3; 1954, 126 § 3. (See 1935, 459 § 5; 1964, 517 § 4; 1970, 670 § 10.)

SECT. 34E revised, 1949, 571 § 5.

SECT. 34F revised, 1949, 571 § 6.

SECT. 34H, first paragraph amended, 1933, 119 § 4; revised, 1971, 939 § 1; second paragraph amended, 1948, 39; second paragraph stricken out and two paragraphs inserted, 1960, 332; paragraph inserted after third paragraph, 1933, 119 § 5. (See 1933, 119 § 6; 1971, 939 § 7.)

SECT. 34I revised, 1949, 571 § 7.

SECT. 34J, sentence added, 1959, 282 § 5.

SECT. 34K added, 1960, 360 (relative to the cancellation of compulsory motor vehicle liability insurance); first sentence revised, 1971, 939 § 2. (See 1971, 939 § 7.)

SECT. 34L added, 1966, 260 (requiring that protection on account of injuries to the insured caused by operators of uninsured motor vehicles shall be included in compulsory motor vehicle liability insurance policies); repealed, 1968, 643 § 6.

SECTS. 34M-34N added, 1970, 670 § 4 (providing for personal injury protection under motor vehicle liability insurance and bonds and for an assigned claims plan). (See 1970, 670 § 10.)

SECT. 34M, fourth paragraph, first sentence revised, 1972, 313; two sentences added, 1972, 319; sixth paragraph, first sentence amended, 1972, 339.

SECT. 34O added, 1971, 978 § 1 (providing for compulsory property protection for all registered motor vehicles); second paragraph, subparagraph (1) amended, 1971, 1079 § 2; 1974, 503 § 1; subparagraph (2) amended, 1974, 503 § 2; third paragraph stricken out and two paragraphs inserted, 1973, 953 § 1; seventh paragraph revised, 1973, 917 § 1; sentence added, 1973, 1069 § 2; paragraph added, 1971, 1079 § 3; section revised, 1975, 707 § 1. (See 1971, 978 § 2; 1973, 917 § 2, 953 § 2; 1975, 707 § 9.)

SECT. 35-43 and 44-50 inc. (inserted by 1935, 418 § 2, as amended) and sect. 43A (inserted by 1938, 417 § 9) stricken out and new sections 35-52 inserted, 1939, 393 § 3 (further revising the laws relative to aviation). (See 1939, 393 §§ 4-6.)

SECT. 35, paragraph defining "Airport" amended, 1941, 537 § 1; paragraph inserted after said paragraph, 1941, 537 § 2; paragraph defining "Landing field" amended, 1941, 537 § 3; two paragraphs added, 1941, 537 § 4; section revised, 1946, 507; "Navigable Air Space" defined, 1947, 292; paragraph (*q*) added, 1965, 670 § 1.

SECTS. 35A-35D added, 1960, 756 § 1 (limiting the height of certain structures within the approaches to certain airports). (See 1960, 756 § 2.)

SECTS. 36-38 repealed, 1946, 583 § 2. (See G. L. 6 §§ 57-59. See also 1946, 583 §§ 1, 4.)

SECT. 39, first paragraph revised, 1941, 695 § 13; section revised, 1946, 583 § 3; first paragraph revised, 1948, 637 § 10; paragraph inserted after first paragraph, 1975, 882 § 1. (See 1946, 583 § 5; 1948, 637 §§ 4-9, 13, 663 § 4.)

SECTS. 39A-39F added, 1946, 607 § 1 (relative to a state airport plan).

SECT. 39A, paragraph added, 1953, 524 § 1.

SECT. 39B, paragraph inserted after first paragraph, 1948, 505.

SECT. 39C revised, 1949, 762 § 1. (See 1949, 762 § 2.)

SECT. 39D repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECT. 39F revised, 1947, 593 § 4; first paragraph amended, 1964, 544; paragraph added, 1953, 524 § 2. (See 1953, 524 § 3.)

SECT. 39G added, 1947, 593 § 5 (making certain provisions of law relating to airports in municipalities applicable to airports in counties).

SECT. 40 revised, 1946, 582 § 1; paragraph added, 1949, 60; revised, 1955, 189; two paragraphs added, 1956, 337.

SECTS. 40A-40I inserted, 1941, 537 § 5 (relative to protecting the approaches to publicly owned airports).

SECT. 40A, fifth sentence amended, 1950, 421.

SECT. 41 revised, 1946, 582 § 2.

SECT. 42 amended, 1941, 537 § 6.

SECT. 43 revised, 1946, 582 § 3.

SECT. 44 amended, 1941, 537 § 7.

SECT. 45 amended, 1941, 537 § 8; revised, 1947, 319.

SECT. 47 amended, 1965, 236.

SECT. 49 revised, 1964, 590; first paragraph revised, 1965, 670 § 2; paragraphs (*b*) and (*c*) revised, 1965, 670 § 3; paragraph (*e*) amended, 1965, 670 § 4.

SECT. 49A added, 1949, 115 § 1 (relative to court records of cases involving violations of aeronautical laws, rules and regulations); amended, 1953, 319 § 12. (See 1953, 319 §§ 39, 40.)

SECTS. 49B-49T added, 1955, 666 § 1 (requiring owners and operators of aircraft involved in accidents to provide security for payment of damages in certain cases). (See 1955, 666 § 2.)

SECTS. 50A-50L added, under caption, 1948, 637 § 3 (relative to the management of state-owned airports). (See 1948, 637 §§ 4-9, 13, 663 § 4.)

SECT. 50C, paragraph added, 1951, 672 § 1. (See 1951, 672 §§ 2, 3.)

SECT. 50D, first sentence amended, 1949, 762 § 3; first paragraph amended, 1955, 452; paragraph inserted after first paragraph, 1958, 275.

SECT. 50F, sentence added at end, 1948, 663 § 2; third paragraph revised, 1949, 763. (See 1948, 663 §§ 4, 5; 1949, 745 § 2.)

SECT. 50H, sentence added, 1948, 663 § 3. (See 1948, 663 §§ 4, 5.)

SECT. 51 stricken out, 1946, 613 § 1.

SECTS. 51A-51B added, 1946, 582 § 4 (relative to the supervision of state airports by airport managers and to the leasing thereof); repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECTS. 51C-51L added, 1946, 613 § 1 (relating to the acquisition, establishment, maintenance, operation and regulation of airports by the commonwealth and the cities and towns thereof).

SECT. 51C repealed, 1948, 637 § 11. (See 1948, 637 §§ 4-9, 13.)

SECT. 51E, sentence inserted after first sentence, 1948, 481; second and third sentences revised, 1947, 70; last sentence stricken out and five sentences inserted, 1947, 593 § 1.

SECT. 51F revised, 1949, 769 § 1; 1973, 993.

SECT. 51H revised, 1949, 769 § 2.

SECT. 41I revised, 1947, 593 § 2.

SECT. 51K revised, 1947, 593 § 3; third paragraph revised, 1964, 103.

SECT. 51M added, 1947, 332 (prohibiting the granting of exclusive franchises for transportation of persons at airports publicly owned or controlled, or constructed wholly or partly with public funds).

SECT. 51N added, 1947, 501 (authorizing municipalities to establish, maintain and operate airports as joint enterprises).

Chapter 90A. — The Highway Safety Act.

New chapter inserted, 1953, 570 § 1.

SECT. 1 revised, 1954, 425; amended, 1960, 522 § 1; revised, 1963, 674 § 1; amended, 1967, 67 § 1; 1973, 806 § 5. (See 1960, 522 § 2.)

SECTS. 2, 3 and 4 revised, 1963, 674 § 2.

Caption preceding section 5 stricken out, 1960, 390.

SECTS. 5 and 6 repealed, 1960, 390.

SECT. 7, first sentence amended, 1956, 646; section repealed, 1960, 390.

SECT. 7A added, 1955, 417 (relative to the assessment of points under highway safety act and merit rating system); repealed, 1960, 390.

SECT. 8 repealed, 1960, 390.

SECT. 8A added, 1956, 178 (providing that no points shall be charged against an owner or licensed operator before final disposition of an appeal in court); repealed, 1960, 390.

SECTS. 9 and 10 repealed, 1960, 390.

SECT. 11 repealed, 1956, 201 § 1. (See 1956, 201 § 2.)

SECTS. 12-15, 17 repealed, 1956, 51 § 1.

SECT. 16 amended, 1956, 51 § 2; repealed, 1960, 390.

Chapter 90B. — Motorboats and Other Vessels.

New chapter inserted, 1960, 275 § 2.

SECT. 1, definitions of "Director" and "Division" revised, 1971, 103 § 3; definition of "motorboat" revised, 1961, 140 § 1; definition of "Personal flotation devices" inserted, 1975, 179 § 1.

SECT. 2 revised, 1961, 140 § 2; amended, 1972, 528.

SECT. 3, paragraph (*a*) amended, 1961, 505; second sentence revised, 1971, 769; 1973, 142 § 1; sentence inserted after sixth sentence, 1969, 304; paragraph (*j*) revised, 1973, 142 § 2.

SECT. 4A added, 1966, 233 (relative to altering, forging or counterfeiting a certificate of number of a motorboat).

SECT. 4B added, 1971, 137 (providing penalties for removing, defacing or altering certain motorboat identification numbers).

SECT. 5, subsection (*g*) revised, 1975, 179 § 2.

SECT. 5A added, 1967, 22 (requiring all vessels to carry a life saving device for each person aboard); second sentence revised, 1969, 271.

SECT. 8, subsection (*b*) revised, 1967, 27 § 1; subsection (*d*) revised, 1967, 27 § 2.

SECT. 11, first paragraph amended, 1973, 804; second paragraph, clauses (*d*) and (*e*) revised, 1961, 320.

SECT. 12, first sentence revised, 1964, 547; amended, 1975, 706 § 120. (See 1975, 706 § 312.)

SECT. 13, sentence added, 1962, 250.

SECT. 13A added, 1974, 714 § 1 (requiring scuba divers to display divers' flags, so called, while swimming or diving); first sentence revised, 1975, 42; last sentence revised, 1975, 174.

SECT. 14, subsection (*b*) revised, 1971, 110; 1974, 46, 714 § 2; subsection (*c*) revised, 1967, 27 § 3.

SECT. 16 revised, 1970, 589 § 1. (See 1970, 589 § 4.)

SECTS. 20-35 added, 1970, 589 § 2 (regulating the use of certain snow traveling vehicles and certain recreational vehicles and requiring registration thereof).

SECT. 20, definition of "Law enforcement officer" revised, 1971, 103 § 4; amended, 1975, 706 § 121. (See 1975, 706 § 312.)

SECT. 22, two sentences, added, 1973, 808; second paragraph, first sentence revised, 1975, 702 § 1; third paragraph revised, 1975, 702 § 2; sixth paragraph, first sentence revised, 1975, 702 § 3.

SECT. 23, second paragraph revised, 1975, 702 § 4.

SECT. 24, third paragraph amended, 1971, 551 § 1; section revised, 1972, 62; third paragraph amended, 1972, 296; 1974, 213. (See 1971, 551 § 2.)

SECT. 25, paragraph inserted after first paragraph, 1973, 148.

SECT. 26, fourth paragraph amended, 1971, 264; seventh paragraph amended, 1970, 732 § 1.

SECT. 32, first sentence amended, 1975, 706 § 122. (See 1975, 706 § 312.)

Chapter 90C. — Procedure against Violators of Motor Vehicle Laws.

New chapter inserted, 1962, 789 § 2. (See 1962, 789 § 3.)

SECT. 1, definition of "Audit sheet" revised, 1965, 692 § 1; definition of "Automobile law violation" revised, 1963, 340 § 1; 1967, 432 § 2; definition of "Citation", 1963, 637 § 1; revised, 1965, 692 § 2; amended, 1967, 350 § 3; 1975, 418; definition of "Police chief" revised, 1965, 590 § 1; 1967, 222 § 1; definition of "Police officer" revised, 1963, 340 § 2; revised, 1965, 590 § 2; 1967, 222 § 2. (See 1965, 692 § 7.)

SECT. 2 revised, 1963, 637 § 2; first two paragraphs revised, 1963, 818; third paragraph amended, 1965, 501; section revised, 1965, 692 § 3; second paragraph, first sentence revised, 1968, 725 § 1; third paragraph, first sentence revised, 1968, 725 § 2; fourth paragraph, second sentence revised, 1968, 725 § 3; fourth sentence revised, 1966, 64. (See 1965, 692 § 7.)

SECT. 4, first sentence revised, 1964, 540; section revised, 1965, 692 § 4. (See 1965, 692 § 7.)

SECT. 4A added, 1964, 626 § 1 (authorizing clerks of district courts to accept pleas of guilty and payment of fines by mail in certain cases of violation of the motor vehicle laws); revised, 1973, 331; first paragraph amended, 1974, 424 § 3; first two paragraphs revised, 1975, 221; fourth paragraph amended, 1974, 424 § 4. (See 1964, 626 § 2; 1974, 424 § 5.)

SECT. 6A added, 1965, 692 § 5 (providing a penalty for falsifying citations, copies thereof or records of same issued in cases involving automobile law violations). (See 1965, 692 § 7.)

Chapter 90D. — Motor Vehicle Certificates of Title.

New chapter inserted, 1971, 754 § 1. (See 1971, 754 § 4.)

SECT. 1, definition of "Owner" inserted, 1972, 732 § 3; definition of "Supporting documents" added, 1975, 392 § 1.

SECT. 2, paragraph (*a*) amended, 1972, 117; 1973, 81 § 1; clause (3) revised, 1975, 392 § 2; paragraph (*b*) amended, 1972, 732 § 4; stricken out, 1975, 392 § 3.

SECT. 4 revised, 1972, 53; 1975, 392 § 4.

SECT. 6 revised, 1973, 81 § 2.

SECT. 7, paragraph (*b*) amended, 1972, 537 § 1; paragraph (*d*) added, 1974, 242 § 2. (See 1974, 242 § 3.)

SECT. 9, paragraph (*a*) amended, 1972, 54.

SECT. 10, paragraph (*a*) amended, 1972, 537 § 2; clause (3) revised, 1975, 392 § 5; paragraph (*e*) revised, 1973, 81 § 3.

SECT. 14, paragraph (*a*) amended, 1975, 392 § 6.

SECT. 16, paragraph (*a*) amended, 1975, 392 § 7.

SECT. 17, paragraph (*d*) added, 1975, 392 § 8.

SECT. 20, first sentence revised, 1975, 392 § 9.

SECT. 22, paragraph (*a*) revised, 1973, 81 § 4.

SECT. 24, first paragraph, second sentence stricken out, 1975, 392 § 10; second paragraph amended, 1975, 392 § 11.

SECT. 26 revised, 1973, 81 § 5.

SECT. 28, first paragraph revised, 1972, 170; amended, 1973, 81 § 6; second paragraph stricken out, 1975, 392 § 12.

SECT. 29, first paragraph amended, 1972, 55; second paragraph revised, 1972, 756.

SECT. 32, paragraph (*a*) amended, 1975, 392 § 13; paragraph (*b*) revised, 1975, 392 § 14.

SECT. 35 revised, 1973, 81 § 7; amended, 1975, 392 § 15.

SECT. 36 amended, 1975, 392 § 16.

SECT. 37 revised, 1973, 81 § 8.

Chapter 91. — Waterways.

SECT. 1, definition of "Department" revised, 1975, 706 § 123. (See 1975, 706 § 312.)

SECT. 5A added, 1962, 715 § 5 (relative to the promotion and development of marine fisheries of the commonwealth); section repealed, 1966, 621 § 1. (See 1966, 621 § 3.)

SECT. 9A added, 1938, 407 § 2 (providing a method for the development of waterfront terminal facilities).

SECT. 10A added, 1967, 543 (relative to the temporary mooring of floats or rafts); second paragraph amended, 1975, 706 § 124. (See 1975, 706 § 312.)

SECT. 10B added, 1970, 878 § 3 (establishing the Harbors and Inland Waters Maintenance Fund); third sentence revised, 1975, 706 § 125. (See 1975, 706 § 312.)

SECT. 11, first sentence revised, 1950, 516; 1955, 5; amended, 1955, 448 § 1; sentence inserted after first sentence, 1955, 448 § 2; two paragraphs added, 1971, 967.

SECT. 12A added, 1939, 513 § 6 (licensing and otherwise regulating structures, filling and excavations in certain rivers and streams).

SECT. 14, first sentence amended, 1975, 706 § 126. (See 1975, 706 § 312.)

SECT. 16 amended, 1954, 568 § 3.

SECT. 18, second sentence amended, 1956, 528.

SECT. 19A added, 1954, 258 (regulating the lowering of waters of a great pond); first sentence amended, 1975, 706 § 127. (See 1975, 706 § 312.)

SECT. 21, first sentence amended, 1972, 684 § 11; revised, 1973, 870. (See 1972, 684 § 136.)

SECT. 24 amended, 1975, 706 § 128. (See 1975, 706 § 312.)

SECT. 27, paragraph added, 1937, 372 § 2; sentence added, 1950, 768.

SECT. 29 revised, 1950, 524.

SECT. 29A added, 1963, 608 (authorizing cities and towns to appropriate money for the construction of certain structures along their shores).

SECT. 30A added, 1950, 214 (prohibiting the removal of certain natural barriers which furnish protection against erosion by the sea).

SECT. 34, first sentence amended, 1975, 706 § 129. (See 1975, 706 § 312.)

SECT. 46A added, 1935, 362 § 1 (penalizing the unlicensed breaking up or altering of vessels, scows, lighters or certain other structures).

SECT. 49 revised, 1935, 362 § 2; first sentence amended, 1975, 706 § 130. (See 1975, 706 § 312.)

SECT. 49A added, 1955, 464 (providing for the removal of certain whales or other mammals from tidewaters or shores of the commonwealth).

SECT. 49B added, 1970, 878 § 4 (providing for removal of certain wharfs and piers); third paragraph amended, 1974, 808.

SECT. 52, first paragraph, second sentence amended, 1975, 706 § 131; paragraph added, 1968, 626. (See 1975, 706 § 312.)

SECT. 59 amended, 1969, 384; 1971, 135 § 1.

SECT. 59A added, 1967, 507 (relative to tort liability for persons discharging oil in certain inland waters); sentence added, 1969, 373.

SECT. 59B added, 1970, 693 § 2 (requiring marinas to obtain licenses issued by the division of water pollution control). (See 1970, 693 § 3.)

SECTS. 60-62 added, 1953, 666 § 2 (transferring the control of Salisbury Beach Reservation to the division of public beaches in the department of public works).

SECT. 60 amended, 1958, 640 § 7.

SECT. 61, first paragraph amended, 1958, 640 § 8; paragraph added, 1954, 533.

SECT. 62 amended, 1958, 640 § 9; three sentences added, 1967, 331.

SECTS. 60-62 repealed, 1968, 501 § 2.

SECT. 63 added, 1973, 989 § 5 (protecting underwater archaeological resources by the regulation of the removal or salvage of said resources).

Chapter 91A. — Port of Boston Commission (formerly entitled Port of Boston Authority)

New chapter inserted, 1945, 619 § 3. (See 1945, 619 §§ 4-11.)

SECT. 1, section and caption preceding it revised, 1953, 608 § 5. (See 1953, 608 §§ 13-16.)

SECT. 2 revised, 1951, 457 § 1. (See 1951, 457 §§ 3, 4.)

SECT. 3 amended, 1951, 457 § 2; revised, 1953, 608 § 6. (See 1951, 457 §§ 3, 4.)

SECT. 4 amended, 1947, 413 § 1; 1953, 608 § 7.

SECT. 5 amended, 1953, 608 § 8.

SECT. 6 amended, 1953, 608 § 9; revised, 1955, 577 § 1. (See 1955, 577 § 2.)

SECT. 7 amended, 1953, 608 § 10.

SECT. 8 amended, 1953, 608 § 11; repealed, 1954, 568 § 4.

SECT. 9 amended, 1953, 608 § 12.

Chapter 92. — Metropolitan Sewers, Water and Parks.

For legislation abolishing the Metropolitan District Water Supply Commission and transferring its functions to the Metropolitan District Commission, see 1947, 583.

SECT. 1 amended, 1946, 367 § 1; 1950, 648 § 1; section and caption preceding it stricken out and sections 1 and 1A inserted under the caption "Metropolitan Sewerage District", 1959, 612 § 2. (See 1946, 367 § 2; 1959, 612 §§ 6-10.)

SECT. 1A, third paragraph stricken out, 1975, 814 § 1. (See 1975, 814 § 9.)

SECT. 2 revised, 1975, 814 § 2. (See 1975, 814 § 9.)

SECTS. 5 and 6 stricken out and sections 5, 5A, 5B and 6 inserted, 1959, 612 § 3. (See 1959, 612 §§ 5-10.)

SECT. 5 revised, 1975, 814 § 3. (See 1975, 814 § 9.)

SECT. 5A, first sentence revised, 1961, 230; section revised, 1975, 814 § 4. (See 1975, 814 § 9.)

SECTS. 5B and 6 stricken out and sections 5B, 6, 6A and 6B inserted, 1975, 814 § 5. (See 1975, 814 § 9.)

SECT. 7 revised, 1975, 814 § 6. (See 1975, 814 § 9.)

SECT. 8 amended, 1946, 432 § 5; revised, 1975, 814 § 7. (See 1975, 814 § 9.)

SECT. 8A added, 1975, 814 § 7. (See 1975, 814 § 9.)

SECT. 9A added, under caption, 1952, 559 § 1 (providing for the construction and operation of metropolitan refuse disposal incinerators); first sentence revised, 1954, 495 § 1; 1955, 773 § 1. (See 1952, 559 §§ 2, 3; 1954, 495 § 2; 1955, 773 § 2.)

SECT. 10 revised, 1943, 543 § 1; 1945, 587 § 1; paragraph (2) amended, 1946, 549 § 1; paragraph (3) amended, 1947, 575 § 1; 1949, 385 § 1; paragraph (4) amended, 1946, 549 § 2; paragraph (5), sentence added, 1946, 549 § 3; paragraph (6) revised, 1946, 549 § 4; paragraph (10) amended, 1946, 243, 549 § 5; 1953, 373; 1974, 835 § 147; paragraph (12) revised, 1947, 575 § 2; 1962, 723 § 1. (See 1943, 543 §§ 1A, 3; 1945, 587 § 5; 1947, 575 §§ 3-6; 1949, 494; 1962, 723 §§ 11, 12; 1974, 835 § 185.)

SECT. 13 amended, 1950, 518 § 2.

SECT. 17, first paragraph, first sentence amended, 1975, 706 § 132; paragraph added, 1945, 693 § 1. (See 1975, 706 § 312.)

SECT. 25 revised, 1962, 723 § 2.

SECT. 25A added, 1962, 723 § 3 (relating to fiscal year charges to the metropolitan water district fund).

SECT. 26, first paragraph revised, 1943, 543 § 2; first two paragraphs revised, 1945, 587 § 2; second paragraph amended, 1946, 432 § 6; first two paragraphs revised, 1946, 549 § 6; first paragraph stricken out and five paragraphs inserted, 1953, 618; first paragraph amended, 1962, 723 § 4; 1973, 1039 § 1; fourth and fifth paragraphs revised, 1961, 221; fifth paragraphs revised, 1973, 1039 § 2. (See 1945, 587 §§ 4, 5; 1962, 723 §§ 11, 12; 1973, 1039 § 5.)

SECTS. 26A and 26B added, 1945, 587 § 3 (fixing the price for water furnished to municipalities by the metropolitan water district and providing for a state borrowing to ensure the maintenance of the price as fixed and providing for disposition of the excess in the metropolitan water works sinking fund).

SECT. 26A, first two sentences revised, 1946, 549 § 7; first sentence amended, 1962, 723 § 5; second sentence amended, 1962, 723 § 6; paragraph added, 1962, 723 § 7; stricken out, 1973, 1039 § 3. (See 1973, 1039 § 5.)

SECT. 26B repealed, 1962, 723 § 8.

SECT. 26C added, 1973, 1039 § 4 (authorizing an issue of notes to make up any deficit in the metropolitan water district fund).

SECT. 32, fourth paragraph amended, 1975, 706 § 133. (See 1975, 706 § 312.)

SECT. 33 amended, 1961, 542 § 2; second paragraph amended, 1968, 79. (See 1961, 542 § 3.)

SECT. 35A added, 1963, 351 § 1 (authorizing the towing of vehicles from metropolitan parks district parkways, boulevards and roadways where such vehicles are parked or standing in violation of the law).

SECT. 37, sentence added, 1968, 694 § 4; third paragraph amended, 1970, 489.

SECT. 41, sentence added, 1971, 902 § 1.

SECT. 43 amended, 1950, 518 § 3.

SECT. 45 amended, 1975, 706 § 134. (See 1975, 706 § 312.)

SECT. 46 revised, 1948, 550 § 7.

SECT. 48 amended, 1934, 266 § 1. (See 1934, 266 § 4.)

SECTS. 55 and 56 stricken out and section 55 inserted, 1949, 554 § 1; last sentence revised, 1968, 405 § 1.

SECT. 56 revised, 1933, 197 § 1; sentence added, 1939, 429 § 1; section stricken out, 1949, 554 § 1. (See 1939, 429 §§ 2, 4.)

SECT. 57 amended, 1933, 197 § 2; 1949, 554 § 2; paragraph added, 1963, 380.

SECT. 58 amended, 1946, 432 § 7.

SECT. 59 amended, 1949, 554 § 3; 1974, 492 § 16. (See 1974, 492 § 24.)

SECT. 59A added, 1945, 637 § 7 (relative to annual assessments upon municipalities of the metropolitan districts for maintenance); sentence added, 1946, 432 § 8; section revised, 1959, 612 § 4; 1962, 723 § 9. (See 1945, 279; 1959, 612 § 10; 1962, 723 § 12.)

SECT. 60 revised, 1939, 429 § 3; last sentence revised, 1946, 432 § 9. (See 1939, 429 § 4.)

SECT. 60A added, 1937, 352 § 1 (regulating the making and awarding of certain contracts by the metropolitan district commission and metropolitan district water supply commission); repealed, 1941, 547 § 2. (See 1937, 352 § 2; 1941, 547 § 1.)

SECT. 61, first sentence revised, 1954, 162 § 2.

SECT. 61A added, 1971, 989 (authorizing cities and towns to provide police officers to the metropolitan district commission upon request of the commission or the superintendent of the metropolitan district police).

SECT. 62 revised, 1938, 396; amended, 1941, 658 § 1; revised, 1950, 730 § 1; 1971, 1004 § 5. (See 1941, 658 § 2; 1950, 730 § 2.)

SECT. 62A added, 1937, 416 § 1 (providing for a reserve police force for the metropolitan district commission); revised, 1939, 441 § 1; amended, 1974, 835 § 148. (See 1937, 416 § 5; 1939, 441 §§ 3, 5; 1974, 835 § 185.)

SECT. 62B added, 1951, 612 (relative to compensation for metropolitan district police for overtime service); revised, 1969, 872 § 3; repealed, 1971, 1004 § 6.

SECT. 63 repealed, 1937, 416 § 2. (See 1937, 416 § 5; 1939, 441 § 3.)

SECT. 63A revised, 1972, 768.

SECT. 63B added, 1948, 653 (providing for the reimbursement of metropolitan district police officers for injuries or damages sustained by them in the line of duty).

SECT. 66A added, 1974, 18 § 2 (relative to the minimum age requirement for lifeguards employed by the metropolitan district commission).

SECT. 67 revised, 1963, 615 § 2.

SECT. 68 revised, 1963, 615 § 3.

SECT. 72 amended, 1973, 989 § 6.

SECT. 76A, first sentence amended, 1975, 706 § 135; fifth sentence amended, 1975, 706 § 136. (See 1975, 706 § 312.)

SECT. 82, last sentence revised, 1962, 723 § 10.

SECT. 93 amended, 1934, 266 § 2. (See 1934, 266 § 4.)

SECT. 94 amended, 1934, 266 § 3. (See 1934, 266 § 4.)

SECT. 95A added, 1950, 518 § 1 (relative to the granting of permits by the metropolitan district commission for projections over property under its control).

SECT. 99 repealed, 1947, 530.

SECT. 100 revised, 1939, 499 § 7; 1945, 292 § 9. (See 1945, 637 § 8.)

Chapter 92A. — Massachusetts Public Building Commission.

New chapter inserted, 1947, 466 § 3. (See 1947, 466 §§ 4-6.)

For prior temporary legislation, see 1933, 365, 368; 1934, 41; 1935, 380; 1937, 338; 1938, 20, 501 § 3; 1939, 417, 418; 1941, 720 § 16; 1943, 517 § 3.

Chapter repealed, 1953, 612 § 8. (See 1953, 612 §§ 10-13.)

Chapter 93. — Regulation of Trade and Certain Enterprises.

SECT. 8, sentence added, 1938, 410 § 2.

SECT. 9A added, 1961, 432 (establishing the penalty for collusive bidding on contracts for public works or purchase).

SECTS. 14A-14D added, under caption, 1937, 398 (protecting trade mark owners, distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a trade mark, brand or name).

SECT. 14A amended, 1939, 231.

SECT. 14B amended, 1939, 313.

SECT. 14C revised, 1943, 40; amended, 1975, 537.

SECTS. 14E-14K added, under caption, 1938, 410 § 1 (defining and prohibiting unfair sales practices, with a view to preventing the advertising or offering for sale, or the selling below cost, of merchandise for the purpose of injuring competitors or destroying competition). (See 1941, 715.)

SECT. 14E, paragraphs (*a*) and (*b*) amended, 1939, 189 § 1; paragraph (*h*) added, 1939, 189 § 2.

SECT. 14F revised, 1941, 494.

SECT. 14G, clause (*h*) revised, 1966, 232.

SECT. 14I revised, 1958, 633 § 4.

SECTS. 14L-14R added, under caption, 1958, 632 § 1 (regulating trading stamp companies). (See 1958, 632 § 2.)

SECT. 14S added, under caption, 1969, 46 (prohibiting limitations of time within which credit slips may be redeemed); amended, 1970, 171.

SECT. 15 amended, 1973, 632 § 2.

SECT. 16 amended, 1973, 632 § 3.

SECT. 18A added, 1953, 211 (requiring laundries and dry cleaning establishments to file their identification markings with the commissioner of public safety).

Caption preceding section 21 amended, 1939, 343 § 3.

SECT. 21 amended, 1939, 343 § 1; 1941, 583 § 1; 1954, 257 § 1; revised, 1955, 371 § 1; amended, 1963, 652 § 2.

SECTS. 21A-21D added, 1941, 583 § 2 (defining and further regulating private trade schools).

SECT. 21A revised, 1954, 257 § 2; 1955, 371 § 2; paragraph added, 1956, 437.

SECT. 21B revised, 1952, 499 § 3; amended, 1954, 257 § 3; revised, 1955, 371 § 3.

SECT. 21C amended and sentence added, 1954, 681 § 6. (See 1954, 681 §§ 20, 22.)

SECT. 21D amended, 1954, 257 § 4; revised, 1955, 371 § 4.

SECT. 22 amended, 1939, 343 § 2; 1941, 583 § 3; repealed, 1963, 652 § 3.

SECT. 23 repealed, 1963, 652 § 3.

SECT. 24 revised, 1949, 711 § 1; 1962, 670 § 1; sentence added, 1967, 180.

SECT. 24A added, 1949, 711 § 2 (relative to licenses for the conduct of collection agencies); revised, 1962, 670 § 2; third sentence revised, 1969, 789 § 1; two sentences added, 1975, 187 § 1.

SECTS. 24B and 24C added, 1962, 670 § 3 (further regulating collection agencies).

SECT. 24B revised, 1971, 314.

SECT. 24C, second sentence revised, 1969, 789 § 2; section revised, 1973, 1149 § 1. (See 1973, 1149 § 33.)

SECT. 24D added, 1975, 170 § 1 (imposing penalties for failure to file certain reports with the commissioner of banks).

SECT. 25 amended, 1962, 670 § 4; second sentence revised, 1971, 652.

SECT. 28 revised, 1970, 883 § 2.

SECTS. 28A-28D added, under heading, "REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES", 1938, 165.

SECT. 28A revised, 1939, 207; 1948, 550 § 8; 1950, 473; 1953, 164 § 1; amended, 1955, 217; revised, 1961, 324.

SECT. 28B stricken out, 1953, 164 § 2.

SECT. 28D amended, 1958, 178 § 1.

SECT. 28E added, 1950, 511 (granting to the superior court jurisdiction in equity to restrain certain violations of the law regulating closing out sales); amended, 1958, 178 § 2.

SECT. 28F added, 1958, 178 § 3 (regulating fire sales, so called, and similar types of sales); revised, 1968, 78.

SECT. 29, heading and section amended, 1946, 612 § 3; section revised, 1955, 584 § 4; fourth sentence amended, 1958, 143. (See 1946, 612 §§ 5, 6; 1955, 584 §§ 9, 10.)

SECT. 29A added, 1955, 584 § 5 (relative to notice and hearings on objections to applications for certain permits, and on appeals from decisions of the director of the board of outdoor advertising). (See 1955, 584 §§ 8-10.)

SECT. 30 revised, 1945, 233.

SECT. 30A revised, 1946, 612 § 4; 1955, 584 § 6. (See 1955, 584 §§ 8-10.)

SECT. 31 revised, 1955, 584 § 7. (See 1955, 584 §§ 9, 10.)

SECT. 32 revised, 1964, 466.

SECT. 34, sentence added, 1959, 202 § 2; paragraph added, 1974, 10. For temporary act to enable savings banks and certain other banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal savings stamps, see 1941, 221, 575.

SECT. 42 added, 1967, 817 § 3 (providing that unlawful taking of trade secrets shall constitute larceny).

SECT. 42A added, 1969, 457 (providing injunctive relief for the misappropriation of trade secrets).

SECT. 43 added, 1969, 275 (clarifying the responsibility of the receiver to the sender of unsolicited goods by mail).

SECTS. 44-47 added, under caption, 1969, 442 (regulating the trade practices of credit bureaus and their subscribers); repealed, 1971, 805 § 2.

SECT. 46A added, 1970, 794 (making credit bureaus liable for gross negligence in furnishing certain information to certain persons); repealed, 1971, 805 § 2.

SECT. 48 added, 1970, 272 (providing a right of cancellation of certain contracts); subsection B, second paragraph revised, 1970, 660; subsection revised, 1975, 90 § 1; subsection D revised, 1975, 90 § 2; subsections 6, H and I added, 1975, 90 § 3.

SECT. 49 added, 1970, 883 § 1 (prohibiting certain collection practices); first paragraph revised, 1975, 155.

SECTS. 50-68 added, 1971, 805 § 1 (regulating the consumer credit reporting law).

SECT. 69 added, 1971, 1025 (regulating multi-level distribution companies); clause (*g*) revised, 1973, 385.

SECT. 70 added, 1972, 547 § 1 (further regulating the payment by mortgagor of legal fees of attorneys for mortgagee).

Chapter 93A. — Regulation of Business Practices for Consumers Protection.

New chapter inserted, 1967, 813 § 1.

SECT. 1, definition of "Examination of documentary material" added, 1969, 814 § 1; clause (*b*) revised, 1972, 123.

SECT. 3, paragraph (2) revised, 1969, 814 § 2.

SECTS. 4-7 revised, 1969, 814 § 3.

SECT. 4, second paragraph amended, 1971, 130; first two paragraphs revised, 1972, 544.

SECT. 8 amended, 1969, 814 § 4.

SECTS. 9-10 added, 1969, 690 (providing civil remedies for persons injured by unfair or deceptive acts or practices as defined under the Consumer Protection Act).

SECT. 9, paragraph (1) revised, 1970, 736 § 1; amended, 1971, 241; paragraph (5) added, 1970, 736 § 2; paragraphs (6)-(8) added, 1973, 939.

SECT. 10 amended, 1972, 614 § 1.

SECT. 11 added, 1972, 614 § 2 (further regulating unfair trade practices).

Chapter 93B. — Regulation of Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers.

New chapter inserted, 1970, 814 § 1.

SECT. 4, subsection (3) amended, 1972, 193.

SECT. 5A added, 1974, 619 (requiring motor vehicle dealers to include certain charges in prices advertised for vehicles).

SECT. 8, paragraph added, 1972, 408.

Chapter 93C. — Protection of Consumers Against Careless and Erroneous Billings.

New chapter inserted, 1971, 860 § 1.

SECT. 1, definitions of "Period", "Periodic billing statement" and "Statement of account" inserted, 1973, 21 § 1.

SECT. 3 amended, 1973, 21 § 2.

SECT. 5 amended, 1973, 21 § 3.

SECT. 6 amended, 1973, 21 § 4.

Chapter 93D. — Control of Outdoor Advertising Adjacent to the Interstate and Primary Systems.

New chapter inserted, 1971, 1070 § 1.

Chapter 93E. — Regulation of Dealers' Agreements for the Sale of Gasoline.

New chapter inserted, 1972, 772.

Chapter 94. — Inspection and Sale of Food, Drugs and Various Articles.

SECT. 1, paragraph in lines 128-132 (defining "pasteurized milk") revised, 1932, 158; section amended in part, 1933, 67 §§ 1-5; paragraph (defining "half and half") added, 1955, 757 § 1; paragraph (defining "milk plant" and "manufactory") added, 1933, 338 § 1; paragraph in lines 30-36 (defining "butter" and "cheese") stricken out and new paragraph defining "butter" inserted, 1937, 335 § 1; paragraph in line 40 reading "cheese", see "butter", stricken out and four new paragraphs inserted, 1937, 335 § 2 (defining "cheese" and "cream cheese"); definition of "Commissioner" inserted, 1971, 795 § 1; third paragraph (as so appearing) amended, 1961, 301 § 1; paragraph in lines 4145 ("Closed package") stricken out, 1959, 528 § 1; paragraph (defining "bakery") amended, 1937, 362 § 1; definitions of "cosmetic" and "device" inserted, 1961, 600 § 1; definition of "Director" revised, 1971, 795 § 1; definition of "label" revised, 1961, 600 § 1; amended, 1973, 607 § 3; definition of "labeling" inserted, 1961, 600 § 1; definition of "oleomargarine" revised, 1967, 216 § 1; definition of "sausage" or "sausage meat" revised, 1962, 243; amended, 1973, 180; paragraphs in line 148-164 (defining "agricultural seeds" or "agricultural seed", "noxious weed seeds" and "weed seeds") revised and definition of "vegetable seeds" added, 1938, 363 § 1; paragraphs in lines 165-169 (defining "Inert matter" and "Lot") stricken out, 1959, 396 § 1; last four definitions stricken out, 1946, 377 § 1; five paragraphs (defining "enriched bread", "enriched flour", "person", "rolls" and "white bread") added, 1948, 444 § 1; paragraph (defining "food") revised, 1949, 334 § 9; 1956, 663 § 1; paragraph (defining "garnetted clippings") added, 1957, 581 § 1; stricken out, 1959, 611 § 1; paragraph in lines 170-173 (defining "Article of bedding") stricken out, 1959, 611 § 1; paragraph (defining "New") revised, 1957, 581 § 2; stricken out, 1959, 611 § 1; paragraph in lines 177-181 revised, 1939, 196 § 1; stricken out, 1959, 611 § 1; paragraph (defining "Used or used material") added, 1957, 581 § 3; stricken out, 1959, 611 § 1; paragraph in lines 182-185 (defining "Article of upholstered furniture") stricken out, 1959, 611 § 1; paragraph (defining "Commercial feeding stuff") stricken out, 1972, 365 § 1; paragraphs defining "Cattle feed", "Crude protein" and "Feeding stuff" stricken out, 1973, 44; paragraphs defining "Agricultural line", "Available phosphoric acid", "Brand", "Commercial fertilizer", "Commissioner", "Fertilizer", "Fertilizer grade", "Gypsum or land plaster", "Importer", "Package", "Phosphoric acid", "Potash" and "Tag" stricken out, 1973, 607 § 2; definition of "Commissioner" inserted, 1975, 706 § 137. (See 1937, 362 § 7; 1973, 607 § 9; 1975, 706 § 312.)

SECT. 6 amended, 1937, 362 § 2. (See 1937, 362 § 7.)

SECT. 7 amended, 1941, 490 § 19; last sentence revised, 1968, 467 § 8.

SECT. 8 revised, 1937, 53.

SECT. 9 amended, 1939, 261 § 6; 1968, 467 § 9.

SECTS. 9A-9M added, 1937, 362 § 3 (changing the position in the General Laws of certain provisions of law relative to bakeries). (For prior legislation, see G. L. chap. 111 §§ 34-43, 46-49, repealed by 1937, 362 § 6.) (See 1937, 362 §§ 6, 7.)

SECT. 10 amended, 1937, 362 § 4. (See 1937, 362 § 7.)

SECTS. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

SECT. 10F amended, 1941, 119.

SECTS. 10H-10K added, under caption, 1948, 444 § 2 (relative to enrichment of bread and flour).

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see note to G. L. chapter 94A, inserted by 1941, 691 § 2.

SECT. 12 stricken out, and new section 12 (relative to standards for milk and cream) inserted, 1955, 757 § 2; revised, 1967, 425 § 1.

SECT. 12A added, 1955, 757 § 2 (defining "fortified non-fat milk"); first paragraph revised, 1961, 598 § 2; 1967, 425 § 2; amended, 1974, 297.

SECT. 12B added, 1955, 757 § 2 (defining "standardized milk"); revised, 1964, 190; second and third sentences revised, 1965, 223.

SECTS. 13, 14, 14A and 15 stricken out, and new sections 13-13E (relative to the grading of milk) inserted, 1933, 263 § 1. (See 1933, 263 § 3.)

SECT. 13 revised, 1965, 104 § 1.

SECT. 13A revised, 1948, 227; repealed, 1965, 104 § 2.

SECT. 13B revised, 1967, 82.

SECT. 13C revised, 1967, 82.

SECT. 13D revised, 1967, 82.

SECT. 13E amended, 1967, 41.

SECT. 16 stricken out and sections 16-16I (regulating the production, sale and distribution of milk) inserted, 1932, 305 § 3. (See 1932, 305 §§ 5, 6.)

SECT. 16, definition of "Director" amended, 1975, 706 § 138. (See 1975, 706 § 312.)

SECT. 16C amended, 1941, 374; revised, 1946, 467; 1965, 632 § 1.

SECT. 16D revised, 1965, 632 § 2.

SECT. 16F revised, 1960, 687.

SECT. 16G revised, 1965, 632 § 3.

SECT. 16H revised, 1964, 262.

SECTS. 16J-16L added, 1946, 542 (relative to the regulation of transportation, handling and sale of milk).

SECT. 16K revised, 1947, 379; first sentence amended, 1975, 706 § 139. (See 1975, 706 § 312.)

SECT. 16L revised, 1967, 136.

SECT. 17A amended, 1933, 124.

SECT. 18 revised, 1933, 263 § 2. (See 1933, 263 § 3.)

SECT. 19, last paragraph revised, 1955, 757 § 3; amended, 1961, 598 § 1.

SECT. 20 revised, 1939, 212.

SECT. 27A added, 1961, 561 § 1 (requiring a person who receives raw milk from a producer at dairy farms to be licensed as qualified to measure, sample and accept milk for inclusion in a bulk tank truck).

SECT. 28A added, 1961, 561 § 2; sentence inserted after first sentence, 1966, 128.

SECT. 29A revised, 1933, 253; 1946, 447 § 1.

SECT. 30 revised, 1933, 253; 1946, 447 § 2; first sentence revised, 1961, 561 § 3.

SECT. 31 revised, 1933, 253; 1946, 447 § 3.

SECTS. 25-31 revised, 1971, 1066 § 1.

SECT. 36 amended, 1975, 706 § 140. (See 1975, 706 § 312.)

SECT. 37, first sentence amended, 1975, 706 § 141. (See 1975, 706 § 312.)

SECT. 40 amended, 1941, 298; fourth sentence revised, 1955, 757 § 4.

SECT. 41 amended, 1972, 114.

SECT. 42A stricken out and new sections 42A-42K (requiring dealers in milk or cream to be licensed and bonded) inserted, 1933, 338 § 2; affected, 1939, 421.

SECT. 42A amended, 1935, 126; second sentence revised, 1961, 95 § 1. (See 1961, 95 § 2.)

SECT. 42B, sentence inserted after second sentence, 1963, 129.

SECT. 42C, sentence inserted before the first sentence, 1968, 751.

SECT. 42F revised, 1934, 180 § 1.

SECT. 42H, paragraph 2 revised, 1934, 180 § 2.

SECTS. 42A-42J stricken out and new sections 42A-42J inserted, 1970, 690 § 1.

SECT. 42A, definition of "Commissioner" revised, 1975, 706 § 142. (See 1975, 706 § 312.)

SECT. 42K repealed, 1970, 690 § 2.

SECT. 43 revised, 1932, 305 § 4; amended, 1935, 88; first paragraph amended, 1936, 210; section repealed, 1967, 356. (See 1932, 305 §§ 5, 6.)

SECT. 45 revised, 1935, 317; 1948, 550 § 9.

SECT. 46, sentence added, 1955, 757 § 5.

SECT. 48 revised, 1955, 757 § 6; amended, 1963, 326.

SECT. 48B added, 1935, 259 (requiring institutions supported wholly or in part by funds of the commonwealth to use milk, other than cream and certified milk, produced within the commonwealth).

SECT. 48C added, 1939, 317 (regulating the manufacture, sale and delivery of certain milk beverages, so called); revised, 1955, 757 § 7; amended, 1967, 425 § 3.

SECT. 48D added, 1955, 757 § 8 (relative to the blending of milk and cream, establishing sanitary and labelling requirements, and providing penalties for violations thereof).

SECT. 48E added, 1960, 43 (regulating the manufacture and sale of cultured milk products).

SECT. 49, sentence added, 1948, 453 § 3; section revised, 1967, 216 § 2.

SECT. 50 amended, 1937, 335 § 3.

SECT. 52 amended, 1948, 550 § 10; revised, 1949, 297 § 2; repealed, 1954, 262.

SECT. 53 repealed, 1974, 246.

SECT. 54 amended, 1948, 453 § 1.

SECT. 55 revised, 1967, 216 § 3.

SECTS. 56 and 57 repealed, 1954, 262.

SECT. 58 amended, 1948, 453 § 2.

SECT. 60 revised, 1934, 373 § 2; amended, 1957, 356 § 1.

SECT. 61A added, 1937, 335 § 4 (relative to the manufacture and sale of certain cheese); first sentence amended, 1967, 40.

SECTS. 64, 64A, 65, 65A, 65B, 65E and 65F, and the caption of said section 64, stricken out, and sections 65G-65S inserted, under caption "FROZEN DESSERTS AND ICE CREAM MIX", 1934, 373 § 1; caption stricken out and new caption "FROZEN DESSERTS AND FROZEN DESSERT MIX" inserted, 1957, 356 § 2. (See 1934, 373 § 8.)

SECT. 65G, "Buttermilk powder" defined, 1960, 45 § 2; "Frozen dessert mix" defined, 1957, 356 § 3; definition of "Ice Cream" revised, 1950, 236; "Ice milk mix" defined, 1957, 356 § 4; definition of "Imitation frozen dessert" revised, 1963, 274 § 1; definition of "milk product" revised, 1959, 468 § 1; 1960, 45 § 1; definition of "Stabilizer" revised, 1954, 664 § 1; "Sugar" defined, 1954, 664 § 2; "Whey powder" defined, 1959, 468 § 2; section revised, 1967, 215 § 1.

SECT. 65H revised, 1957, 356 § 5; last paragraph amended, 1967, 215 § 2.

SECT. 65I revised, 1957, 356 § 6.

SECT. 65J, first paragraph amended, 1967, 215 § 3; second paragraph revised, 1937, 341 § 1.

SECT. 65L, subdivision (*c*) amended, 1937, 341 § 2; section revised, 1957, 356 § 7; paragraph (*b*) revised, 1963, 274 § 2; paragraph (*f*) revised, 1967, 215 § 4.

SECT. 65M revised, 1957, 356 § 8; 1967, 215 § 5.

SECT. 65N revised, 1957, 356 § 9.

SECT. 65O revised, 1957, 356 § 10; first paragraph, clause First amended, 1967, 215 § 6; second paragraph amended, 1967, 215 § 7.

SECT. 65P, paragraph (*f*) added, 1937, 341 § 3; revised, 1957, 356 § 11; amended, 1967, 215 § 8.

SECT. 65Q revised, 1957, 356 § 12; amended, 1967, 215 § 9.

SECT. 65T added, 1963, 274 § 3 (authorizing the department of public health to establish regulations and standards for frozen dietary dairy desserts).

SECT. 65U added, 1967, 215 § 10 (establishing standards of labeling for frozen desserts and mix).

SECT. 66A added, 1945, 109 (making certain laws relative to cold storage warehouses inapplicable to locker plants, so called).

SECT. 73A added, under caption, 1959, 423 (regulating the storage and transportation of frozen food).

SECT. 74 revised, 1933, 329 § 5; repealed, 1941, 598 § 2.

SECT. 74A added, 1933, 329 § 6 (definition of "fish"); repealed, 1941, 598 § 2.

SECTS. 75 and 76 repealed, 1933, 329 § 7.

SECT. 77, first sentence stricken out, 1933, 329 § 8; repealed, 1941, 598 § 2.

SECT. 77A added, 1934, 216 (regulating the importation of fresh swordfish).

SECT. 77A stricken out and sections 77A-77I, inclusive, added, 1964, 524 § 12 (relative to the sale and storage of fish, lobster meat and crabmeat).

SECT. 77G revised, 1966, 460.

SECT. 78 revised, 1933, 329 § 9; repealed, 1941, 598 § 2.

SECT. 78A added, 1933, 329 § 10 (prohibiting certain misrepresentations in the sale of lobsters); repealed, 1941, 598 § 2.

SECT. 79 repealed, 1933, 329 § 7.

SECT. 80 repealed, 1941, 598 § 2.

SECT. 81 revised, 1933, 329 § 11; 1939, 491 § 10; repealed, 1941, 598 § 2. (See 1939, 491 § 12.)

SECT. 82 repealed, 1941, 598 § 2.

SECT. 83 revised, 1933, 329 § 12; repealed, 1941, 598 § 2.

SECT. 85 amended, 1939, 261 § 7; second sentence revised, 1968, 467 § 10.

SECT. 86, two sentences added, 1955, 415; second sentence revised, 1969, 704 § 40. (See 1969, 704 § 60.)

SECT. 88A revised, 1933, 329 § 13; repealed, 1941, 598 § 2.

SECT. 88B added, 1936, 176 (requiring that shucked scallops and quahaugs in the shell be sold only by weight).

SECTS. 88C and 88D added, 1964, 524 § 13 (authorizing the commissioner of public health to adopt rules and regulations relative to the sanitary conditions for commercial processing establishments, and to inspection or distribution of fish, and the entry and inspection of places where fish is offered or exposed for sale or kept with intent to sell).

SECT. 90A added, 1935, 369 (relative to the sale and distribution of eggs).

SECT. 90B added, 1938, 404 (establishing standard sizes in connection with the sale and distribution of eggs); revised, 1951, 266; tenth paragraph revised, 1975, 706 § 143. (See 1975, 706 § 312.)

SECTS. 90C-90E added, 1962, 393 § 1 (providing for the establishment by the commissioner of agriculture of grades of eggs sold at retail. (See 1962, 393 § 2.)

SECT. 90C, first sentence amended, 1975, 706 § 144. (See 1975, 706 § 312.)

SECT. 90D first paragraph, second sentence revised, 1965, 52; fourth sentence revised, 1963, 116; seventh sentence amended, 1975, 706 § 145; second paragraph revised, 1975, 706 § 146. (See 1975, 706 § 312.)

SECT. 90E, second sentence amended, 1975, 706 § 147. (See 1975, 706 § 312.)

SECT. 92B added, under caption, 1935, 97 (requiring the retail sale of meats and poultry to be by weight); section and caption preceding section revised, 1959, 219.

SECT. 98 amended, 1939, 261 § 8; second sentence revised, 1968, 467 § 11.

SECT. 99A amended, 1939, 261 § 9; sentence inserted after fourth sentence, 1952, 121; last sentence revised, 1968, 467 § 12; 1969, 704 § 41. (See 1969, 704 § 60.)

SECT. 99B added, 1961, 85 (regulating the use of the word "native" in connection with the sale or packaging of vegetables); amended, 1962, 181; first sentence amended, 1963, 158; section revised, 1966, 65.

SECT. 100 repealed, 1959, 528 § 2.

SECTS. 101-109 stricken out, and new sections 101-109 inserted, 1959, 528 § 3.

SECT. 101, first sentence amended, 1975, 706 § 148. (See 1975, 706 § 312.)

SECT. 106 amended, 1975, 706 § 149. (See 1975, 706 § 312.)

SECT. 107 revised, 1967, 217; first sentence amended, 1975, 706 § 150. (See 1975, 706 § 312.)

SECT. 108, second sentence amended, 1975, 706 § 151. (See 1975, 706 § 312.)

SECT. 109, second sentence amended, 1975, 706 § 152. (See 1975, 706 § 312.)

SECT. 117A, first sentence amended, 1951, 600 § 1; 1975, 706 § 153. (See 1951, 600 § 3; 1975, 706 § 312.)

SECTS. 117G-117L added, under caption, 1951, 600 § 2 (relative to the grading and marking of potatoes). (See 1951, 600 § 3.)

SECT. 117G, definition of "Grades" of "grades" amended, 1975, 706 § 154. (See 1975, 706 § 312.)

SECT. 117H, paragraph added, 1970, 229.

SECT. 117I, first sentence amended, 1975, 706 § 155. (See 1975, 706 § 312.)

SECT. 118 amended, 1943, 332 § 1.

SECT. 119 amended, 1943, 332 § 2; 1949, 334 § 1.

SECT. 120 amended, 1943, 332 § 3; revised, 1949, 334 § 2.

SECT. 120A amended, 1943, 332 § 4; revised, 1949, 334 § 3.

SECT. 123 amended, 1932, 180 § 15; 1943, 332 § 5.

SECT. 124 revised, 1943, 508 § 1.

SECT. 126 amended, 1946, 213 § 1.

SECT. 128 amended, 1946, 213 § 2; 1963, 579 § 2.

SECT. 129 revised, 1946, 213 § 3; amended, 1949, 334 § 4.

SECT. 130 amended, 1946, 213 § 4; 1949, 334 § 5.

SECT. 131 revised, 1943, 332 § 6; 1949, 334 § 6; first paragraph amended, 1952, 201; paragraph added, 1950, 317; revised, 1964, 112.

SECT. 132 amended, 1949, 334 § 7.

SECT. 133 amended, 1943, 332 § 7; 1946, 213 § 5.

SECT. 133A added, 1946, 213 § 6 (further regulating the slaughtering of certain animals).

SECT. 134 amended, 1946, 213 § 7.

SECT. 135 amended, 1943, 332 § 8.

SECT. 137 amended, 1949, 334 § 8.

SECT. 138 amended, 1943, 508 § 2.

SECT. 139 amended, 1946, 213 § 8.

SECT. 139A added, 1945, 679 (relative to the establishment and operation of poultry slaughtering houses); last paragraph revised, 1948, 339; 1955, 289.

SECTS. 118-139A stricken out and new sections 118-132 inserted, 1970, 891 § 1.

SECT. 139B added, 1956, 712 § 1 (to protect the public against the sale of unwholesome poultry). (See 1956, 712 § 2.)

SECTS. 139C-139G added, 1960, 444 § 1 (requiring the humane slaughtering of livestock). (See 1960, 444 §§ 2,3.)

SECT. 139C, definition of "commissioner" revised, 1962, 396 § 1. (See 1962, 396 § 2.)

SECTS. 143B and 143C added, 1956, 693 (permitting the manufacture of sausage contained in colored casings and regulating the sale thereof).

SECTS. 144-145 repealed, 1973, 383.

SECT. 146, first paragraph amended, 1934, 340 § 6; 1943, 508 § 3; fourth sentence revised, 1975, 706 § 156; second paragraph amended, 1952, 387. (See 1934, 340 § 18; 1975, 706 § 312.)

SECT. 148, second paragraph amended, 1934, 340 § 6A; 1975, 706 § 157. (See 1934, 340 § 18; 1975, 706 § 312.)

SECT. 151 revised, 1943, 508 § 4.

SECT. 151A added, 1948, 189 (regulating the sale of horse meat for food in certain places); revised, 1953, 136.

SECTS. 152A-152C added, 1934, 296 (relative to the sale and transportation of poultry).

SECT. 152A amended, 1935, 157 § 1; 1949, 446 § 1; first paragraph amended, 1975, 706 § 158. definitions of "poultry sold or used for food" and "producer" inserted, 1955, 515 § 1. (See 1975, 706 § 312.)

SECT. 152B revised, 1935, 157 § 2.

SECT. 152D added, 1949, 446 § 2 (relative to the bonding of licensees engaged in the business of buying or selling poultry); first sentence amended, 1975, 706 § 159. (See 1975, 706 § 312.)

SECTS. 152E-152G added, 1955, 515 § 2 (making the protection under the poultry bonding law applicable only to poultry producers).

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311; 1945, 165.

SECT. 156, second paragraph amended, 1960, 625,

SECT. 172 revised, 1939, 122.

SECT. 174A added, 1945, 92 § 1 (fixing standard weights of containers for certain flours, etc.); revised, 1946, 92.

SECT. 175 repealed, 1945, 92 § 2.

SECT. 177 revised, 1946, 176; amended, 1960, 243; revised, 1974, 115; 1975, 390.

SECT. 181 amended, 1939, 261 § 10; revised, 1960, 244; 1965, 676; last paragraph revised, 1968, 467 § 13.

SECT. 182 amended, 1939, 261 § 11; revised, 1968, 467 § 14.

SECT. 184 amended, 1939, 261 § 12; 1968, 467 § 15.

Caption following section 184A revised, 1961, 600 § 2.

SECT. 185A repealed, 1937, 341 § 4.

SECT. 186 revised, 1948, 598 § 1; clause Thirteenth added, 1963, 487 § 1; section amended, 1961, 600 § 2; 1970, 891 §§ 2, 3.

SECT. 187 revised, 1948, 598 § 2; first paragraph revised, 1970, 891 § 4; following the words "In the case of a drug", clause First revised, 1972, 427; clause Ninth inserted, 1957, 284; last paragraph revised, 1954, 577 § 1; amended, 1957, 284; following the words "In the case of food", clauses First to Eighth stricken out and clauses First to Fourteenth inserted, 1970, 891 § 5; paragraph added, 1954, 577 § 2; words "In the case of a cosmetic" and clauses First to Third and paragraph added, 1961, 600 § 3.

SECT. 187A added, 1948, 598 § 3 (further regulating the sale of certain harmful drugs); revised, 1954, 577 § 3; first paragraph amended, 1955, 718 § 1; last sentence revised, 1967, 49; second paragraph amended, 1965, 229 § 1; 1956, 299 § 1; 1970, 443 § 4; third paragraph amended, 1965, 229 § 2; 1970, 443 § 5; fourth paragraph amended, 1956, 299 § 2; revised, 1970, 178;

sixth paragraph amended, 1965, 229 § 3; 1970, 443 § 6; ninth paragraph amended, 1965, 27; last paragraph revised, 1960, 200; section repealed, 1971, 1071 § 2. (See 1954, 577 § 4; 1971, 1071 § 9.)

SECTS. 187B and 187C added, 1955, 610 (relative to the illegal possession of harmful drugs and the reporting of harmful drug intoxication to the department of public health).

SECT. 187B amended, 1965, 229 § 4; 1970, 443 § 7; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187C repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187D added, 1955, 718 § 2 (providing a penalty for the unauthorized making or altering of a prescription); amended, 1965, 229 § 5; 1970, 443 § 8, 345; revised, 1971, 1071 § 5. (See 1971, 1071 § 9.)

SECT. 187E added, 1961, 509 (providing that manufacturers of harmful drugs be licensed by the department of public health); revised, 1965, 515 § 1; fourth paragraph revised, 1968, 128; section repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187F added, 1961, 603 (further regulating the shipment of harmful drugs into the commonwealth); revised, 1965, 515 § 2; repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187G added, 1969, 586 (relating to search warrants in connection with harmful drugs and implements used therewith); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 187H added, 1970, 539 (relative to the forfeiture and disposition of all harmful drugs and the articles, implements and paraphernalia used in, for or in connection with the unlawful use or possession of any harmful drug); repealed, 1971, 1071 § 2. (See 1971, 1071 § 9.)

SECT. 189, first sentence amended, 1948, 598 § 4; section revised, 1961, 600 § 4.

SECT. 189A added, 1948, 598 § 5 (relative to the adulteration or misbranding of food and drugs); revised, 1961, 600 § 5.

SECT. 190 revised, 1961, 600 § 6.

SECT. 191 revised, 1961, 600 § 7.

SECTS. 190-191 stricken out and new section 190 inserted, 1970, 891 § 6.

SECT. 192 revised, 1948, 598 § 6; 1961, 600 § 8.

SECT. 193 revised, 1948, 598 § 7; 1961, 600 § 9.

SECT. 194 revised, 1961, 600 § 10.

SECT. 194B added, 1968, 525 § 1 (providing a penalty for labelling certain fish products as "halibut"). (See 1968, 525 § 2.)

SECT. 196 repealed, 1948, 598 § 8.

SECTS. 197-217, as amended, stricken out, and new sections 197-217D inserted, 1957, 660 § 1. (See 1957, 660 §§ 6, 7.)

SECT. 197 amended, 1960, 204 § 4; definition of "chiropodist (podiatrist)" inserted, 1965, 229 § 6; revised, 1970, 443 § 9; definition of "Pharmacist," or "druggist" revised, 1961, 345 § 1; definition of "Nurse" revised, 1960, 660; 1961, 245; definition of "Narcotic Drug" amended, 1966, 71 § 1; 1969, 222 § 1; definitions of "amidone", "isoamidone" and "Ketobemidone" revised, 1963, 79; definitions of "LSD", "Psilocybin", and "D.M.T." inserted, 1966, 71 § 2; definition of "THC" inserted, 1969, 222 § 2.

SECT. 199A, first paragraph amended, 1965, 229 § 7; 1970, 443 § 10; third paragraph amended, 1965, 229 § 8; 1970, 443 § 11.

SECT. 199E, first paragraph revised, 1961, 345 § 2; second paragraph revised, 1968, 287; last paragraph stricken out, 1961, 345 § 3.

SECT. 199F inserted, 1959, 210 (penalizing the use of certain narcotic preparations except in food faith as a medicine); revised, 1960, 455.

SECT. 199G added, 1966, 339 (prohibiting the purchase without a prescription of certain exempt narcotic drugs by minors).

SECT. 205 revised, 1958, 95 § 1.

SECT. 211, paragraphs (*a*), (*b*) and (*c*) revised, 1958, 276; paragraph (*a*) amended, 1961, 345 § 4; 1970, 443 § 12; paragraph (*b*) amended, 1961, 345 § 5; 1970, 443 § 13; paragraph (*c*) amended, 1959, 248; paragraph (*d*) amended, 1970, 443 § 14; paragraph (*e*) added, 1961, 345 § 6.

SECT. 212 revised, 1958, 95 § 2.

SECT. 212A revised, 1960, 204 § 1.

SECT. 213 revised, 1958, 181.

SECT. 213A revised, 1960, 204 § 2; amended, 1970, 681.

SECTS. 217-217D stricken out and sections 217-217E inserted, 1960, 204 § 3 (further regulating the sale, possession and distribution of narcotic drugs).

SECTS. 197-217E repealed, 1971, 1071 § 2, (See 1971, 1071 § 9.)

SECT. 225, paragraph added, 1939, 69.

SECT. 227 amended, 1971, 795 § 2.

SECT. 228 amended, 1971, 795 § 3.

SECT. 229 amended, 1971, 795 § 4.

SECT. 230 amended, 1971, 795 § 5.

SECT. 231 amended, 1971, 795 § 6.

SECT. 231A added, 1971, 795 § 7 (regulating the collection of samples of certain feeding stuff by the commissioner for analysis).

SECT. 232 amended, 1971, 795 § 8.

SECT. 233 amended, 1971, 795 § 9.

SECT. 234 amended, 1971, 795 § 10.

SECT. 235 amended, 1971, 795 § 11.

SECTS. 225-235 repealed, 1972, 365 § 2.

SECT. 239A amended, 1939, 261 § 13; revised, 1968, 467 § 16.

SECT. 244 amended, 1941, 155 § 1; second sentence revised, 1968, 467 § 17.

SECT. 245 revised, 1933, 94 § 2; amended, 1939, 261 § 13A; revised, 1941, 155 § 2; first sentence revised, 1968, 467 § 18.

SECT. 246 revised, 1941, 155 § 4.

SECT. 248 amended, 1934, 184; 1939, 261 § 14; revised, 1943, 241 § 1; amended, 1946, 222; revised, 1952, 99; second sentence revised, 1968, 467 § 19.

SECT. 249A amended, 1939, 261 § 15; first sentence revised, 1968, 467 § 20.

SECT. 249B amended, 1939, 261 § 16; revised, 1968, 467 § 21.

SECT. 249E revised, 1943, 241 § 2.

SECT. 249E½ added, 1943, 241 § 3 (relative to the allowable amount of non-combustible residue of coal and coke).

SECT. 249F amended, 1939, 261 § 17; 1943, 241 § 4; revised, 1968, 467 § 22.

SECT. 249G added, under caption, 1933, 94 § 1 (authorizing certain officers to direct the weighing of material for road construction); amended, 1939 261 § 17A; repealed, 1941, 155 § 3.

SECT. 249H added, 1971, 397 (directing the director of standards to promulgate rules and regulations relative to heating oils).

SECT. 250 revised, 1933, 67 § 6.

SECT. 252 amended, 1933, 67 § 7.

SECT. 254 amended, 1933, 67 § 8; 1971, 795 § 12.

SECT. 255 amended, 1933, 67 § 9; 1971, 795 § 13.

SECT. 256 revised, 1933, 67 § 10; amended, 1971, 795 § 14.

SECT. 256A added, 1971, 795 § 15 (providing for delivery of certain analysis samples to the Massachusetts agricultural experiment station).

SECT. 257 revised, 1933, 67 § 11; amended, 1971, 795 § 16.

SECT. 258 revised, 1933, 67 § 12; amended, 1971, 795 § 17.

SECT. 259 amended, 1971, 795 § 18.

SECT. 260 amended, 1971, 795 § 19.

SECT. 261 amended, 1971, 795 § 20.

SECTS. 250-261 repealed, 1973, 607 § 4. (See 1973, 607 § 9.)

SECTS. 261A-261L, as amended, stricken out, and new sections 261A-261K inserted, 1946, 377 § 2.

SECTS. 261A-261K stricken out and new sections 261A-261K inserted, 1959, 396 § 2.

SECT. 161A, definition of "Agricultural seeds" amended, 1965, 109 § 1; definition of "Seed potatoes" inserted, 1965, 109 § 2.

SECT. 261E, first sentence revised, 1966, 400.

SECT. 261L added, 1965, 109 § 3 (prohibiting the sale of seed potatoes that do not conform to the standards and allowable tolerances established by the department of agriculture).

SECTS. 261A-261L repealed, 1975, 203 § 1.

SECTS. 270-277, as amended, and caption preceding said sections stricken out, and new sections 270-277 inserted under caption "UPHOLSTERED FURNITURE AND BEDDING", 1959, 611 § 2; caption revised to read "UPHOLSTERED FURNITURE, BEDDING AND STUFFED TOYS", 1965, 514 § 1.

SECT. 270, definition of "Filling material" amended, 1965, 514 § 2; paragraph defining "Renovator" "reupholsterer" "remaker" or "repairer" revised, 1961, 348 § 1; definition of "Retailer" amended, 1965, 514 § 3; definition of "Secondhand", "used" or "used material" amended, 1965, 514 § 4; definition of "Sterilizer" amended, 1965, 514 § 5; definition of "Supply dealer" amended, 1965, 514 § 6; definition of "Stuffed toy" inserted, 1965, 514 § 7.

SECT. 271, first paragraph amended, 1965, 514 § 8; second paragraph amended, 1964, 514 § 9; third paragraph revised, 1966, 521; fourth paragraph amended, 1965, 514 § 10; tenth paragraph amended, 1965, 514 § 11; eleventh paragraph amended, 1965, 514 § 12.

SECT. 272, first paragraph amended, 1965, 514 § 13; second paragraph amended, 1965, 514 § 14; third paragraph amended, 1965, 514 § 15; sixth paragraph amended, 1965, 368, 514 § 16.

SECT. 273, two paragraphs inserted after first paragraph, 1961, 348 § 2.

SECT. 275 revised, 1965, 514 § 17.

SECT. 276 amended, 1965, 514 § 18.

SECT. 277A added, under caption, 1941, 422 (requiring the marking or labelling of furs, imitation furs and articles made therefrom, and prohibiting misrepresentation in such mark or labels).

SECT. 277B added, under caption, 1961, 172 (prohibiting the sale or offering for sale of imported goods unless prospective purchasers are notified that such goods are imported); first sentence amended, 1962, 92; section revised, 1962, 206; 1963, 94; paragraph inserted after second paragraph, 1964, 253.

SECT. 283 amended, 1939, 261 § 17B; revised, 1968, 467 § 23.

SECT. 285 revised, 1950, 110 § 1.

SECT. 286 revised, 1950, 110 § 2; 1968, 467 § 24.

SECT. 287 revised, 1950, 110 § 3.

SECT. 288 revised, 1950, 110 § 4.

SECT. 295A added, under caption, 1933, 228 (relative to prevention of fraud and misrepresentation in the sale of gasoline, lubricating oils and other motor fuels, and to prevention of the adulteration thereof).

SECTS. 295B and 295C added, 1938, 411 (prohibiting and penalizing the use of misleading signs relating to the price of gasoline and other motor fuel).

SECT. 295C revised, 1939, 218.

SECTS. 295A-295C stricken out, and new sections 295A-295O inserted, 1939, 459 § 1 (further regulating the advertising and sale of motor fuel at retail). (See 1939, 459 § 3.)

SECT. 295A amended, 1950, 515 § 1; paragraph (1) amended, 1962, 531 § 1; paragraph (2A) inserted, 1960, 234 § 1; paragraphs (4) and (5) revised, 1968, 467 § 25; paragraph (4) revised, 1969, 704 § 42; paragraph (6) inserted, 1950, 515 § 1. (See 1960, 234 § 4; 1969, 704 § 60.)

SECT. 295B, first paragraph amended, 1950, 497; section revised, 1957, 443; first paragraph amended, 1962, 531 § 2; third sentence amended, 1972, 684 § 12; third paragraph stricken out, 1969, 622. (See 1972, 684 § 136.)

SECT. 295E, paragraph added, 1971, 134.

SECT. 295F amended, 1955, 183; revised, 1960, 234 § 2. (See 1060, 234 § 4.)

SECT. 295G revised, 1941, 311; paragraph added, 1950, 496; section revised, 1960, 234 § 3. (See 1960, 234 § 4.)

SECTS. 295P-295W added, 1950, 515 § 2 (to prevent unfair discrimination, competition and destructive trade practices in the retail sale of motor fuel).

SECT. 295X added, 1960, 261 (prohibiting the sale of brake fluid which does not comply with the minimum standards prescribed by the registrar of motor vehicles); repealed, 1974, 7.

SECT. 295Y added, 1963, 280 (regulating the sale and installation of seat safety belts); repealed, 1973, 216.

SECTS. 295Z, 295AA and 295BB added, 1973, 955 § 1 (requiring certain petroleum distributors to file certain information with the secretary of consumer affairs). (See 1973, 955 § 3.)

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 303A-303E added, under caption, 1934, 372 § 3 (relative to methyl or wood alcohol and to certain preparations containing such alcohol).

SECT. 303A amended, 1935, 342; 1936, 53.

SECT. 303B amended, 1937, 177 § 1.

SECT. 303C revised, 1937, 177 § 2.

SECT. 303F added, under caption, 1935, 95 (regulating the sale of fuel oils); amended, 1952, 197; revised, 1967, 92; first sentence revised, 1972, 597.

SECTS. 303G-303M added, under caption, 1967, 481 (establishing minimum standards of quality for anti-freeze).

SECT. 303G, *definition of* "Division" revised, 1972, 323 § 1. (See 1972, 323 § 2.)

SECT. 303J, first paragraph, third sentence revised, 1968, 47 § 1. (See 1968, 47 § 2.)

SECT. 304 revised, 1961, 600 § 11.

SECT. 305A amended, 1937, 362 § 5; revised, 1963, 487 § 2. (See 1937, 362 § 7.)

SECT. 305C added, 1956, 663 § 2 (providing for the registration of persons engaged in the processing of food); second paragraph amended, 1970, 891 § 7.

SECT. 305D added, 1975, 787 (providing that certain restaurants have on their premises certain devices for removing lodged food).

SECT. 307 added, 1958, 610 (prohibiting the sale of tobacco products which have been contaminated by fire, smoke or water).

SECTS. 308-313 added, under caption; 1963, 487 § 3 (regulating the maintenance and operation of and the sale of foods and beverages through vending machines).

SECTS. 314-318 inserted, 1973, 891 § 1 (requiring the posting of certain information relating to the sale of electrical appliances). (See 1973, 891 § 3.)

Chapter 94A. — Milk Control.

New chapter inserted, 1941, 691 § 2. (See 1941, 691 §§ 3-6.)

For prior temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see 1934, 376; term of office of said board extended, 1936, 300; 1938, 334; 1939, 413; 1941, 418 § 1, 631 § 1; legislation amended, 1937, 428; 1938, 279; 1939, 302.

SECT. 1, paragraph defining "Board" stricken out and definition of "Commission" inserted, 1953, 604 § 2; definition of "costs" added, 1967, 768 § 1.

SECTS. 2-11 amended, 1953, 604 § 3.

SECT. 2, subsection (3) amended, 1955, 757 § 9.

SECT. 9, paragraphs (*a*) and (*b*) revised, 1955, 757 § 10.

SECT. 12 revised, 1950, 756; amended, 1953, 604 § 4.

SECT. 12A added, 1943, 445 (defining the powers and duties of the milk control board in case of a failure to pay the official minimum price for the sale or delivery of milk); amended, 1953, 604 § 3.

SECT. 13, subsections (*e*) and (*f*) added at end, 1945, 134 (relative to the furnishing to the milk control board of certain information by licensed milk dealers); first paragraph of subsection (*e*) revised, 1946, 312; section amended, 1953, 604 § 3. (See 1945, 409.)

SECTS. 14-21 amended, 1953, 604 § 3.

SECT. 14, subsection (*d*) revised, 1967, 768 § 2.

SECT. 14A added, 1972, 108 (requiring certain institutions to provide the milk control commission with certain bidding information).

SECT. 21, fourth sentence revised and seventh sentence stricken out, 1954, 681 § 7. (See 1954, 681 §§ 20-22.)

SECT. 22 revised, 1943, 164; amended, 1953, 604 § 5.

SECT. 22A added, under caption, 1943, 147 (in aid of the construction and enforcement of the state milk control law, so called).

SECT. 24 amended, 1953, 604 § 3.

Chapter 94B. — Hazardous Substances.

New chapter inserted, 1960, 727 § 2. (See 1960, 727 § 3.)

SECTS. 1-9 revised, 1972, 506 § 1.

SECT. 1, definition of "Flammable" revised, 1973, 649 § 1; 1974, 642 § 1; definition of "Misbranded hazardous substance" stricken out and definition of "Misbranded package" or "Misbranded package of a hazardous substance" inserted, 1973, 649 § 2; revised, 1974, 642 § 2. (See 1973, 649 § 5.)

Caption preceding section 11 revised, 1962, 521 § 2.

SECT. 11, eighteenth paragraph, clause (2), subsection (*d*) amended, 1970, 874 § 2.

SECT. 12, subsection A, paragraph (1) revised, 1970, 874 § 3.

SECT. 13, subsection (*a*) amended, 1964, 75 § 1; subsection (*d*) amended, 1964, 75 § 2; subsection (*e*) stricken out and subsections (*e*) and (*f*) inserted, 1970, 874 § 4.

SECT. 13A added, 1970, 874 § 5 (requiring certain wholesalers and distributors of insecticides within the commonwealth to be licensed and to comply with certain regulations).

SECT. 14 repealed, 1964, 75 § 3.

SECT. 18 amended, 1962, 521 § 3.

SECT. 19 amended, 1962, 521 § 4.

SECT. 20 amended, 1962, 521 § 5; revised, 1970, 874 § 6.

SECT. 21 amended, 1962, 521 § 6; revised, 1972, 506 § 2.

SECTS. 21A-21C added, under caption, 1962, 521 § 7 (regulating the application of pesticides).

SECT. 21B, second paragraph, first sentence amended, 1972, 608 § 1; paragraph revised, 1973, 430 § 6.

SECT. 21C, first paragraph revised, 1973, 910; second paragraph amended, 1970, 874 § 7; 1972, 608 § 2; 1973, 430 § 7.

Chapter 94C. — Controlled Substances Act.

New chapter inserted, 1971, 1071 § 1. (See 1971, 1071 § 9.)

SECT. 1, definition of "Administer" amended, 1973, 1190 § 1; definition of "Class" amended, 1972, 806 § 1; definition of "Clinical research" stricken out, 1972, 806 § 2; definition of "Dispense" amended, 1972, 806 § 3; definition of "Immediate precursor" amended, 1973, 1190 § 2; definition of "Manufacture" amended, 1973, 1190 § 3; definition of "Marihuana" amended, 1972, 806 § 4; definition of "Nurse" inserted, 1973, 1190 § 4; definitions of "Practical nurse" and "Registered nurse" stricken out, 1973, 1190 § 5; definition of "Registration number" inserted, 1972, 806 § 5; definition of "Schedule" amended, 1972, 806 § 6; definition of "Ultimate user" amended, 1973, 1190 § 6.

SECT. 2, paragraph (*a½*) inserted, 1972, 806 § 7.

SECT. 3 amended, 1972, 806 § 8.

SECT. 4, third paragraph revised, 1972, 806 § 9.

SECT. 7, paragraph (*a*) amended, 1972, 684 § 13; 1973, 1190 § 7; revised, 1973, 1220; paragraph (*b*) amended, 1972, 684 § 14; paragraph (*d*) amended, 1973, 1190 § 8; 1974, 770; paragraph (*f*) amended, 1972, 684 § 15; paragraph (*g*) added, 1973, 1190 § 9. (See 1972, 684 § 136.)

SECT. 8, paragraph (*a*) revised, 1972, 806 § 10; paragraph (*h*) added, 1972, 806 § 11; paragraph (*i*) added, 1974, 359.

SECT. 9, subsection (*a*) amended, 1973, 1190 § 10; subsection (*b*) amended, 1973, 1190 § 11; subsection (*c*) amended, 1973, 1190 § 12; subsection (*d*) amended, 1973, 1190 § 13.

SECT. 10 amended, 1973, 1190 § 14.

SECT. 13, paragraph (*a*), clause (2) amended, 1972, 806 § 12; paragraph (*e*) amended, 1972, 806 § 13.

SECT. 18, paragraph (*b*) amended, 1972, 806 § 14.

SECT. 19, paragraph (*c*) revised, 1972, 806 § 15.

SECT. 22, paragraph (*b*) amended, 1972, 806 § 16.

SECT. 23, paragraph (*d*) amended, 1972, 806 § 17; revised, 1974, 264.

SECT. 24, paragraph (*e*) amended, 1972, 806 § 18; paragraph (*f*) added, 1972, 806 § 19; paragraph (*g*) added, 1973, 469.

SECT. 27, subsection (*a*) amended, 1973, 1190 § 15; subsection (*b*) amended, 1973, 1190 § 16; subsection (*c*) amended, 1972, 806 § 20; subsection (*e*) amended, 1973, 1190 § 17.

SECT. 30, paragraph (*b*) amended, 1972, 806 § 21.

SECT. 31, first paragraph, Class B, paragraph (*d*) amended, 1973, 459 § 1; Class C, paragraph (*c*) amended, 1972, 806 § 22.

SECT. 33, paragraph (*b*) revised, 1974, 102.

SECT. 34, first paragraph amended, 1974, 440; second paragraph revised, 1972, 806 § 23; amended, 1974, 207; third paragraph amended, 1972, 806 § 24; first sentence amended, 1975, 369.

SECT. 35 amended, 1972, 806 § 25.

SECT. 36 amended, 1972, 806 § 26.

SECT. 38 amended, 1972, 806 § 27.

SECT. 39, first sentence revised, 1972, 806 § 28.

SECT. 41, first paragraph, clause (*c*) amended, 1972, 806 § 29.

SECT. 44 revised, 1973, 533 § 1.

SECT. 47, paragraph (*c*), clause (4) amended, 1972, 806 § 30; paragraph (*e*) amended, 1972, 806 § 31.

SECT. 47A added, 1974, 318 (providing for the appointment of a custodian of controlled substances and narcotic drugs seized by police departments).

Chapter 95. — Measuring of Leather.

SECT. 1 amended, 1939, 261 § 18; revised, 1968, 467 § 26.

Chapter 96. — Measurement of Lumber.

SECT. 11A added, 1945, 145 (adopting the international log rule as standard for determining the board feet content of saw logs).

Chapter 97. — Surveying of Land.

SECTS. 3-6 stricken out and section 3 inserted, 1956, 182 § 1. (See 1956, 182 § 2.)

SECTS. 8-13 added, 1941, 47 (defining and authorizing the use of a system of plane co-ordinates for designating and stating positions of points on the surface of the earth within the commonwealth).

Chapter 98. — Weights and Measures.

SECT. 1 amended, 1939, 261 § 19; 1968, 467 § 27; 1969, 704 § 43. (See 1969, 704 § 60.)

SECT. 6 revised, 1964, 305 § 1.

SECT. 7 revised, 1964, 305 § 2.

SECT. 12, second paragraph revised, 1948, 373.

SECT. 14A amended, 1936, 73.

SECT. 15 revised, 1953, 259 § 1; last sentence revised, 1969, 704 § 44. (See 1953, 259 § 2; 1969, 704 § 60.)

SECT. 20 amended, 1934, 373 § 3; revised, 1957, 356 § 13.

SECT. 21 amended, 1934, 373 § 4; revised, 1957, 356 § 14.

SECT. 22 amended, 1939, 261 § 19A; revised, 1941, 59; amended, 1953, 86.

SECT. 28A added, 1950, 425 (regulating the sealing and testing of meters used for measuring liquefied petroleum gas); revised, 1963, 544; second sentence revised, 1968, 467 § 28; sentence inserted after third sentence, 1965, 463.

SECT. 29, caption preceding section revised, 1941, 490 § 20; 1968, 467 § 29; paragraph added, 1945, 273; last sentence revised, 1969, 704 § 45. (See 1969, 704 § 60.)

SECT. 30 repealed, 1935, 60 § 2.

SECT. 32 amended, 1935, 60 § 3; first sentence revised, 1960, 213; section revised, 1964, 305 § 3.

SECT. 33A added, 1965, 406 § 1 (requiring the director of the division of standards and necessaries of life to inspect annually all weighing and measuring devices in towns of five thousand or less inhabitants); sentence added, 1968, 71.

SECT. 34 amended, 1955, 190. (See 1965, 405.)

SECT. 35, first sentence revised, 1965, 406 § 2.

SECT. 36, first sentence revised, 1968, 37.

SECT. 37 amended, 1936, 72.

SECT. 41 amended, 1941, 462; first sentence revised, 1969, 704 § 46. (See 1969, 704 § 60.)

SECT. 42 amended, 1955, 185; revised, 1960, 447 § 1.

SECT. 46A added, 1960, 447 § 2 (providing for the proper calibration and inspection of bulk milk tank containers).

SECT. 52, last sentence revised, 1963, 34.

SECT. 56, paragraph (*b½*) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters); section revised, 1937, 74; paragraph (*b½*) added, 1937, 305 § 1; section revised, 1949, 34 § 1; paragraph (*j*) revised, 1955, 184; 1960, 447 § 3; section revised, 1965, 55. (See 1937, 305 § 2; 1949, 34 § 2.)

SECT. 56A added, 1941, 60 (relative to the location of scales and other weighing devices used in weighing food sold at retail by weight).

SECT. 56B added, 1967, 19 (requiring computing scale at retail outlets selling prepackaged meats, poultry or fish).

SECT. 56C added, 1971, 131 (requiring cash registers or other certain devices for totalling monetary value of customer purchases to be within view of customer).

SECT. 56D added, 1975, 880 (authorizing the director to examine and test certain check out systems).

Chapter 99. — The Metric System of Weights and Measures.

SECT. 1, paragraph added, 1936, 209 § 1.

SECT. 2 revised, 1967, 11.

SECT. 3 amended, 1939, 261 § 21; 1968, 48; revised, 1968, 467 § 30.

SECT. 4 amended, 1939, 261 § 22; first sentence revised, 1968, 467 § 31.

Chapter 100. — Auctioneers.

SECT. 1, paragraph added, 1936, 209 § 1.

SECT. 2 revised, 1941, 81; 1948, 550 § 11; 1949, 297 § 3.

SECT. 5 amended, 1932, 156 § 1.

SECT. 6 revised, 1948, 550 § 12; 1949, 297 § 4.

SECT. 14 revised, 1932, 156 § 2; 1948, 550 § 13; 1949, 297 § 5.

SECT. 16 revised, 1932, 156 § 3.

SECTS. 18-21 added, 1936, 209 § 2 (relative to bankruptcy auctions and other auctions of similar type and relative to certain fraudulent practices at auctions).

SECT. 18 revised, 1948, 550 § 14; 949, 297 § 6.

Chapter 101. — Transient Vendors, Hawkers and Pedlers.

SECT. 1, paragraph inserted before first paragraph, 1941, 490 § 21; second paragraph revised, 1936, 218; section revised, 1958, 146; amended, 1968, 467 § 32; 1969, 704 § 47. (See 1969, 704 § 60.)

SECT. 2 amended, 1948, 372; 1957, 243; revised, 1959, 218.

SECT. 3 amended, 1939, 261 § 23; 1941, 490 § 22; second sentence revised, 1948, 493 § 1; amended, 1972, 684 § 16. (See 1948, 493 § 5; 1972, 684 § 136.)

SECT. 5 amended, 1933, 254 § 64. (See 1933, 254 § 66.)

SECT. 6A added, 1938, 85 (providing that applications for transient vendors' licenses shall contain irrevocable power of attorney for service of process, and providing for services of process under authority thereof).

SECT. 15 amended, 1937, 214; revised, 1937, 333; 1955, 757 § 11.

SECT. 16 revised, 1935, 42; amended, 1937, 130.

SECT. 16A added, 1975, 173 § 2 (relative to the operation and equipping of motor vehicles used by certain hawkers and peddlers).

SECT. 19 amended, 1934, 114; 1937, 73.

SECT. 22 amended, 1961, 293 § 1; first three sentences stricken out and sentence inserted, 1967, 274; sentence added, 1948, 493 § 2. (See 1948, 493 § 5.)

SECT. 22A added, 1962, 541 (further regulating certain hawkers and pedlers).

SECT. 23, sentence added, 1948, 493 § 3; section repealed, 1961, 293 § 2. (See 1948, 493 § 5.)

SECT. 24 amended, 1936, 74; 1945, 493 § 1; 1951, 395; sentence added, 1948, 493 § 4; section revised, 1954, 627 § 22; 1961, 292 § 3; amended, 1955, 214; 1966, 535 § 7; revised, 1967, 478. (See 1945, 493 § 2; 1948, 493 § 5; 1954, 627 §§ 65, 67.)

SECT. 25 revised, 1961, 293 § 4; repealed, 1970, 775.

SECT. 26 amended, 1961, 293 § 5.

SECT. 27 amended, 1941, 490 § 23.

SECT. 30 amended, 1934, 77.

SECT. 32 amended, 1941, 490 § 24.

SECT. 33 amended, 1945, 160; 1970, 225.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

SECT. 1A added, 1968, 219 § 1 (further defining the crime of boarding a boat or vessel without authority).

SECT. 3 amended, 1968, 219 § 2.

SECT. 4 amended, 1968, 219 § 3.

SECT. 5 repealed, 1974, 260 § 3.

SECT. 15 revised, 1932, 232 § 1; repealed, 1960, 275 § 3.

SECT. 15A added, 1932, 232 § 2 (penalty for improper operation of motor and other boats); repealed, 1960, 275 § 3.

SECT. 15B added, 1950, 678 (relative to the regulation of the operation of motor boats upon rivers or inland lakes); repealed, 1960, 275 § 3.

SECT. 16 repealed, 1960, 275 § 3.

SECT. 17 revised, 1932, 57.

SECT. 19, second sentence revised, 1975, 644.

SECT. 25 revised, 1975, 57.

Chapter 103. — Pilots.

SECT. 31 revised, 1953, 41; 1958, 222; first paragraph revised, 1962, 159; section revised, 1967, 304; amended, 1970, 176 § 1; revised, 1973, 229 § 1. (See 1973, 229 § 2.)

Chapter 104. — Agents, Consignees and Factors.

SECT. 4, sentence added, 1957, 765 § 4. (See 1957, 765 § 21.)

Chapter 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1; first paragraph, first sentence amended, 1972, 684 § 17; paragraph added, 1957, 765 § 5. (See 1957, 765 § 21; 1972, 684 § 136.)

SECTS. 2A and 2B added, 1935, 122 § 1 (relative to the termination of liability of sureties on bonds furnished by public warehousemen). (See 1935, 122 § 3.)

SECT. 2C added, 1947, 499 (authorizing the keeping and maintenance of certain public warehouses without a license).

SECT. 4, paragraph added, 1971, 325.

SECT. 6 revised, 1935, 122 § 2. (See 1935, 122 § 3.)

SECT. 9 clause (*h*) revised, 1935, 310 § 2.

SECT. 26 amended, 1948, 145.

SECT. 33, paragraph added, 1946, 172.

SECTS. 7-54, 65, 66 repealed, 1957, 765 § 2; captions preceding sections 7, 15, 42, 65 stricken out, 1959, 580 § 1. (See 1957, 765 § 21.)

SECT. 57 amended, 1959, 580 § 2.

SECT. 59 amended, 1959, 580 § 3.

Chapter 106. — Uniform Commercial Code.

Chapter stricken out and new chapter 106 inserted, 1957, 765 § 1. (See 1957, 765 §§ 17-21.)

The following references are to chapter 106, as so inserted:

SECT. 1 — 201, subsection (4) revised, 1963, 188 § 24; subsection (27) amended, 188 § 1; subsection (30) revised, 1958, 542 § 1; subsection (33) revised, 1958, 542 § 2.

SECT. 2 — 312, subsection (4) added, 1958, 542 § 3.

SECT. 2 — 316, subsection (5) added, 1965, 297.

SECT. 2 — 316A added, 1970, 880 (providing that attempts to exclude or modify the warranty of merchantability or fitness for a purpose in a sale of consumer goods shall be unenforceable); amended, 1973, 799 § 1. (See 1973, 799 § 2.)

SECT. 2 — 318 revised, 1971, 670 § 1; revised, 1973, 750 § 1; fourth sentence revised, 1974, 153. (See 1971, 670 § 2.)

SECT. 2 — 603, subsection (1) amended, 1958, 542 § 4.

SECT. 3 — 104 revised, 1958, 542 § 5.

SECT. 3 — 105, subparagraph (*c*) of subsection (1) amended, 1963, 188 § 2.

SECT. 3 — 112, subsection (1), subparagraph (*b*) revised, 1963, 188 § 3.

SECT. 3 — 122, subsection (4) amended, 1960, 273.

SECT. 3 — 412, subsection (2) amended, 1963, 188 § 4.

SECT. 3 — 504, subsection (4) amended, 1963, 188 § 5.

SECT. 3 — 511, subsection (6) revised, 1958, 542 § 6.

SECT. 3 — 601, subsection (1), subparagraph (*d*) amended, 1958, 542 § 7; subsection (3), subparagraph (*b*) amended, 1958, 542 § 8.

SECT. 4 — 106 amended, 1963, 188 § 6.

SECT. 4 — 109 added, 1963, 188 § 7 (defining the process of posting by payor banks).

SECT. 4 — 204, subsection (3) added, 1963, 188 § 8.
SECT. 6 — 103, paragraph added, 1963, 188 § 9.
SECT. 6 — 104, subsection (2) amended, 1963, 188 § 10.
SECT. 6 — 106, subsection (3) amended, 1963, 188 § 11.
SECT. 6 — 107, subparagraph (*b*) of subsection (3) amended, 1963, 188 § 12.
SECT. 7 — 210, subparagraph (*b*) of subsection (2) amended, 1963, 188 § 13.
SECT. 8 — 102 revised, 1963, 188 § 14; subsection (3) revised, 1974, 465.
SECT. 8 — 107 added, 1963, 188 § 15.
SECT. 8 — 208, subsection (1) amended, 1963, 188 § 16.
SECT. 8 — 304, subsection (2) amended, 1959, 580 § 4.
SECT. 8 — 306, subsection (3) amended, 1963, 188 § 17.
SECT. 8 — 308, subparagraph (*b*) of subsection (3) amended, 1963, 188 § 18.
SECT. 8 — 311 amended, 1958, 542 § 9.
SECT. 8 — 313 revised, 1963, 188 § 19.
SECT. 8 — 318 amended, 1959, 580 § 5.
SECT. 8 — 320 added, 1963, 188 § 20.
SECT. 8 — 402 revised, 1959, 580 § 6.
SECT. 8 — 403 revised, 1959, 580 § 7.
SECT. 9 — 103, subsection (2) amended, 1963, 188 § 21; subsection (5) added, 1963, 188 § 22.
SECT. 9 — 105, subsection (2) amended, 1958, 542 § 10.
SECT. 9 — 206, subsection (1) revised, 1963, 188 § 23.
SECT. 9 — 207 revised, 1959, 580 § 8.
SECT. 9 — 301, subsection (2) amended, 1959, 580 § 9.
SECT. 9 — 310 amended, 1958, 542 § 11.
SECT. 9 — 312, subsection (3) subparagraph (*b*) amended, 1958, 542 § 12; subsection (4) amended, 1959, 580 § 10; subsection (5) amended, 1958, 542 § 13.
SECT. 9 — 402, subsection (3) revised, 1958, 542 § 14.
SECT. 9 — 403, subsection (1), revised, 1960, 379 § 1; subsection (3) amended, 1958, 542 § 15; subsection (4) amended, 1959, 580 § 11; 1960, 379 § 2; subsection (5) amended, 1958, 542 § 16; revised, 1960, 379 § 3; amended, 1961, 131 § 1; revised, 1971, 777; amended, 1972, 684 § 124. (See 1972, 684 § 136.)
SECT. 9 — 404, subsection (1) amended, 1961, 131 § 2; 1972, 684 § 125; subsection (2) revised, 1958, 542 § 17; subsection (3) amended, 1961, 131 § 3; 1972, 684 § 126. (See 1972, 684 § 136.)
SECT. 9 — 405 revised, 1959, 580 § 12; subsection (1) amended, 1961, 131 § 4; 1972, 684 § 127; subsection (2) amended, 1961, 131 § 5; 1972, 684 § 128. (See 1972, 684 § 136.)
SECT. 9 — 406 amended, 1961, 131 § 6; 1972, 684 § 129. (See 1972, 684 § 136.)
SECT. 9 — 407, subsection (2) revised, 1958, 542 § 18; amended, 1964, 79; 1972, 684 § 130. (See 1972, 684 § 136.)
SECT. 9 — 408 added, 1958, 542 § 19 (relative to the destruction of certain old records).

SECT. 9 — 409 added, 1960, 379 § 4 (providing for filings as to fixtures in registries of deeds, duties of registers of deeds, and combined real estate and fixture mortgage).

SECT. 9 — 501 revised, 1959, 580 § 13.

Chapter 107. — Money and Registration, Issuance and Redemption of Bonds and other Securities, Facsimile Signatures (former title, Money and Negotiable Instruments)

Title changed, 1959, 580 § 14.

SECT. 5 revised, 1947, 55; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 6 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 9 repealed, 1957, 765 § 2; caption preceding said section stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

SECT. 11 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 12 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 13, caption preceding said section stricken out, 1959, 580 § 14.

SECT. 31 amended, 1941, 215.

SECTS. 14-45 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

SECT. 45A added, 1953, 439 (relative to the use of facsimile signatures in the drawing of checks by treasurers of public bodies).

SECT. 107 amended, 1950, 287 § 2.

SECT. 111A added, 1947, 167 (relative to the time for payment by bank of checks and other instruments); repealed, 1950, 287 § 3.

SECTS. 46-212 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 14. (See 1957, 765 § 21.)

Chapter 107A. — Assignments of Accounts Receivable.

New chapter inserted, 1945, 141 § 1. (See 1945, 141 § 2.)

Chapter repealed 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 108. — Criminal Offences Relative to Bills of Lading (former title, Bills of Lading)

Title changed, 1959, 580 § 15.

SECTS. 1-41 repealed, 1957, 765 § 2; captions preceding any of said sections stricken out, 1959, 580 § 15. (See 1957, 765 § 21.)

SECT. 42 revised, 1959, 580 § 16.

SECT. 44 amended, 1959, 580 § 17.

SECTS. 49-51 repealed, 1957, 765 § 2; caption preceding section 49 stricken out, 1959, 580 § 15. (See 1957, 765 § 21.)

Chapter 108A. — Partnerships.

SECT. 34, first paragraph amended, 1932, 180 § 16.

Chapter 109. — Limited Partnerships.

SECT. 31 amended, 1957, 698 § 1; 1972, 684 § 18. (See 1972, 684 § 136.)

Chapter 110. — Labels, Trade Marks, Names and Registration thereof.

SECT. 1, definitions of "Label" and "Name" stricken out, 1973, 897 § 1. (See 1973, 897 § 8.)

SECTS. 2-3 repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

SECT. 4B added, 1946, 169 § 1 (penalizing the use for trade purposes of the words "Army", "Navy" and other words denoting branches of the United States Government); amended, 1948, 466; sentence added, 1956, 350. (See 1946, 169 § 3.)

SECT. 5 revised, 1948, 550 § 15; 1952, 32 § 1; 1959, 63; sentence inserted after second sentence, 1967, 429.

SECT. 7 repealed, 1973, 897 § 2. (Sere 1973, 897 § 8.)

SECT. 7A added, 1947, 307 (authorizing injunctive relief in certain cases of trade mark infringement or unfair competition); repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

SECT. 8, paragraph added, 1958, 442 § 1. (See 1958, 442 § 2.)

SECTS. 8-15 repealed, 1973, 897 § 2. (See 1973, 897 § 8.)

SECT. 17 revised, 1948, 550 § 16.

SECT. 20 amended, 1953, 319 § 13. (See 1953, 319 §§ 39, 40.)

SECT. 21 amended, 1934, 373 § 5; revised, 1948, 550 § 17; 1957, 356 § 15.

SECT. 25 amended, 1953, 319 § 14. (See 1953, 319 §§ 39, 40.)

SECTS. 25A-25C added, under caption, "REGISTRATION OF CERTAIN TOWELS, GARMENTS, APRONS AND LINENS", 1958, 389 § 1.

SECT. 26 amended, 1946, 169 § 2; revised, 1973, 897 § 3. (See 1973, 897 § 8.)

SECT. 27 revised, 1973, 897 § 4. (See 1973, 897 § 8.)

SECT. 29 added, 1958, 389 § 2 (establishing penalties for violations of provisions relative to registration of certain towels, garments, aprons and linens).

Chapter 110A. — Promotion and Sale of Securities.

Chapter stricken out and new chapter 110A inserted, 1932, 290 § 1. (See 1932, 290 §§ 3, 4.)

The following references are to chapter 110A, as so inserted:

SECT. 2, paragraph (*a*) revised, 1939, 442 § 4; paragraph (*c*) amended, 1936, 316; 1938, 445 § 2; paragraph (*f*) revised, 1938, 445 § 3.

SECT. 3, paragraph (*i*½) inserted, 1945, 288 § 1; last paragraph revised, 1945, 288 § 2; section revised, 1954, 588 § 1.

SECT. 4, paragraph (*e*) amended, 1961, 493 § 5; paragraph (*g*) revised, 1938, 445 § 4; paragraph (*h*) stricken out, 1954, 558 § 2; paragraph (*j*) added, 1938, 445 § 5.

SECT. 5, first paragraph amended, 1963, 484 § 1; first sentence amended, 1972, 684 § 132; revised, 1967, 527; paragraph inserted before the last paragraph, 1938, 445 § 6; amended, 1954, 558 § 3. (See 1963, 484 § 3; 1972, 684 § 136.)

SECT. 5A added, 1965, 131 § 1 (making certain contracts for sale of securities voidable).

SECT. 9, last sentence stricken out, 1938, 445 § 7.

SECT. 10, first paragraph, second sentence revised, 1954, 558 § 4; fourth sentence stricken out and two new sentences inserted, 1938, 445 § 8; three sentences added, 1954, 558 § 5; second paragraph amended, 1963, 484 § 2; revised, 1972, 684 § 133. (See 1963, 484 § 3; 1972, 684 § 136.)

SECT. 11 amended, 1950, 822 § 2.

SECT. 11A added, 1938, 445 § 9 (regulating the sale by a corporation of its securities to employees). [For prior legislation, see General Laws, chapter 155 § 23A, repealed by 1938, 445 § 13.]

SECT. 11A stricken out and sections 11A-11E inserted, 1950, 822 § 3 (relative to the sale of securities on the installment plan).

SECT. 12 revised, 1938, 445 § 10; last paragraph amended, 1939, 442 § 5.

SECT. 12A added, 1938, 445 § 11 (relative to the modifying or anulling by the commission of orders or findings made by the director of the securities division and to review of such action); repealed, 1939, 442 § 6.

SECT. 13 amended, 1936, 68.

SECT. 15A added, 1965, 222 (regulating sale of certain securities by small loan companies).

SECT. 18 revised, 1938, 445 § 12; 1965, 131 § 2.

Chapter stricken out and new chapter 110A inserted, 1972, 694 § 1. (See 1972, 694 § 9.)

The following references are to chapter 110A as so inserted:

SECT. 202, paragraph (*b*) amended, 1973, 430 § 8; revised, 1975, 149 § 1; paragraph (*e*) added, 1975, 149 § 2.

Chapter 110B. — Registration and Protection of Trademarks.

New chapter inserted, 1973, 897 § 5. (See 1973, 897 § 8.)

Chapter 111. — Public Health.

For temporary legislation providing for a dental research program for the training of feminine personnel, see 1949, 473; repealed, 1950, 667.

SECT. 1, paragraph added, 1938, 265 § 6; definition of "Farming" or "Agriculture" inserted, 1966, 217; "Inland waters" defined, 1951, 448 § 1.

SECTS. 1A and 1B added, 1951, 552 (providing that certain laws relating to pollution or contamination of waters shall apply to governmental agencies).

SECT. 1A repealed, 1966, 685 § 4.

SECT. 1B repealed, 1966, 685 § 4.

SECT. 2, first paragraph amended, 1973, 1168 § 18; paragraph added, 1964, 508 § 2; first two sentences revised, 1971, 544 § 1; (See 1964, 508 §§ 3, 4; 1973, 1168 § 40.)

SECT. 2A added, 1956, 602 § 11 (providing for co-operation by the commissioner with the Massachusetts rehabilitation commission for rehabilitation of handicapped persons).

SECT. 2B added, 1967, 900 (providing for declaration of air pollution emergencies); first paragraph amended, 1975, 706 § 160; second paragraph amended, 1974, 806 § 11; 1975, 706 § 161; fifth paragraph stricken out, 1974, 806 § 12. (See 1974, 806 § 41; 1975, 706 § 312.)

SECT. 2C added, 1971, 806 (authorizing the issuance of cease orders to violators of pollution regulations by the commissioner of public health); revised, 1975, 706 § 162. (See 1975, 706 § 312.)

SECT. 3 revised, 1946, 152; last sentence revised, 1966, 713 § 2; sentence added, 1973, 1168 § 19. (See 1973, 1168 § 40.)

SECT. 3A added, 1956, 436 § 3 (establishing the board of trustees of the Massachusetts hospital school).

SECTS. 4A-4C added, 1950, 800 (relative to the establishment of alcoholic clinics).

SECT. 4A, first paragraph, two sentences added, 1954, 581 § 3; section revised, 1956, 715 § 3; 1959, 418 § 4; repealed, 1971, 1076 § 3. (See 1954, 581 §§ 4, 5; 1959, 418 §§ 5-8.)

SECT. 4B repealed, 1971, 1076 § 3.

SECT. 4C amended, 1956, 715 § 4; repealed, 1971, 1076 § 3.

SECT. 4D added, 1959, 418 § 3; amended, 1969, 838 § 13; repealed, 1971, 1076 § 3. (See 1969, 838 § 74.)

SECT. 4E added, 1962, 706 (authorizing the department of public health th combat mental retardation in certain children).

SECT. 4F added, 1965, 484 § 1 (establishing an advisory council on radiation protection); first paragraph amended, 1966, 420; 1974, 835 § 149. (See 1974, 835 § 185.)

SECT. 4G added, 1967, 805 § 1 (establishing program for care, treatment and rehabilitation of epileptics).

SECT. 4H added, 1968, 498 (authorizing the care and treatment of persons suffering from chronic renal diseases); two sentences added, 1973, 1186 § 1.

SECT. 41 added, 1971, 539 (authorizing the department of public health to establish a program for the prevention of the disease erythroblastosis fetalis).

SECT. 4J added, 1971, 1084 § 1 (authorizing payment by the department of public health for hospital or nursing care for certain multiple-handicapped children); amended, 1973, 1229 § 4N. (See 1973, 1229 § 13.)

SECT. 5, paragraph added, 1941, 388; revised, 1945, 615; section revised, 1957, 678 § 1; second, third and fourth paragraphs stricken out and three paragraphs inserted, 1959, 522; paragraph inserted after second paragraph, 1960, 172 § 1; stricken out and two paragraphs inserted, 1963, 390 § 1; all after first paragraph stricken out, 1965, 898 § 1; third sentence stricken out, 1975, 706 § 163. (See 1957, 678 § 2; 1975, 706 § 312.)

SECT. 5A added, 1941, 612 (relative to the preparation and distribution by the department of public health of products applicable to the prevention or cure of diseases of man); revised, 1964, 415.

SECT. 5B added, 1955, 335 (authorizing the department of public health to regulate methods of handling and disposing of radioactive materials); revised, 1960, 633; first paragraph, fourth and fifth sentences stricken out and three sentences inserted, 1965, 495; paragraph amended, 1970, 443 § 15.

SECT. 5C added, 1956, 595 (to regulate certain uses of fluoroscopic shoe-fitting machines); repealed, 1958, 79 § 1.

SECT. 5D added, 1959, 501 (authorizing the department of public health to make rules and regulations concerning plastic bags and plastic film and to provide penalties for the violation thereof).

SECT. 5E added, 1960, 677 (providing that persons applying chemicals to certain waters to control algae, weeds and other aquatic nuisances be licensed); first paragraph amended, 1974, 806 § 13; first sentence amended, 1975, 706 § 164; fourth paragraph amended, 1975, 706 § 165. (See 1974, 806 § 41; 1975, 706 § 312.)

SECT. 5F added, 1961, 498 § 1 (relative to the control of algae, weeds and aquatic nuisances in certain lakes, ponds, streams and other bodies of water by the department of public health); revised, 1969, 722 § 2; third paragraph, second sentence amended, 1975, 706 § 166; paragraph added, 1973, 594 § 1. (See 1975, 706 § 312.)

SECT. 5G added, 1961, 625 (authorizing the department of public health to require the installation and operation of treatment facilities necessary to deliver a safe water supply).

SECT. 5H added, 1964, 16 § 2 (relative to the adoption of regulations by the department of public health to prevent the pollution of the waters of the commonwealth); paragraph added, 1965, 347; section repealed, 1966, 685 § 4. (See 1964, 16 § 3; 1966, 685 § 4.)

SECT. 5I added, 1968, 560 (authorizing the regulation of the use of laser equipment).

SECT. 6 revised, 1938, 265 § 7; sentence added, 1948, 129 § 1.

SECTS. 6A-6C added, 1973, 1227 (establishing a program within the department of public health for the care of persons suffering from hemophilia).

SECT. 8A added, 1959, 502 (authorizing the department to make rules and regulations concerning the disposal or discard of containers of poisonous substances); amended, 1960, 759.

SECT. 8B added, 1966, 552 (authorizing the department of public health to make certain rules and regulations relative to ambulances); repealed, 1973, 948 § 6.

SECT. 8C added, 1968, 548 § 1 (authorizing procedures for fluoridation of public water supplies); first paragraph amended, 1971, 1024 § 1; third paragraph revised, 1971, 1024 § 2.

SECT. 9, second sentence amended, 1964, 477 § 2; two sentences inserted after second sentence, 1957, 593; revised, 1972, 806 § 33.

SECT. 11 revised, 1934, 328 § 1.

SECT. 12 revised, 1943, 331 § 1.

SECT. 13, last sentence revised, 1943, 331 § 2.

SECT. 14A added, 1960, 678 (providing that the state department of public health furnish drugs for the treatment of certain rheumatic fever patients).

SECT. 15 amended, 1934, 340 § 7; revised, 1967, 347 § 2.

SECT. 16 amended, 1934, 340 § 8; revised, 1967, 347 § 3.

SECT. 17 amended, 1937, 340; 1975, 706 § 167. (See 1975, 706 § 312.)

SECT. 20 revised, 1947, 76; 1972, 777 § 4.

SECT. 21, first sentence revised, 1968, 274.

SECT. 23, first sentence amended, 1975, 706 § 168; second sentence revised, 1975, 706 § 169. (See 1975, 706 § 312.)

SECT. 24 amended, 1937, 365; revised, 1939, 234; 1945, 292 § 10.

SECT. 24A added, 1960, 624 (authorizing scientific studies to reduce morbidity and mortality within the commonwealth).

SECT. 24B added, 1968, 358 § 3 (providing for certain statistical information on births). (See 1968, 358 § 5.)

SECT. 25A added, 1972, 715 (requiring the department of public health to establish and maintain an inventory of health care resources within the commonwealth).

SECTS. 25B-25G added, 1972, 776 § 3 (regulating the procedure relative to determinations by the department of public health of the need for the construction or expansion of certain health care facilities). (See 1972, 776 § 6.)

SECT. 25B, definition of "Health care facility" amended, 1975, 881 § 3. (See 1975, 881 § 4.)

SECT. 25C, fourth paragraph amended, 1973, 1168 § 20; paragraph added, 1973, 1168 § 21. (See 1973, 1168 § 40.)

SECT. 26 revised, 1946, 268 § 1.

SECTS. 26A-26E added, 1946, 268 § 2 (relative to the replacement of a board of health of a city by a health department).

SECT. 26C revised, 1973, 204 § 1.

SECT. 27A revised, 1932, 209; first sentence revised, 1963, 145; seventh sentence revised, 1963, 145.

SECTS. 27B and 27C added, 1953, 600 § 1 (relative to the organization of regional health districts). (See 1953, 600 § 2.)

SECT. 27B, fifth paragraph amended, 1954, 273; sixth paragraph amended, 1954, 681 § 8. (See 1954, 681 §§ 20-22.)

SECT. 30 revised, 1961, 55.

SECT. 31 amended, 1937, 285.

SECT. 31A stricken out, and new sections 31A and 31B inserted, 1937, 282.

SECT. 31A, paragraph added, 1945, 423.

SECT. 31C added, 1954, 672 § 4 (relative to the control of atmospheric pollution by local boards of health); second paragraph amended, 1970, 841 § 1; 1975, 706 § 170; paragraph added, 1963, 483; amended, 1970, 841 § 2; paragraph added, 1970, 841 § 3. (See 1975, 706 § 312.)

SECT. 31D added, 1967, 455 (relative to disposal of privy, cesspool and septic tank contents); revised, 1969, 795; first paragraph amended, 1975; 706 § 171; second paragraph, first sentence amended, 1975, 706 § 172; third sentence amended, 1975, 706 § 173. (See 1975, 706 § 312.)

SECT. 32 amended, 1974, 260 § 4.

SECTS. 34-43 and 46-49, and the caption preceding section 34, repealed, 1937, 362 § 6. (See 1937, 362 §§ 1-5, 7.)

SECT. 51 revised, 1943, 16 § 1; 1967, 891 § 1.

SECT. 51A added, 1973, 1186 § 2 (authorizing the department of public health to regulate and license certain out-of-hospital dialysis units).

SECT. 52 revised, 1967, 891 § 2; paragraph added, 1973, 1186 § 3.

SECT. 53 amended, 1943, 16 § 2; revised, 1967, 891 § 3; amended, 1973, 1186 § 4.

SECT. 54 amended, 1943, 16 § 3; revised, 1967, 891 § 4; amended, 1973, 1186 § 5.

SECT. 55 revised, 1967, 891 § 5.

SECT. 56 revised, 1967, 891 § 6.

SECT. 57A added, 1943, 436 § 1 (permitting the department of public health to establish and maintain cancer clinics). (See 1943, 436 § 2.)

SECT. 57B added, 1953, 382 (relative to the establishing and maintenance of muscular dystrophy clinics).

SECT. 57C added, 1954, 538 § 1 (creating facilities for care of the aging).

SECTS. 58-62, and caption preceding section 58, stricken out, and new sections 58-62 inserted, under new caption, 1950, 205.

SECT. 58 revised, 1959, 457; 1962, 719 § 1. (See 1962, 719 §§ 2-4.)

SECT. 59, sentence added, 1959, 497; section revised, 1962, 719 § 1; amended, 1972, 802 § 7. (See 1962, 719 §§ 2-4; 1972, 802 § 77.)

SECTS. 60-62 revised, 1962, 719 § 1.

SECT. 61, paragraph added, 1967, 15.

SECTS. 58-62 repealed, 1972, 785 § 4. (See 1972, 785 § 20.)

SECTS. 62I-62S added, under caption, 1954, 508 § 1 (establishing the Massachusetts hospital school and hospital for state minor wards). (See 1954, 508 §§ 3-5.)

SECT. 62J revised, 1969, 619; paragraph added, 1975, 752 § 1.

SECT. 62M, first sentence amended, 1967, 252; second sentence amended, 1968, 492 § 4; revised, 1973, 1229 § 4A; section amended, 1974, 260 § 5. (See 1973, 1229 § 13.)

SECT. 62Q, second sentence revised, 1975, 752 § 2.

SECT. 63 amended, 1962, 598 § 3, 546 § 2; section and caption preceding section revised, 1963, 517 § 2.

SECT. 63A added, 1975, 752 § 3 (relative to the admission of certain persons to public health hospitals).

SECT. 64 amended, 1962, 546 § 3; revised, 1963, 517 § 3.

SECT. 65 revised, 1951, 562 § 1; 1952, 270 § 1; 1957, 460; amended, 1962, 546 § 4; repealed, 1963, 517 § 4. (See 1951, 562 § 11; 1952, 270 § 10.)

SECT. 65A amended, 1936, 346 § 1; 1941, 506; revised, 1948, 412; amended, 1952, 492; revised, 1953, 383; 1954, 538 § 2; 1955, 220; 1957, 458; amended, 1963, 517 § 5. (See 1936, 346 § 2.)

SECT. 65B added, 1945, 453 (providing for the admission of children suffering from rheumatic heart disease to the North Reading state sanatorium); revised, 1958, 258; repealed, 1962, 598 § 4.

SECTS. 65C and 65D added, 1959, 131 (relative to certain funds of patients now or formerly in institutions under the supervision and control of the department of public health).

SECT. 66 amended, 1934, 219; first sentence revised, 1947, 630; section revised, 1951, 562 § 2; 1952, 270 § 2; second sentence stricken out and two sentences inserted, 1957, 461; section repealed, 1961, 608 § 1. (See 1936, 346 § 2; 1951, 562 §§ 10, 11; 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECT. 66A added, 1937, 392 (permitting the admission to state sanatoria and county tuberculosis hospitals, for purposes of diagnosis and observation, of certain patients with diseases of the lungs other than recognizable tuberculosis); repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 67 revised, 1956, 345; amended, 1963, 517 § 6.

SECTS. 67A-67D added under caption "CARE OF CERTAIN INFANTS PREMATURELY BORN", 1937, 332.

SECT. 67A revised, 1939, 246 § 1; 1949, 601 § 1; 1965, 695 § 1.

SECT. 67B revised, 1949, 601 § 2.

SECT. 67C revised, 1939, 246 § 2; amended, 1945, 535; revised, 1949, 601 § 3; amended, 1955, 753; revised, 1961, 54; 1963, 573 § 1; 1965, 695 § 2; first paragraph amended, 1968, 492 § 5; 1973, 1229 § 4B; paragraph added, 1968, 559. (See 1973, 1229 § 13.)

SECT. 67D revised, 1963, 573 § 2.

SECT. 67E added, 1963, 22 § 3 (relative to reporting of children born with congenital deformities or birth injuries).

SECTS. 67F-67H added, 1971, 1095 (requiring certain hearing tests for pre-school children and offering certain diagnostic hearing tests at the expense of the commonwealth).

SECT. 69A amended, 1936, 337 § 1; repealed, 1957, 459 § 1.

SECT. 69B revised, 1953, 562; amended, 1955, 585 § 1; repealed, 1957, 459 § 1. (See 1955, 585 § 3.)

SECT. 69C amended, 1936, 337 § 2; revised, 1953, 562; amended, 1955, 585 § 2; repealed, 1957, 459 § 1. (See 1955, 585 § 3.)

SECT. 69D revised, 1953, 562; repealed, 1957, 459 § 1.

SECTS. 69E-69I added, under caption, 1954, 522 (relative to admissions to and charges at the Lemuel Shattuck Hospital).

SECT. 69E revised, 1957, 459 § 2; 1958, 357; 1959, 494; amended, 1962, 546 § 5; revised, 1963, 517 § 7; amended, 1973, 1167; revised, 1975, 752 § 4.

SECT. 69F amended, 1974, 260 § 6.

SECT. 69G, second sentence amended, 1974, 260 § 7.

SECT. 69H revised, 1957, 459 § 3; amended, 1962, 546 § 6; revised, 1968, 492 § 6; amended, 1973, 1229 § 4C. (See 1973, 1229 § 13.)

SECT. 69I, third sentence revised, 1957, 459 § 4; amended, 1962, 546 § 7; 1974, 260 § 8.

SECT. 69J added, 1956, 497 (authorizing the department of public health to make contracts for the operation of concessions in Lemuel Shattuck Hospital); amended, 1958, 268.

SECT. 70 amended, 1941, 194 § 5, 389 § 1; 1945, 291; section revised 1957, 604; amended, 1963, 23; revised, 1964, 653; first sentence revised, 1965, 203; section revised 1967, 891 § 7; first sentence revised, 1975, 210; fifth sentence amended, 1970, 614; last sentence amended, 1970, 357.

SECTS. 70A-70D added, 1959, 624 § 1 (creating a lien in favor of hospitals for services rendered to persons injured as a result of certain accidents). (See 1959, 624 § 2.)

SECT. 70A amended, 1961, 161; revised, 1967, 891 § 8.

SECTS. 71-73 stricken out and new sections 71-72A and 73 inserted, 1941, 661 § 1; stricken out and new sections 71-72A and 73 inserted, 1952, 602 § 9. (See 1941, 661 § 2; 1952, 602 § 18.)

SECT. 71, sentence inserted after first sentence, 1956, 70; fifth sentence stricken out and three sentences inserted, 1955, 662 § 8; eighth sentence revised, 1955, 662 § 7; tenth sentence revised, 1954, 538 § 3; section revised, 1957, 545 § 1; first sentence revised, 1963, 758; ninth sentence revised, 1963, 783; seventeenth sentence revised, 1963, 285; 1965, 469; two paragraphs added, 1964, 277; paragraph added, 1964, 620 § 2; 1965, 160; section revised, 1966, 614 § 1; first sentence revised, 1966, 713 § 3; eleventh sentence revised, 1966, 713 § 4; section revised, 1967, 891 § 9; paragraph inserted after second paragraph, 1970, 881; fourteenth paragraph revised, 1968, 686; amended, 1973, 1210 § 18; paragraph added, 1973, 1168 § 22. (See 1964, 620 § 1; 1973, 1168 § 40, 1210 § 39.)

SECT. 71A added, 1955, 449 (to require hospitals to determine blood type of patients); repealed, 1967, 891 § 12.

SECT. 71B added, 1955, 662 § 9 (providing for an appeal in certain cases of refusal to grant licenses to maintain certain homes for the aged); repealed, 1967, 891 § 12.

SECT. 72, paragraph added, 1956, 439; section amended, 1957, 545 § 2; first paragraph revised, 1966, 614 § 2; amended, 1966, 713 § 5; section revised, 1967, 891 § 10; amended, 1973, 1229 § 4O; paragraph added, 1975, 877 § 1. (See 1973, 1229 § 13; 1975, 877 § 3.)

SECT. 72A, first sentence amended, 1957, 545 § 3; revised, 1966, 614 § 3; section repealed, 1967, 891 § 12.

SECT. 72B added, 1960, 482 § 1 (establishing an advisory council to consult with the department of public health relative to the hospital survey and construction act of the federal government); repealed, 1967, 891 § 12. (See 1960, 482 § 2.)

SECT. 72C added, 1963, 730 § 1 (regulating lighting and ventilation in convalescent or nursing homes); first sentence revised, 1964, 602.

SECT. 72D added, 1967, 48 (requiring coin-operated telephones in convalescent and nursing homes); revised, 1975, 122.

SECT. 72E added, 1975, 877 § 2 (providing for the inspection of long term care facilities). (See 1975, 877 § 3.)

SECT. 73 amended, 1957, 545 § 4; 1963, 730 § 2; first sentence stricken out and three sentences inserted, 1963, 762; first sentence revised, 1966, 614 § 4; section revised, 1967, 891 § 11.

SECT. 73A added, 1967, 891 § 11A (further regulating the licensing of hospitals, clinics, infirmaries, and nursing homes).

SECT. 74 amended, 1941, 72.

SECT. 76 revised, 1951, 562 § 3; 1952, 270 § 3; repealed, 1961, 608 § 1. (See 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECTS. 77 and 78 stricken out and two sections inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 78, first paragraph, fifth and sixth sentences stricken out and new sentence inserted, 1968, 492 § 7; amended, 1973, 1229 § 4D. (See 1973, 1229 § 13.)

SECT. 78A added, 1959, 529 (providing that county tuberculosis hospitals may under certain conditions admit persons suffering with chronic diseases as patients); third sentence revised, 1968, 492 § 8; amended, 1973, 1229 § 4E. (See 1973, 1229 § 13.)

SECTS. 79-83A stricken out and sections 79-83B inserted, 1961, 608 § 2. (See 1961, 608 §§ 12-14.)

SECT. 79, first paragraph, third sentence stricken out and two sentences inserted, 1968, 492 § 9; third sentence amended, 1973, 1229 § 4F. (See 1973, 1229 § 13.)

SECT. 80, first paragraph revised, 1968, 492 § 10; amended, 1973, 1229 § 46; second paragraph amended, 1965, 362. (See 1973, 1229 § 13.)

SECT. 82, first sentence amended, 1968, 487 § 3; fourth sentence revised, 1962, 769 § 1; third and fourth sentences stricken out and three sentences inserted, 1965, 710 § 1; fifth sentence stricken out and two sentences inserted, 1968, 492 § 11; sixth sentence amended, 1973, 1229 § 44. (See 1965, 710 § 2; 1973, 1229 § 13.)

SECT. 85, first sentence revised, 1943, 414 § 1; section revised, 1943, 500 § 1; 1951, 562 § 7; 1952, 270 § 7; 1961, 608 § 3; second sentence revised, 1969, 849 § 74; stricken out and two sentences inserted, 1971, 766 § 24. (See 1943, 500 § 3; 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14; 1969, 849 § 79.)

SECT. 85A revised, 1932, 65; paragraph added, 1959, 223; section revised, 1961, 608 § 4. (See 1961, 608 §§ 12-14.)

SECT. 85B repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 85C repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 86 revised, 1961, 608 § 5. (See 1961, 608 §§ 12-14.)

SECT. 87 amended, 1945, 398 § 1; revised, 1961, 608 § 6; first sentence revised, 1968, 487 § 4. (See 1961, 608 §§ 12-14.)

SECT. 87A added, 1945, 398 § 2 (providing that trustees of Bristol county tuberculosis hospital shall be appointed by the governor); revised, 1961, 608 § 7; repealed, 1968, 487 § 6. (See 1945, 398 §§ 4, 5; 1961, 608 §§ 12-14.)

SECT. 88 revised, 1943, 500 § 2; 1946, 310 § 2; 1951, 562 § 8; 1952, 270 § 8; 1961, 608 § 8; last sentence revised, 1962, 769 § 2; 1968, 492 § 12; amended, 1973, 1229 § 41. (See 1943, 500 § 3; 1951, 562 § 11; 1952, 270 § 10; 1961, 608 §§ 12-14; 1973, 1229 § 13.)

SECT. 88A added, 1943, 500 § 2 (relative to charges for the support of patients in county tuberculosis hospitals); revised, 1946, 310 § 3; repealed, 1951, 562 § 9. (See 1943, 500 § 3; 1951, 562 § 11.)

SECT. 88B added, 1952, 270 § 9 (providing for admission of persons afflicted with pulmonary tuberculosis to certain hospitals in cases of emergency); repealed, 1961, 608 § 1. (See 1952, 270 § 10; 1961, 608 §§ 12-14.)

SECT. 89 repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 90 repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91 amended, 1954, 538 § 5; paragraph added, 1955, 559 § 1.

SECTS. 91A and 91B added, 1954, 538 § 6 (relative to the conversion of certain tuberculosis hospitals or facilities into homes for the care and treatment of aging persons).

SECT. 91A repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91B repealed, 1961, 608 § 1. (See 1961, 608 §§ 12-14.)

SECT. 91C added, 1959, 462 (enabling the use of certain facilities for the care of diseases of the chest).

SECT. 92 revised, 1955, 559 § 2; 1961, 608 § 9.

SECTS. 94A-94H added, 1956, 615 § 1 (relative to hospitalization of certain tuberculosis patients and to the establishment of a state sanatorium treatment center for such patients). (See 1956, 615 § 2.)

SECT. 94A amended, 1964, 419 § 1.

SECT. 94B amended, 1964, 419 § 2.

SECT. 94C amended, 1964, 419 § 3.

SECT. 94D revised, 1964, 419 § 4.

SECT. 94E revised, 1961, 608 § 10; amended, 1964, 419 § 5; 1974, 260 § 9. (See 1961, 608 §§ 12-14.)

SECT. 94F amended, 1964, 419 § 6.

SECT. 96 revised, 1938, 265 § 8.

SECT. 96A added, 1938, 265 § 9 (regulating the transportation to another town of a person infected with a disease dangerous to public health).

SECT. 97 revised, 1938, 265 § 10.

SECT. 104 revised, 1938, 265 § 11.

SECT. 107 revised, 1938, 265 § 12.

SECT. 109 revised, 1938, 265 § 13.

SECT. 109A added, 1936, 115 (relative to the treatment of infants' eyes at time of birth); amended, 1943, 46; 1968, 358 § 4. (See 1968, 358 § 5.)

SECT. 110, second sentence amended, 1932, 180 § 17.

SECT. 110A added, 1963, 545 (requiring a phenylketonuria test of certain newborn children).

SECT. 111 revised, 1938, 265 § 14; second paragraph revised, 1948, 129 § 2.

SECT. 111A added, 1963, 118 (requiring the reporting of cases of cerebral palsy).

SECT. 112 amended, 1938, 265 § 15.

SECT. 113 revised, 1938, 265 § 16.

SECT. 116, first sentence revised, 1961, 608 § 11; sentence in lines 24-32 amended, 1943, 275 § 1; section revised, 1964, 339 § 1; 1967, 508. (See 1961, 608 §§ 12-14; 1964, 339 § 3.)

SECT. 116A added, under caption, 1937, 393 (providing for the hospitalization of patients with chronic rheumatism); amended, 1968, 492 § 13.

SECT. 117 revised, 1935, 155; 1937, 391; amended, 1948, 129 § 3; paragraph added, 1954, 44; amended, 1974, 187.

SECT. 118 amended; 1933, 44; 1948, 129 § 4.

SECT. 119 amended, 1948, 129 § 5.

SECT. 120 repealed, 1948, 120.

SECT. 121 revised, 1945, 555; first two sentences revised, 1948, 129 § 6; fifth sentence amended, 1974, 260 § 10.

SECT. 121A added, 1939, 407 (requiring a serological test for syphilis of pregnant women).

SECT. 122A added, 1947, 148 (increasing the powers of boards of health with respect to the supplying of water for domestic purposes in places of habitation and in places where the public is furnished food or drink).

SECT. 124, first sentence revised, 1949, 280; second sentence revised, 1965, 898 § 2.

SECT. 125 revised, 1970, 649 § 1.

SECT. 125A added, 1958, 469 (providing for the right of appeal from an order of a board of health which adjudges the operation of a farm to be a nuisance).

SECT. 127 revised, 1937, 339; sentence inserted after first sentence, 1963, 148 § 2.

SECTS. 127A-127J, inclusive, added, 1965, 898 § 3 (relative to the enforcement of the minimum standards of fitness for human habitation existing under the state sanitary code).

SECT. 127A, first paragraph amended, 1973, 880; third sentence amended, 1975, 706 § 174; paragraph added, 1971, 261. (See 1975, 706 § 312.)

SECT. 127B, first paragraph amended, 1966, 78; 1973, 295; eighth sentence revised, 1972, 522; paragraph added, 1973, 920; amended, 1974, 298.

SECT. 127C, paragraph added, 1969, 242.

SECT. 127F, first paragraph, first sentence stricken out and three sentences inserted, 1975, 467 § 1.

SECT. 127G, sentence added, 1971, 843 § 3; amended, 1973, 591 § 2. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 127H, first paragraph, third sentence revised, 1972, 201; third paragraph, clause (*b*) revised, 1975, 467 § 2.

SECT. 127K added, 1968, 404 § 2 (declaring provisions in leases or other rental agreements pertaining to real estate waiving certain statutory benefits to be against public policy).

SECT. 127L added, 1972, 799 (regulating rights of tenants to reimbursement from landlords for the costs of certain repairs); first paragraph, first sentence revised, 1975, 274 § 1; second paragraph, first sentence amended, 1975, 274 § 2; third sentence amended, 1975, 274 § 2A; third paragraph, second sentence amended, 1975, 274 § 3.

SECT. 127M added, 1973, 848 (restricting the construction and maintenance of certain sewage disposal systems); revised, 1975, 190; repealed, 1975, 615.

SECT. 127N added, 1974, 681 (authorizing the joinder of certain persons as parties in interest in certain legal actions relative to residential dwelling units).

SECT. 128, two paragraphs added, 1943, 486; first of said paragraphs amended, 1947, 631 § 2; paragraph inserted after same paragraph, 1947, 631 § 2; section repealed, 1954, 209 § 1.

SECT. 128A added, 1949, 156 § 1 (relative to the filling and levelling of sites of demolished or removed buildings).

SECTS. 128B-128E added, 1954, 209 § 2 (establishing minimum housing standards and defining the powers of local boards of health relative to dwelling places).

SECT. 128D, last sentence stricken out, 1954, 447 § 1; section revised, 1960, 172 § 2.

SECT. 128E, sentence added, 1960, 172 § 3.

SECT. 128F added, 1954, 447 § 2 (providing penalties for violations of the law establishing minimum housing standards and rules and regulations relative thereto).

SECTS. 128B-128F, inclusive, repealed, 1963, 390 § 2.

SECT. 128G added, 1967, 718 § 5 (relative to inspection of farm labor camps). (See 1967, 718 § 10.)

SECT. 128H added, 1967, 718 § 5A (relative to educational and recreational opportunities at farm labor camps); amended, 1971, 373. (See 1967, 718 § 10.)

SECT. 137 revised, 1961, 326.

SECT. 141 revised, 1937, 278.

SECT. 142A added, 1954, 672 § 3 (relative to the control of atmospheric pollution); revised, 1959, 422; first sentence amended, 1975, 706 § 175. (See 1954, 672 §§ 2, 5, 6; 1975, 706 § 312.)

SECTS. 142B and 142C added, 1960, 676 § 1 (relative to control of air pollution in the city of Boston and vicinity). (See 1960, 676 §§ 2, 3.)

SECT. 142B, second paragraph amended, 1965, 472; third paragraph revised, 1971, 800; fifth paragraph revised, 1972, 359 § 1; third sentence amended, 1975, 706 § 176; paragraph inserted after fifth paragraph, 1971, 797. (See 1975, 706 § 312.)

SECT. 142D added, 1969, 836 (authorizing the department of public health to form air pollution districts; two paragraphs added, 1974, 494 § 1. (See 1974, 494 § 2.)

SECT. 142E added, 1970, 838 (relative to control of air pollution by agencies of state and local governments); first paragraph amended, 1975, 706 § 177; second paragraph amended, 1972, 359 § 2; third sentence revised, 1975, 706 § 178. (See 1975, 706 § 312.)

SECT. 142F added, 1971, 1013 § 1 (providing a criminal penalty for discharging extra fuel into the atmosphere from an aircraft). (See 1971, 1013 § 2.)

SECT. 142G added, 1974, 239 (authorizing certain burning of Christmas trees).

SECT. 142H added, 1975, 99 (authorizing the issuance of permits for certain ceremonial bonfires).

SECT. 143 revised, 1933, 269 § 2; 1948, 480 § 1; amended, 1956, 275 § 1; second paragraph revised, 1975, 706 § 179. (See 1975, 706 § 312.)

SECT. 147 amended, 1948, 480 § 2; 1975, 706 § 180. (See 1975, 706 § 312.)

SECT. 150A added, 1955, 310 § 1 (concerning the assignment of places for public and private dumps); first paragraph, first sentence revised, 1969, 515 § 1; second paragraph, second sentence revised, 1969, 429; section revised, 1970, 839; second paragraph, first sentence amended, 1975, 706 § 181; paragraph inserted after second paragraph, 1973, 1217 § 6; sentence inserted after first sentence, 1975, 500 § 4; second sentence revised, 1975, 706 § 182. (See 1955, 310 §§ 2, 3; 1975, 706 § 312.)

SECT. 151 amended, 1943, 332 § 9; revised, 1956, 275 § 2.

SECT. 152, first sentence amended, 1975, 706 § 183. (See 1975, 706 § 312.)

SECT. 154 amended, 1934, 340 § 9; sixth sentence revised, 1967, 347 § 4; eighth sentence revised, 1967, 347 § 5.

SECT. 159 amended, 1951, 448 § 2; first sentence amended, 1975, 706 § 184. (See 1975, 706 § 312.)

SECT. 160 amended, 1951, 448 § 3.

SECT. 160A added, 1960, 613 (regulating cross connections between public water supplies and other water supplies).

SECT. 160B added, 1975, 706 § 185 (relative to violations of standards or egulations regulating the quality of water). (See 1975, 706 § 312.)

SECT. 161 repealed, 1961, 48.

SECT. 162 amended, 1951, 448 § 4.

SECT. 163 amended, 1951, 448 § 5.

SECTS. 171-173 stricken out and section 171 inserted, 1975, 384.

SECT. 173A added, 1938, 293 (extending the jurisdiction of certain police officers employed to protect public sources of water supply from pollution).

SECT. 173B added, 1943, 84 (authorizing water commissioners and others to enter premises within the watersheds of certain sources of supply).

SECT. 174A, second sentence amended, 1975, 706 § 186. (See 1975, 706 § 312.)

SECT. 175 revised, 1941, 353; 1963, 453; first sentence amended, 1975, 706 § 187. (See 1975, 706 § 312.)

SECTS. 176-180 repealed, 1938, 265 § 17.

SECT. 183 amended, 1973, 925 § 15. (See 1973, 925 § 84.)

SECT. 184A added, 1939, 344 (authorizing the state department of public health to issue certificates of approval relative to bacteriological laboratories); second paragraph amended, 1946, 155 § 1; paragraph added, 1946, 155 § 2.

SECT. 184B added, 1950, 431 (restricting the establishment and maintenance of blood banks); amended, 1967, 528; first sentence revised, 1973, 262.

SECT. 184C added, 1969, 641 (authorizing certain minors to donate blood without prior parental assent).

SECT. 185A added, 1945, 543 § 2 (relative to the furnishing of certain material for use in determining and recording the physical condition of school children).

SECT. 186A added, 1958, 79 § 2 (regulating the use of shoe-fitting machines employing fluoroscopic, X-ray or radiation principles); amended, 1970, 443 § 16.

SECT. 186B added, 1973, 649 § 3 (regulating the sale of certain flammable sleepwear). (See 1973, 649 § 5.)

SECT. 187 amended, 1973, 1114 § 7. (See 1973, 1114 § 351.)

SECTS. 190-199 added, 1971, 1081 § 1 (providing for a program of lead paint poisoning prevention and control). (See 1971, 1081 § 3.)

SECT. 194, paragraph inserted after sixth paragraph, 1974, 449 § 1.

SECT. 195, second paragraph amended, 1973, 149.

SECT. 196 amended, 1971, 1081 § 2; subsection (*b*), first paragraph amended, 1975, 410. (See 1971, 1081 § 3.)

SECT. 198, second paragraph amended, 1974, 449 § 2.

SECT. 200 added, 1973, 650 (requiring the reporting of certain burn injuries caused by fabric ignition); first paragraph revised, 1974, 122.

SECT. 201 added, 1974, 795 § 1 (requiring certain police and fire personnel to complete certain first aid training).

Chapter 111A. — Drug Addiction Rehabilitation.

New chapter inserted, 1963, 763 § 2.

Chapter repealed, 1969, 889 § 23A.

Chapter 111B. — Alcoholism.

New chapter inserted, 1971, 1076 § 1. (See 1971, 1076 § 22.)

SECT. 3, definition of "Halfway house for alcoholics" added, 1973, 1040 § 1. (See 1973, 1040 § 3.)

SECTS. 5 amended, 1973, 1229 § 4J. (See 1973, 1229 § 13.)

SECT. 6A added, 1973, 1040 § 2 (providing for the licensing of half-way houses for alcoholics by the department of public health). (See 1973, 1040 § 3.)

SECT. 8 revised, 1973, 328 § 1; amended, 1973, 1143. (See 1973, 328 § 2.)

SECT. 13 added, 1973, 586 § 1 (exempting police officers and certain persons from certain liability while performing their duties pursuant to the alcoholism treatment and rehabilitation law). (See 1973, 586 § 2.)

Chapter 111C. — Emergency Medical Care.

New chapter inserted, 1973, 948 § 1.

SECT. 6, paragraph added, 1974, 795 § 2.

Chapter 111E. — Clinical Laboratories.

New chapter inserted, 1975, 881 § 1. (See 1975, 881 § 4.)

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 1, first sentence revised, 1969, 704 § 48. (See 1969, 704 § 60.)

SECT. 2, second sentence revised, 1933, 171 § 1; 1936, 247 § 1; three paragraphs added, 1936, 247 § 2; section amended, 1938, 210; paragraph added, 1939, 415 § 1; section revised, 1939, 451 § 37; amended, 1941, 722 § 9; second sentence stricken out and four sentences inserted, 1945, 396 § 1; sentence inserted after second sentence, 1955, 622; revised, 1957, 329; third sentence (as appearing in 1945, 396 § 1) amended, 1952, 585 § 21; fourth sentence (as appearing in 1945, 396 § 1) revised, 1954, 519 § 1; fifth and sixth sentences (as appearing in 1939, 451 § 37) revised, 1948, 28; third paragraph revised, 1945, 396 § 2; paragraph inserted after fourth paragraph, 1948, 413; paragraph added, 1946, 365; section revised, 1959, 344 § 1; third sentence stricken out and three sentences inserted, 1960, 177; stricken out and four sentences inserted, 1960, 367; first six sentences stricken out and four sentences inserted, 1966, 299; first paragraph amended, 1969, 426 §§ 1, 2; paragraph added, 1970, 540; section revised, 1971, 662; first paragraph amended, 1973, 925 § 16; 1974, 723 §§ 1, 2; third sentence revised, 1975, 138; second paragraph amended, 1974, 395; third paragraph stricken out, 1974, 396; fourth paragraph amended, 1973, 312; fifth paragraph amended, 1972, 372; second to fifth paragraphs stricken out and three paragraphs inserted, 1974, 723 § 3; section revised, 1975, 362 § 2. Affected 1938, 259; 1948, 221. (See 1933, 171 § 2; 1936, 247 §§ 3-6; 1939, 415 §§ 3, 4; 1959, 344 § 3; 1973, 925 § 84; 1975, 362 § 13.)

SECT. 2A amended, 1945, 396 § 3; 1954, 519 § 2; 1959, 344 § 2. (See 1959, 344 § 3.)

SECT. 2B added, 1955, 759 § 1 (relative to schools for the training of medical laboratory technologists). (See 1955, 759 § 2.)

SECT. 2C added, 1957, 655 § 1 (requiring schools for the training of medical X-ray technicians to be approved by the board of registration in medicine). (See 1957, 655 § 2.)

SECT. 5 revised, 1937, 425 § 12; 1975, 362 § 3. (See 1937, 425 § 15; 1975, 362 § 13.)

SECT. 7, second sentence amended, 1975, 846 § 1.

SECT. 8 revised, 1948, 550 § 18.

SECT. 9 revised, 1933, 152; 1945, 186; amended, 1955, 526; revised, 1960, 483; 1962, 578; amended, 1973, 925 § 17; 1060 § 1. (See 1973, 925 § 84; 1060 § 3.)

SECT. 9A, first sentence amended, 1966, 527; third sentence amended, 1963, 780; section revised, 1972, 534.

SECT. 9B added, 1970, 325 (authorizing temporary registration as qualified physicians under designated circumstances); sentence added, 1972, 486.

SECTS. 9C-9H added, 1973, 937 § 1 (providing for the use of physician assistants). (See 1973, 937 § 4.)

SECT. 12 amended, 1948, 129 § 7.

SECT. 12A, first sentence amended, 1943, 41; revised, 1962, 407; section revised, 1963, 108.

SECT. 12B added, 1962, 217 (exempting registered physicians from civil liability for emergency care or treatment rendered at the scene of an accident to persons injured in motor vehicle accidents); revised, 1964, 59; 1965, 578; amended, 1967, 374; 1969, 343.

SECT. 12C added, 1967, 309 § 2 (exempting physicians and nurses from liability in carrying out immunization programs).

SECT. 12D added, 1970, 717 § 2 (requiring physicians to include the generic or chemical names when prescribing drugs by brand name).

SECT. 12E added, 1970, 816 (authorizing drug dependent minors of twelve years or older to consent to hospital and medical care for said drug dependency); amended, 1973, 430 § 8A.

SECT. 12F added, 1970, 847 (as renumbered by 1971, 335 § 1) (permitting physicians to render emergency medical treatment of minors without civil liability); revised, 1975, 564.

SECT. 12G added, 1971, 335 § 2 (authorizing disclosure by physicians and hospitals of certain medical information concerning certain patients).

SECT. 12H added, 1973, 173 § 1 (requiring physicians to print or write their names on prescription blanks).

SECT. 12J added, 1974, 421 (prohibiting experimentation on human fetuses).

SECTS. 12H-12R added, 1974, 706 § 1 (protecting unborn children and maternal health within constitutional limits).

SECT. 12I added, 1973, 521 § 1 (providing that certain medical personnel need not participate in certain medical procedures).

SECT. 13 amended, 1937, 425 § 2; revised, 1956, 344; amended, 1970, 443 § 17. (See 1937, 425 § 15.)

SECT. 14 amended, 1937, 425 § 3; 1970, 443 § 18. (See 1937, 425 § 15.)

SECT. 15 amended, 1937, 425 § 4; 1970, 443 § 19. (See 1937, 425 § 15.)

SECT. 16 revised, 1937, 425 § 5; 1948, 557; 1950, 363 § 1; first paragraph amended, 1955, 676 § 1; 1970, 443 §§ 20, 21; 1972, 684 § 19; 1973, 925 § 18; second paragraph amended, 1970, 443 § 22; 1972, 684 § 20; third paragraph amended, 1970, 443 § 23; fourth paragraph amended, 1952, 585 § 22; 1970, 443 § 24; fifth paragraph amended, 1970, 443 § 25. (See 1937, 425 § 15; 1950, 363 § 2; 1951, 767; 1955, 676 §§ 2, 3; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 17 revised, 1937, 425 § 6; amended, 1970, 443 § 26. (See 1937, 425 § 15.)

SECT. 17A added, 1937, 425 § 7 [defining certain duties of the board of registration in chiropody (podiatry)]; amended, 1970, 443 § 27. (See 1937, 425 § 15.)

SECT. 18 amended, 1937, 425 § 8; 1970, 443 § 28. (See 1937, 425 § 15.)

SECT. 19 amended, 1937, 425 § 9; revised, 1951, 105; amended, 1970, 443 § 29. (See 1937, 425 § 15.)

SECT. 20 amended, 1937, 425 § 10. (See 1937, 425 § 15.)

SECT. 21 amended, 1937, 425 § 11; revised; 1948, 550 § 19; amended, 1970, 443 § 30. (See 1937, 425 § 15.)

SECT. 21A added, 1973, 173 § 2 (requiring podiatrists to print or write their names on prescription blanks).

SECT. 23 repealed, 1937, 425 § 13. (See 1937, 425 § 15.)

SECTS. 23A-23P added, under caption, 1951, 656 § 1 (relative to the practice of physical therapy by registered physican therapists). (See 1951, 656 § 2.)

SECT. 23G, first sentence revised, 1955, 493 § 1. (See 1955, 493 § 3.)

SECT. 23I, fourth sentence revised, 1955, 493 § 2. (See 1955, 493 § 3.)

SECTS. 23A-23P stricken out and sections 23A-23Q inserted, 1958, 585 § 1. (See 1958, 585 §§ 2-4.)

SECT. 23B, last sentence revised, 1972, 487 § 1.

SECT. 23C clause (*a*) revised, 1973, 925 § 19; clause (*b*) stricken out, 1974, 290. (See 1973, 925 § 84.)

SECT. 23E revised, 1972, 487 § 2.

SECT. 23G, first sentence amended, 1972, 684 § 21. (See 1972, 684 § 136.)

SECTS. 23A-23O revised, 1975, 584 § 1. (See 1975, 584 § 2.)

SECT. 24 amended, 1932, 227; 1933, 126; 1937, 343 § 1; revised, 1941, 52 § 1; amended, 1945, 502 § 1; 1952, 585 § 23; revised, 1957, 463; amended, 1972, 684 § 22. (See 1941, 52 § 2; 1943, 165; 1945, 502 §§ 2, 4; 1972, 684 § 136.) Temporarily affected, 1948, 631; 1952, 361.

SECT. 24A added, 1945, 502 § 3 (relative to registrations and renewal of registrations as pharmacists and assistant pharmacists); revised, 1955, 429; 1956, 575; third sentence amended, 1972, 684 § 23. (See 1945, 502 § 4; 1972, 684 § 136.)

SECT. 24B added, 1946, 194 (relative to standards for schools and colleges of pharmacy); revised, 1947, 503.

SECT. 27 revised, 1934, 328 § 2; amended, 1937, 343 § 2; second sentence amended, 1960, 634 § 1.

SECT. 30 amended, 1937, 343 § 3; revised, 1974, 326 § 1.

SECT. 32 amended, 1934, 328 § 3.

SECT. 34 amended, 1934, 328 § 4.

SECT. 35 amended, 1934, 328 § 5; 1935, 306; 1937, 343 § 4; revised, 1948, 539 §; repealed, 1974, 326 § 2.

SECT. 36 revised, 1934, 328 § 6.

SECTS. 36A-36D added, under caption, 1948, 539 § 2 (relative to the licensing of persons engaged in the sale, distribution or delivery, at wholesale, of drugs and medicines).

SECT. 36B revised, 1963, 450 § 1; amended, 1972, 684 § 24. (See 1963, 450 § 2; 1972, 684 § 136.)

SECT. 38 revised, 1934, 236.

SECT. 39 amended, 1939, 138; 1951, 410; 1953, 281; revised, 1962, 695; last sentence revised, 1963, 488 § 1; amended, 1972, 684 § 25. (See 1963, 488 § 2; 1972, 684 § 136.)

SECT. 40 amended, 1934, 328 § 6A; 1937, 343 § 5.

SECT. 41A added, 1975, 679 (authorizing certain medicines and drug substances to be manufactured or sold without controls).

SECT. 42A added, 1937, 343 § 6 (relative to the retail drug business and pharmacy); first paragraph amended, 1970, 584; paragraph added, 1960, 634 § 2.

SECTS. 43-53 temporarily affected, 1949, 473. (See 1950, 667.)

SECT. 43 revised, 1965, 583 § 1.

SECT. 44 amended, 1965, 583 § 2; 1972, 684 § 26. (See 1972, 684 § 136.)

SECT. 45, second sentence amended, 1932, 180 § 18; paragraph added, 1939, 415 § 2; section revised, 1949, 564 § 1; first paragraph amended, 1972, 684 § 27; 1973, 925 § 20. (See 1939, 415 § 3; 1948, 221; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 45 A amended, 1949, 564 § 2; revised, 1965, 583 § 3.

SECT. 46, clause Third amended, 1934, 108.

SECT. 47 amended, 1965, 583 § 4.

SECT. 48 revised, 1965, 583 § 5.

SECT. 49 revised, 1948, 270; sentence added, 1963, 654 § 3.

SECT. 50 amended, 1935, 344; revised, 1949, 333; 1954, 408 § 1.

SECT. 50A added, 1973, 173 § 3 (requiring dentists to write or print their names on prescription blanks).

SECT. 51 revised, 1949, 576; first paragraph revised, 1971, 620; second paragraph amended, 1965, 583 § 6; last paragraph stricken out and two paragraphs inserted, 1965, 583 § 7; last paragraph amended, 1972, 684 § 28. (See 1972, 684 § 136.)

SECT. 52 revised, 1948, 123; 1952, 117.

SECTS. 52A and 52B added, 1934, 281 (relative to methods and practices of dentists and dental hygienists).

SECT. 52A revised, 1937, 253; 1954, 408 § 2; clause (5) amended, 1965, 583 § 8.

SECT. 52C added, 1954, 408 § 3 (restricting advertising by dental technicians).

SECT. 53 amended, 1949, 564 § 3.

SECT. 54 revised, 1958, 533 § 3; second sentence revised, 1969, 104; 1974, 810 § 4; 1975, 451 § 1.

SECT. 54A added, 1974, 810 § 5 (regulating the practice of veterinary medicine); definition of "Approving authority" stricken out, 1975, 451 § 2; inserted, 1975, 706 § 188. (See 1975, 706 § 312.)

SECT. 55 amended, 1937, 66; revised, 1939, 251 § 1; first paragraph amended, 1945, 724; 1952, 585 § 24; stricken out and two paragraphs inserted, 1957, 492; same two paragraphs stricken out and one paragraph inserted, 1958, 533 § 4; first paragraph stricken out and two paragraphs inserted, 1965, 46; first paragraph, second and third sentences revised, 1967, 347 § 6; second sentence amended, 1968, 538 § 1; revised, 1973, 925 § 21; third sentence amended, 1968, 538 § 2; fifth sentence amended, 1968, 538 § 3; paragraph inserted, 1951, 433 § 1; amended, 1972, 684 § 29; section revised, 1974, 810 § 6; 1975, 451 § 3. (See 1939, 251 §§ 2, 3, 4; 1945, 711; 1951, 433 § 2; 1952, 585 §§ 25, 26; 1972, 684 § 136; 1973, 925 § 84.)

SECT. 56 revised, 1958, 533 § 5.

SECT. 56A added, 1963, 468 (authorizing the board of registration in veterinary medicine to issue a license to certain veterinarians licensed in other states); revised, 1974, 810 § 7.

SECT. 56B added, 1973, 173 § 4 (requiring veterinarians to write or print their names on prescription blanks).

SECT. 56C added, 1975, 451 § 4 (providing for practical examinations of certain applicants).

SECT. 58 revised, 1974, 810 § 8.

SECT. 58A added, 1973, 503 (exempting veterinarians from civil liability as a result of rendering certain emergency care to domestic animals).

SECT. 59 revised, 1948, 224; 1958, 533 § 6; 1974, 810 § 9; clause 10 added, 1975, 451 § 5.

SECT. 59A added, 1974, 810 § 10 (authorizing veterinarians to dispose of abandoned animals after giving certain notice).

SECT. 60 amended, 1974, 810 § 11.

SECTS. 60A-60J added, under caption, 1941, 696 § 2. (See 1941, 696 §§ 3, 4.)

SECT. 60A, preliminary paragraph amended, 1945, 265 § 2; definition of "Good moral character" inserted, 1971, 390 § 2; definition of "Practice of Architecture" revised, 1957, 679 § 1; amended, 1971, 390 § 1. (See 1957, 679 §§ 4, 5.)

SECT. 60B, first paragraph revised, 1969, 101; amended, 1971, 390 § 3; second paragraph revised, 1953, 558 § 1; 1971, 753 § 1; 1973, 445; amended, 1972, 684 § 30. (See 1972, 684 § 136.)

SECT. 60C, clause (*c*) revised, 1943, 167; section revised, 1962, 94; paragraph added, 1967, 503; section revised, 1971, 390 § 4.

SECT. 60D revised, 1953, 558 § 2; amended, 1971, 753 § 2. (See 1953, 558 § 4.)

SECT. 60E, paragraph added, 1953, 558 § 3; amended, 1971, 753 § 3.

SECT. 60F revised, 1957, 679 § 2. (See 1957, 679 §§ 4, 5.)

SECT. 60G amended, 1971, 282 § 1, 390 § 5.

SECTS. 60K-60M added, 1945, 265 § 1 (further regulating the practice of architecture); stricken out and sections 60K-60O inserted, 1957, 679 § 3. (See 1957, 679 §§ 4, 5.)

SECT. 60K amended, 1971, 390 § 6.

SECT. 60L amended, 1971, 390 § 7.

SECT. 61, caption preceding said section revised, 1963, 241 § 1; first sentence amended, 1963, 241 § 2; paragraph added, 1963, 241 § 3.

SECT. 64 amended, 1954, 681 § 9. (See 1954, 681 §§ 20, 22.)

SECTS. 66-73 stricken out, and sections 66-73 inserted, 1934, 339 § 2.

SECT. 68, first paragraph amended, 1973, 925 § 22. (See 1973, 925 § 84.)

SECT. 69 revised, 1949, 463; paragraph added, 1974, 716.

SECT. 70 revised, 1948, 550 § 20.

SECT. 72 amended, 1938, 434 § 1. (See 1938, 434 § 4.)

SECT. 73 amended, 1938, 434 § 2. (See 1938, 434 § 4.)

SECT. 73A added, 1937, 287 § 1 (regulating advertising in connection with the sale of eyeglasses, lenses or eyeglass frames). (See 1937, 287 § 2.)

SECT. 73B added, 1938, 434 § 3 (further regulating optometrists with respect to premises where practice may be carried on and to the sharing of their fees). (See 1938, 434 § 4.)

SECTS. 73C-73L added, under caption, 1955, 688 § 2 (relative to registering and licensing dispensing opticians).

SECT. 73C, last sentence revised, 1967, 152.

SECT. 73E, first paragraph revised, 1967, 440; amended, 1973, 925 § 23. (See 1973, 925 § 84.)

SECT. 73G amended, 1956, 164.

SECTS. 74-81 stricken out, and sections 74-81C added, 1941, 620 § 3. (See 1941, 620 §§ 1, 4-12.)

SECT. 74, third sentence amended, 1948, 108; 1953, 350 § 4; section revised, 1959, 415 § 1; amended, 1960, 693 § 8; 1964, 21 § 1; first sentence revised, 1968, 572; fourth and fifth sentences revised, 1969, 603 § 1; third sentence amended, 1972, 684 § 31; 1973, 265 § 1; fourth sentence amended, 1972, 684 § 32; fifth sentence amended, 1972, 684 § 33. (See 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136.)

SECT. 74A, third sentence amended, 1951, 87; section revised, 1953, 350 § 5; 1959, 415 § 2; amended, 1960, 693 § 9; 1964, 21 § 2; third sentence revised, 1968, 320; third, fourth and fifth sentences revised, 1969, 603 § 2; third sentence amended, 1972, 684 § 34; 1973, 265 § 2; fourth sentence amended, 1972, 684 § 35; fifth sentence amended, 1972, 684 § 36. Affected, 1956, 371; 1957, 539, 595 §§ 6, 7. (See 1953, 350 §§ 13, 14; 1959, 415 § 5; 1969, 603 § 7; 1972, 684 § 136.)

SECT. 74B revised, 1953, 350 § 6; repealed, 1967, 195 § 1.

SECT. 75 revised, 1953, 350 § 7; amended, 1960, 693 § 10.

SECT. 76 revised, 1953, 350 § 8; second sentence revised, 1969, 603 § 3; amended, 1972, 684 § 37. (See 1969, 603 § 7; 1972, 684 § 136.)

SECT. 76A added, 1966, 599 § 1 (providing for the temporary registration of certian nurses to practice nursing); third sentence revised, 1969, 603 § 4; amended, 1972, 684 § 38. (See 1969, 603 § 7; 1972, 684 § 136.)

SECT. 77 amended, 1957, 595 § 1. (See 1956, 595 § 8.)

SECT. 80 revised, 1957, 595 § 2; first sentence amended, 1966, 599 § 2. (See 1957, 595 § 8.)

SECT. 80A revised, 1953, 350 § 9; 1957, 595 § 3. (See 1957, 595 §§ 7, 8; 1958, 354 §§ 1-4.)

SECT. 80B added, 1957, 595 § 4 (defining "Professional Nursing"); third paragraph, clause (5) amended, 1963, 811 § 1; revised, 1964, 428; third

paragraph, clause (5) revised, 1967, 299; clause (7) added, 1963, 811 § 2; definition of "Professional nursing" revised, 1975, 846 § 2. (See 1957, 595 § 8.)

SECT. 81 revised, 1953, 350 § 10; 1957, 595 § 5. (See 1957, 595 §§ 6, 7, 8; 1958, 354 §§ 1-4.)

SECTS. 81A-81C added, 1941, 620 § 3.

SECT. 81A-81Q added, under caption, 1941, 643 § 2. (See 1941, 643 §§ 3-5.)

SECT. 81A stricken out, section 81D added, 1941, 722 § 9A.

SECT. 81L amended, 1941, 722 § 9B.

SECTS. 81B-81Q stricken out, sections 81E-81T, inclusive, added, 1941, 722 § 9C.

SECT. 81A revised, 1953, 350 § 11; amended, 1960, 693 § 11.

SECT. 81B revised, 1953, 350 § 12; amended, 1960, 693 § 12; revised, 1966, 599 § 3.

SECT. 81C amended, 1960, 693 § 13; sentence added, 1975, 846 § 3.

SECT. 81D revised, 1958, 584 § 2; definition of "Land surveying" and "Land surveyor" revised, 1970, 707 § 3; definition of "Practice of engineering" amended, 1970, 707 § 2.

SECT. 81E revised, 1958, 584 § 3; first sentence revised, 1970, 707 § 4; third paragraph amended, 1975, 588 § 1.

SECT. 81J revised, 1958, 584 § 4; subsection (1), clause (*c*) amended, 1966, 76 § 1; clause (*d*) added, 1966, 76 § 2; section revised, 1970, 707 § 5. (See 1958, 584 §§ 11-13.)

SECT. 81K revised, 1958, 584 § 5; second paragraph revised, 1970, 707 § 6; 1972, 684 § 40; first two paragraphs revised, 1975, 588 § 2. (See 1972, 684 § 136.)

SECT. 81L, first paragraph, second sentence revised, 1975, 588 § 3; paragraph inserted after first paragraph, 1958, 584 § 6; stricken out, 1970, 707 § 7; second paragraph, third sentence revised, 1975, 588 § 3A.

SECT. 81M revised, 1958, 584 § 7; first paragraph amended, 1970, 707 § 8; paragraph added, 1970, 707 § 9. (See 1958, 584 §§ 11-13.)

SECT. 81N revised, 1960, 472 § 1; amended, 1970, 707 § 10; 1972, 684 §§ 41, 42; sixth sentence amended, 1975, 588 § 4. (See 1960, 472 § 2; 1972, 684 § 136.)

SECT. 81O repealed, 1970, 707 § 11.

SECT. 81P, paragraph inserted before first paragraph, 1970, 707 § 12; second paragraph revised, 1971, 282 § 2; paragraph inserted after second paragraph, 1958, 584 § 8.

SECT. 81Q, second sentence amended, 1975, 588 § 5.

SECT. 81R revised, 1958, 584 § 9.

SECT. 81T revised, 1958, 584 § 10. (See 1958, 584 §§ 11-13.)

SECTS. 82-87, and caption before said section 82, stricken out, and sections 82-87 added, under caption, 1936, 407 § 3. (See 1936, 407 §§ 5-8.)

SECT. 82, definition of "Apprentice" inserted, 1945, 596 § 1; definition of "Funeral directing", revised, 1939, 160 § 1.

SECT. 83, third paragraph amended, 1939, 160 § 4; section revised, 1945, 596 § 2; 1948, 491; second paragraph amended, 1972, 684 § 43; 1973, 925 § 24; third paragraph amended, 1973, 925 § 25; fourth paragraph amended, 1972, 684 § 44; fifth paragraph amended, 1972, 684 § 45; sixth paragraph

amended, 1972, 684 § 46; eighth paragraph amended, 1972, 684 § 47; ninth paragraph amended, 1972, 684 § 48. (See 1972, 684 § 136; 1973, 925 § 84.)

SECT. 84, second paragraph amended, 1972, 684 § 49. (See 1972, 684 § 136.)

SECT. 85 amended, 1941, 232.

SECT. 87 amended, 1937, 13; 1939, 160 § 2.

SECTS. 82-87 stricken out and sections 82-84, 84A, 85-87 inserted, 1954, 653 § 2. (See 1954, 653 §§ 3, 5, 6, 7.)

SECT. 83, seventh paragraph revised, 1956, 295.

SECT. 85A added, 1958, 528 (authorizing the board of registration in embalming and funeral directing to enter into reciprocal agreements with other states).

SECT. 87B amended, 1953, 510 § 2; 1960, 721.

SECTS. 87A-87E stricken out and sections 87A-87E inserted, 1963, 663 § 2. (See 1963, 663 §§ 6-12.)

SECT. 87A, paragraph (*a*) amended, 1973, 925 § 26; paragraph (*c*) stricken out and paragraphs (*c*) and (*d*) inserted, 1972, 693 § 1. (See 1973, 925 § 84.)

SECT. 87B, paragraph (*b*) revised, 1972, 693 § 2.

SECT. 87C, paragraphs (*c*) and (*d*) revised, 1972, 693 § 3.

SECT. 87D, paragraph (6) revised, 1972, 693 § 4; paragraphs (9) and (10) revised, 1972, 693 § 5.

SECTS. 87F-87S. See 1937, 184.

SECT. 87F, paragraph contained in lines 4-9 revised, 1934, 260 § 1; "Instructor" and "Apprentice" defined, 1948, 579 § 1.

SECT. 87H, four sentences added, 1934, 260 § 2; section amended, 1936, 314 § 1; second paragraph amended, 1937, 94; same paragraph revised, 1941, 619 § 1; 1950, 319; amended, 1954, 355; section revised, 1958, 295; first paragraph amended, 1963, 471 § 1; second paragraph, fourth sentence stricken out and two sentences inserted, 1963, 471 § 2; second, third and fourth sentences revised, 1969, 588; sixth sentence revised, 1963, 490; seventh sentence revised, 1971, 829; three paragraphs added, 1969, 587. (See 1941, 619 § 2.)

SECT. 87I amended, 1936, 314 § 2; revised, 1948, 579 § 2; sixth and seventh sentences stricken out and four sentences inserted, 1958, 292; section amended, 1971, 781.

SECT. 87K, paragraph added, 1936, 314 § 3.

SECT. 87M amended, 1936, 314 § 4.

SECT. 87O amended, 1933, 149 § 2. (See 1933, 149 § 3.)

SECT. 87P amended, 1934, 260 § 3; sentence inserted after second sentence, 1958, 287; two sentences added, 1950, 61; paragraph added, 1950, 440 § 1; revised, 1963, 510 § 1. (See 1950, 440 § 2; 1963, 510 § 3.)

SECT. 87Q repealed, 1963, 510 § 2.

SECT. 87R amended, 1936, 314 § 5.

SECT. 87S, sentence added, 1952, 362.

SECTS. 87T-87JJ added, under caption, 1936, 428 § 2. (See 1935, 428 §§ 6, 7.)

SECT. 87T, definition of "Apprentice" stricken out and definition of "Instructor" added, 1941, 626 § 1; definition of "Shop" revised, 1941, 626 § 2; section revised, 1943, 565 § 1.

SECT. 87U amended, 1937, 385 § 2; revised, 1941, 626 § 3; amended, 1949, 345; 1958, 85.

SECT. 87V amended, 1937, 385 § 3; revised, 1941, 626 § 4; 1943, 565 § 2; 1950, 540 § 1; first sentence amended, 1966, 456 § 1; second sentence revised, 1957, 503 § 1. (See 1950, 540 § 3; 1953, 307; 1957, 503 § 3; 1965, 531 §§ 3, 4).

SECT. 87W amended, 1937, 385 § 4; revised, 1941, 626 § 5; 1943, 565 § 3; first paragraph revised, 1950, 540 § 2; 1959, 343; amended, 1965, 531 § 1; 1966, 456 § 2; second paragraph, sentence added, 1946, 550 § 2; 1951, 253. (See 1950, 540 § 3; 1953, 307; 1965, 531 §§ 3, 4.)

SECT. 87X revised, 1941, 626 § 6; 1943, 565 § 4; 1951, 273; amended, 1966, 456 § 3.

SECT. 87Y revised, 1949, 579.

SECT. 87Z amended, 1936, 385 § 5; revised, 1943, 565 § 5; paragraph added, 1953, 274; revised, 1955, 435; paragraph added, 1955, 333.

SECT. 87AA revised, 1941, 626 § 7; 1943, 565 § 6; paragraph added, 1953, 537 § 1; 1960, 462; 1965, § 2.

SECT. 87BB amended, 1937, 385 § 6; revised, 1943, 565 § 7; first paragraph amended, 1960, 442 § 1; 1966, 456 § 4; second paragraph revised, 1960, 442 § 2; paragraph inserted after second paragraph, 1971, 334.

SECT. 87CC revised, 1941, 626 § 8; 1943, 565 § 8; first paragraph amended, 1948, 347; 1965, 186; last sentence revised, 1968, 318; schedule revised, 1951, 427; sentence added, 1953, 537 § 2; schedule revised, 1954, 501; amended, 1959, 388 § 1; revised, 1960, 717; third paragraph stricken out and four paragraphs inserted, 1966, 456 § 5; third paragraph revised, 1968, 460; 1970, 160; 1972, 684 § 50; 1973, 368; fourth paragraph (as appearing in 1943, 565 § 8) amended, 1960, 716. (See 1966, 456 § 8; 1972, 684 § 136.)

SECT. 87DD revised, 1943, 565 § 9.

SECT. 87EE revised, 1937, 385 § 7.

SECT. 87GG revised, 1941, 626 § 9; 1943, 565 § 10; first sentence revised, 1966, 456 § 6; third sentence stricken out and two sentences inserted, 1953, 291; same sentences stricken out and four sentences inserted, 1955, 434; sentences added at end, 1956, 550 § 3; last sentence amended, 1966, 456 § 7. (See 1966, 456 § 8.)

SECT. 87II amended, 1937, 385 § 8; revised, 1941, 626 § 10; 1943, 565 § 11.

SECT. 87JJ revised, 1941, 626 § 11; 1943, 565 § 12.

SECT. 87KK added, 1951, 509 (relative to notification of examination dates to applicants for registration); amended, 1955, 193; two sentences added, 1957, 503 § 2.

SECTS. 87LL-87OO added, under caption, 1957, 673 § 2 (relative to the registration of sanitarians). (See 1957, 673 § 3.)

SECTS. 87PP-87DDD added, under caption, 1957; 726 § 2 (relative to the registration of real estate brokers and salesmen). (See 1957, 726 §§ 3, 5, 7.)

SECT. 87PP, paragraph defining "non-resident" revised, 1962, 775 § 1. (See 1962, 775 § 3.)

SECT. 87SS, first paragraph revised, 1962, 775 § 2; section revised, 1975, 222. (See 1962, 775 § 3.)

SECT. 87TT, first paragraph revised, 1961, 363 § 2; second paragraph amended, 1973, 925 § 27. (See 1973, 925 § 84.)

SECT. 87UU, second paragraph amended, 1972, 684 § 51. (See 1972, 684 § 136.)

SECT. 87XX, last sentence revised, 1963, 735 § 1; section amended, 1968, 483 § 1; 1975, 732. (See 1963, 735 § 2.)

SECT. 87ZZ, paragraphs (*a*) (*b*) and (*c*) revised, 1960, 658; paragraph (*a*) amended, 1972, 684 § 52; revised, 1975, 300; paragraphs (*b*) and (*c*) revised, 1968, 483 § 2; paragraph (*b*) amended, 1972, 684 § 53; paragraph (*c*) amended, 1972, 684 § 54; paragraph (*d*) revised, 1959, 455. (See 1972, 684 § 136.)

SECT. 87AAA, first paragraph amended, 1961, 181; last two clauses stricken out and clauses (*j*) and (*k*) added, 1967, 148; first paragraph amended, 1971, 973; 1973, 330; 536 §§ 1, 2; paragraph inserted after first paragraph, 1966, 422.

SECT. 87BBB amended, 1971, 277.

SECTS. 87EEE-87OOO added, under caption, 1958, 625 § 2 (regulating the practice of electrolysis). (See 1958, 625 §§ 3, 5; 1960, 814.)

SECT. 87GGG revised, 1964, 518 § 1; first paragraph, third sentence amended, 1969, 243; 1973, 925 § 28; paragraph amended, 1970, 416; paragraph added, 1969, 166; amended, 1970, 328. (See 1973, 925 § 84.)

SECT. 87LLL revised, 1964, 518 § 2; amended, 1973, 782. (See 1964, 518 § 3.)

SECTS. 87PPP-87VVV added, under caption, 1963, 604 § 2 (relative to the registration of radio and television technicians). (See 1963, 604 § 4.)

SECT. 87OOO, paragraph added, 1967, 137; amended, 1973, 925 § 29. (See 1973, 925 § 84.)

SECT. 87PPP, definition of "Master technical license" revised, 1973, 925 § 30; definition of "Radio or television receiver" inserted, 1965, 816 § 1; definition of "Technical license" revised, 1967, 47. (See 1973, 925 § 84.)

SECT. 87QQQ revised, 1965, 816 § 2.

SECT. 87RRR revised, 1965, 714; first paragraph amended, 1966, 59; first sentence amended, 1972, 684 § 55. (See 1972, 684 § 136.)

SECT. 87SSS, last sentence revised, 1965, 816 § 3.

SECT. 87TTT, second paragraph amended, 1964, 229; 1965, 170; 1973, 925 § 31. (See 1973, 925 § 84.)

SECT. 87UUU, clause (*d*) revised, 1967, 517.

SECTS. 87WWW-87ZZZ added, under caption, 1970, 521 § 2 (providing for the registration of certified health officers).

SECTS. 87AAAA-87BBBB added, under caption, 1970, 781 § 2 (providing for certification of waste treatment facility operators).

SECT. 87AAAA revised, 1975, 736.

SECTS. 87CCCC-87DDDD added, under caption, 1971, 942 § 2 (regulating the certification of operators of drinking water supply facilities).

SECT. 87CCCC, third and fourth sentences revised, 1975, 622.

SECT. 88, clause (3) amended, 1941, 626 § 13; 1956, 410.

SECTS. 89-97 added, under caption, 1956, 409 § 2 (establishing a board of registration of chiropractors). (See 1966, 409 § 3.)

SECT. 89, definition of "License renewal certificate" added, 1972, 447 § 1.

SECT. 91, second sentence revised, 1968, 453; third sentence amended (effective date to be December 1, 1969) 1966, 409 § 5; 1973, 925 § 32. (See 1973, 925 § 84.)

SECT. 92 revised, 1968, 137.

SECT. 95 amended, 1969, 313; 1972, 447 § 2.

SECT. 96 amended, 1968, 477; revised, 1972, 447 § 3.

SECTS. 98-107 added, under catpion, 1968, 473 § 2 (providing for registration of landscape architects).

SECT. 103, paragraph (2) amended, 1972, 684 § 56. (See 1972, 684 § 136.)

SECT. 105 repealed, 1972, 283.

SECTS. 108-117 added, under caption, 1970, 865 § 2 (relative to the registration of nursing home administrators).

SECT. 109, paragraph (*b*) amended, 1973, 925 § 33. (See 1973, 925 § 84.)

SECT. 111 amended, 1974, 325.

SECTS. 118-129 added, under caption, 1971, 1021 § 2 (regulating the registration and licensing of psychologists).

Chapter 113. — Promotion of Anatomical Science.

SECT. 1 amended, 1941, 351 § 7; 1958, 613 § 2E; revised, 1961, 102; first sentence amended, 1974, 260 § 11.

SECT. 2 revised, 1954, 627 § 25. (See 1954, 627 §§ 65, 67.)

SECTS. 7-10 added, 1967, 353 (facilitating anatomical gifts); stricken out and sections 7-13 inserted, 1971, 653.

SECT. 8 amended, 1972, 344 § 1.

SECT. 10, subsection (*b*) amended, 1972, 344 § 2; subsection (*d*) amended, 1973, 151.

Chapter 114. — Cemeteries and Burials.

SECT. 1 amended, 1936, 319 § 1. (See 1936, 319 § 7.)

SECT. 5A added, 1959, 256 § 2 (further regulating cemetery corporations).

SECT. 5B added, 1974, 688 (requiring cemetery corporations of funeral directors to inform families or represntatives of deceased persons of certain options regarding services); revised, 1975, 124.

SECT. 6 amended, 1936, 319 § 2; 1975, 706 § 189. (See 1936, 319 § 7; 1975, 706 § 312.)

SECT. 7 revised, 1936, 319 § 3. (See 1936, 319 § 7.)

SECT. 8 revised, 1936, 319 § 4. (See 1936, 319 § 7.)

SECT. 9 amended, 1936, 319 § 5. (See 1936, 319 § 7.)

SECT. 19 revised, 1948, 550 § 48. (See 1948, 550 § 51.)

SECT. 20, sentence added, 1948, 550 § 49. (See 1948, 550 § 51.)

SECT. 24 revised, 1948, 550 § 50. (See 1948, 550 § 51.)

SECT. 25 amended, 1934, 85 § 1. (See 1934, 85 § 2.)

SECT. 35 amended, 1975, 706 § 190. (See 1975, 706 § 312.)

SECT. 36 amended, 1975, 706 § 191. (See 1975, 706 § 312.)

SECT. 42A added, 1969, 268 (regulating visiting hours in certain cemeteries); two sentences added, 1970, 285.

SECT. 42B added, 1970, 415 (prohibiting the use of a cemetery for the making of a commercial motion picture film without permission).

SECTS. 43A-43N added, under caption, 1936, 319 § 6 (relative to the ownership, maintenance and operation of cemeteries and crematories and to the disposal of dead human bodies). (See 1936, 319 § 7.)

SECT. 43D revised, 1972, 32.

SECT. 43E, first sentence amended, 1975, 706 § 192. (See 1975, 706 § 312.)

SECT. 43F, first sentence amended, 1975, 706 § 193. (See 1975, 706 § 312.)

SECT. 43O added, 1948, 497 (prohibiting the sale of monuments for cemetery lots by certain corporations).

SECT. 45 amended, 1954, 627 § 26. (See 1954, 627 §§ 65, 67.)

SECT. 45A added, 1954, 438 (relative to the use of the name of funeral directors in connection with death certificates or burial permits).

SECT. 46 amended, 1954, 627 § 27; revised, 1958, 465; second paragraph revised, 1968, 34. (See 1954, 627 §§ 65, 67.)

SECT. 46A added, 1949, 604 (relative to permits for the burial or other disposition of the bodies of deceased veterans); sentence added, 1975, 86.

SECT. 47 amended, 1954, 627 § 28. (See 1954, 627 §§ 65, 67.)

SECT. 49 revised, 1936, 407 § 4; last paragraph amended, 1939, 160 § 3. (See 1936, 407 §§ 5-8).

SECT. 51 added, under caption, 1955, 472; amended, 1958, 148.

Chapter 115. — Veterans' Benefits (former title, State and Military Aid, Soldiers' Relief, etc.).

For legislation providing for payments for the benefit of certain soldiers and sailors, see 1942, 11; 1943, 211; 1945, 366; 1946, 584; 1948, 549; 1954, 627 §§ 39, 65, 67, 688; 1955, 708; 1957, 744.

Chapter stricken out, and new chapter 115 (with new title) inserted, 1946, 584 § 1. (See 1946, 584 §§ 2, 21, 22.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 115, as so inserted:

SECT. 1, paragraph 6 revised, 1948, 510; paragraph 7 added, 1947, 444; paragraph inserted, 1951, 526 § 2; definition of "Veteran" revised, 1951, 590 § 1; paragraph added, 1951, 590 § 2; section revised, 1954, 627 § 35; definition of "Dependent" revised, 1969, 601; definition of "Institution" inserted, 1967, 570 § 1; definition of "Reside" added, 1965, 793 § 1; definition of "Veteran" amended, 1954, 688 § 4; 1956, 692 § 1; clauses (*d*) and (*e*) revised, 1967, 510 § 2. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 1A added, 1954, 627 § 36 (relative to the requirements for hospital benefits available to veterans); repealed, 1956, 692 § 2. (See 1954, 627 §§ 65, 67.)

SECT. 2, second and third paragraphs revised, 1951, 590 § 3; third paragraph amended, 1957, 749; 1965, 793 § 2; sixth paragraph amended, 1965, 793 § 3; seventh paragraph revised, 1948, 535 § 1; 1956, 395 § 1; amended, 1957, 158; 1970, 97; eighth paragraph amended, 1952, 597; last paragraph stricken out and two paragraphs inserted, 1951, 546; paragraph added, 1969, 628. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 2A added, 1960, 648 (providing for the enforcement of certain decisions of the commissioner of veterans' services).

SECT. 3, first paragraph revised, 1962, 431; amended, 1974, 260 § 12.

SECT. 3A added, 1948, 96 § 1 (providing for the use of photostatic copies of discharge papers of veterans in certain cases). (See 1947, 96 § 2.)

SECT. 5 revised, 1948, 535 § 2; first paragraph revised, 1950, 493 § 1; 1951, 590 § 4; amended, 1955, 305 § 1; revised, 1965, 793 § 4; second paragraph revised, 1951, 590 § 4; amended, 1955, 305 § 2; revised, 1961, 317; last sentence amended, 1968, 402; third paragraph amended, 1955, 305 § 3; revised, 1956, 394; fourth paragraph amended, 1954, 493; last paragraph revised, 1949, 599; paragraph added, 1951, 753 § 1; amended, 1965, 793 § 5; paragraph added, 1974, 623 § 1. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67; 1965, 793 § 9; 1974, 623 § 4.)

SECT. 5A added, 1958, 487 (creating a lien upon the real estate of certain recipients of veterans' benefits); second paragraph amended, 1964, 409; paragraph inserted after second paragraph, 1962, 469; paragraph added, 1962, 561.

SECT. 6, last sentence revised, 1965, 793 § 6.

SECTS. 6A-6C added, under caption, 1949, 660 (providing for payment of annuities to certain paraplegic veterans).

SECT. 6A revised, 1954, 627 § 37. (See 1954, 627 §§ 65, 67.)

SECT. 6B revised, 1953, 530; 1956, 567 § 1; paragraph added, 1968, 462.

SECT. 6C amended, 1956, 567 § 2.

SECT. 7, first sentence revised, 1948, 535 § 3; amended, 1974, 260 § 13; sentence added, 1949, 500.

SECT. 8, last sentence revised, 1948, 535 § 4; section revised, 1948, 648; first two sentences revised, 1956, 395 § 2; 1966, 570 § 2; sentence added, 1951, 590 § 5; last two sentences revised, 1965, 793 § 7. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 38, 65, 67.)

SECT. 9 revised, 1957, 143; last sentence revised, 1965, 793 § 8.

SECTS. 10-14 added, under caption, 1946, 599 § 1 (relative to local departmes of veterans' services). (See 1946, 599 §§ 2, 3; 1947, 1.)

SECT. 10, first paragraph, first sentence revised, 1972, 122; second paragraph revised, 1948, 229.

SECT. 11 amended, 1956, 104; first paragraph revised, 1964, 172.

SECT. 15 added, 1948, 415 (providing for audit of accounts of districts formed to establish departments of veterans' services).

Chapter 115A. — Soldiers' Homes.

New chapter inserted, 1954, 627 § 42. (See 1954, 627 §§ 65, 67.)

SECT. 2 amended, 1971, 1001.

SECT. 3 amended, 1974, 260 § 14.

SECT. 4 amended, 1974, 260 § 15.

SECT. 5 amended, 1974, 260 § 16.

SECT. 6 added, 1959, 236 § 1 (regarding the disposition of certain unclaimed funds of former patients or members of the Soldiers' Homes).

SECT. 7 added, 387 § 1 (relative to the disposition of certain unclaimed funds of former patients of Soldiers' Homes).

SECT. 8 added, 1961, 580 (authorizing the boards of trustees of Soldiers' Homes to lease land at said homes for construction of chapels thereon).

SECT. 9 added, 1962, 563 (providing domiciliary facilities for women veterans at the Soldiers' Home in Massachusetts).

SECT. 10 added, 1963, 400 (authorizing the Soldiers' Home in Massachusetts to provide for training grants for fellows in medicine, surgery and urology); amended, 1974, 835 § 150. (See 1974, 835 § 185.)

Chapter 116. — Settlement

SECT. 1, clause First revised, 1973, 925 § 34; clause Fifth amended, 1943, 455 § 13; revised, 1951, 590 § 6; amended, 1954, 627 §§ 45, 46; 1955, 403 § 5; revised, 1955, 740 § 1. (See 1951, 590 §§ 7, 8; 1954, 627 §§ 65, 67; 1955, 403 § 14, 740 § 2; 1973, 925 § 84.)

SECT. 2 revised, 1933, 213; amended, 1943, 379; 1946, 584 § 4; first sentence revised, 1955, 740 § 3; amended, 1961, 388 § 1. (See 1946, 584 § 22; 1955, 740 § 2; 1961, 388 § 2.)

SECT. 4 revised, 1946, 584 § 5; 1950, 493 § 2. (See 1946, 584 § 22.)

SECT. 5 amended, 1943, 455 § 14; revised, 1946, 584 § 6; amended, 1948, 624 § 1; 1973, 925 § 35. (See 1946, 584 § 22; 1948, 624 § 2; 1973, 925 § 84.)

Chapter repealed, 1974, 260 § 17.

Chapter 117. — Support by the Commonwealth (former title, Support by the Cities and Towns).

Chapter stricken out and new chapter 117 (with same title) inserted, 1971, 908.

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

The following references are to chapter 117, as so inserted:

SECT. 1, first paragraph revised, 1975, 531 § 1; 618 § 1; second sentence revised, 1975, 684 § 25D; sentence added, 1975, 758 § 1; paragraph added, 1974, 623 § 2. (See 1974, 623 § 4; 1975, 684 § 97.)

SECT. 2A added, 1974, 533 (providing public assistance to residents of certain disaster areas).

SECT. 3, fourth paragraph amended, 1973, 1210 § 19. (See 1973, 1210 § 39.)

SECT. 4 revised, 1975, 531 § 2; 618 § 2.

SECT. 9 revised, 1973, 925 § 36; 1974, 787 § 1. (See 1973, 925 § 84.)

SECT. 10 amended, 1973, 1210 § 20. (See 1973, 1210 § 39.)

SECT. 20 revised, 1975, 531 § 3; 618 § 3; repealed, 1975, 684 § 25E. (See 1975, 684 § 97.)

SECT. 21 repealed, 1975, 531 § 4; 618 § 4.

Chapter 118. — Aid to Families with Dependent Children (former title, Aid to Dependent Children).

Chapter stricken out and new chapter 118 (with new title) inserted, 1936, 413 § 1. (See 1936, 413 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 118, as so inserted:

Title changed, 1963, 432 § 4.

For act extending the provisions of aid to dependent children to persons eligible for aid under Title IV of the Social Security Act, see 1961, 575.

SECT. 1 amended, 1939, 487; revised, 1952, 463; 1957, 430; paragraph defining "aid to dependent children" revised, 1963, 432 § 5; section revised, 1967, 658 § 27.

SECT. 2 amended, 1941, 593 § 1; 1943, 97; 1945, 412; sentence inserted after fourth sentence, 1945, 532 § 1; section revised, 1946, 415; 1948, 418; first sentence revised, 1951, 390; amended, 1958, 349; 1959, 385; revised, 1962, 556 § 1; last five sentences stricken out and four sentences inserted, 1951, 525 § 1; third sentence revised, 1953, 325; section revised, 1967, 658 § 28; 1969, 885 § 18; paragraph added, 1974, 623 § 3; paragraph inserted after third paragraph, 1975, 684 § 25A½. (See 1974, 623 § 4; 1975, 684 § 97.)

SECT. 2A added, 1945, 567 (relative to certain persons in families receiving aid under the law providing aid to dependent children); amended, 1967, 658 § 29; repealed, 1973, 925 § 37. (See 1973, 925 § 84.)

SECT. 2B added, 1969, 885 § 19 (requiring that certain information be included on application forms for assistance).

SECT. 3 revised, 1962, 556 § 2; 1967, 658 § 30; 1969, 885 § 20; fourth paragraph amended, 1973, 1210 § 21. (See 1973, 1210 § 39.)

SECT. 4 repealed, 1967, 658 § 31.

SECT. 4A added, 1943, 117 (permitting recipients of aid to dependent children, so called, to leave the commonwealth without suspension of such aid); first paragraph amended, 1967, 658 § 32; paragraph added, 1945, 458 § 1; amended, 1974, 260 § 18.

SECT. 5 revised, 1941, 593 § 2; first sentence amended, 1963, 432 § 6; two sentences added, 1949, 613 § 1; stricken out and one sentence inserted, 1953, 323; section revised, 1967, 658 § 33; first sentence stricken out, 1969, 885 § 21.

SECT. 6 revised, 1941, 405; first sentence amended, 1960, 781 § 12; two sentences added, 1943, 491; section repealed, 1967, 658 § 34. (See 1939, 454 § 21.)

SECT. 7 revised, 1950, 657; amended, 1963, 432 § 7; repealed, 1967, 658 § 34.

SECT. 8 revised, 1939, 248; repealed, 1967, 658 § 34.

SECT. 9 amended, 1946, 584 § 7. (See 1946, 584 § 22.)

SECT. 10, second sentence revised, 1964, 345 § 1.

SECT. 11 added, 1961, 487 (authorizing any institution which has rendered service to a child or parent to file an application for aid on his behalf with the local board of public welfare); first paragraph amended, 1967, 658 § 35; 1973, 1210 § 22; third paragraph revised, 1967, 658 § 36; amended, 1969, 885 § 22; paragraph added, 1966, 498 § 1. (See 1973, 1210 § 39.)

Chapter 118A. — Assistance to the Aged and Disabled (former title, Old Age Assistance and Medical Assistance for the Aged).

Chapter stricken out and new chapter 118A inserted, 1973, 1210 § 23. (See 1973, 1210 § 39.

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

Chapter 118B. — The Merit System in the Administration of Aid to Families with Dependent Children and Old Age Assistance.

New chapter inserted, 1950, 793 § 7.

Title changed, 1963, 432 § 9.

SECT. 2, first sentence revised, 1952, 353 § 3; amended, 1959, 141 § 2; revised, 1963, 432 § 10. (See 1952, 353 § 10.)

SECT. 3, first sentence amended, 1952, 353 § 4; revised, 1960, 343 § 2; amended, 1963, 432 § 11. (See 1952, 353 § 10.)

SECT. 4, second and third sentences revised, 1960, 343 § 3.

SECT. 5, fourth sentence amended, 1952, 353 § 5; 1963, 432 § 12. (See 1952, 353 § 10.)

SECT. 6 amended, 1952, 353 § 6. (See 1952, 353 § 10.)

SECT. 8, paragraph added, 1956, 515.

SECT. 9 amended, 1952, 353 § 7; 1963, 432 § 13. (See 1952, 353 § 10.)

SECT. 10 amended, 1952, 353 § 8. (See 1952, 353 § 10.)

Chapter repealed, 1967, 658 § 55.

Chapter 118C. — Coverage of Certain Employees under the Federal Social Security Act.

New chapter inserted, 1951, 658.

Chapter 118D. — Assistance to Persons who are Disabled.

New chanpter inserted, 1951, 741 § 2. (See 1951, 741 §§ 1, 4.)

SECT. 1, first sentence revised, 1961, 127 § 2; section revised, 1967, 658 § 56.

SECT. 2, first sentence stricken out and three sentences inserted, 1965, 586 § 2; two sentences inserted after first sentence, 1961, 443; third sentence (as appearing in 1954, 741 § 2) revised, 1963, 389; section revised, 1967, 658 § 57.

SECT. 3 amended, 1958, 613 § 3B; repealed, 1967, 658 § 58.

SECT. 4, sentence added, 1960, 659 § 1; section revised, 1967, 658 § 59; last sentence amended, 1968, 36 § 2; revised, 1968, 687 § 2; section revised, 1970, 169 § 2; third sentence amended, 1972, 788 § 3; last sentence revised, 1971, 698 § 2; amended, 1972, 788 § 4. (See 1960, 659 § 2; 1968, 36 § 3; 1970, 169 § 3; 1971, 698 § 4.)

SECT. 5, last sentence revised, 1953, 461; sentence added, 1961, 267; section revised, 1967, 658 § 60.

SECT. 6 repealed, 1967, 658 § 61.

SECT. 7 amended, 1957, 659 § 1; 1967, 658 § 62; revised, 1969, 885 § 25.

SECT. 8, first sentence revised, 1957, 493; paragraph (*a*) amended, 1955, 492 § 1; paragraph (*c*) amended, 1955, 492 § 2; paragraph (*d*) amended, 1955, 492 § 3; paragraphs (*a*)-(*g*) stricken out and paragraphs 1-7 inserted, 1957, 659 § 2; section revised, 1967, 658 § 63; first paragraph revised, 1970, 343 § 2.

SECT. 9 repealed, 1967, 658 § 64.

SECT. 10 revised, 1963, 432 § 14; amended, 1966, 535 § 9.

SECT. 11 amended, 1966, 535 § 10.

SECT. 12 repealed, 1967, 658 § 64.

SECT. 14, paragraph added, 1966, 498 § 3; section revised, 1967, 658 § 65; 1969, 885 § 26.

SECT. 15 amended, 1956, 602 § 12; revised, 1967, 658 § 66. (See 1956, 602 §§ 17-20.)

SECT. 16 revised, 1967, 658 § 67.

SECTS. 18-20 repealed, 1967, 658 § 68.

SECT. 20, first sentence revised, 1952, 353 § 9; amended, 1967, 658 § 69. (See 1952, 353 § 10.)

SECT. 21 added, 1953, 571 § 2 (relative to the appointment of guardians and conservators for certain applicants for public assistance.)

Chapter repealed, 1973, 1210 § 24. (See 1973, 1210 § 39.)

Chapter 118E. — Medical Care and Assistance,

New chapter inserted, 1969, 800 § 1.

SECT. 1, second paragraph amended, 1973, 925 § 38; revised, 1973, 1210 § 25. (See 1973, 925 § 84, 1210 § 39.)

SECT. 5, third sentence revised, 1973, 1210 § 26. (See 1973, 1210 § 39.)

SECT. 6, first paragraph revised, 1975, 531 § 5; 618 § 5; 684 § 25F; 751; clause (17) added, 1971, 1084 § 2; revised, 1973, 1068 § 2. (See 1975, 684 § 97.)

SECT. 7, paragraph inserted after first paragraph, 1971, 1084 § 3.

SECT. 9, paragraph added, 1973, 1210 § 27. (See 1973, 1210 § 39.)

SECT. 10, paragraph (1) revised, 1972, 745; paragraph (7) added, 1972, 779; fifth paragraph revised, 1973, 925 § 39. (See 1973, 925 § 84.)

SECT. 13 revised, 1971, 826.

SECT. 14 revised, 1973, 1210 § 28. (See 1973, 1210 § 39.)

SECT. 20 revised, 1970, 701 § 2; first sentence revised, 1975, 684 § 25H; 758 § 3; sentence inserted after first sentence, 1975, 758 § 3. (See 1970, 701 § 4; 1975, 684 § 97.)

SECT. 22, first paragraph amended, 1974, 752 § 13; third paragraph revised, 1974, 787 § 2.

SECT. 24 amended, 1973, 1168 § 23; repealed, 1974, 787 § 3. (See 1973, 1168 § 40.)

SECT. 25 revised, 1973, 1210 § 29. (See 1973, 1210 § 39.)

SECT. 27 amended, 1974, 787 § 4.

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

Sects. 1-51 stricken out and sections 1-39 inserted, 1954, 646 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following reference are to sections 1-39, as so inserted:

SECT. 1, second paragraph amended, 1972, 785 § 5. (See 1972, 785 § 20.)

SECT. 3 amended, 1967, 658 § 70.

SECT. 4 amended, 1960, 378 § 1.

SECT. 6 revised, 1960, 378 § 2.

SECT. 8A added, 1965, 618 (relative to the licensing of certain homes providing day care to children).

SECT. 12 amended, 1967, 658 § 71.

SECT. 18 amended, 1967, 658 § 72.

SECT. 20 amended, 1967, 658 § 73.

SECTS. 2-20 repealed, 1972, 785 § 6. (See 1972, 785 § 20.)

SECT. 21 revised, 1972, 785 § 7; amended, 1973, 1073 § 3; 1976 § 1A. (See 1972, 785 § 20.)

SECT. 22 revised, 1972, 785 § 8. (See 1972, 785 § 20.)

SECT. 23, first sentence amended, 1962, 535; subsection C revised, 1960, 325; 1970, 888 § 5; subsection D revised, 1969, 859 § 7; 1972, 731 § 7; amended, 1973, 1073 § 4; subsection F added, 1970, 825; amended, 1973, 433; section revised, 1973, 925 § 40; subsection D amended, 1975, 276 § 1; subsection E amended, 1975, 276 § 2; subsection G added, 1974, 682 § 4. (See 1970, 888 § 31; 1973, 925 § 84.)

SECT. 23A added, 1958, 588 § 2 (providing for the care and custody of children born to inmates of the Massachusetts Correctional Institution at Framingham or whose mothers are committed thereto); section revised, 1966, 473. (See 1958, 588 § 3.)

SECT. 23B added, 1966, 495 (relative to services for mothers bearing children out of wedlock).

SECT. 24, first sentence revised, 1969, 859 § 8; 1972, 731 § 8; amended, 1974, 260 § 19; 1975, 276 § 3; third sentence amended, 1973, 1076 § 2.

SECT. 26 amended, 1973, 925 § 41; 1976 § 3. (See 1973, 925 § 84.)

SECT. 27, sentence added, 1973, 1005.

SECT. 29 revised, 1076 § 4.

SECT. 29A added, 1970, 386 (providing for liability of parents for legal fees and expenses incurred by minors in criminal proceedings).

SECT. 30 repealed, 1961, 396 § 5.

SECT. 31 repealed, 1961, 396 § 5.

SECT. 33 revised, 1970, 404 § 1.

SECT. 34 amended, 1967, 658 § 74.

SECT. 37 revised, 1967, 658 § 75.

SECT. 39 amended, 1967, 658 § 76.

SECTS. 39A and 39B added, 1964, 534 (requiring physicians to report injury or abuse to patients under sixteen years of age in certain cases).

SECT. 39A, paragraph inserted after second paragraph, 1971, 918; paragraph added, 1971, 630 § 1.

SECT. 39B, paragraph inserted after first paragraph, 1970, 407.

SECT. 39C added, 1971, 630 § 2 (requiring certain reports relative to child abuse by social services workers and school officials).

SECTS. 39A-39C repealed, 1973, 1076 § 6.

SECT. 39D added, 1972, 631 (authorizing the probate court to grant visitation rights to certain grandparents of unmarried minor children).

SECTS. 39E-39J, 1973, 1073 § 5 (providing care and services for certain children).

SECTS. 51A-51G added, 1973, 1076 § 5 (providing protective services for certain children who have been injured, abused or neglected).

SECT. 51A amended, 1975, 276 § 4.

SECT. 51E, paragraph inserted after first paragraph, 1975, 528 § 1.

SECT. 51F, first paragraph, sentence added, 1975, 528 § 2.

SECT. 52, definition of "Court" revised, 1965, 659 § 2; 1969, 859 § 9; 1972, 731 § 9; definition of "Delinquent child" amended, 1948, 310 § 3; revised, 1960, 353 § 1; definition of "Wayward child" stricken out, 1973, 1073 § 6.

SECT. 54 amended, 1966, 374; first paragraph amended, 1973, 1073 § 7.

SECT. 55, last paragraph revised, 1949, 593 § 6; section revised, 1952, 605 § 3; first paragraph amended, 1973, 1073 § 8; last paragraph revised, 1969, 838 § 14. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 56 revised, 1943, 244 § 1; amended, 1964, 308 § 1; first paragraph amended, 1973, 1073 §§ 9, 10; second paragraph amended, 1973, 1073 § 11; first sentence revised, 1975, 813; paragraph added, 1971, 336.

SECT. 57, first sentence amended, 1973, 1073 § 12; sentence inserted after first sentence, 1966, 147.

SECT. 58, paragraph inserted after third paragraph, 1941, 264 § 1; section revised, 1948, 310 § 4; paragraph added, 1948, 385; section revised, 1969, 838 § 15; first paragraph amended, 1973, 1073 § 13; second paragraph amended, 1973, 925 § 42; third paragraph amended, 1973, 1073 § 14; fourth paragraph revised, 1969, 859 § 10; 1972, 731 § 10; amended, 1973, 1073 § 15. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 58A amended, 1941, 194 § 6; revised, 1941, 327; 1947, 616; repealed, 1948, 310 § 5.

SECT. 58B added, 1957, 194 § 1 (providing for the imposition of non-criminal fines upon juveniles for violation of the motor vehicle laws); amended, 1969, 838 § 16. (See 1957, 194 § 2; 1969, 838 § 74.)

SECT. 59, second paragraph stricken out, 1941, 648 § 1.

SECT. 60 stricken out and new sections 60 and 60A inserted, 1938, 174 § 1 (relative to the use of information and records in cases of waywardness or delinquency).

SECT. 60 amended, 1948, 310 § 6; 1973, 1073 § 16.

SECT. 60A amended, 1973, 1073 § 17. (See 1948, 310 § 31.)

SECT. 61 amended, 1948, 310 § 7; revised, 1964, 308 § 2; 1975, 840 § 1. (See 1948, 310 § 31; 1964, 308 § 13; 1975, 840 § 3.)

SECT. 63 revised, 1932, 95 § 1; first sentence amended, 1965, 348; revised, 1973, 1073 § 18; second sentence amended, 1973, 1073 § 19; last sentence revised, 1965, 659 § 3; two sentences added, 1969, 859 § 11; sentence added, 1972, 731 § 11. (See 1965, 659 § 7.)

SECT. 64 revised, 1956, 731 § 2.

SECT. 65 amended, 1932, 95 § 2.

SECT. 66 revised, 1941, 648 § 2; 1943, 244 § 2; amended, 1960, 353 § 2.

SECT. 67 amended, 1941, 648 § 3; revised, 1943, 244 § 2; 1955, 609 § 1; 1969, 838 § 17. (See 1969, 838 § 74.)

SECT. 68 revised, 1943, 244 § 2; 1948, 310 § 8; 1955, 609 § 2; amended, 1956, 269; revised, 1969, 838 § 18; third paragraph revised, 1969, 859 § 12; 1972, 731 § 12. (See 1969, 838 § 74.)

SECTS. 68A-68C added, 1955, 609 § 3 (relating to the detention of wayward and delinquent children and juvenile offenders).

SECT. 68A revised, 1969, 838 § 19. (See 1969, 838 § 74.)

SECT. 68B revised, 1969, 838 § 20. (See 1969, 838 § 74.)

SECT. 68C amended, 1969, 838 § 21. (See 1969, 838 § 74.)

SECT. 69 revised, 1943, 244 § 2.

SECT. 69A added, 1948, 310 § 9 (providing that courts and certain public officers and authorities shall make available to the youth service board information relative to cases committed to said board); amended, 1969, 838 § 22. (See 1969, 838 § 74.)

SECT. 72 amended, 1947, 235; revised, 1948, 310 § 10; amended, 1949, 595; revised, 1964, 308 § 3; amended, 1969, 838 § 23. (See 1969, 838 § 74.)

SECT. 72A added, 1964, 304 § 4 (relating to the disposition of proceedings against any person who commits an offense or violation prior to his seventeenth birthday and is not apprehended until after his eighteenth birthday); revised, 1975, 840 § 2. (See 1964, 308 § 13; 1975, 840 § 3.)

SECT. 73 revised, 1945, 202; amended, 1948, 310 § 11; repealed, 1964, 308 § 5.

SECT. 74 amended, 1933, 196 § 1; revised, 1948, 310 § 12; amended, 1960, 353 § 3; revised, 1964, 308 § 6; 1967, 787.

SECT. 75 amended, 1933, 196 § 2; revised, 1948, 310 § 13; amended, 1960, 353 § 4; revised, 1964, 308 § 7; repealed, 1975, 840 § 2A.

SECT. 76 revised, 1948, 310 § 14; repealed, 1964, 308 § 5.

SECT. 77 revised, 1948, 310 § 15; repealed, 1964, 308 § 5.

SECT. 78 repealed, 1964, 308 § 5.

SECT. 79 amended, 1948, 310 § 16; 1953, 319 § 15; repealed, 1964, 308 § 5. (See 1953, 319 §§ 39, 40.)

SECT. 80 revised, 1948, 310 § 17; repealed, 1964, 308 § 5.

SECT. 81 amended, 1948, 310 § 18; repealed, 1964, 308 § 5.

SECT. 82 amended, 1948, 310 § 19; repealed, 1964, 308 § 5.

SECT. 83 revised, 1948, 310 § 20; 1964, 308 § 8; amended, 1969, 838 § 24. (See 1969, 838 § 74.)

SECT. 84 added, 1964, 308 § 9 (relative to the form of warrant of commitment to the youth service board); revised, 1959, 838 § 25. (See 1969. 838 § 74.)

Chapter 120. — Department of Youth Services and Massachusetts Training Schools (former title, Youth Service Board and Massachusetts Training Schools).

Title changed, 1969, 838 § 26. (See 1969, 838 § 74.)

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

SECT. 1 revised, 1952, 605 § 4; 1969, 838 § 27. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 2 revised, 1942, 605 § 5; amended, 1955, 770 § 4; revised, 1969, 838 § 28. (See 1952, 605 §§ 19-21; 1955, 770 §§ 117, 123; 1969, 838 § 74.)

SECT. 2A added, 1965, 902 (establishing the positions of first, second and third deputy director in the division of youth service); second sentence revised, 1969, 766 § 6; section repealed, 1969, 838 § 29. (See 1969, 766 § 48; 838 § 74.)

SECT. 3 revised, 1952, 605 § 6; amended, 1969, 838 § 30. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 4 revised, 1952, 605 § 7; amended, 1969, 838 § 31. (See 1952, 605 §§ 19-21; 1969, 838 § 74.)

SECT. 4A added, 1952, 605 § 8 (establishing a division of youth service in the department of education); first sentence revised, 1969, 704 § 49; section repealed, 1969, 838 § 32. (See 1952, 605 §§ 15; 19-21; 1969, 704 § 60; 838 § 74.)

SECT. 5 revised, 1969, 838 § 33. (See 1969, 838 § 74.)

SECT. 6, paragraph (*e*) revised, 1949, 593 § 1; section amended, 1969, 838 § 74. (See 1969, 838 § 74.)

SECT. 6A amended, 1969, 838 § 35. (See 1969, 838 § 74.)

SECT. 7 amended, 1952, 605 § 9; revised, 1969, 838 § 36. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 8, fourth and fifth sentences revised, 1952, 605 § 10; fourth and fifth sentences revised, 1969, 838 § 37. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 9 amended, 1952, 605 § 11; 1969, 838 § 38. (See 1952, 605 §§ 15, 19-21, 1969, 838 § 74.)

SECT. 10, subsection (*a*) amended, 1950, 545; section revised, 1952, 605 § 12; 1969, 838 § 39; subsection (*a*) amended, 1973, 925 § 43. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74; 1973, 925 § 84.)

SECT. 10A repealed, 1949, 593 § 2.

SECT. 11 revised, 1952, 605 § 13; amended, 1955, 766 § 5; 1957, 532; revised, 1969, 838 § 40; amended, 1975, 706 § 194. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74; 1975, 706 § 312.)

SECT. 12 amended, 1949, 593 § 3; revised, 1952, 605 § 14; 1969, 838 § 41. (See 1952, 605 §§ 15, 19-21; 1969, 838 § 74.)

SECT. 13 amended, 1949, 593 § 4; 1969, 838 § 42. (See 1969, 838 § 74.)

SECT. 13A added, 1953, 619 § 1 (relative to payments by the commonwealth for damages to property caused by acts of certain inmates of institutions under management of the Youth Service Board); amended, 1969, 838 § 43. (See 1953, 619 § 2; 1969, 838 § 74.)

SECT. 14 amended, 1954, 685 § 2; revised, 1969, 838 § 44. (See 1969, 838 § 74.)

SECT. 15 revised, 1969, 838 § 45. (See 1969, 838 § 74.)

SECT. 16 amended, 1969, 838 § 46; revised, 1973, 925 § 44. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 17 amended, 1969, 838 § 47. (See 1969, 838 § 74.)

SECT. 18 amended, 1969, 838 § 48. (See 1969, 838 § 74.)

SECT. 19 amended, 1969, 838 § 49; first paragraph amended, 1973, 924 § 45. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 20 amended, 1969, 838 § 50. (See 1969, 832 § 74.)

SECT. 21 revised, 1969, 838 § 51. (See 1969, 838 § 74.)

SECT. 22 amended, 1956, 731 § 3; revised, 1969, 838 § 52. (See 1969, 838 § 74.)

SECT. 23 amended, 1969, 838 § 53; revised, 1973, 925 § 46. (See 1969, 838 § 74; 1973, 925 § 84.)

SECT. 23A amended, 1969, 838 § 54. (See 1969, 838 § 74.)

SECT. 24 revised, 1969, 838 § 55. (See 1969, 838 § 74.)

SECT. 25 revised, 1969, 838 § 56. (See 1969, 838 § 74.)

SECT. 26 amended, 1969, 838 § 57. (See 1969, 838 § 74.)

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

SECT. 1 amended, 1966, 214 § 2; repealed, 1967, 658 § 77.

SECT. 2 repealed, 1967, 658 § 77.

SECT. 3 revised, 1952, 602 § 11; repealed, 1967, 658 § 77.

SECT. 4 repealed, 1967, 658 § 77.

SECT. 4A added, 1941, 630 § 3 (relative to information concerning recipients of old age assistance and aid to dependent children); revised, 1945, 240 § 2; repealed, 1967, 658 § 77.

SECT. 5 repealed, 1966, 214 § 1.

SECT. 6 amended, 1941, 351 § 11; 1948, 310 § 25; 1956, 436 § 1; repealed, 1958, 613 § 4. (See 1948, 310 §§ 30, 31.)

SECT. 7 amended, 1941, 351 § 12; revised, 1941, 404; amended, 1948, 310 § 26; revised, 1952, 602 § 12; second sentence stricken out, 1958, 613 § 5; section repealed, 1966, 214 § 1. (See 1948, 310 §§ 30, 31.)

SECT. 8 repealed, 1960, 313 § 3.

SECT. 8A added, 1935, 311 § 2 (relative to funds received by the director of the division of, aid and relief for the benefit of persons under the care and supervision of the department); revised, 1941, 523; amended, 1950, 162 § 4; revised, 1954, 126 § 4; 1961, 493 § 6; repealed, 1967, 658 § 77.

SECT. 8B added, 1941, 618 (relative to the disposition of certain unclaimed moneys held by the division of child guardianship for the benefit of certain wards thereof); repealed, 1967, 658 § 77.

SECT. 9 amended, 1941, 351 § 13; last two sentences stricken out, 1956, 715 § 5; section revised, 1958, 613 § 6; repealed, 1966, 214 § 1.

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons); sentence added, 1945, 458 § 3; repealed, 1967, 658 § 77.

SECT. 10 repealed, 1958, 613 § 4.

SECT. 11 repealed, 1958, 613 § 4.

SECT. 12 amended, 1941, 351 § 14; repealed, 1958, 613 § 4.

SECT. 13 amended, 1941, 351 § 15; repealed, 1958, 613 § 4.

SECT. 14 repealed, 1966, 214 § 1.

SECT. 15 amended, 1941, 351 § 16; repealed, 1948, 310 § 27. (See 1948, 310 §§ 30, 31.)

SECT. 16 repealed, 1960, 313 § 3.

SECT. 20 repealed, 1966, 214 § 1.

SECT. 21 repealed, 1966, 214 § 1.

SECT. 22 repealed, 1966, 214 § 1.

SECT. 22A repealed, 1948, 618 § 2. (see 1948, 618 § 3.)

SECTS. 22B-22E added, under caption, 1960, 776 § 1 (establishing a division of urban and industrial renewal); repealed and caption preceding section 22B stricken out, 1964, 636 § 4. (See 1960, 776 § 12; 1964, 636 § 13.)

SECT. 23 (and caption) amended, 1933, 364 § 2; section amended, 1935, 449 § 2; revised, 1935, 475 § 3; amended, 1964, 636 § 5; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 24A added, 1935, 449 § 2A (authorizing the acceptance and use by the state board of housing of grants of federal funds); repealed, 1969, 751 § 2.

SECT. 24B added, 1935, 485 § 1 (authorizing the state board of housing to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects); repealed, 1969, 751 § 2.

SECT. 25 revised, 1933, 364 § 4; repealed, 1969, 751 § 2. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5; revised, 1935, 475 § 4; amended, 1936, 211 § 6; 1947, 340 § 6; two paragraphs added, 1954, 643 § 2; same paragraphs stricken out, 1955, 654 § 1; section repealed, 1969, 751 § 2. (See 1933, 364 § 8; 1936, 211 § 7; 1955, 654 § 5.)

SECTS. 26A-26H added, 1933, 364 § 6 (relative to the powers and duties of the state board of housing, and to limited dividend corporations under its control). (See 1933, 364 § 8.)

SECT. 26H revised, 1935, 449 § 3.

SECTS. 26A-26H repealed, 1945, 654 § 2.

SECTS. 26I-26BB added, under caption, 1935, 449 § 5 (relative to the establishment, powers and duties, and discontinuance, of local housing authorities).

SECT. 26I-26BB stricken out and new sections 26I-26II inserted, 1938, 484 § 1 (to relate the Massachusetts Housing Authority Law to the United States Housing Act of 1937). (See 1938, 484 § 2; 1941, 269 § 2; 1942, 317.)

SECT. 26I-26II stricken out and new sections 26I-26NN inserted, 1946, 574 § 1. (See 1946, 574 § 2.)

SECT. 26I amended, 1948, 200 § 1; 1952, 617 § 1; 1953, 668 § 2; revised, 1955, 654 § 2; 1966, 707 § 1; repealed, 1969, 751 § 2. (See 1955, 654 § 5.)

SECT. 26J amended, 1953, 668 § 3; 1955, 654 § 3; definition of "Housing authority" or "Authority" stricken out and definition of "Housing

authority" inserted, 1952, 617 § 2; definition of "Division of urban and industrial renewal" or "division" inserted, 1960, 776 § 2; revised, 1964, 636 § 6; 1966, 138 § 1; 1968, 761 § 8; definition of "Housing board", or "board" revised, 1948, 260 § 4; 1964, 636 § 6A; 1966, 138 § 2; 1968, 761 § 9; definition of "Federal legislation" revised, 1953, 647 § 10; definition of "Low-rent housing" amended, 1953, 668 § 4; definition of "Low-rent housing project" revised, 1966, 705 § 1; definition of "Elderly persons of low income" inserted, 1953, 668 § 3; definition of "Blighted open area" inserted, 1953, 647 § 12; amended, 1957, 613 § 1; revised, 1960, 776 § 3; definition of "Community renewal project" inserted, 1966, 692 § 1; definition of "Substandard area" revised, 1960, 776 § 5; definition of "Decadent area" revised, 1953, 647 § 11; 1960, 776 § 4; definition of "Land assembly and redevelopment project" revised, 1953, 647 § 13; 1958, 198; 1962, 643 § 1; definition of "Land assembly and redevelopment plan" amended, 1953, 647 § 14; definition of "Mayor" inserted, 1951, 322; revised, 1954, 71 § 1; definitions of "Redevelopment authority" and "Relocation project" inserted, 1952, 617 § 3; definition of "Relocation payments" inserted, 1966, 619 § 1; definition of "Veterans" revised, 1948, 200 § 2; definitions of "Servicemen" and "Veterans" stricken out and definitions of "Serviceman" and "Veteran" inserted, 1949, 760 § 1; definition of "Veteran" revised, 1950, 624 § 1; 1951, 441 § 1; 1952, 616 § 1; 1955, 403 § 6; 1967, 150; section repealed, 1969, 751 § 2. (See 1950, 624 § 2; 1951, 441 § 2; 1952, 616 § 2; 1955, 403 § 14, 654 § 5.)

SECT. 26K, first paragraph amended, 1954, 72 § 1; second paragraph amended, 1953, 647 § 15; 1953, 668 § 5; 1966, 704 § 1; paragraph added, 1954, 72 § 2; section repealed, 1969, 751 § 2.

SECT. 26L, sentence inserted after second sentence, 1954, 428 § 1; sentence inserted, 1955, 128 § 1; fourth sentence revised, 1949, 688; stricken out, 1968, 272 § 1; sentence added, 1961, 496 § 1; section repealed, 1969, 751 § 2. (See 1954, 428 §§ 3, 4; 1955, 128 § 3; 1961, 496 § 2.)

SECT. 26M, sentence added, 1954, 428 § 2; 1955, 128 § 2; revised, 1968, 271 § 2; section repealed, 1969, 751 § 2. (See 1954, 428 §§ 3, 4; 1955, 128 § 3.)

SECT. 26N, last sentence revised, 1966, 696; section repealed, 1969, 751 § 2.

SECT. 26O, first paragraph revised, 1960, 780; 1966, 705 § 2; second paragraph revised, 1961, 72; section repealed, 1969, 751 § 2.

SECT. 26P, paragraph (*b*) amended, 1952, 617 § 5; 1953, 647 § 16, 668 § 6; 1955, 640 § 2; paragraph added, 1961, 188 § 1; amended, 1962, 115, 764 § 1; last paragraph revised, 1968, 230; section repealed, 1969, 751 § 2.

SECT. 26Q, last sentence revised, 1950, 105 § 2; paragraph added, 1961, 188 § 2; amended, 1962, 764 § 2; section repealed, 1969, 751 § 2.

SECT. 26R repealed, 1969, 751 § 2.

SECT. 26S, second paragraph amended, 1958, 571; revised, 1962, 784; 1964, 636 § 7; section repealed, 1969, 751 § 2.

SECT. 26T, first paragraph revised, 1960, 491; two paragraphs inserted after first paragraph, 1965, 564; second paragraph amended, 1968, 231; section repealed, 1969, 751 § 2.

SECT. 26U revised, 1955, 327; section repealed, 1969, 751 § 2.

SECT. 26V, paragraph added, 1957, 140; revised, 1967, 407; section repealed, 1969, 751 § 2.

SECTS. 26W-Z repealed, 1969, 751 § 2.

SECT. 26AA, paragraph added, 1966, 705 § 3; amended, 1967, 582 § 2; section repealed, 1969, 751 § 2.

SECT. 26BB, amended, 1953, 647 § 17; repealed, 1969, 751 § 2.

SECT. 26CC revised, 1950, 486; amended, 1957, 106; revised, 1957, 613 § 2; second sentence revised, 1961, 12; first paragraph revised, 1966, 692 § 2; amended, 1968, 23 § 10; paragraph added, 1966, 619 § 2; amended, 1968, 23 § 11; section repealed, 1969, 751 § 2.

SECT. 26DD amended, 1953, 654 § 94; repealed, 1969, 751 § 2.

SECT. 26EE, paragraph added, 1969, 630; section repealed, 1969, 751 § 2.

SECT. 26FF, sentence inserted after first sentence, 1955, 685; first four sentences stricken out and three sentences inserted, 1959, 512; clause (*c*) revised, 1949, 760 § 2; clause (*d*) revised, 1954, 625; amended, 1957, 77; clause (*e*) amended, 1948, 51; 1950, 479 § 5; clause (*f*) revised, 1949, 760 § 3; sentence added, 1966, 705 § 4; revised, 1968, 249 § 1; clause (*g*) added, 1965, 740; amended, 1968, 249 § 2; paragraph added, 1950, 631; sentence added, 1951, 313; 1954, 629; section repealed, 1969, 751 § 2.

SECT. 26GG revised, 1949, 760 § 4; repealed, 1969, 751 § 2.

SECT. 26HH, last sentence amended, 1961, 493 § 7; second sentence stricken out and four sentences inserted, 1963, 806 § 1; sentence inserted after fifth sentence, 1969, 369 § 1; section repealed, 1969, 751 § 2. (See 1963, 806 § 2.)

SECT. 26JJ revised, 1953, 647 § 18; amended, 1957, 613 § 3; repealed, 1969, 751 § 2.

SECT. 26KK, second paragraph revised, 1947, 486; amended, 1953, 409 § 8; section revised, 1953, 647 § 18; second paragraph amended, 1957, 613 § 4; section revised, 1960, 776 § 6; repealed, 1969, 751 § 2.

SECT. 26LL repealed, 1969, 751 § 2.

SECT. 26MM amended, 1953, 647 § 19; repealed, 1969. 751 § 2.

SECT. 26NN stricken out and sections 26NN-26QQ inserted, 1948, 200 § 3 (relative to state-aided projects).

SECT. 26NN, sentence inserted after first sentence, 1949, 742 § 1; last sentence of first paragraph revised, 1951, 456; amended, 1952, 550 § 4; revised, 1954, 507 § 1, 667 § 2; 1955, 641; 1963, 585 § 1; first paragraph amended, 1955, 489; 1966, 28; second sentence stricken out and four sentences inserted, 1969, 369 § 2; first sentence of third paragraph revised, 1954, 676; 1957, 537; last sentence of fourth paragraph revised, 1957, 372 § 2; last sentence of fifth paragraph revised, 1952, 550 § 2; stricken out, 1966, 705 § 5; subdivision (*a*), first paragraph revised, 1949, 742 § 2; amended, 1954, 507 § 2; subdivision (*a*), second paragraph amended, 1952, 550 § 1; subdivision (*a*), third paragraph amended, 1949, 742 § 3; 1954, 507 § 3; 1963, 585 § 2; subdivision (*b*), first sentence revised, 1952, 550 § 3; subdivision (*b*), first paragraph, sentence added, 1949, 713; subdivision (*b*), second paragraph amended, 1949, 742 § 4; 1950, 753; 1957, 372 § 3; two paragraphs inserted after second paragraph, 1966, 705 § 6; paragraph added, 1967, 635; subdivision (*d*) added, 1949, 682 § 1;

subdivision (*e*) added, 1950, 386; revised, 1952, 550 § 5; subdivision (*f*) added, 1953, 508; subdivision (*g*) added, 1954, 116; subdivision (*h*) added, 1965, 899 § 1; section repealed, 1969, 751 § 2. (See 1949, 682 § 2; 1952, 550 §§ 6, 7; 1954, 507 § 4; 1957, 372 § 5.)

SECTS. 26OO-26PP repealed, 1969, 751 § 2.

SECT. 26QQ and caption preceding it stricken out and new section and caption inserted, 1952, 617 § 4 (relative to creating redevelopment authorities); first two paragraphs revised, 1957, 150 § 1; paragraph inserted after second paragraph, 1958, 199; three paragraphs added, 1958, 299; section repealed, 1969, 751 § 2.

SECT. 26RR added, 1952, 617 § 6 (relative to contracts for state financial assistance for housing); first paragraph amended, 1958, 572 § 1; second paragraph amended, 1955, 640 § 3; third paragraph amended, 1953, 647 § 20; 1958, 572 § 2; paragraph (*b*) (2) revised, 1955, 640 § 4; paragraph (*b*) (3) amended, 1955, 640 § 5; paragraph added, 1955, 640 § 6; section repealed, 1969, 751 § 2.

SECT. 26SS added, 1952, 617 § 7 (providing a severability clause in case of a finding of invalidity or unconstitutionality of any part of this act); stricken out and sections 26SS-26WW inserted, under caption, 1953, 668 § 1 (to provide for the housing of elderly persons).

SECTS. 26SS-26VV revised, 1954, 667 § 1.

SECTS. 26SS-26TT repealed, 1969, 751 § 2.

SECT. 26UU, subdivision (*c*) revised, 1968, 217; subdivision (*e*) revised, 1968, 500; subdivision (*f*) added, 1965, 899 § 2; section repealed, 1969, 751 § 2.

SECT. 26VV amended 1956, 466; revised, 1957, 168; first sentence amended, 1957, 705 § 2; section revised, 1957, 767; 1958, 591; 1960, 542; 1961, 573; 1963, 551; 1966, 626, 732; 1967, 572; 1968, 524; 1969, 687; repealed, 1969, 751 § 2. (See 1957, 705 §§ 1, 3, 4.)

SECT. 26WW stricken out and sections 26WW-26CCC inserted, under captions, 1955, 654 § 4 (relative to urban renewal projects). (See 1955, 654 § 5.)

SECTS. 26WW-26XX repealed, 1969, 751 § 2.

SECT. 26YY, second sentence revised, 1966, 704 § 2; section repealed, 1969, 751 § 2.

SECT. 26ZZ, second paragraph amended, 1957, 613 § 5; section revised, 1960, 776 § 7; first paragraph, second sentence amended, 1968, 142 § 1; second paragraph, second sentence amended, 1968, 142 § 2; paragraph added, 1966, 704 § 3; amended, 1968, 153; section repealed, 1969, 751 § 2.

SECTS. 26AAA- 26CCC repealed, 1969, 751 § 2.

SECTS. 26DDD-26FFF added, under caption, 1960, 776 § 8 (providing financial assistance for urban redevelopment and urban renewal projects). (See 1960, 776 § 10.)

SECT. 26DDD, sentence added, 1964, 636 § 8; section repealed, 1969, 751 § 2.

SECT. 26EEE, second paragraph, sentence inserted after first sentence, 1962, 643 § 1A; section repealed, 1969, 751 § 2.

SECT. 26FFF, clauses (*b*) and (*c*) stricken out and clauses (*b*), (*c*) and (*d*)

inserted, 1962, 643 § 2; clause (*d*) revised, 1967, 825; section repealed, 1969, 751 § 2. (See 1962, 643 § 4.)

SECTS. 26GGG and 26HHH added, under caption, 1960, 776 § 9 (providing financial assistance for non-federally aided commercial or industrial redevelopment projects).

SECT. 26GGG repealed, 1969, 751 § 2.

SECT. 26GGG½ added, 1968, 766 § 1 (extending state financial assistance to certain urban renewal projects to be redeveloped for residential reuse); repealed, 1969, 751 § 2.

SECT. 26HHH revised, 1962, 643 § 3; third paragraph amended, 1968, 766 § 2; section repealed, 1969, 751 § 2.

SECTS. 26III and 26JJJ added, 1964, 721 (providing for the rehabilitation of dwelling accommodations).

SECT. 26JJJ, paragraph added, 1967, 461; section repealed, 1969, 751 § 2.

SECTS. 26KKK, 26LLL and 26MMM added, 1966, 707 § 2 (providing a rental assistance program for families of low income); repealed, 1969, 751 § 2.

SECTS. 23-26MMM repealed, 1972, 751 § 2.

SECT. 27 repealed, 1933, 364 § 7.

SECTS. 28-37 repealed, 1954, 508 § 2. (See 1954, 508 §§ 3-5.)

SECT. 31 amended, 1948, 559.

SECT. 38 repealed, 1966, 214 § 1.

SECT. 39 amended, 1941, 351 § 17; repealed, 1958, 613 § 4.

SECT. 40 amended, 1941, 656 § 13; repealed, 1966, 214 § 1. (See 1941, 656 § 17.)

SECT. 41 revised, 1958, 179; repealed, 1967, 658 § 77.

SECT. 42 amended, 1932, 180 § 22; 1941, 406; 1958, 613 § 7; 1964, 339 § 2; two sentences added, 1952, 303; section repealed, 1967, 658 § 77.

SECT. 43 added, 1968, 220 (requiring housing authorities to confer with tenant organizations); repealed, 1969, 751 § 2.

SECT. 44 added, 1968, 596 (prohibiting termination of tenancies without cause and without hearing); section numbers changed from *"Section 43"* to *"Section 44"*, 1968, 766 § 3; section repealed, 1969, 751 § 2.

Chapter 121A. — Urban Redevelopment Corporations.

New chapter inserted, 1945, 654 § 1.

SECT. 1, definition of "Decadent area" amended, 1947, 15; section revised, 1953, 647 § 1; definition of "Project" amended, 1954, 73 § 1; paragraph added at end, 1954, 73 § 2; section revised, 1960, 652 § 1; definition of "Housing board" or "board" revised, 1964, 636 § 9; 1967, 172 § 1; 1968, 761 § 10; paragraph defining "mayor" added, 1967, 172 § 2. (See 1960, 652 §§ 12-15.)

SECT. 2 revised, 1953, 647 § 1; 1960, 652 § 2. (See 1960, 652 §§ 12-15.)

SECT. 3 revised, 1953, 647 § 1; first sentence revised, 1960, 652 § 3; paragraph inserted after first paragraph, 1968, 356 § 1; revised, 1975, 827 § 1. (See 1960, 652 §§ 12-15.)

SECT. 5, first sentence amended, 1960, 652 § 4; section revised, 1975, 827 § 2.

SECT. 6, first two paragraphs stricken out and four paragraphs inserted, 1953, 647 § 2; paragraph added, 1956, 640 § 1; section revised, 1975, 827 § 3.

SECT. 6A added, 1960, 652 § 5; four paragraphs added, 1975, 827 § 4.

SECTS. 6B-6C added, 1975, 827 § 5 (further regulating the development of urban redevelopment entities).

SECT. 7, first two paragraphs revised, 1947, 487 § 1; first paragraph amended, 1956, 640 § 2; last paragraph amended, 1961, 493 § 8.

SECT. 7A added, 1946, 574 § 3 (relative to acquisition from housing authorities of sites for urban redevelopment); first sentence revised, 1955, 654 § 4A; amended, 1967, 127 § 1; 1969, 751 § 3. (See 1955, 654 § 5.)

SECT. 8 revised, 1960, 652 § 6.

SECT. 9 revised, 1956, 640 § 3; sentence added, 1968, 356 § 2; section revised, 1975, 827 § 6.

SECT. 10, two paragraphs added, 1953, 647 § 3; section revised, 1956, 640 § 4; second paragraph, second sentence revised, 1969, 540 § 1; third paragraph, sentence added, 1975, 76; seventh paragraph revised, 1975, 119 § 1; section revised, 1975, 827 § 7. (See 1969, 540 § 2; 1975, 119 §§ 2, 3.)

SECT. 11 revised, 1975, 827 § 8.

SECT. 12, paragraph added, 1947, 487 § 2.

SECT. 13 revised, 1975, 827 § 9.

SECT. 14, first paragraph revised, 1975, 827 § 10.

SECT. 15, first paragraph revised, 1953, 647 § 4.

SECT. 16 stricken out and sections 16 and 16A inserted, 1953, 647 § 5.

SECTS. 16-16A revised, 1975, 827 § 11.

SECT. 17 repealed, 1953, 647 § 6.

SECT. 18 amended, 1960, 652 § 7; paragraph (*a*) revised, 1953, 647 § 7; paragraph (*e*) revised, 1953, 647 § 8; amended, 1960, 652 § 8; paragraph (*f*) amended, 1960, 652 § 9; paragraph (*g*) amended, 1960, 652 § 10; paragraphs (*h*), (*i*) and (*j*) stricken out and paragraphs (*h*), (*i*), (*j*) and (*k*) inserted, 1960, 652 § 11; paragraph added, 1967, 127 § 2; section revised, 1975, 827 § 12. (See 1960, 652 §§ 12-15.)

SECT. 18A added, 1946, 129 (authorizing savings banks to invest in urban redevelopment projects); revised, 1975, 827 § 13.

SECT. 18B added, 1953, 647 § 9 (relative to the forming of urban redevelopment corporations); first sentence amended, 1969, 751 § 4; section revised, 1975, 827 § 14.

SECT. 18C added, 1965, 859 § 1 (authorizing individuals to undertake or acquire and carry on urban redevelopment projects under the laws applicable to urban redevelopment corporations); amended, 1966, 421 § 1; 1968, 761 § 11; 1975, 827 § 15; clause (*e*) revised, 1975, 827 § 16; clause (*f*) amended, 1966, 421 § 2; sixth paragraph revised, 1975, 827 § 17; paragraph added, 1975, 827 § 18.

SECT. 18D added, 1975, 827 § 19.

Chapter 121B. — Housing and Urban Renewal.

New chapter inserted, 1969, 751 § 1.

SECT. 1, definition of "Commissioner" stricken out, 1975, 163 § 21; definition of "Handicapped persons of low income" inserted after definition of "Federal legislation", 1970, 812 § 1; amended, 1975, 163 § 22; definition of "Elderly persons of low income" revised, 1973, 1215 § 15A.

SECT. 3A added, 1970, 851 § 1 (authorizing the establishment of regional housing authorities.)

SECT. 5, sixth paragraph amended, 1971, 565 § 1; 1974, 426.

SECT. 11, paragraph (*m*) stricken out and paragraphs (*m*) and (*n*) inserted. 1970, 851 § 2.

SECT. 15, sentence inserted after fifth sentence, 1970, 359 § 1.

SECT. 21 amended, 1973, 834; second sentence revised, 1975, 641.

SECT. 26 amended, 1970, 694 § 2; clause (*k*) added, 1973, 884 § 1; clause (*l*) added, 1974, 689 § 5.

SECT. 26A added, 1973, 1215 § 8 (relative to increased housing for the elderly).

SECT. 29, first paragraph, second sentence revised, 1970, 851 § 3; amended, 1973, 1215 § 9; first paragraph, fourth sentence amended, 1973, 1215 § 9A; third paragraph amended, 1973, 286.

SECT. 31, first paragraph amended, 1973, 1168 § 24; revised, 1974, 853 § 1; second paragraph, subparagraph (*a*) revised, 1970, 851 § 5; 1972, 318; 1974, 853 § 1; subparagraph (*b*), second sentence amended, 1973, 851, 1210 § 10; third sentence amended, 1975, 163 § 23; third paragraph amended, 1973, 296 § 3. (See 1973, 1168 § 40.)

SECT. 32, first paragraph revised, 1971, 1114 § 1; second paragraph, clause (*c*) third sentence amended, 1973, 925 § 47; clause (*e*), second sentence amended, 1972, 250; sentence added, 1970, 851 § 4. (See 1973, 925 § 84.)

SECT. 34 revised, 1970, 359 § 2; first paragraph revised, 1971, 603; seventh paragraph, subdivision (*b*), first paragraph amended, 1971, 1114 § 2; second paragraph amended, 1971, 1114 § 3; 1972, 803 § 8; third, fourth and fifth paragraphs stricken out and two paragraphs inserted, 1971, 1114 § 4; section revised, 1973, 1215 § 11; first paragraph revised, 1975, 163 § 25; second paragraph amended, 1974, 541 § 8; seventh paragraph, clause (*a*), second paragraph revised, 1974, 840 § 1; amended, 853 § 2; clause (*b*), first paragraph amended, 1974, 840 § 2; third paragraph amended, 1974, 840 § 3; third, fourth and fifth paragraphs stricken out, 1974, 853 § 3. (See 1972, 802 § 77; 1974, 541 § 24.)

SECT. 34A added, 1973, 884 § 2 (authorizing the department of community affairs to enter into certain contracts with housing authorities relating to MHFA projects).

SECT. 35 revised, 1970, 359 § 3.

SECT. 37 revised, 1970, 359 § 4; first paragraph, second sentence amended, 1975, 163 § 24; second paragraph, third sentence revised, 1972, 802 § 9; paragraph stricken out, 1974, 541 § 9. (See 1972, 802 § 77; 1974, 541 § 24.)

SECT. 38, caption preceding said section revised, 1970, 812 § 2; paragraph added, 1970, 812 § 3.

SECT. 38A added, 1974, 689 § 4 (establishing a bureau of housing for the handicapped in the department of community affairs).

SECT. 39, first paragraph amended, 1974, 689 § 6.

SECT. 40, first paragraph amended, 1974, 689 § 7; clause (*a*), sentence added, 1970, 812 § 4; clause amended, 1974, 689 §§ 8, 9; clause (*c*) revised, 1970, 812 § 6; sentence added, 1970, 740; clause revised, 1970, 812 § 6; amended, 1973, 1168 § 25; clause (*e*), three sentences added, 1970, 853; clause revised, 1973, 1215 § 12; second sentence amended, 1974, 689 § 10; clause (*f*) amended, 1973, 1168 § 26; sentence added, 1970, 812 § 5; clause (*g*) added, 1973, 1168 § 27. (See 1973, 1168 § 40.)

SECT. 41 revised, 1970, 359 § 5; first paragraph amended, 1971, 1114 § 5; second paragraph stricken out, 1971, 1114 § 6; section revised, 1973, 1215 § 13; first paragraph, second and third sentences revised, 1974, 840 § 4; sentence inserted after second sentence, 1974, 853 § 34; paragraph added, 1974, 689 § 11; stricken out, 1975, 825 § 1.

SECT. 41A added, 1975, 825 § 2.

SECT. 43, first paragraph, fifth sentence revised; 1970, 854 § 1; paragraph inserted after first paragraph, 1974, 853 § 5; paragraph added, 1970, 854 § 1; second paragraph, sentence added, 1971, 1114 § 7; revised, 1973, 1215 § 14.

SECT. 44, first paragraph, clause (*a*) revised, 1970, 854 § 2; amended, 1974, 689 § 14; clause (*b*) revised, 1971, 1114 § 8; second paragraph, last sentence stricken out and two sentences inserted, 1970, 854 § 3.

SECT. 44A added, 1973, 884 § 3 (authorizing housing authorities to lease certain dwelling units in MHFA financed projects).

SECT. 46, clause (*h*) added, 1975, 581.

SECT. 48, paragraph inserted after first paragraph, 1971, 168.

SECT. 55, clause (*d*) revised, 1970, 419.

SECT. 57, third paragraph, clauses (*b*) and (*c*) revised, 1970, 409.

SECT. 59 revised, 1970, 359 § 6; first paragraph, second sentence amended, 1975, 163 § 26.

Chapter 121C. — Economic Development and Industrial Corporations.

New chapter inserted, 1972, 725.

SECT. 1, subsection (5) amended, 1974, 280.

Chapter 122. — Tewksbury Hospital (former titles, Tewksbury State Hospital and Infirmary and State Infirmary).

Chapter stricken out and new chapter 122 inserted, 1958, 613 § 8. (See 1958, 613 §§ 9-14.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to chapter 122, as so inserted:

SECT. 1, paragraph added, 1975, 752 § 5.

SECT. 11 amended, 1974, 260 § 20.
SECT. 12 amended, 1974, 260 § 21.
SECT. 14 revised, 1964, 545 § 1; first paragraph, first sentence amended, 1974, 260 § 22; revised, 1975, 752 § 6; second paragraph amended, 1968, 492 § 15; 1973, 1229 § 4K. (See 1964, 545 §§ 3, 4; 1973, 1229 § 13.)
SECT. 17 repealed, 1964, 545 § 2.
SECT. 18 repealed, 1964, 545 § 2.
SECT. 19 repealed, 1964, 545 § 2.
SECT. 20, seventh sentence stricken out, 1960, 539; section repealed, 1964, 545 § 2.
SECT. 21 repealed, 1974, 260 § 23.

Chapter 123. — Treatment and Commitment of Mentally Ill and Mentally Retarded Persons.

Chapter stricken out and new chapter 123 (with new title) inserted, 1970, 888 § 4. (See 1970, 888 § 31.)

For prior changes see Table of Changes contained in Acts and Resolves of 1970.

The following references are to chapter 123, as so inserted:

SECT. 1, definition of "Facility" amended, 1971, 760 § 1; definition of "Probate court" stricken out, 1971, 760 § 1A.
SECT. 4, first paragraph, first sentence amended, 1974, 845 § 1; sentence inserted after second sentence, 1972, 640; second paragraph, first sentence revised, 1973, 569 § 1; sentence added, 1971, 760 § 2.
SECT. 5 amended, 1973, 569 § 2.
SECT. 6, paragraph (*a*) amended, 1971, 760 § 3; 1973, 569 § 3; paragraphs (*b*) and (*c*) stricken out and paragraph (*b*) inserted, 1971, 760 § 4.
SECT. 7 revised, 1971, 760 § 5.
SECT. 8, two paragraphs added, 1971, 760 § 6; paragraph (*f*) amended, 1973, 569 § 4.
SECT. 9 revised, 1971, 760 § 7.
SECT. 10, first paragraph amended, 1973, 925 § 48; paragraph added, 1971, 575 § 1. (See 1973, 925 § 84.)
SECT. 11, last two sentences stricken out, 1971, 760 § 8.
SECT. 12, paragraph (*b*) amended, 1971, 760 § 9; revised, 1975, 114 § 1; paragraph (*d*) revised, 1971, 760 § 10; paragraph (*e*) revised, 1971, 760 § 10; third sentence revised, 1975, 114 § 2.
SECTS. 13-14 revised, 1971, 760 § 11.
SECT. 15, paragraphs (*a*)-(*d*) revised, 1971, 760 § 12; paragraph (*b*) amended, 1973, 569 §§ 5, 6; paragraph (*d*) revised, 1973, 569 § 7; paragraph (*e*) amended, 1973, 569 § 8; paragraph (*f*) amended, 1973, 569 § 9.
SECT. 16, paragraphs (*b*)-(*e*) revised, 1971, 760 § 13; paragraph (*b*) amended, 1972, 281; 1973, 569 § 10; paragraph (*c*) amended, 1973, 569 § 11; paragraph (*e*) amended, 1973, 569 § 12; paragraph (*f*) amended, 1971, 760 § 14.

SECT. 17, paragraph (*a*) revised, 1971, 760 § 15; paragraph (*d*) stricken out, 1971, 760 § 16.

SECT. 18, paragraph (*a*) amended, 1971, 760 § 17; 1973, 569 §§ 13, 14.

SECT. 23, first paragraph amended, 1974, 291.

SECT. 24, paragraph (*a*) amended, 1973, 1229 § 4L. (See 1973, 1229 § 13.)

SECT. 27, sentence inserted after first sentence, 1974, 299.

SECT. 28A added, 1971, 530 (requiring superintendents of state mental institutions to make immediate reports to the district attorney of the death of any person confined therein).

SECT. 30, sentence inserted before first sentence, 1971, 462.

SECT. 32 amended, 1973, 925 § 49; 1229 § 4Q. (See 1973, 925 § 84, 1229 § 13.)

SECT. 33 amended, 1973, 1229 § 4R. (See 1973, 1229 § 13.)

SECT. 34, paragraphs (*b*) and (*c*) added, 1971, 575 § 2.

SECT. 35, second paragraph amended, 1973, 643 §§ 1, 2; third paragraph amended, 1971, 1076 § 4.

SECT. 36, second sentence revised, 1974, 348.

SECT. 36A added, 1972, 398 (requiring privacy of certain court records except in the discretion of the court).

SECT. 37 amended, 1973, 925 § 50. (See 1973, 925 § 84.)

SECT. 38 revised, 1971, 1071 § 6; definition of "Assignment" added, 1974, 827 § 1; definition of "Dependency related drug" revised, 1972, 806 § 34; definition of "Drug" added, 1974, 827 § 2; definition of "Drug addict" stricken out, 1974, 827 § 3; definition of "Drug dependent person" revised, 1974, 827 § 4; 1975, 197 § 1; definition of "Drug offense" revised, 1975, 197 § 2; definitions of "Federal facility" and "First drug offense" added, 1974, 827 § 5.

SECT. 40, second paragraph, second sentence amended, 1974, 827 § 6.

SECT. 42, sixth paragraph stricken out and two paragraphs inserted, 1974, 827 § 7.

SECT. 43 clause (4) amended, 1973, 1229 § 4S. (See 1973, 1229 § 13.)

SECT. 44, first paragraph amended, 1974, 827 §§ 8, 9; third paragraph amended, 1974, 827 §§ 10, 11.

SECT. 45, second paragraph amended, 1974, 827 § 12; third and fourth paragraphs stricken out and one paragraph inserted, 1974, 827 § 13; fifth paragraph amended, 1974, 827 § 14; eighth paragraph amended, 1974, 827 § 15; ninth paragraph amended, 1974, 827 § 16.

SECT. 47 revised, 1974, 827 § 17; second and third paragraphs revised, 1975, 197 § 3; fifth and sixth paragraphs revised, 1975, 197 § 4; eleventh, twelfth and thirteenth paragraphs revised, 1975, 197 § 5; sixteenth paragraph revised, 1975, 197 § 6; twenty-second paragraph revised, 1975, 197 § 7.

SECT. 48, fourth paragraph amended, 1974, 827 § 18; fifth paragraph revised, 1974, 827 § 19.

SECT. 49, first paragraph amended, 1974, 827 §§ 20, 21; paragraph added, 1974, 827 § 22.

SECT. 50, first paragraph, first sentence amended, 1974, 827 § 23; second paragraph, first sentence revised, 1974, 827 § 24; third paragraph amended,

1974, 827 § 25; fourth paragraph amended, 1974, 827 § 26; fifth paragraph amended, 1974, 827 § 27; sixth paragraph amended, 1974, 827 § 28.

SECT. 54 amended, 1973, 1229 § 4T. (See 1973, 1229 § 13.)

SECT. 55, paragraph (*a*) amended, 1974, 827 § 28A.

Chapter 123A. — Care, Treatment and Rehabilitation of Sexually Dangerous Persons (former title, Care, Treatment and Rehabilitation of Sexual Offenders and Victims of such Offenders).

New chapter inserted, 1947, 683.

Chapter stricken out and new chapter 123A (with new title) inserted, 1954, 686 § 1. (See 1954, 686 § 2; 1957, 772 § 7.)

Chapter stricken out and new chapter 123A (with new title) inserted, 1958, 646 § 1. (See 1958, 646 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1959.

The following references are to chapter 123A, as so inserted:

SECT. 2 revised, 1959, 615.

SECT. 4, first sentence revised, 1974, 324 § 1.

SECT. 6, first paragraph, second sentence amended, 1974, 324 § 2; third sentence stricken out and two sentences inserted, 1974, 324 § 3; section amended, 1969, 838 § 58. (See 1969, 838 § 74.)

SECT. 9 amended, 1960, 347; second paragraph revised, 1966, 608.

Chapter 124. — Powers and Duties of the Department of Correction.

SECT. 1 amended, 1939, 451 § 38; 1941, 344 § 4; revised, 1955, 770 § 7; paragraph (*e*) revised, 1956, 731 § 4; section revised, 1972, 777 § 5; amended, 1973, 430 § 9. (See 1955, 770 §§ 144, 123; 1954, 731 §§ 29-33.)

SECT. 2 revised, 1955, 770 § 8; third paragraph stricken out and two paragraphs inserted, 1972, 777 § 6. (See 1955, 770 §§ 114, 117, 118, 123.)

SECTS. 3 and 4 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 5 amended, 1941, 344 § 5; 1955, 770 § 9. (See 1955, 770 §§ 117, 123.)

SECT. 6 amended, 1936, 23 § 2; 1939, 451 § 39; 1955, 770 § 10. (See 1955, 770 §§ 117, 123.)

SECT. 7 amended, 1939, 451 § 40; repealed, 1954, 567 § 3. (See 1954, 567 § 10.)

SECT. 8 amended, 1935, 48 § 1; 1953, 319 § 18. (See 1935, 48 § 2; 1953, 319 §§ 39, 40.)

SECT. 10 added, 1972, 777 § 7 (further defining the powers and duties of the department of correction).

Chapter 125. — Correctional Institutions of the Commonwealth (former title, Penal and Reformatory Institutions of the Commonwealth).

Chapter stricken out and new chapter 125 (with new title) inserted, 1955, 770 § 11. (See 1955, 770 §§ 114-123.)

For prior changes see Table of Changes contained in Acts and Resolves of 1955.

The following references are to chapter 125, as so inserted:

SECT. 1 amended, 1956, 731 § 5; revised, 1972, 777 § 8. (See 1956, 731 §§ 29-33.)

SECT. 2, first sentence amended, 1956, 16 § 2; section revised, 1957, 777 § 1.

SECT. 4 revised, 1957, 50 § 1; 1966, 165 § 1; amended, 1967, 30; 1973, 925 § 51; revised, 1974, 226; amended, 1974, 835 § 151. (See 1957, 50 § 2; 1966, 165 § 2; 1973, 925 § 84; 1974, 835 § 185.)

SECT. 5 revised, 1957, 777 § 2.

SECT. 7 amended, 1957, 777 § 3.

SECT. 9, second sentence revised, 1957, 494; two paragraphs inserted after first paragraph, 1960, 201; second paragraph revised, 1964, 348; third paragraph revised, 1961, 90; section revised, 1972, 777 § 9; amended, 1974, 835 § 152. (See 1974, 835 § 185.)

SECT. 13 amended, 1957, 777 § 4.

SECT. 14 amended, 1957, 777 § 5; sentence added, 1974, 293.

SECT. 15 amended, 1957, 777 § 6.

SECT. 16, first paragraph, first sentence revised, 1972, 777 § 10; second sentence stricken out, 1970, 888 § 18; paragraph added, 1956, 715 § 15; amended, 1970, 888 § 19; revised, 1971, 1076 § 5. (See 1970, 888 § 31; 1971, 1076 § 22.)

SECT. 19, paragraph inserted before first paragraph, 1956, 715 § 16; amended, 1967, 619 § 2; 1969, 889 § 22; revised, 1970, 888 § 6; amended, 1971, 760 § 18; section revised, 1971, 1076 § 6. (See 1970, 888 § 31.)

Chapter 126. — Jails, Houses of Correction and Reformation, and County Industrial Farms.

SECT. 4, sentence added, 1957, 192.

SECT. 9A added, 1948, 469 (relative to the wearing of uniforms by certain officers and employees of county penal institutions).

SECT. 16 revised, 1937, 219 § 6.

SECT. 18A added, 1953, 355 (relative to indemnification by counties of certain officers sustaining expenses or damages by reason of wilful acts of inmates).

SECT. 22 amended, 1974, 260 § 24.

SECT. 24, last sentence revised, 1955, 770 § 12. (See 1955, 770 §§ 117, 118, 123.)

SECT. 27 revised, 1971, 399.

SECT. 37 amended, 1936, 228.

SECT. 38 revised, 1957, 28 § 1. (See 1957, 28 § 2.)

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

SECT. 1 revised, 1941, 490 § 27.

SECTS. 1A-1B added, 1972, 777 § 11 (providing minimum standards for the care and custody of prisoners in county correctional facilities and for inspections of such facilities).

SECT. 2 amended, 1941, 344 § 10; revised, 1955, 770 § 13; amended, 1957, 777 § 7; sentence added, 1972, 805 § 3. (See 1955, 770 §§ 117, 118, 123.)

SECT. 3, sentence added, 1962, 569.

SECT. 4 amended, 1955, 770 § 14. (See 1955, 770 §§ 117, 118, 123.)

SECT. 6 amended, 1955, 770 § 15; revised, 1957, 777 § 8. (See 1955, 770 §§ 117, 118, 123.)

SECT. 10 amended, 1936, 23 § 3; 1941, 656 § 15; revised, 1955, 770 § 16. (See 1941, 656 § 17; 1955, 770 §§ 116-118, 123.)

SECT. 11 revised, 1941, 344 § 11; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 12 amended, 1941, 344 § 12; revised, 1955, 770 § 17. (See 1955, 770 §§ 116-118, 123.)

SECT. 14 amended, 1939, 200.

SECT. 15 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 16, last sentence stricken out, 1933, 77 § 1; section amended, 1941, 344 § 13; revised, 1948, 129 § 8; first sentence revised, 1955, 770 § 18; section revised, 1957, 777 § 9. (See 1955, 770 §§ 117, 123.)

SECT. 17 revised, 1933, 77 § 2; last sentence revised, 1955, 770 § 19. (See 1955, 770 §§ 117, 123.)

SECT. 18 amended, 1933, 77 § 3.

SECT. 20 revised, 1955, 770 § 20; amended, 1956, 731 § 6. (See 1955, 770 §§ 117, 123; 1956, 731 §§ 29-33.)

SECT. 21 revised, 1955, 770 § 21. (See 1955, 770 §§ 117, 123.)

SECT. 23 amended, 1941, 69.

SECT. 27 amended, 1955, 770 § 22. (See 1955, 770 §§ 117, 123.)

SECT. 28 revised, 1955, 770 § 23; amended, 1957, 777 § 10; sentence added, 1972, 805 § 4. (See 1955, 770 SECT. 117, 123.)

SECT. 29, sentence added, 1972, 805 § 5.

SECT. 32 revised, 1955, 770 § 24; amended, 1957, 777 § 11.

SECT. 33 revised, 1955, 770 § 25; amended, 1957, 777 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 34 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 35 amended, 1941, 344 § 14; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 36 revised, 1941, 237 § 1; first sentence revised, 1955, 770 § 26; section revised, 1957, 777 § 13; 1962, 142. (See 1955, 770 §§ 117, 123.)

SECT. 36A added, 1955, 770 § 27 (relative to the right of an inmate to confer with an attorney at law designated by him); amended, 1957, 777 § 14. (See 1955, 770 §§ 116, 117, 123.)

SECT. 37 revised, 1941, 237 § 2; 1955, 770 § 28; amended, 1957, 777 § 15. (See 1955, 770 §§ 117, 123.)

SECT. 38A added, 1953, 295 (penalizing prisoners in certain correctional institutions who hold persons as hostages).

SECT. 38B added, 1959, 445 § 1 (establishing a penalty for assult or assault and battery by certain prisoners on their custodians or guards); revised, 1966, 279.

SECT. 38C added, 1960, 807 (providing that the superintendent of a correctional institution notify the district attorney of each felony committed therein).

SECT. 39 amended, 1955, 357; revised, 1955, 770 § 29; amended, 1957, 777 § 16. (See 1955, 770 §§ 117, 123.)

SECT. 40 revised, 1955, 770 § 30; amended, 1957, 777 § 17. (See 1955, 770 §§ 117, 123.)

SECT. 41 revised, 1955, 770 § 31. (See 1955, 770 §§ 117, 123.)

SECTS. 42-47 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 48 revised, 1955, 770 § 32; section and preceding caption revised, 1972, 777 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 48A revised, 1946, 461 § 1; 1955, 770 § 33; amended, 1957, 777 § 18; second paragraph revised, 1960, 590. (See 1955, 770 §§ 117, 123.)

SECT. 49 revised, 1955, 770 § 34. (See 1955, 770 §§ 117, 123.)

SECT. 49 stricken out and sections 49-49A inserted, 1972, 777 § 13 (relative to prisoner participation in education, training and employment programs).

SECT. 49B added, 1973, 717 (relative to the employment of prisoners on state property).

SECT. 50 revised, 1941, 344 § 15; repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 51 amended, 1941, 344 § 16; revised, 1955, 770 § 35; amended, 1957, 777 § 19. (See 1955, 770 §§ 117, 119, 123.)

SECT. 52 revised, 1955, 770 § 36. (See 1955, 770 §§ 117, 123.)

SECT. 54 amended, 1955, 770 § 37. (See 1955, 770 §§ 117, 119, 123.)

SECT. 59 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 61 revised, 1955, 770 § 38. (See 1955, 770 §§ 117, 123.)

SECTS. 62-65 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 66 revised, 1955, 770 § 39; amended, 1957, 777 § 20. (See 1955, 770 §§ 117, 123.)

SECT. 66A added, 1955, 770 § 40 (relative to the purchase of tools, implements and materials required for use in prison industries). (See 1955, 770 §§ 117, 123.)

SECT. 67 amended, 1955, 770 § 41; revised, 1957, 777 § 21. (See 1955, 770 §§ 117, 123.)

SECT. 67A added, 1932, 252 § 1 (regulating the sale of prison made goods); repealed, 1972, 777 § 14. (See 1932, 252 § 2.)

SECT. 68 revised, 1955, 770 § 42; amended, 1972, 777 § 15. (See 1955, 770 §§ 117, 123.)

SECT. 69 amended, 1955, 770 § 43; revised, 1957, 777 § 22. (See 1955, 770 §§ 117, 123.)

SECT. 70 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 71 revised, 1951, 344 § 17; 1946, 461 § 2; first paragraph revised, 1955, 770 § 44; section revised, 1957, 777 § 23; first sentence revised, 1964, 180; section revised, 1972, 777 § 16. (See 1955, 770 §§ 117, 119, 123.)

SECT. 72 amended, 1941, 344 § 18; revised, 1941, 436 § 1; first and third sentences revised, 1955, 770 § 45; section revised, 1957, 777 § 24. (See 1941, 436 § 2; 1955, 770 §§ 117, 123.)

SECT. 73 revised, 1955, 770 § 46; amended, 1957, 777 § 25. (See 1955, 770 §§ 117, 120, 123.)

SECTS. 74-77 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 78 and sections 79-82 (and heading preceding said section 79) repealed, 1941, 344 § 19.

SECTS. 83A-83D added, 1951, 755 (relative to the establishment of prison camps in state forests). (See 1955, 770 §§ 117, 120, 123.)

SECT. 83A revised, 1956, 667; first sentence revised, 1972, 172 § 1; amended, 1975, 706 § 195; second sentence amended, 1975, 706 § 196. (See 1975, 706 § 312.)

SECT. 83B amended, 1955, 770 § 47; 1971, 1076 § 7; first paragraph amended, 1972, 172 § 2. (See 1955, 770 §§ 117, 123; 1971, 1076 § 22.)

SECT. 83D revised, 1961, 482.

SECT. 83E added, 1956, 731 § 7 (relative to the establishment of camps for certain prisoners prior to their release or parole); amended, 1957, 363; 1975, 706 § 197. (See 1975, 706 § 312.)

SECT. 84 amended, 1941, 490 § 28; first sentence amended, 1975, 706 § 198. (See 1975, 706 § 312.)

SECT. 85, caption preceding section revised, 1956, 715 § 17; section revised, 1950, 727 § 1; amended, 1955, 770 § 48; revised, 1956, 777 § 26. (See 1955, 770 §§ 117, 123.)

SECT. 86 revised, 1950, 727 § 2; amended, 1955, 770 § 49. (See 1955, 770 §§ 117, 123.)

SECTS. 85-86 repealed, 1972, 777 § 17.

SECTS. 86A-86C added, 1956, 715 § 18 (relative to the employment of prisoners in day-work).

SECT. 86B amended, 1960, 399.

SECT. 86C revised, 1960, 312.

SECTS. 86A-86C repealed, 1971, 1076 § 8. (See 1971, 1076 § 22.)

SECTS. 86D and 86E added, 1967, 723 (authorizing day work outside certain prisons).

SECT. 86D, second paragraph revised, 1970, 478.

SECTS. 86D-86E repealed, 1972, 777 § 17.

SECT. 86F added, 1967, 821 § 1 (providing for work release programs in houses of correction); amended, 1971, 26.

SECT. 86G added, 1968, 363 (providing for work release programs at Suffolk County House of Correction and Suffolk County Jail).

SECT. 87 amended, 1941, 344 § 20; revised, 1955, 770 § 50; amended, 1957, 777 § 27. (See 1955, 770 §§ 117, 123.)

SECT. 88 amended, 1955, 770 § 51; revised, 1957, 777 § 28. (See 1955, 770 §§ 117, 123.)

SECT. 89 revised, 1955, 770 § 52; amended, 1957, 777 § 29. (See 1955, 770 §§ 117, 123.)

SECT. 90 amended, 1955, 770 § 53. (See 1955, 770 §§ 117, 123.)

SECT. 90A revised, 1938, 65; 1951, 394; amended, 1952, 299; revised, 1970, 460; 1972, 777 § 18.

SECT. 91 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 92 revised, 1955, 770 § 54. (See 1955, 770 §§ 117, 123.)

SECT. 92A added, 1972, 780 (reducing the age requirement and eliminating fees for prisoners taking general educational development tests).

SECT. 93 revised, 1955, 770 § 55. (See 1955, 770 §§ 117, 123.)

SECT. 95 repealed, 1958, 588 § 1.

SECT. 96 amended, 1941, 351 § 42; repealed, 1958, 588 § 1; amended, 1958, 613 § 8B (effective date subsequent to effective date of 1958, 588 § 1 and therefore of no effect).

SECTS. 96A and 96B added, 1936, 383 (providing for the disposition of unclaimed money and property of former prisoners).

SECT. 96A amended, 1945, 290; revised, 1955, 770 § 56; amended, 1957, 777 § 30. (See 1955, 770 §§ 117, 123.)

SECT. 96B revised, 1955, 770 § 57; amended, 1957, 777 § 31. (See 1955, 770 §§ 117, 123.)

SECT. 97 revised, 1943, 113; 1955, 770 § 58; amended, 1956, 731 § 8; revised, 1958, 634; 1968, 627. (See 1955, 770 §§ 117, 123.)

SECT. 97A added, 1968, 624 (permitting transfer of prisoners sentenced to state prison to suitable and appropriate federal institutions).

SECTS. 98-108 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109 repealed, 1941, 344 § 21.

SECT. 109A repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison); repealed, 1955, 770 § 122. (See 1935, 113 § 2; 1955, 770 §§ 117, 123.)

SECTS. 110 and 111 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 11A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction); amended, 1969, 889 § 23.

SECT. 113 revised, 1955, 770 § 59. (See 1955, 770 §§ 117, 123.)

SECT. 114 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 117 revised, 1941, 410 § 1; 1943, 120.

SECT. 117A added, 1967, 258 § 1 (authorizing sheriff under certain conditions to temporarily place prisoner in a hospital).

SECT. 118 revised, 1938, 456; amended, 1941, 351 § 43; revised, 1941, 510 § 2; amended, 1958, 613 8C.

SECT. 119 revised, 1967, 258 § 2.

SECT. 122 amended, 1955, 770 § 60. (See 1955, 770 §§ 117, 123.)

SECT. 123 amended, 1941, 510 § 3; second sentence revised, 1955, 770 § 61. (See 1955, 770 §§ 117, 123.)

SECT. 124 revised, 1955, 770 § 62. (See 1955, 770 §§ 117, 123.)

SECT. 125 amended, 1946, 148; revised, 1955, 770 § 63. (See 1955, 770 §§ 117, 123.)

SECT. 126 revised, 1955, 770 § 64. (See 1955, 770 §§ 117, 123.)

SECT. 127 amended, 1938, 71; 1941, 70, 690 § 5A; first sentence revised, 1965, 754; sentence added, 1945, 449 § 2; amended, 1953, 215 § 1; last two sentences stricken out, 1955, 770 § 65. (See 1941, 690 §§ 8-10; 1953, 215 § 2; 1955, 770 §§ 117, 123.)

SECT. 128 amended, 1939, 451 § 41; revised, 1941, 690 § 1; 1960, 765 § 3; revised, 1970 § 298. (See 1941, 690 §§ 8-10.)

SECT. 129-139 stricken out and new sections 129-136A inserted, 1941, 690 § 2. (See 1941, 690 §§ 8-10.)

SECT. 129, third sentence amended, 1945, 49 § 1; section revised, 1946, 543 § 1; sentence added, 1947, 131 § 1; section revised, 1948, 450 § 1; third, fourth and fifth paragraphs revised, 1954, 567 § 4; section revised, 1955, 770 § 66; first paragraph amended, 1965, 884 § 1; last sentence of second paragraph revised, 1960, 524, 765 § 4; said sentence stricken out and two sentences inserted, 1961, 282; next to last sentence amended, 1965, 884 § 2; paragraph added, 1959, 445 § 2; revised, 1963, 535; sentence added, 1965, 884 § 3; revised, 1967, 379. (See 1945, 49 § 2; 1946, 543 § 6; 1947, 131 § 2; 1948, 450 § 3; 1954, 567 § 10; 1955, 770 §§ 117, 123; 1965, 884 § 4.)

SECT. 129A added, 1959, 224 (providing for a reduction in sentence for prisoners who donate blood for certain causes); revised, 1959, 382 § 1; sentence after first sentence, 1960, 794; section revised, 1965, 317; third sentence stricken out and two sentences inserted, 1967, 221; third and fourth sentences stricken out and sentence inserted, 1968, 205; section revised, 1975, 765. (See 1959, 382 § 2.)

SECT. 129B added, 1960, 350 (providing for the reduction of sentences of prisoners in correctional institutions by the number of days such prisoners were confined while awaiting trial); revised, 1961, 74.

SECT. 129C added, 1963, 164 (providing a further deduction of sentence for good conduct while confined at a prison camp).

SECT. 129D added, 1973, 528 (providing for deductions of sentence for certain satisfactory conduct of prisoners of correctional institutions).

SECT. 130 revised, 1946, 543 § 2; 1948, 450 § 2; 1955, 770 § 67. (See 1946, 543 § 6; 1948, 450 § 3; 1955, 770 §§ 117, 123.)

SECT. 130A added, 1955, 770 § 68 (relative to the issuance of certificates of termination by the parole board); amended, 1970, 263. (See 1955, 770 §§ 117, 123.)

SECT. 131A added, 1965, 887 (requiring the parole board to notify state and local police of the effective date and the conditions of parole permits).

SECT. 132 revised, 1956, 543 § 3; last sentence revised, 1954, 567 § 5; repealed, 1955, 770 § 122. (See 1946, 543 § 6; 1954, 567 § 10; 1955, 770 §§ 117, 123.)

SECT. 133 amended, 1946, 254; revised, 1955, 770 §§ 69; 1965, 764 § 1; amended, 1966, 261; 1969, 184; 1971, 464. (See 1955, 770 §§ 117, 123; 1965, 764 § 2.)

SECTS. 133A and 133B added, 1955, 770 § 70 (relative to the parole of certain prisoners). (See 1955, 770 §§ 117, 123.)

SECT. 133A, first sentence revised, 1956, 731 § 9; section revised, 1965, 766 § 1; third paragraph amended, 1973, 278. (See 1965, 766 § 3.)

SECT. 134 revised, 1946, 543 § 4; 1955, 770 § 71; 1960, 765 § 5; 1965, 769 § 2; amended, 1973, 647 § 1. (See 1946, 543 § 6; 1955, 770 §§ 117, 123.)

SECT. 135, last sentence revised, 1954, 567 § 6; section revised, 1960, 765 § 6. (See 1954, 567 § 10.)

SECT. 136 revised, 1946, 543 § 5; amended, 1955, 770 § 74; amended, 1973, 647 § 2; paragraph added, 1973, 647 § 3. (See 1946, 543 § 6; 1955, 770 §§ 117, 123.)

SECT. 136A amended, 1951, 33; revised, 1956, 715 § 19; repealed, 1971, 1076 § 8. (See 1971, 1076 § 22.)

SECT. 140 amended, 1971, 1076 § 9. (See 1971, 1076 § 22.)

SECT. 141 amended, 1941, 174 § 1; revised, 1947, 578; first sentence amended, 1956, 731 § 10; revised, 1960, 765 § 7; section revised, 1970, 299.

SECT. 144 amended, 1950, 460; 1970, 505.

SECT. 145 amended, 1953, 319 § 19. (See 1953, 319 §§ 39, 40.)

SECT. 146 revised, 1932, 221 § 1; two sentences inserted after third sentence, 1962, 400.

SECT. 147 stricken out, 1965, 772.

SECT. 149 amended, 1939, 451 § 51; revised, 1941, 174 § 2; amended, 1941, 690 § 3; revised, 1946, 424 § 1; amended, 1971, 592 § 2; revised, 1972, 154 § 1. (See 1941, 690 §§ 8-10; 1946, 424 § 2.)

SECT. 149A added, 1965, 765 (providing that parole officers may issue warrants for the temporary custody of parolees); amended, 1969, 291.

SECT. 140 revised, 1969, 194.

SECT. 151, last sentence amended, 1932, 180 § 25; section revised, 1956, 731 § 11; amended, 1958, 613 § 8D; 1974, 260 § 25.

SECTS. 151A-151G added, under caption, 1937, 307 § 1 (providing for the entry of this commonwealth into compacts with any of the United States for mutual helpfulness in relation to persons convicted of crimes or offenses who are on probation or parole). (See 1937, 307 § 2.)

SECT. 151F revised, 1957, 229 § 2.

SECT. 151G revised, 1957, 229 § 3.

SECT. 151H and 151I added, 1956, 229 (authorizing contracts with other states for the joint return of parole and probation violators).

SECT. 151J added, 1957, 229 § 1 (authorizing the retaking and temporary detention of parolees under the out-of-state probationer and parolee supervision law); second sentence revised, 1961, 99.

SECT. 151K added, 1958, 363 (extending the power of the commonwealth further to enter into interstate compacts for the supervision of probationers and parolees).

SECT. 152 revised, 1939, 479; sentence inserted after second sentence, 1948, 310 § 21; second paragraph revised, 1951, 42; 1952, 256; paragraph inserted after third paragraph, 1951, 773; fourth paragraph, sentence added, 1941, 297; stricken out, 1945, 38 § 8; section revised, 1954, 567 § 7; 1961, 467 § 1; second paragraph revised, 1969, 838 § 59. See 1945, 180. (See 1948, 310 §§ 30, 31; 1954, 567 § 10; 1969, 838 § 74.)

SECT. 153. See 1945, 180.

SECT. 154 amended, 1939, 451 § 52; revised, 1941, 690 § 4; 1954, 567 § 8; 1961, 467 § 2. See 1945, 180. (See 1941, 690 §§ 8-10; 1954, 567 § 10.)

SECT. 154A added, 1935, 225 (requiring consideration by the advisory board of pardons of the cases of certain life prisoners on the question of

extending clemency); amended, 1939, 451 § 53; 1955, 770 § 72; repealed, 1965, 766 § 2. (See 1955, 770 §§ 117, 123.)

SECT. 155 revised, 1954, 567 § 9. (See 1954, 567 § 10.)

SECT. 158 revised, 1941, 344 § 24; 1955, 770 § 74. (See 1955, 770 §§ 117, 123.)

SECT. 159 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 160 revised, 1941, 344 § 25; 1943, 433; last sentence stricken out, 1945, 512; section revised, 1955, 770 § 75. (See 1955, 770 §§ 117, 123.)

SECT. 162 revised, 1951, 467; 1955, 770 § 76; amended, 1957, 777 § 32. (See 1955, 770 §§ 117, 123.)

SECT. 162A added, 1961, 101 § 1 (requiring notification to the state fire marshal of the date of release or discharge of persons convicted of arson).

SECT. 165 amended, 1968, 329.

SECTS. 166-169 added, 1939, 484 (regulating the payment or receipt of money or other rewards or gratuities for the purpose of obtaining the granting of any pardon, parole or commutation of or respite from sentence).

SECTS. 166 and 167 revised, 1941, 690 § 5. (See 1941, 690 §§ 8-10.)

Chapter 128. — Agriculture.

SECT. 1 amended, 1941, 490 § 29; revised, 1967, 28; definition of "Commissioner" revised, 1975, 706 § 199; definition of "Department" revised, 1975, 706 § 199; definition of "Riding school operator" inserted, 1972, 717 § 1; definition of "Turstees" revised, 1973, 43 § 1. (See 1975, 706 § 312.)

SECT. 1A added, 1952, 386 (defining "agriculture" and farming"); revised, 1960, 181.

SECT. 2, paragraph (*a*) revised, 1941, 490 § 30; paragraph (*c*) revised, 1971, 650; paragraph (*d*) revised, 1957, 428; paragraph (*f*) amended, 1937, 415 § 1; 1938, 230; 1956, 694; revised, 1962, 558; amended, 1968, 628 § 1; paragraph (*g*) added, 1933, 291 § 1; repealed, 1941, 598 § 3; paragraph (*g*) inserted after paragraph (*f*), 1969, 807 § 2; amended, 1973, 846; paragraph (*h*) added, 1971, 987 § 2; revised, 1973, 1066; paragraph added, 1975, 619.

SECT. 2A added, 1972, 527 (requiring licensing or riding instructors).

SECT. 2B added, 1972, 717 § 2 (regulating riding schools and stables where horses are kept for hire); amended, 1973, 43 § 2.

SECT. 2C added, 1974, 204 (prohibiting the administering of drugs to certain horses).

SECT. 6 amended, 1933, 291 § 2; 598 § 4; revised, 1973, 607 § 5. (See 1973, 607 § 9.)

SECT. 7 revised, 1961, 398; 1973, 43 § 3.

SECT. 8 repealed, 1971, 29.

SECT. 8A added, 1943, 495 (relative to the control or destruction of certain rodents by the commissioner of agriculture); amended, 1946, 366; 1973, 43 § 4.

SECT. 8B added, 1969, 37 § 2 (placing mink ranches under the superivision of the department of agriculture); fourth sentence revised, 1975, 706 § 200. (See 1975, 706 § 312.)

SECT. 10 amended, 1934, 340 § 10; revised, 1973, 43 § 5. (See 1934, 340 § 18.)

SECT. 13 amended, 1934, 340 § 11; revised, 1967, 347 § 7. (See 1934, 340 § 18.)

SECTS. 16-31A affected, 1939, 405.

SECT. 16, caption preceding section revised, 1941, 490 § 31; 1965, 678 § 2; section amended, 1941, 490 § 32; revised, 1965, 678 § 2; sentence added, 1968, 436.

SECT. 20A added, 1953, 91 (relative to the control of water chestnut).

SECT. 21 revised, 1948, 303 § 1.

SECT. 22 amended, 1941, 490 § 33; repealed, 1952, 480 § 2. (See 1952, 480 § 3.)

SECT. 23 amended, 1941, 490 § 34; second sentence amended, 1975, 706 § 201. (See 1975, 706 § 312.)

SECT. 24 revised, 1972, 67.

SECT. 24A added, 1939, 136 (providing for the control of the Dutch elm disease); repealed, 1949, 761 § 13.

SECT. 27 revised, 1938, 309; 1948, 303 § 2.

SECT. 31, second sentence revised, 1967, 17.

SECT. 31A revised, 1943, 144.

SECTS. 32-38 revised, 1951, 506.

SECTS. 36 and 37 stricken out and new section 36 inserted, 1966, 606.

SECT. 36A added, 1967, 18 (requiring keeping of records by apiary inspectors).

SECT. 36B added, 1974, 404 (regulating the labeling and sale of honey).

SECT. 38A added, under caption, 1965, 678 § 3 (providing that the director of the division of fairs supervise the establishment and holding of fairs).

SECT. 39 repealed, 1933, 74 § 2.

Caption preceding section 40 revised, 1971, 990 § 1.

SECT. 40 amended, 1971, 990 § 2; revised, 1975, 77 § 1. (See 1975, 77 § 2.)

SECT. 41 revised, 1957, 319 § 1. (See 1957, 319 § 2.)

SECT. 42 revised, 1932, 166; paragraph added, 1947, 180.

SECT. 44, first sentence revised, 1969, 849 § 75; sentence inserted after first sentence, 1971, 991. (See 1969, 849 § 79.)

SECTS. 51-62 added, 1972, 365 § 3 (further regulating the sale of commercial feed).

SECT. 51, first paragraph revised, 1973, 43 § 6; definition of "Per cent or percentage" inserted, 1973, 43 § 7.

SECT. 63 added, 1973, 43 § 8 (authorizing the commissioner of agriculture to regulate the sale of commercial feed).

SECTS. 64-83 added, 1973, 607 § 6 (further regulating the sale of commercial fertilizers, soil conditioners and agricultural liming materials). (See 1973, 607 § 9.)

SECTS. 84-101 added, 1975, 203 § 2 (further regulating the sale of agricultural and other seeds).

Chapter 128A. — Horse and Dog Racing Meetings.

New chapter inserted, 1934, 374 § 3.

SECT. 1, definition of "State or county fair" added, 1958, 208 § 1; revised, 1963, 805 § 1.

SECT. 2, subsection (4) revised, 1971, 951 § 1; subsection (5) amended, 1946, 575 § 1; revised, 1958, 229 § 1; 1975, 852 § 2A; second paragraph revised, 1950, 716; 1959, 295 § 1; 1971, 43.

SECT. 3, first paragraph revised, 1935, 454 § 2; 1943, 269; 1958, 208 § 2; 1959, 295 § 2; 1963, 805 § 2; 1971, 76; first sentence amended, 1975, 706 § 202; second sentence amended, 1975, 706 § 203; third paragraph, clause (*a*) revised, 1971, 951 § 2; clause (*b*) revised, 1946, 575 § 2; 1958, 229 § 2; 1971, 955; clause (*c*) amended, 1941, 382; three sentences added, 1975, 852 § 2B; clause (*d*) revised, 1946, 575 § 3; 1953, 663; 1971, 721 § 1; stricken out, 1972, 813 § 1; clause (*e*) revised, 1939, 505 § 1; 1958, 116; 1971, 87 § 1; 1975, 852 § 2C; clause (*f*) amended, 1935, 454 § 3; revised, 1971, 721 § 2; 1973, 327 § 1; clause (*g*) revised, 1971, 87 § 2; 1975, 852 § 2D; clause (*h*) amended, 1935, 454 § 4; clause (*i*) revised, 1939, 505 § 2; 1967, 14; clause (*j*) revised, 1946, 575 § 4; 1971, 986; 1972, 813 § 2; clause (*l*) revised, 1965, 209 § 1; clause (*n*) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the pari-mutuel system of betting, on publicly owned premises); clause (*n*) added, 1935, 471 § 1 (forbidding the licensed racing of dogs under such system, in certain residential neighborhoods); designation of the clause added by 1935, 471 § 1 changed from (*n*) to (*o*), 1936, 405 § 3; clause (*p*) added, 1961, 1; clause (*q*) added, 1964, 686 § 1; revised, 1973, 214 § 1; fourth paragraph amended, 1972, 383; 1973, 214 § 2; fifth paragraph revised, 1971, 542. (See 1935, 571 § 2; 1939, 505 § 3; 1964, 686 § 2; 1975, 706 § 312.)

SECT. 4, second paragraph amended, 1947, 567; revised, 1949, 521; last paragraph revised, 1939, 356.

SECT. 5, first paragraph revised, 1935, 454 § 1; paragraph inserted after first paragraph, 1946, 252; second paragraph, as appearing in 1934, 374 § 3, revised, 1936, 351; 1946, 575 § 5; second sentence amended, 1953, 311 § 1; third paragraph, as so appearing, revised, 1936, 351; 1939, 473; first sentence revised, 1946, 381 § 1, 575 § 7; 1949, 294 § 1; amended, 1953, 311 § 2; second sentence revised, 1946, 381 § 2; 1949, 294 § 3; third sentence amended, 1953, 311 § 3; fourth paragraph amended, 1965, 209 § 2; paragraph inserted after fourth paragraph, 1947, 390 § 1; last paragraph, as appearing in 1934, 374 § 3, amended, 1939, 497; paragraph added, 1946, 575 § 6; revised, 1949, 294 § 2; section revised, 1968, 97 § 1; amended, 1969, 546 § 30; third paragraph amended, 1969, 807 § 3; third, fourth and fifth paragraphs stricken out and seven paragraphs inserted, 1971, 718 § 1; third paragraph amended, 1972, 208 § 1; fourth paragraph revised, 1972, 208 § 2; fifth paragraph revised, 1975, 852 § 3; sixth paragraph stricken out, 1969, 546 § 31; last paragraph revised, 1971, 718 § 2; 1972, 208 § 3. Temporarily affected, 1948, 220; 1949, 294 § 4; 1951, 178; 1953, 246 § 14, 499; 1955, 276, 1957, 280; 1959, 32; 1961, 137; 1963, 290; 1965, 292. (See 1969, 546 § 34.)

SECT. 5A added, 1046, 445 § 1 (relative to the disposition of money held for payment of unclaimed winnings upon wagers made at horse and dog racing meetings). (See 1946, 445 § 2.)

SECT. 8 revised, 1971, 721 § 3.

SECT. 8A added, 1974, 507 § 2 (further regulating the duties of the state racing commission).

SECT. 9, first paragraph revised, 1971, 96; last paragraph revised, 1935, 454 § 5.

SECT. 9A added, 1935, 454 § 6 (relative to rules, regulations and conditions to be prescribed by the state racing commission); revised, 1956, 454.

SECT. 10 revised, 1936, 268.

SECT. 10A added, 1960, 102 (prohibiting certain persons from entertaining, while a racing meeting is being conducted, the premises of a licensee).

SECT. 10B added, 1973, 457 (providing a penalty for falsely making, altering, forging, uttering or publishing pari-mutuel betting tickets).

SECT. 11A added, 1963, 835 (prohibiting interlocking directorates between fairs and commercial racing corporations).

SECT. 11B added, 1972, 397 (further regulating certain licensees of the state racing commission).

SECT. 13 amended, 1935, 454 § 7.

SECT. 13A added, 1935, 454 § 8 (relative to the application of certain laws as to betting and certain local requirements as to race tracks and public amusements, in the case of racing meetings under this chapter); revised, 1939, 159; amended, 1941, 295; first paragraph amended, 1951, 777 § 2; paragraph added, 1948, 437. (See 1935, 471 § 2.)

SECT. 13B added, 1937, 322 (prohibiting and penalizing the use of drugs for the purpose of affecting the speed of horses at horse racing meetings); revised, 1958, 86.

SECT. 13C added, 1950, 111 (penalizing attempts to influence persons connected with horse or dog racing to affect the result of a race).

SECT. 14 revised, 1935, 279 § 2; 1936, 253 § 2; amended, 1938, 282; revised, 1947, 138 § 2; second paragraph amended, 1964, 559 § 1; paragraph added, 1964, 559 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14A added, 1935, 279 § 1 (providing for the resubmission to the voters of the several counties of the question of licensing dog races at which the pari-mutuel system of betting shall be permitted); repealed, 1936, 253 § 1. (See 1935, 279 § 3; 1936, 253 § 1.)

SECT. 14B added, 1953, 389 (providing for the submission to the voters of Berkshire County of the queation of licensing horse races at county fairs at which the pari-mutuel system of betting shall be permitted); first paragraph amended, 1964, 559 § 2; paragraph added, 1964, 559 § 2.

SECT. 14C added, 1955, 406 (providing for the submission to the voters of Hampshire County of the question of licensing horse races at county fairs at which the pari-mutuel system of betting shall be permitted); first paragraph amended, 1964, 559 § 3; paragraph added, 1964, 559 § 3.

SECT. 15 revised, 1936, 436 § 2; 1941, 729 § 12; amended, 1947, 390 § 2; revised, 1948, 319; 1955, 540 § 2; 1965, 525; 1968, 97 § 2; amended, 1968, 628 § 2; 1969, 807 § 4; revised, 1971 987 § 3. (See 1936, 436 § 4; 1941, 729 § 15; 1955, 540 §§ 5-7.)

Chapter 128B. — Conservation of Soil and Soil Resources and Prevention and Control of Erosion.

New chapter inserted, 1945, 531.

SECT. 2, paragraph (2) revised, 1947, 73 § 1,

SECT. 3, first paragraph revised, 1955, 307 § 1; third paragraph, subdivision 1 revised, 1956, 513 § 1; subdivision 5 revised, 1949, 517; subdivision 9 added, 1956, 513 § 2. (See 1955, 307 § 2.)

SECT. 5 revised, 1947, 73 § 2; 1954, 244.

SECT. 7, subdivision 1 revised, 1956, 513 § 3; subdivisions 3 and 4 revised, 1956, 513 § 4; subdivision 6 revised, 1956, 513 § 5.

Chapter repealed, 1963, 664 § 4. (See 1963, 664 §§ 5-7.)

Chapter 129. — Livestock Disease Control (former title, Animal Industry).

Title changed, 1941, 490 § 35.

SECT. 1 revised, 1934, 340 § 12; definition of "Agents" revised, 1967, 347 § 8; 1975, 706 § 204; definition of "Contagious disease" revised, 1966, 54; definitions of "Director" and "Division" revised, 1967, 347 § 9; 1975, 706 § 205; definition of "Domestic animals" added, 1935, 70; definition of "Pet shop" added, 1971, 993 § 1. (See 1934, 340 § 18; 1975, 706 § 312.)

SECT. 8A added, 1941, 375 (establishing a scale of fees for the innoculation of swine against hog cholera); repealed, 1966, 397.

SECT. 9 amended, 1943, 332 § 10; 1971, 32.

SECT. 10 amended, 1934, 340 § 13. (See 1934, 340 § 18.)

SECT. 12A repealed, 1966, 398.

SECT. 13 repealed, 1966, 399.

SECT. 13A added, 1974, 743 (providing for the destruction of and partial reimbursement for the value of certain diseased animals).

SECT. 14A added, 1953, 19 § 1 (providing for co-operation with the federal government in the eradication of certain animal diseases). (See 1953, 19 § 2); section stricken out and sections 14A and 14B inserted, 1953, 655 § 2 (providing for the eradication of certain animal diseases). (See 1953, 655 § 1.)

SECT. 14B, fourth paragraph revised, 1967, 347 § 10; eighth and ninth paragraphs revised, 1967, 347 § 11.

SECT. 14C added, 1968, 510 (providing for slaughtering of cholera-exposed or affected hogs); amended, 1973, 882; first sentence revised, 1975, 706 § 206. (See 1975, 706 § 312.)

SECT. 14D added, 1974, 592 § 1 (providing for the slaughtering of certain hogs and payment to owners thereof).

SECT. 15 revised, 1941, 162; amended, 1962, 255; revised, 1963, 579 § 1; amended, 1969, 159.

SECT. 21 amended, 1963, 29.

SECT. 26A revised, 1938, 168; amended, 1941, 173; revised, 1966, 55.

SECT. 26B added, 1957, 337 (relative to the control of disease in the purchase, sale and transportation of live poultry and hatching eggs).

SECT. 29 amended, 1938, 308.

SECT. 32 amended, 1939, 451 § 54; first sentence amended, 1966, 52.

SECT. 33 amended, 1934, 272; 1946, 417; revised, 1952, 519; amended, 1973, 881.

SECT. 33B revised, 1934, 96; 1954, 647 § 1. (See 1954, 647 § 4.)

SECT. 33B stricken out and sections 33B-33D inserted, 1956, 527 § 1 (relative to the control and eradication of brucellosis in bovine animals). (See 1956, 527 § 5.)

SECT. 36A added, 1935, 426 (providing for the licensing of certain dealers in bovine animals); repealed, 1941, 607 § 2.

SECT. 36B added, 1938, 314 (providing for the vaccination of certain cattle to curtail the spread of Bang's disease, so called); revised, 1943, 56; 1952, 518; 1954, 647 § 2; 1956, 527 § 2; last two sentences revised, 1965, 72 § 1; 1966, 91 § 1. (See 1956, 527 § 5.)

SECT. 36C added, 1938, 386 (regulating the transportation of neat cattle); repealed, 1941, 607 § 2.

SECTS. 36D and 36E added, 1954, 647 § 3 (prohibiting the importation or transportation of certain cattle unless tested and vaccinated for brucellosis). (See 1954, 647 § 4; 1956, 527 §§ 5, 6.)

SECT. 36D revised, 1956, 527 § 3; amended, 1960, 371; revised, 1965, 72 § 2; amended, 1966, 91 § 2.

SECT. 36E revised, 1956, 527 § 3.

SECTS. 36F and 36G added, 1956, 527 § 4 (relative to the testing of cattle for brucellosis).

SECT. 36F revised, 1958, 449; 1965, 72 § 3; amended, 1966, 91 § 3.

SECT. 36H added, 1966, 94 (authorizing the director of livestock disease control to waive compliance of certain provision of law relative to brucellosis or Bang's disease in bovine animals).

SECT. 38 revised, 1934, 340 § 14; amended, 1975, 706 § 207. (See 1934, 340 § 18; 1975, 706 § 312.)

SECTS. 39-43 added, 1941, 607 § 1 (to further regulate the dealing in and transportation of bovine animals and to prevent the spread of disease among such animals).

SECT. 39 revised, 1971, 312 § 1; second sentence amended, 1975, 706 § 208. (See 1975, 706 § 312.)

SECT. 39A added, 1971, 993 § 2 (requiring certain pet shop operators to obtain licenses from the director of animal health).

SECT. 40 revised, 1946, 416 § 1; amended, 1971, 312 § 2.

SECT. 42 revised, 1966, 53.

SECT. 43 revised, 1946, 416 § 2; amended, 1971, 993 § 3.

SECT. 44 added, 1974, 570 (requiring certification of tests for equine infectious anemia in certain animals).

Chapter 129A. — Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals, General Provisions.

New chapter inserted, 1933, 329 § 1.

SECT. 1, definition of "Warden" revised, 1937, 413 § 2; definitions of "Coastal Warden", "Deputy Coastal Warden" and "Supervisor", revised, 1939, 491 § 11. (See 1937, 413 §§ 3, 4; 1939, 491 § 12.)

SECT. 10, sentence added, 1941, 171.

Chapter 129A repealed in part, 1941, 598 § 7; entirely repealed, 1941, 599 § 1. (See 1941, 598 § 9, 559 § 7.)

Chapter 130. — Marine Fish and Fisheries (former title, Marine Fish and Fisheries, including Crustacea and Shellfish).

Chapter stricken out, and new chapter 130 (with new title) inserted, 1933, 329 § 2.

Chapter stricken out and new chapter 130 (with new title) inserted, 1941, 598 § 1. (See 1941, 598 § 9.)

SECT. 1, definition of "Canned lobster meat or crab meat" inserted, 1956, 512; definitions of "Coastal warden" stricken out, 1964, 524 § 5; definition of "Commission" revised, 1975, 706 § 209; definition of "Department" revised, 1975, 706 § 210; "Deputy" or "deputy coastal warden" stricken out, 1964, 524 § 5; definition of "Fish" amended, 1945, 98 § 1; definition of "Fish inspector" stricken out, 1964, 524 § 5; definition of "Scallop" revised, 1971, 133 § 1; definition of "Shellfish" inserted, 1963, 131; last paragraph revised, 1945, 98 § 2. (See 1975, 706 § 312.)

SECT. 2, second paragraph revised, 1949, 566 § 1; amended, 1950, 628 § 1; revised, 1951, 360; last paragraph revised, 1945, 98 § 3; stricken out and three paragraphs inserted, 1962, 715 § 6.

SECT. 2A added, 1962, 715 § 7 (establishing the marine fisheries fund).

SECT. 3 revised, 1970, 861 § 1. (See 1970, 861 § 7.)

SECT. 5 repealed, 1964, 524 § 6.

SECT. 6 repealed, 1964, 524 § 6.

SECT. 7 repealed, 1964, 524 § 6.

SECT. 8 repealed, 1964, 524 § 6.

SECT. 8A added, 1963, 383 § 1 (relative to the enforcement of certain marine fisheries laws by police officers); amended, 1964, 524 § 7.

SECT. 9 amended, 1964, 524 § 8.

SECT. 11 repealed, 1964, 524 § 6.

SECT. 13, first paragraph amended, 1964, 524 § 9; third paragraph revised, 1949, 566 § 2.

SECT. 15 repealed, 1963, 383 § 2.

SECT. 15A added, 1945, 281 (providing for reciprocal enforcement of laws relating to marine fisheries); amended, 1975, 706 § 211. (See 1975, 706 § 312.)

SECT. 17, subsections (8) and (9) added, 1968, 438 § 1; subsection (10) added, 1971, 1104.

SECT. 17A added, 1962, 715 § 8 (relating to the management of marine fisheries).

SECT. 17B added, 1973, 931 § 1 (relating to aquaculture).

SECT. 19, second paragraph amended, 1975, 706 § 212. (See 1975, 706 § 312.)

SECT. 20, two paragraphs added, 1948, 430 § 1. (See 1948, 430 §§ 2, 3.)

SECT. 20A added, 1974, 571 (establishing a program for matching city or town funds for the propagation of shell fisheries).

SECT. 22 revised, 1952, 501 § 1; repealed, 1972, 789 § 1.

SECTS. 23-24 revised, 1972, 789 § 2.

SECT. 25, first sentence amended, 1972, 789 § 3; revised, 1975, 706 § 213; sentence added, 1972, 789 § 4. (See 1975, 706 § 312.)

SECT. 26, first sentence amended, 1972, 789 § 5.

SECT. 27 revised, 1972, 789 § 6.

SECT. 27A added, 1963, 426 (regulating the removal, filling and dredging of certain areas bordering on the coastal waters of the commonwealth); second sentence amended, 1969, 406 § 1; third sentence stricken out and two sentences inserted, 1965, 375; fourth sentence amended, 1969, 406 § 2; section revised, 1972, 510; repealed, 1972, 784 § 2.

SECT. 28 amended,, 1975, 706 § 214. (See 1975, 706 § 312.)

SECT. 31 amended, 1945, 98 § 4; revised, 1960, 233.

SECT. 33 amended, 1945, 98 § 5.

SECT. 37, paragraph contained in lines 10 and 11 amended, 1943, 149; revised, 1943, 533 § 1; 1948, 76 § 1; section revised, 1960, 152; amended, 1971, 91. (See 1943, 533 § 2.)

SECT. 37A added, 1958, 281 (relative to the taking of green crabs).

SECT. 38 revised, 1960, 642; first paragraph, first sentence stricken out and nine sentences inserted, 1970, 861 § 2; sixth and seventh sentences revised, 1971, 442 § 1; ninth sentence revised, 1973, 878; second paragraph stricken out, 1973, 393 § 1; third paragraph, first and second sentences revised, 1973, 393 § 2; first sentence revised, 1973, 709; 1975, 431; third sentence stricken out and eight sentences inserted, 1969, 737 § 1; fourth paragraph amended, 1969, 737 § 2; stricken out, 1970, 861 § 3; fifth paragraph revised, 1970, 861 § 4. (See 1969, 737 § 4; 1970, 861 § 7; 1971, 442 § 4.)

SECT. 38A added, 1969, 737 § 3 (relating to visible identification of lobster and edible crab fishermen and their equipment); amended, 1975, 32.

SECT. 38B added, 1975, 484 § 1 (further regulating the issuance of commercial fisherman permits for the taking of lobsters in coastal waters); first paragraph revised, 1975, 729.

SECT. 39 amended, 1959, 150; 1964, 524 § 10; 1972, 26.

SECT. 40 revised, 1951, 194; amended, 1954, 248.

SECT. 41 revised, 1963, 300 § 1; 1966, 610; 1967, 392; first sentence amended, 1970, 779 § 1.

SECT. 41A added, 1970, 779 § 2 (relative to penalties for possession of female lobsters from which eggs have been removed).

SECT. 42, last sentence amended, 1945, 242 § 15.

SECT. 43, second and third sentences revised, 1949, 566 § 3; last sentence amended, 1945, 242 § 16; section revised, 1959, 153; amended, 1973, 225.

SECT. 44 revised, 1950, 423 § 1; 628 § 2; 1951, 408 § 1; 1953, 156; amended, 1959, 151; revised, 1963, 300 § 2. (See 1951, 408 § 2.)

SECT. 45 revised, 1963, 300 § 2; repealed, 1964, 524 § 6.

SECT. 46 repealed, 1964, 524 § 6.

SECT. 47, third sentence revised, 1963, 300 § 4.

SECT. 52, first paragraph, sentence added, 1970, 236; fourth paragraph, two sentences inserted after first sentence, 1972, 33.

SECT. 55 amended, 1951, 281; 1952, 182.

SECT. 57, first paragraph revised, 1973, 931 § 2.

SECT. 58 amended, 1973, 931 § 3.

SECT. 59 revised, 1973, 931 § 4.

SECT. 61 amended, 1973, 931 § 5.

SECT. 62, third sentence amended, 1973, 931 § 6.

SECT. 64 amended, 1973, 931 § 7.

SECT. 65 amended, 1973, 931 § 8.

SECT. 68A added, 1973, 931 § 9 (regulating the issuance of an aquaculture license).

SECT. 69 amended, 1945, 98 § 6; revised, 1959, 201.

SECT. 74, first paragraph amended, 1948, 463; sentence added, 1945, 99 § 1; section revised, 1954, 243 § 1; paragraph inserted, after paragraph (5), 1960, 324; section revised, 1967, 51; 1975, 706 § 215. (See 1954, 243 § 2; 1975, 706 § 312.)

SECT. 74A added, 1956, 288 § 1 (authorizing the department of public health immediately to designate shellfish areas as contaminated in the event of emergencies); revised, 1975, 706 § 216. (See 1975, 706 § 312.)

SECT. 75, second paragraph amended, 1956, 288 § 2; 1965, 124.

SECT. 76, paragraph inserted after third paragraph, 1948, 365; section revised, 1961, 506 § 1; first sentence amended, 1975, 706 § 217; third sentence amended, 1975, 706 § 218. (See 1975, 706 § 312.)

SECT. 77 revised, 1961, 506 § 2; first sentence amended, 1975, 706 § 219. (See 1975, 706 § 312.)

SECT. 78 repealed, 1961, 506 § 3.

SECT. 79 repealed, 1961, 506 § 3.

SECT. 80, first paragraph amended, 1961, 199 § 1; second paragraph amended, 1961, 199 § 2; third paragraph amended, 1945, 98 § 7; fifth paragraph revised, 1967, 878; sixth and seventh paragraphs stricken out and paragraph inserted, 1964, 524 § 11; section revised, 1970, 861 § 5; first paragraph amended, 1971, 442 § 2; second paragraph amended, 1971, 442 § 3. (See 1970, 861 § 7, 442 § 4.)

SECT. 81, first sentence amended and sentence inserted after first sentence, 1955, 711; sentence added, 1945, 99 § 2; stricken out, 1961, 199 § 3; section revised, 1965, 70.

SECT. 82, sentence inserted after first sentence, 1964, 257 § 1; sentence added, 1945, 99 § 3; stricken out, 1961, 199 § 4.

SECT. 83 revised, 1965, 697; 1970, 861 § 6; 1974, 262. (See 1970, 861 § 7.)

SECT. 84, caption preceding said section stricken out, 1964, 524 § 5A; section repealed, 1964, 524 § 6.

SECT. 85 repealed, 1964, 524 § 6.

SECT. 87 amended, 1954, 186; repealed, 1964, 524 § 6.

SECT. 88 repealed, 1964, 524 § 6.
SECT. 89 repealed, 1964, 524 § 6.
SECT. 90 repealed, 1964, 524 § 6.
SECT. 91 repealed, 1964, 524 § 6.
SECT. 92, first paragraph amended, 1961, 199 § 5; second paragraph amended, 1971, 133 § 2.
SECT. 96 revised, 1954, 167.
SECTS. 97-97A repealed, 1973, 653.
SECT. 98 revised, 1965, 439; amended, 1972, 34; revised, 1974, 209.
SECT. 100 amended, 1945, 264 § 1.
SECTS. 100A and 100B added, 1945, 264 § 2 (making permanent the law protecting striped bass). For prior temporary legislation see 1941, 421.
SECT. 100B revised, 1947, 515; 1975, 129.
SECT. 100C added, 1959, 206 (regulating the methods of taking shad); revised, 1975, 129.
SECT. 101 repealed, 1962, 222.
SECT. 101A added, 1965, 129 § 1 (providing protection for the gray seal).
SECT. 102 revised, 1964, 257 § 2.
SECT. 104 revised, 1962, 715 § 9.
SECT. 105 added, 1965, 768 § 1 (providing for the protection of the coastal wetlands of the commonwealth); eighth paragraph amended, 1975, 351; section revised, 1975, 706 § 220. (See 1965, 768 § 4; 1975, 706 § 312.)

Chapter 131. — Inland Fisheries and Game and Other Natural Resources (former title, Powers and Duties of the Division of Fisheries and Game).

Chapter stricken out and new chapter 131 (with new title) inserted 1967, 802 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

SECT. 1, definitions of "Coastal waters", "Commissioner", "Department", "Director" and "Division" revised, 1975, 706 § 221; definition of "Loaded Shotgun or rifle" revised, 1975, 162; definitions of "Falcon" and "Falconry" inserted, 1973, 496 § 1; definition of "Raptors" inserted, 1973, 496 § 2. (See 1975, 706 § 312.)
SECT. 4, clause (2) amended, 1973, 496 § 3; revised, 1973, 1071 § 1; clause (10) amended, 1975, 706 § 222; clause (12) amended, 1975, 706 § 223; clause (15) added, 1968, 718. (See 1973, 1071 § 11; 1975, 706 § 312.)
SECT. 5, paragraph inserted after first paragraph, 1972, 422; second and third paragraphs revised, 1975, 706 § 224. (See 1976, 706 § 312.)
SECT. 6 amended, 1975, 706 § 225. (See 1975, 706 § 312.)
SECT. 11, second paragraph, last sentence stricken out and two sentences inserted, 1968, 530; next to last sentence revised, 1969, 652; section revised, 1972, 706 § 1; third paragraph amended, 1973, 206; paragraph inserted after sixth paragraph, 1974, 420 § 1; seventh paragraph amended, 1973, 430 § 10.

SECT. 12 amended, 1972, 706 § 2; first sentence revised, 1975, 706 § 226. (See 1975, 706 § 312.)

SECT. 13, paragraph inserted after second paragraph, 1974, 420 § 2; paragraph added, 1968, 550.

SECT. 14, first paragraph amended, 1973, 925 § 52; clause (c) revised, 1973, 156 § 1; 1975, 217; second paragraph amended, 1975, 706 § 227; fourth paragraph revised, 1971, 60; 1973, 156 § 2. (See 1973, 925 § 84; 1975, 706 § 312.)

SECT. 16 amended, 1972, 706 § 3.

SECT. 19 stricken out and sections 19-19A inserted, 1972, 223 § 1 (further regulating the importing of fish and wildlife into the commonwealth).

SECT. 19A amended, 1973, 1071 § 2; second paragraph amended, 1975, 706 § 228. (See 1971, 1071 § 11; 1975, 706 § 312.)

SECT. 20 amended, 1972, 706 § 4; fourth sentence amended, 1975, 706 § 229. (See 1975, 706 § 312.)

SECT. 21 amended, 1972, 706 § 5.

SECT. 22 amended, 1973, 1071 § 3. (See 1973, 1071 § 11.)

SECT. 23, first paragraph, two sentences added, 1972, 573 § 1; first two paragraphs stricken out and five paragraphs inserted, 1971, 1071 § 4; seventh paragraph, clause (4) revised, 1973, 1071 § 5; clause (7) revised, 1973, 1071 § 6; clauses (9)-(10) added, 1973, 496 § 4; eighth paragraph revised, 1972, 573 § 2; amended, 1973, 496 § 5; paragraph added, 1973, 1071 § 7. (See 1973, 1071 § 11.)

SECT. 25 revised, 1973, 1071 § 8. (See 1973, 1071 § 11.)

SECTS. 25A-25C added, 1973, 667 (providing for the quarantine of certain diseased fish, birds, mammals, reptiles or amphibians).

SECT. 26, first paragraph revised, 1973, 1071 § 9; third paragraph revised, 1973, 1071 § 10. (See 1973, 1071 § 11.)

SECT. 26A added, 1971, 876 § 1 (providing protection for certain wild animals); first paragraph amended, 1972, 127 § 1. (See 1971, 876 § 2; 1972, 127 § 2.)

SECT. 27 amended, 1972, 706 § 6.

SECT. 28, first paragraph, clause 1 amended, 1972, 706 § 7; clause (2) amended, 1969, 17, 1972, 706 § 8.

SECT. 29 revised, 1972, 125; amended, 1972, 223 § 2.

SECT. 30 amended, 1975, 706 § 230. (See 1975, 706 § 312.)

SECT. 31 amended, 1972, 135; second paragraph clause (3) amended, 1972, 706 § 9; 1973, 496 § 6.

SECT. 32, third sentence amended, 1975, 706 § 231. (See 1975, 706 § 312.)

SECT. 33 revised, 1969, 280.

SECT. 39, first paragraph revised, 1975, 498.

SECT. 39A added, 1974, 842 § 1 (regulating certain activities in mountain regions of Berkshire county); section revised, 1975, 688 § 1; tenth paragraph, fourth sentence revised, 1975, 706 § 232; fifteenth and sixteenth paragraphs revised, 1975, 706 § 233; seventeenth paragraph, fourth sentence revised, 1975, 706 § 234, eighteenth paragraph, first sentence revised, 1975, 706 § 235; eighth sentence revised, 1975, 706 § 236. (See 1975, 706 § 312.)

SECT. 40, sentence inserted before next to last sentence, 1968, 444 § 2; section revised, 1971, 1020; 1972, 784 § 1; fourth paragraph amended, 1973, 163; paragraph inserted after eleventh paragraph, 1973, 769; section revised, 1974, 818 § 1; first paragraph, fourth sentence revised, 1975, 706 § 237; sixth sentence revised, 1975, 706 § 238; second paragraph revised, 1975, 363 § 1; eleventh paragraph, second sentence, 1975, 706 § 239; twelfth paragraph, third sentence revised, 1975, 706 § 240; thirteenth paragraph revised, 1975, 706 § 241; fifteenth and sixteenth paragraphs revised, 1975, 706 § 242; seventeenth paragraph revised, 1975, 363 § 2; eighteenth paragraph, second sentence stricken out, two sentences inserted, 1975, 363 § 3; nineteenth paragraph, first sentence revised, 1975, 334; second sentence revised, 1975, 706 § 243. (See 1975, 706 § 312.)

SECT. 40A added, 1968, 444 § 1 (protecting the inland wetlands of the commonwealth); revised, 1972, 782; first paragraph amended, 1974, 818 § 2; first sentence revised, 1975, 706 § 244; third paragraph amended, 1975, 706 § 245; sixth paragraph, first sentence amended, 1975, 706 § 246; third sentence amended, 1975, 706 § 247; seventh paragraph revised, 1975, 706 § 248. (See 1975, 706 § 312.)

SECT. 41 revised, 1970, § 136.

SECT. 42 revised, 1970, 612; third paragraph, first sentence amended, 1975, 706 § 249; fourth sentence amended, 1975, 706 § 250. (See 1975, 706 § 312.)

SECT. 45, sentence inserted after first sentence, 1971, 498; third sentence revised, 1975, 147; 706 § 251. (See 1975, 706 § 312.)

SECT. 46 amended, 1975, 706 § 252. (See 1975, 706 § 312.)

SECT. 57, second sentence amended, 1973, 402; third sentence revised, 1968, 214; amended, 1973, 496 § 7.

SECT. 59, second paragraph, first sentence amended, 1975, 706 § 253. (See 1975, 706 § 312.)

SECT. 63 amended, 1970, 732 § 2.

SECT. 65 amended, 1970, 183; paragraph added, 1970, 732 § 3.

SECT. 71 revised, 1969, 167; 1970, 167.

SECT. 75A added, 1972, 445 § 1 (regulating the hunting or possession of certain birds or their eggs); amended, 1973, 496 § 8.

SECT. 80 amended, 1972, 706 § 10.

SECT. 80A added, 1974, 796 § 1 (prohibiting the use of certain traps or other devices for the capture of fur-bearing mammals). (See 1974, 796 § 2.)

SECT. 87, third sentence revised, 1972, 221.

SECT. 90, first paragraph amended, 1970, 224 § 1; 1975, 30; second paragraph stricken out and two paragraphs inserted, 1970, 102; third paragraph stricken out, 1972, 223 § 3; fourth paragraph amended, 1972, 223 § 4; fifth and sixth paragraphs revised, 1971, 149; eighth paragraph, first sentence revised, 1970, 224 § 2; eleventh paragraph inserted, 1972, 445 § 2.

Chapter 132. — Forestry.

For temporary legislation relative to suppression of the gypsy moth, see 1952, 622.

SECT. 1 amended, 1937, 415 § 2; 1941, 490 § 36; 1947, 344 § 26; 1948, 660 § 2; revised, 1975, 706 § 254. (See 1948, 660 § 26; 1975, 706 § 312.)

SECT. 1A, added, 1948, 660 § 3 (relative to the duties of the chief moth superintendent); amended, 1949, 761 § 1.

SECT. 2 amended, 1975, 706 § 255. (See 1975, 706 § 312.)

SECT. 4 revised, 1948, 660 § 4; amended, 1949, 761 § 2.

SECT. 5 repealed, 1932, 180 § 27.

SECT. 6 revised, 1941, 455; amended, 1952, 363.

SECT. 8 revised, 148, 660 § 5; 1949, 761 § 3; 1956, 657 § 2.

SECT. 9 revised, 1952, 308 § 1.

SECT. 11 revised, 1937, 415 § 3; 1948, 660 § 6; first sentence amended, 1949, 761 § 4; 1950, 422; 1955, 340; section revised, 1956, 657 § 3; first paragraph revised, 1967, 52.

SECT. 11A added, 1952, 480 § 1 (relative to elimination of white pine blister rust by department of conservation); revised, 1956, 657 § 4. (See 1952, 480 § 3.)

SECT. 12 amended, 1937, 415 § 4; revised, 1948, 660 § 7; 1956, 657 § 5.

SECT. 12A added, 1945, 401 (relative to suppression of gypsy moths, etc., on land of the commonwealth); revised, 1948, 660 § 8; 1949, 761 § 5; 1956, 657 § 6.

SECT. 13 revised, 1935, 87; amended, 1937, 415 § 5; revised, 1948, 660 § 9; last sentence stricken out and two sentences inserted, 1949, 761 § 6; last sentence revised, 1950, 694 § 1; section revised, 1956, 657 § 7; first three sentences stricken out and two sentences inserted, 1968, 80; fourth sentence amended, 1975, 706 § 256. (See 1975, 706 § 312.)

SECT. 14 revised, 1937, 415 § 6; revised, 1948, 660 § 10; third paragraph revised, 1949, 761 § 7; amended, 1950, 694 § 2; revised, 1951, 488; sixth paragraph revised, 1949, 761 § 8; section revised, 1956, 657 § 8.

SECT. 15 revised, 1948, 660 § 11; 1956, 657 § 9.

SECT. 16 revised, 1948, 660 § 12; 1956, 657 § 10.

SECT. 17 amended, 1937, 415 § 6A; last sentence revised, 1946, 432 § 10; section revised, 1948, 660 § 13; 1956, 657 § 11.

SECT. 18 amended, 1937, 415 § 6B; revised, 1948, 660 § 14; repealed, 1956, 657 § 12.

SECT. 18A added, 1949, 174 (authorizing municipalities to form districts and pool expenditures for the suppression of certain insect pests); first paragraph revised, 1952, 489 § 1; section repealed, 1956, 657 § 12.

SECT. 18B added, 1949, 211 (authorizing counties to engage in the work of suppression of certain insect pests); revised, 1952, 489 § 2; repealed, 1956, 657 § 12.

SECT. 19 revised, 1948, 660 § 15; repealed, 1956, 657 § 12.

SECT. 20 repealed, 1956, 657 § 12.

SECT. 21 repealed, 1956, 657 § 12.

SECT. 22 amended, 1937, 415 § 7; revised, 1948, 660 § 16; repealed, 1956, 657 § 12.

SECT. 23 revised, 1948, 660 § 17; repealed, 1956, 657 § 12.

SECT. 24 revised, 1948, 660 § 18; repealed, 1956, 657 § 12.

SECT. 25 revised, 1937, 415 § 8; 1948, 660 § 19; amended, 1949, 761 § 9; revised, 1956, 657 § 13.

SECT. 26 amended, 1937, 415 § 9; revised, 1948, 660 § 20; sentence added 1954, 118; section repealed, 1956, 657 § 14.

SECTS. 26A-26D added, 1949, 761 § 10 (relative to the eradication of the Dutch elm disease).

SECT. 26A revised, 1956, 657 § 15.

SECT. 26B repealed, 1956, 657 § 16.

SECT. 26C amended, 1950, 694 § 3; repealed, 1956, 657 § 16.

SECT. 26D revised, 1952, 489 § 3; 1956, 657 § 17.

SECTS. 26E-26G added, 1956, 657 § 18 (relative to the condemnation, removal and destruction of trees infected with Dutch elm disease).

SECT. 27 amended, 1937, 415 § 10; revised, 1948, 660 § 21; repealed, 1956, 657 § 19.

SECT. 28 amended, 1937, 415 § 11; revised, 1948, 660 § 22; repealed, 1956, 657 § 19.

SECT. 29 repealed, 1948, 660 § 23.

SECT. 30, last sentence revised, 1945, 514; section amended, 1975, 706 § 257. (See 1975, 706 § 312.)

SECT. 31, third sentence amended, 1975, 706 § 258. (See 1975, 706 § 312.)

SECT. 32 amended, 1975, 706 § 259. (See 1975, 706 § 312.)

SECT. 33 amended, 1935, 373; 1936; 415 § 1.

SECT. 34, new paragraph added, 1935, 233.

SECT. 34A, first paragraph revised, 1950, 574; paragraph added, 1947, 366.

SECT. 35 amended, 1952, 308 § 2.

SECT. 36 revised, 1936, 415 § 2.

SECT. 36A added, 1945, 27 (relative to the acquisition by prescription or adverse possession of title to lands of the commonwealth under control of the department of conservation); amended, 1975, 706 § 260. (See 1975, 706 § 312.)

SECT. 38A added, 1969, 458 (directing the department of natural resources to construct trails for horseback riding, hiking and snowmobiling); amended, 1974, 806 § 14; revised, 1975, 706 § 261. (See 1974, 806 § 41; 1975, 706 § 312.)

SECTS. 40-45 added, under caption, 1943, 539.

SECTS. 42, 43 and 44 revised, 1952, 427.

SECT. 43 amended, 1970, 756 § 1.

SECT. 45 revised, 1970, 756 § 2.

SECT. 46 added, 1957, 652 (requiring a license for the harvesting of timber or other forest products for hire or profit on land devoted to forest purposes); revised, 1970, 756 § 3.

Chapter 132A. — State Recreation Areas outside of the Metropolitan Parks District (former title, State Parks and Reservations outside of the Metropolitan Parks District).

Title changed, 1954, 419 § 1.

SECT. 1 amended, 1954, 419 § 2; first sentence amended, 1975, 706 § 262. (See 1954, 419 § 6; 1975, 706 § 312.)

SECT. 2 amended, 1941, 490 § 37; 1954, 419 § 3; 1975, 706 § 263. (See 1954, 419 § 6; 1975, 706 § 312.)

SECTS. 2A-2D added, 1958, 656 § 1 (providing for the development of state parks, state forest recreation areas and state reservations by the department of natural resources.

SECT. 2A, first sentence amended, 1975, 706 § 264. (See 1975, 706 § 312.)

SECT. 2D, subdivision (2) amended, 1971, 902 § 2.

SECT. 3, first sentence revised, 1955, 672; 1958, 656 § 2; sentence inserted after second sentence, 1964, 365; fifth sentence amended, 1975, 706 § 265. (See 1975, 706 § 312.)

SECT. 3A added, 1958, 656 § 3 (relative to the taking of certain lands by the department of natural resources); first sentence amended, 1975, 706 § 266. (See 1975, 706 § 312.)

SECT. 4 amended, 1954, 419 § 4; 1958, 640 § 10; first sentence amended, 1968, 501 § 3. (See 1954, 419 § 6; 1968, 501 § 7.)

SECT. 5 amended, 1946, 432 § 11.

SECT. 6 revised, 1974, 492 § 17. (See 1974, 492 § 24.)

SECT. 7 revised, 1941, 722 § 11.

SECT. 9 amended, 1933, 75 § 4.

SECT. 10 added, 1954, 419 § 5 (establishing the State Recreation Areas Fund); revised, 1968, 501 § 4; amended, 1975, 706 § 267. (See 1954, 419 § 6; 1968, 501 § 7; 1975, 706 § 312.)

SECT. 11 added, 1960, 517 (establishing a conservation program for cities and towns); first sentence amended, 1975, 706 § 268; third sentence stricken out and two sentences inserted, 1966, 179; third sentence amended, 1975, 706 § 269. (See 1975, 706 § 312.)

SECT. 12 added, 1969, 627 (protecting the Appalachian trail).

SECT. 13 added, 1970, 542 (establishing an ocean sanctuary adjacent to the Cape Cod National Seashore); third paragraph amended, 1975, 706 § 270; sixth paragraph amended, 1975, 706 § 271. (See 1975, 706 § 312.)

SECTS. 14-15 added, 1971, 742 (establishing the Cape Cod Bay Ocean Sanctuary and the Cape and Islands Sanctuary).

SECT. 14, second paragraph, fourth sentence amended, 1975, 706 § 272; third and fourth paragraphs revised, 1974, 822 § 1; fourth paragraph revised, 1975, 706 § 273; fifth paragraph amended, 1975, 706 § 274; sixth paragraph amended, 1975, 706 § 275. (See 1975, 706 § 312.)

SECT. 15, third paragraph amended, 1975, 706 § 276; fourth and fifth paragraphs revised, 1974, 822 § 2; fifth paragraph revised, 1975, 706 § 277. (See 1975, 706 § 312.)

SECT. 16 added, 1972, 130 (establishing the North Shore Ocean Sanctuary); third paragraph revised, 1974, 822 § 3; fourth paragraph amended, 1975, 706 § 278; fifth paragraph amended, 1975, 706 § 279. (See 1975, 706 § 312.)

SECT. 17 added, 1975, 130 (establishing a Squannacook and Nissitissit Rivers Sanctuary).

Chapter 135. — Unclaimed and Abandoned Property.

SECT. 1 revised, 1947, 441 § 1.

SECTS. 2-4 repealed, 1947, 441 § 2.
SECT. 8 amended, 1938, 98 § 1; 1973, 640.
SECT. 9 amended, 1938, 98 § 3.
SECT. 11 amended, 1938, 98 § 2.

Chapter 136. — Observance of a Common Day of Rest and Legal Holidays (former title, Observance of the Lord's Day and Legal Holidays).

Title changed, 1960, 812 § 2; 1962, 616 § 2.

Chapter stricken out and new chapter 136 inserted, 1962, 616 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1963.

The following references are to chapter 136, as so inserted:

SECT. 2 revised, 1969, 498; amended, 1971, 951 § 3.
SECT. 3 amended, 1971, 951 § 4.
SECT. 4, paragraph (1) amended, 1964, 97; 1968, 64; revised, 1969, 152; paragraph (7) amended, 1964, 456; revised, 1973, 944 § 2; 1974, 117; paragraph (8) added, 1968, 448; paragraph (9) added, 1973, 1000 § 3.
SECT. 6, clause (2) revised, 1968, 340; clause (6) amended, 1964, 9; clause (8) and paragraph following said clause stricken out and new clause (8) inserted, 1964, 216; clause (25) revised, 1963, 230; clause (34) amended, 1965, 488; clause (37) revised, 1965, 243; clause (40) revised, 19y9, 267; clause (44) added, 1965, 370; revised, 1970, 309; clause (45) added, 1967, 311; revised, 1970, 76; clause (46) added, 1968, 392; clause (47) added, 1972, 675; clause (48) added, 1974, 219; clause (49) added, 1975, 697.
SECT. 7, first paragraph revised, 1964, 384 § 1.
SECT. 13 revised, 1968, 24 § 4; 1972, 271 § 2; amended, 1974, 205 § 2A; revised, 1974, 493 § 2. (See 1968, 24 § 7; 1974, 205 § 3.)
SECT. 14, first paragraph revised, 1963, 275; 1964, 293; amended, 1969, 213; second sentence revised, 1970, 734 § 1; second paragraph revised, 1968, 24 § 5. (See 1968, 24 § 7.)
SECT. 15 amended, 1964, 384 § 2; 1970, 734 § 2.

Chapter 138. — Alcoholic Liquors (old title, Intoxicating Liquors and Certain Non-Intoxicating Beverages).

Chapter stricken out, and new chapter 138 inserted, 1933, 376 § 2.

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 138, as so inserted:

SECT. 1, definition of "Alcohol" added, 1935, 440 § 1; definition of "Club" revised, 1934, 385 § 1; definition of "Minor" inserted, 1972, 155 § 1; 368 § 1; definition of "Restaurant" amended, 1936, definition of "Tavern" amended, 1934, 121 § 1; 1935, 253 § 1; 1968, 45; 1973, 430 § 10A, definition of "Wines" revised, 1941, 637 § 1. (See 1941, 637 § 3; 1972, 155 § 5.)

SECT. 2 revised, 1934, 305, 372 § 4; 1935, 440 § 2; first sentence revised, 1939, 470 § 1; 1943, 542 § 1.

SECT. 3 amended, 1935, 440 § 3.

SECT. 4 amended, 1934, 385 § 2; 1958, 80.

SECT. 9 amended, 1971, 477 § 1.

SECT. 7 amended, 1935, 440 § 4.

SECT. 10 amended, 1935, 440 § 5; 1973, 417.

SECT. 10A revised, 1943, 542 § 2; sentence added, 1965, 401.

SECT. 10B added, 1934, 370 § 11 (authorizing the alcoholic beverages control commission to remove a member of a local licensing board under certain conditions).

SECT. 11 revised, 1936, 207 § 1; 1947, 138 § 3; 1966, 511; amended, 1971, 339, 705; 1973, 100; 1974, 433 §§ 1, 2. (See 1935, 281.)

SECT. 11A, first paragraph amended, 1934, 142 § 1; paragraph inserted, 1934, 142 § 2; paragraph added, 1934, 142 § 3; section revised, 1934, 211 § 1; last paragraph stricken out, 1935, 440 § 6; section revised, 1951, 208. (See 1934, 142 § 4, 211 § 2.)

SECT. 12, first paragraph amended, 1934, 121 § 2; last sentence revised, 1934, 370 § 1; second paragraph amended, 1934, 121 § 2; sentence contained in lines 42-53 revised, 1934, 370 § 2; section revised, 1934, 385 § 3; first paragraph amended, 1935, 253 § 2; revised, 1935, 440 § 7; paragraph inserted after first paragraph, 1935, 253 § 3; proviso contained in lines 46-48 stricken out, 1935, 253 § 4; third paragraph revised, 1935, 440 § 8; next to last paragraph stricken out, 1935, 440 § 9; section revised, 1935, 468 § 1; first paragraph amended, 1936, 207 § 2; first sentence amended, 1973, 241 § 1; second sentence amended, 1949, 391; revised, 1967, 124; sentence inserted after second sentence, 1968 ,395; last sentence revised, 1973, 331; 1943, 542 § 3; second paragraph revised, 1936, 368 § 2; amended, 1943, 542 § 4; 1963, 176; stricken out, 1970 § 185; paragraph inserted after third paragraph, 1948, 649; revised, 1973, 1161; fourth paragraph, as appearing in 1935, 468 § 1; amended,, 1959, 480; 1973, 241 § 2; sixth paragraph amended, 1955, 336; revised, 1965, 505; 1966, 275; 1968, 268; amended, 1968, 365; revised, 1972, 138; amended, 1973, 477; paragraph added, 1937, 264; 1971, 586 § 1; eighth paragraph stricken out, 1975, 396. (See 1943, 542 § 20; 1973, 241 § 4.)

SECT. 12A added, 1950, 372 (relative to the renewal of licenses to sell liquor in restaurants).

SECT. 13, last two sentences stricken out, 1934, 385 § 4; section revised, 1935, 440 § 10; two sentences inserted after second sentence 1975, 444.

SECT. 14 amended, 1934, 370 § 3; first paragraph, first sentence amended, 1975, 509; second sentence revised, 1967, 253; amended, 1973, 241 § 3; paragraph added 1935, 440 § 11. (See 1973, 241 § 4.)

SECT. 15, first paragraph amended, 1934, 385 § 5; revised, 1935, 440 § 12; amended, 1973, 422; second paragraph revised, 1934, 370 § 4; third sentence revised, 1936, 225 § 1; paragraph revised, 1938, 353.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses); revised, 1935, 440 § 13; 1939, 414; amended, 1943, 542 § 5; first paragraph, fifth sentence revised, 1965, 400; first paragraph revised, 1967, 523; third sentence revised, 1968, 361; second paragraph, sentence inserted after first sentence, 1970, 192 § 2; section revised, 1971, 477 § 2.

SECT. 16, revised, 1936, 368 § 3.

SECT. 16A revised, 1934, 385 § 6; 1937, 424 § 1; first sentence stricken out and two sentences inserted, 1970, 352.

SECT. 16B revised, 1935, 440 § 14; paragraph added, 1937, 291; section revised, 1937, 424 § 2; second paragraph revised, 1939, 92; section amended, 1943, 542 § 6; last paragraph revised, 1964, 417.

SECT. 16C added, 1954, 569 § 1 (limiting licenses for the sale of alcoholic beverages near schools and churches); first paragraph revised, 1965, 629 § 1; 1968, 435; 1969, 38; 1970, 192 § 1; second paragraph amended, 1971, 586 § 2. (See 1954, 569 §§ 2, 3; 1965, 629 § 2.)

SECT. 16D added, 1962, 478 § 1 (prohibiting the granting of licenses for the sale of alcoholic beverages in bowling alleys). (See 1962, 478 § 2.)

SECT. 17, second proviso of first paragraph amended, 1934, 385 § 7; first paragraph amended, 1935, 81; last paragraph revised, 1934, 83; section revised, 1935, 440 § 15; first paragraph amended, 1936, 136, 245; 1937, 14 § 1; second paragraph revised, 1936, 199; paragraph added after the second paragraph, 1936, 368 § 4; section revised, 1937, 424 § 3; first two paragraphs stricken out and paragraph inserted, 1970, 453 § 1; paragraph in lines 77-105 amended, 1946, 305; 1953, 310; 1965, 570; 1968, 197 § 1A; 1970, 453 § 2; paragraph in lines 106-118 revised, 1939, 263; paragraph in lines 119-122 revised, 1941, 522; amended, 1945, 666; revised, 1950, 222; 1951, 145; paragraph inserted before last paragraph, 1968, 305; paragraph added, 1952, 197 § 1; 1960, 691. (See 1937, 14 § 2; 1952, 197 § 2.)

SECT. 18, first paragraph revised, 1935, 440 § 16; first sentence revised, 1943, 542 § 7; last two sentences revised, 1975, 665; fifth sentence revised, 1966, 571; stricken out, 1971, 729; two paragraphs added, 1934, 385 § 8; paragraph added, 1943, 542 § 8; 1973, 520.

SECT. 18A added, under caption, 1934, 312; first paragraph revised, 1935, 440 § 17; 1975, 690 § 1; third paragraph revised, 1975, 690 § 2.

SECT. 18B added, 1943, 542 § 9 (relative to the issuance of certificates of compliance to persons licensed outside the commonwealth to export and sell alcoholic beverages to licensees under this chapter); first paragraph, sentence added, 1970, 893; stricken out, 1974, 279 § 1; three paragraphs added, 1971, 1022 § 1.

SECT. 19, first paragraph revised, 1935, 440 § 18; second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10; 1935, 440 § 19; paragraph added, 1936, 368 § 5.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of salesmen for manufacturers and for wholesalers and importers); revised, 1935, 440 § 20;

first paragraph, first sentence revised, 1975, 666.

SECT. 20 revised, 1934, 385 § 12; first paragraph amended, 1936, 368 § 6; paragraph inserted, 1936, 368 § 7; section revised, 1943, 542 § 10.

SECT. 20A added, 1937, 424 § 4 (relative to granting permits to public warehousemen to store and warehouse alcoholic beverages); amended, 1953, 654 § 95.

SECT. 21 revised, 1934, 385 § 13; first paragraph amended, 1935, 440 § 21; first six paragraphs revised, 1936, 411 § 1; 1939, 367 § 1; first paragraph (as appearing in 1939, 367 § 1) amended, 1943, 542 § 11; third paragraph (as so appearing) stricken out and two new paragraphs inserted, 1941, 637 § 2; sixth paragraph (as so appearing) revised, 1943, 36; first seven paragraphs stricken out and eight paragraphs inserted, 1947, 625 § 1; next to the last paragraph (as appearing in 1934, 385 § 13) amended, 1936, 368 § 8; last paragraph (as so appearing) revised, 1939, 451 § 55; paragraph added, 1939, 394; stricken out and two paragraphs inserted, 1947, 524; section amended, 1953, 654 § 96; revised, 1954, 402; first paragraph, first sentence revised, 1966, 14 § 26; 698 § 1; amended, 1974, 316; second sentence amended, 1955, 421 § 1; three sentences in lines 59-73 revised, 1957, 374 § 1; sentence in lines 84-89 revised, 1966, 585; paragraph in lines 96-101 revised, 1957, 374 § 2; next to last paragraph amended, 1961, 259; sentence added, 1955, 421 § 2. [For temporary additional excise, 1939, 434; 1941, 339; 1943, 423; 1945, 546; 1949, 674; 1951, 386 § 7; 1955, 495 § 1; 1957, 456 § 12; 1959, 31 § 11. Additional excise, 1945, 731 § 11; 1953, 246 § 11.] (See 1936, 411 § 2; 1939, 367 § 2; 1941, 637 § 3; 1947, 625 §§ 3, 4; 1966, 14 § 27, 698 § 87.)

SECT. 22 revised, 1934, 385 § 14; 1935, 440 § 22; second paragraph amended, 1974, 608 § 1; third paragraph revised, 1956, 105; 1974, 608 § 2; fourth and fifth paragraphs stricken out and paragraph inserted, 1937, 418; fourth paragraph amended, 1974, 608 § 3; fifth paragraph revised, 1974, 608 § 4; eighth paragraph revised, 1974, 608 § 5.

SECT. 22A added, 1934, 385 § 15 (providing for the granting by the alcoholic beverages control commission in certain cases of permits to sell alcoholic beverages); sentence added. 1955, 322.

SECT. 23, fourth paragraph, sentence added, 1934, 370 § 6; last paragraph amended, 1934, 245; section revised, 1934, 385 § 16; fifth paragraph amended, 1935, 253 § 5; last four paragraphs stricken out, and five paragraphs inserted, 1935, 440 § 23; second of the paragraphs so inserted revised, 1941, 578; fourth paragraph revised, 1938, 238; next to last paragraph, sentence added, 1939, 470 § 2; section revised, 1943, 542 § 12; first paragraph amended, 1965, 399; 1971, 260 § 1; fourth paragraph revised, 1971, 260 § 2; fifth paragraph, sentence added, 1967, 454; eighth paragraph revised, 1971, 260 § 3; paragraph added, 1955, 652; stricken out, 1971, 477 § 3; paragraph added, 1973, 1009.

SECT. 23A added, 1945, 215 (authorizing the alcoholic beverages control commission to take action to eliminate unfair competition and other trade abuses in the sale of alcoholic beverages); revised, 1950, 780.

SECT. 23B added, 1955, 382 (permitting holders of alcoholic beverages licenses to retain said licenses when the licensed premises have been taken by public necessity); amended, 1958, 514; 1973, 424.

SECT. 24, first sentence amended, 1934, 232; section revised, 1943, 542 § 13; first sentence revised, 1952, 426; section revised, 1971, 478.

SECT. 25 revised, 1968, 574 § 1; paragraph inserted after first paragraph, 1970, 768 § 1; third paragraph amended, 1974, 813; fourth paragraph amended, 1970, 768 § 2; paragraph added, 1970, 768 § 3; 1974, 279 § 2.

SECTS. 25A and 25B added, 1946, 304 (prohibiting discrimination between licensees authorized to sell alcoholic beverages by eliminating the practice of granting special inducements to favored licensees).

SECT. 25A, clause (*b*) stricken out, 1970, 140 § 1; paragraph added, 1971, 494.

SECT. 25B, paragraph (*e*) revised, 1950, 261; section revised, 1970, 140 § 2.

SECT. 25C added, 1952, 385, section number corrected, 567 § 1 (relative to the elimination of certain trade abuses); paragraph (*c*) revised, 1965, 428; paragraph (*d*), second paragraph revised, 1963, 258. (See 1952, 567 § 2.)

SECT. 25D added, 1966, 706 (eliminating price discrimination against Massachusetts consumers of alcohlic beverages); paragraph (*a*) amended, 1974, 530 § 1; paragraph (*b*) revised, 1974, 530 § 2; paragraph (*h*) amended, 1973, 698.

SECT. 25E added, 1971, 833 (further regulating the sale of brand name alcoholic beverages to licensed wholesalers); amended, 1973, 442.

SECT. 26, first paragraph amended, 1935, 440 § 24.

SECT. 27 revised, 1934, 301 § 1; amended, 1934, 385 § 23; revised, 1935, 442; amended, 1936, 436 § 3; revised, 1936, 438; 1941, 729 § 13; 1947, 625 § 2; first sentence revised, 1955, 540 § 3. (See 1936, 436 § 4; 1941, 729 § 15; 1947, 625 § 4; 1955, 540 §§ 5, 6, 7.)

SECT. 28 amended, 1934, 112.

SECT. 29 revised, 1935, 440 § 25; second paragraph amended, 1956, 283 § 1. (See 1956, 283 § 2.)

SECT. 30 amended, 1935, 83 § 1; 1943, 542 § 14; revised, 1963, 449 § 1. (See 1935, 83 § 2; 1963, 449 § 2.)

SECT. 30A revised, 1934, 370 § 7; 1935, 440 § 26.

SECT. 30B amended, 1935, 440 § 27; paragraph added, 1936, 368 § 9.

SECT. 30D amended, 1935, 440 § 28.

SECT. 30E, first paragraph amended, 1935, 440 § 29.

SECT. 30F revised, 1935, 440 § 30; amended, 1974, 260 § 26.

SECT. 30G amended, 1935, 440 § 31.

SECT. 30H added, 1935, 440 § 32 (possession or transportation of alcoholic beverages or alcohol under certain circumstances deemed prima facie evidence of violation of law).

SECT. 31 amended, 1935, 440 § 33; revised, 1936, 368 § 10; repealed, 1962, 333.

SECT. 32 amended, 1934, 370 § 8.

SECT. 33 revised, 1934, 370 § 9; amended, 1935, 468 § 2; last sentence revised, 1936, 225 § 2; section amended, 1937, 268; 1941, 356; revised, 1962, 436; first sentence revised, 1971, 504; second sentence revised, 1967, 323; 1968, 24 § 6, 188 §§ 1, 2; 1972, 286; amended, 1973, 608 § 1; sentence added, 1968, 437; revised, 1971, 108. (See 1968, 24 § 7.)

SECT. 33A added, 1973, 608 § 2 (authorizing a change in the hours of sale of alcoholic beverages).

SECT. 34 amended, 1935, 440 § 34; revised, 1936, 171; 1937, 424 § 5; amended, 1943, 542 § 15; 1962, 354; revised, 1972, 155 § 2. (See 1972, 155 § 5.)

SECT. 34A added, 1935, 146 (relative to procuring by false representation sales or delivery of alcoholic beverages to minors); revised, 1935, 440 § 35.

SECT. 34B added, 1964, 735 (providing for the issuance of liquor purchase identification cards to persons twenty-one years of age or over who apply therefor); first paragraph, first sentence amended, 1972, 155 § 3; third paragraph stricken out and two paragraphs inserted, 1967, 556. (See 1972, 155 § 5.)

SECT. 34C added, 1966, 317 § 2 (prohibiting hte transportation of alcoholic beverages by minors); sentence inserted after first sentence, 1967, 377.

SECT. 36 amended, 1934, 385 § 17.

SECT. 37 revised, 1934, 385 § 18.

SECT. 38 amended, 1941, 199.

SECT. 40 amended, 1959, 313 § 1.

SECTS. 42-55 affected, 1935, 440 § 36.

SECT. 42, first paragraph amended, 1959, 313 § 2; paragraph added, 1935, 440 § 36.

SECT. 46 amended, 1934, 370 § 10; 1935, 440 § 37.

SECT. 47 amended, 1959, 313 § 3.

SECT. 50 amended, 1959, 313 § 4.

SECT. 51 amended, 1959, 313 § 5.

SECT. 52 amended, 1959, 313 § 6.

SECT. 53 amended, 1959, 313 § 7.

SECT. 54 amended, 1959, 313 § 8.

SECT. 56 revised, 1935, 440 § 38; 1936, 368 § 11.

SECT. 57 revised, 1936, 368 § 12.

SECT. 62 amended, 1935, 440 § 39.

SECT. 63, first sentence revised, 1934, 385 § 19; section revised, 1935, 440 § 40; 1936, 368 § 13.

SECT. 63A revised, 1935, 440 § 41; 1943, 542 § 16.

SECT. 64 revised, 1934, 385 § 20; sentence inserted after first sentence, 1964, 64.

SECT. 65 revised, 1943, 542 § 17.

SECT. 67 amended, 1934, 385 § 21; revised, 1935, 440 § 42; amended, 1938, 400; first paragraph amended, 1943, 542 § 18; section revised, 1953, 672; second paragraph revised, 1964, 73; fourth paragraph revised, 1962, 500; last two paragraphs stricken out and three paragraphs inserted, 1954, 574; fifth paragraph amended, 1971, 477 § 4; paragraph inserted after fifth paragraph, 1955, 461.

SECT. 69 amended, 1973, 287.

SECT. 70 revised, 1934, 301 § 2; 1945, 598.

SECT. 71 amended, 1953, 654 § 97.

SECTS. 72-75 repealed, 1934, 372 § 1.

SECT. 76 revised, 1934, 372 § 2; next to last sentence revised, 1934, 385 § 22; section revised, 1935, 440 § 43.

SECT. 77 revised, 1943, 542 § 19.

Chapter 139. — Common Nuisances.

SECT. 1 revised, 1966, 195; first sentence revised, 1970, 649 § 2.

SECT. 2, first sentence revised, 1970 649 § 3; sentence added, 1945, 697 § 5; section revised, 1973, 1114 § 8. (See 1973, 1114 § 351.)

SECT. 3A added, 1969, 649 § 4 (providing for collection of costs incurred by cities and towns for demolition and removal of burnt, dangerous or dilapidated structures).

SECT. 6 amended, 1973, 1114 § 9. (See 1973, 1114 § 351.)

SECT. 7 revised, 1973, 1114 § 10. (See 1973, 1114 § 351.)

SECT. 12 revised, 1973, 1114 § 11. (See 1973, 1114 § 351.)

SECT. 14, caption amended, 1934, 328 § 9; section amended, 1934, 328 § 10.

SECT. 16 amended, 1934, 328 § 11.

SECT. 16A amended, 1934, 328 § 12; revised, 1973, 1114 § 12. (See 1973, 1114 § 351.)

SECT. 17 repealed, 1934, 328 § 13.

SECT. 19 amended, 1934, 328 § 14.

SECT. 20 amended, 1934, 328 § 15; 1948, 132.

Chapter 140. — Licenses.

SECT. 2, fifth sentence revised, 1974, 261.

SECT. 4 amended, 1934, 171 § 1. (See 1959, 250.)

SECT. 6 amended, 1937, 424 § 6; revised, 1941, 439 § 1.

SECT. 6A added, 1937, 424 § 7 (providing for the granting of common victuallers' licenses and licenses to sell alcoholic beverages upon condition that licensed premises are equipped and furnished according to plans and estimates approved in advance); repealed, 1941, 439 § 2.

SECT. 8 amended, 1936, 368 § 14; revised, 1943, 328; repealed, 1975, 256 § 1.

SECT. 9 amended, 1975, 256 § 2.

SECT. 9A added, 1939, 431 (relative to the keeping of the premises of common victuallers open for business).

SECT. 10 amended, 1935, 167.

SECT. 12 revised, 1932, 86; 1933, 92; 1943, 31; amended, 1965, 490; 1972, 513.

SECT. 21E and 21F added, under caption, 1933, 284 (providing for the regulation of organizations dispensing food or beverages to members and guests).

SECT. 21E, last sentence revised, 1934, 328 § 16; affected, 1934, 328 § 17.

SECT. 22 amended, 1960, 740; revised, 1965, 171; revised, 1973, 481.

SECT. 22A added, 1970, 859 § 1 (authorizing the installation of kitchen and cooking facilities in certain lodging houses). (See 1970, 859 § 2.)

SECT. 23 revised, 1952, 577; 1974, 70 (See 1959, 250.)

SECT. 26 revised, 1954, 61.

SECT. 27, first sentence amended, 1947, 375; 1950, 326 § 1; 1954, 134 § 1; revised, 1964, 592 § 1; second sentence revised, 1975, 239.

SECT. 29 amended, 1953, 135.

SECTS. 32A-32E added, under caption, 1939, 416 (requiring the licensing of recreational camps, overnight camps or cabins and trailer camps);

caption preceding section 32A revised, 1950, 326 § 2; 1954, 134 § 2; 1964, 592 § 2.

SECT. 32A amended, 1950, 326 § 3; 1954, 134 § 3; revised, 1964, 592 § 3; sentence added, 1965, 426.

SECT. 32B amended, 1941, 396; revised, 1945, 153; first two sentences amended, 1950, 326 § 4; first sentence amended, 1954, 134 § 4; revised, 1964, 592 § 4; second sentence revised, 1950, 802 § 1; 1970, 296; third sentence revised, 1975, 706 § 280. (See 1950, 802 §§ 4, 5; 1975, 706 § 312.)

SECT. 32C amended, 1950, 326 § 5; 1954, 134 § 5; revised, 1964, 592 § 5.

SECT. 32D amended, 1950, 326 § 6; 1954, 134 § 6; revised, 1964, 592 § 6.

SECT. 32E amended, 1950, 326 § 7; 1954, 134 § 7; revised, 1964, 592 § 7.

SECTS. 32F-32K added, under caption, 1950, 326 § 8 (providing for the regulation of trailer coach parks); caption preceding section 32F revised, 1964, 592 § 8.

SECT. 32F, sentence added, 1950, 802 § 2; paragraph added, 1951, 74; amended, 1955, 623; 1956, 162 § 1; section revised, 1964, 592 § 9 (See 1950, 802 §§ 4, 5; 1956, 162 § 2.)

SECT. 32G revised, 1950, 802 § 3; 1952, 583 § 1; 1954, 410; 1964, 592 § 10; first paragraph amended, 1966, 104; first three sentences revised, 1968, 464 § 2; first sentence amended, 1972, 470; paragraph added, 1968, 464 § 3. (See 1950, 802 §§ 4, 5; 1952, 583 § 3.)

SECT. 32H revised, 1964, 592 § 11; first sentence amended, 1975, 706 § 281. (See 1975, 706 § 312.)

SECT. 32I revised, 1964, 592 § 12.

SECT. 32J revised, 1964, 592 § 13; 1973, 1007 § 1; second paragraph, subparagraph (4) added, 1975, 692.

SECT. 32L added, 1956, 444 (defining a trailer coach); revised, 1964, 592 § 14; stricken out and sects. 32L-32Q inserted, 1973, 1007 § 2.

SECT. 32L, first paragraph, subsection 3 amended, 1974, 277 § 1.

SECT. 34 amended, 1972, 802 § 10. (See 1972, 802 § 77.)

SECT. 35 amended, 1972, 802 § 11. (See 1972, 802 § 77.)

SECTS. 41-46 repealed, 1969, 59 § 1.

SECTS. 46A-46R added, 1964, 670 § 1 (regulating agencies procuring the employment of United States residents as domestic and household workers in the commonwealth of persons not resident therein). (See 1964, 670 §§ 2, 3.)

SECTS. 46A-46R revised, 1966, 729.

SECT. 46A, definition of "Applicant" sentence added, 1967, 896 § 3; definition of "Employment agency" revised, 1967, 896 § 1; 1968, 412 § 1; subsection (*a*) of definition of "Fee" amended, 1967, 896 § 2.

SECT. 46B, sentence added, 1967, 896 § 3A; revised, 1968, 412 § 2.

SECT. 46D, sixth sentence revised, 1969, 59 § 2.

SECT. 46L revised, 1967, 896 § 4.

SECT. 46O, paragraph (*a*) revised, 1967, 896 § 5; paragraph (*b*) amended, 1967, 896 § 6; paragraphs (*e*) and (*f*) added, 1967, 896 § 7.

SECT. 46Q, first paragraph, sentence added, 1969, 67; 371.

SECT. 46R, first paragraph amended, 1967, 896 § 8.

SECT. 48 repealed, 1937, 342 § 2.

SECT. 51 amended, 1932, 275; 1935, 428 § 3; 1936, 55 § 1; revised, 1941, 626 § 12; amended, 1947, 253. (See 1935, 428 §§ 6, 7; 1936, 55 § 2.)

SECT. 52 amended, 1935, 428 § 4. (See 1935, 428 § 7.)

SECT. 54A added, 1967, 600 § 2 (prohibiting operation of a junkyard within one thousand feet of federally aided highway).

SECT. 55 amended, 1938, 59.

SECT. 56A added, 1951, 345 (relative to the licensing of shooting galleries).

SECT. 57, sentence added, 1952, 103 § 1; revised, 1973, 129; sentence added, 1968, 32; revised, 1970, 265.

SECT. 58, second paragraph revised, 1948, 181 § 1; definition of *"Class 2"* revised, 1952, 103 § 2.

SECT. 59 amended, 1934, 254 § 1; 1938, 96; revised, 1948, 181 § 2; sentence inserted after tenth sentence, 1957, 308. (See 1934, 254 § 2; 1953, 349.)

SECT. 59A added, 1967, 600 § 3 (relative to rules governing location of screens and fences).

SECT. 60 revised, 1948, 201 § 3. (See 1948, 201 § 4.)

SECT. 62 amended, 1948, 181 § 3; second sentence revised, 1961, 73 § 3.

SECT. 63 revised, 1971, 124.

SECT. 64, first sentence revised, 1961, 45 § 1.

SECT. 65 revised, 1948, 181 § 4; repealed, 1961, 45 § 2.

SECT. 66 revised, 1963, 322; amended, 1970, 710.

SECT. 67A added, 1966, 93 (providing that junk dealers and motor vehicle dealers shall remove, and forward to the registrar of motor vehicles, identification and registration number plates from junked motor vehicles).

SECT. 69, sentence added, 1974, 119.

SECT. 71 revised, 1943, 154.

SECT. 79, sentence added, 1974, 238 § 1.

SECT. 82A added, 1974, 238 § 2 (requiring pawnbrokers to photograph persons pawning goods).

SECT. 90, three sentences added, 1934, 179 § 1; section revised, 1946, 223 § 1. (See 1946, 223 § 2.)

SECTS. 90A-90D added, 1959, 505 § 1 (limiting interest rates on home mortgages). (See 1959, 505 §§ 2-4.)

SECT. 90A, first sentence stricken out and two sentences inserted, 1960, 446; first sentence revised, 1962, 286; amended, 1973, 19.

SECT. 90E added, 1962, 523 (providing a criminal penalty for charging a greater rate of interest than allowed by the law governing the financing of certain home mortgages).

SECTS. 92 and 93 repealed, 1957 765 § 2. (See 1957, 765 § 21.)

SECT. 95 revised, 1956, 689 § 1. (See 1956, 689 § 9.)

SECT. 96, sentence added, 1934, 179 § 2; section amended, 1941, 158 § 1; 1956, 689 § 2; 1959, 136 § 1; revised, 1962, 795 § 1; third sentence revised, 1967, 190. (See 1941, 158 §§ 2, 3; 1956, 689 § 9.)

SECT. 96A added, 1975, 186 (requiring registration for the sale of certain securities by small loan companies).

SECT. 97 amended, 1969, 790 § 1; 1973, 1149 § 2. (See 1973, 1149 § 33.)

SECT. 98 amended, 1957, 97; sentence added, 1975, 170 § 2.

SECT. 100 amended, 1946, 119; revised, 1946, 174 § 1; 1956, 689 § 4. (See 1946, 174 § 2; 1956, 689 §§ 8A, 9.)

SECT. 100A added, 1968, 164 § 1 (limiting charges for insuring the life or health of certain borrowers); repealed, 1975, 401 § 2.

SECT. 102 revised, 1969, 790 § 2; amended, 1973, 1149 § 3; paragraph added, 1975, 187 § 2. (See 1973, 1149 § 33.)

SECT. 103 revised, 1962, 351 § 1.

SECT. 105 repealed, 1969, 221.

SECT. 107 revised, 1970, 316.

SECT. 108 revised, 1957, 765 § 6. (See 1957, 765 § 21.)

SECT. 110, first sentence amended, 1962, 351 § 2; third sentence amended, 1959, 136 § 2; 1956, 689 § 5; section revised, 1962, 795 § 2; first sentence revised, 1967, 196 (See 1956, 689 § 9.)

SECT. 114A added, 1956, 689 § 8 (further regulating the rate of interest and charges on loans of fifteen hundred dollars or less and relating to certain other loans); revised, 1962, 795 § 3; two sentences added, 1973, 646; last sentence revised, 1969, 168; stricken out, 1975, 401 § 3. (See 1956, 689 § 9; 1962, 795 § 4.)

SECT. 114B added, 1972, 783 § 1 (relative to maximum interest rates and billing periods for consumer credit); revised, 1973, 273 § 1; paragraph added, 1974, 13. (See 1972, 783 § 4; 1973, 273 § 5.)

SECT. 115 revised, 1948, 550 § 21; 1949, 297 § 7.

SECT. 121 amended, 1934, 359 § 1; revised, 1957, 688 § 4; first sentence revised, 1960, 186; sentence inserted after third sentence, 1959, 296 § 1; last sentence revised, 1968, 737 § 1; section revised, 1969, 799 § 1; first sentence revised, 1971, 456 § 1; first paragraph revised, 1973, 892 § 1.

SECT. 121A added, 1972, 268 (qualifying certain certifications by the department of public safety as certain prima facie evidence).

SECT. 122 revised, 1957, 688 § 5; 1959, 296 § 2.

SECT. 122A revised, 1957, 688 § 6; 1959, 296 § 3.

SECT. 122B added, 1968, 737 § 2 (further regulating the sale of ammunition); revised, 1969, 799 § 2; first paragraph amended, 1971, 456 § 2; 1973, 892 § 2; fifth paragraph revised, 1973, 157.

SECT. 123 revised, 1957, 688 § 7; 1959, 296 § 4; 1968, 737 § 3; 1969, 799 § 3.

SECT. 125 amended and sentence added, 1957, 688 § 8; first sentence revised, 1969, 799 § 4.

SECT. 126 amended, 1957, 688 § 9; revised, 1958, 49.

SECT. 127 revised, 1957, 688 § 10.

SECT. 128 amended, 1957, 688 § 11; first sentence amended, 1968, 737 § 4; revised, 1971, 456 § 3; 1973, 134; second sentence revised, 1969, 799 § 5.

SECTS. 128A and 128B added, 1968, 737 § 5 (further regulating the purchase and sale of firearms).

SECT. 128A revised, 1969, 799 § 6.

SECT. 129 amended, 1957, 688 § 12; revised, 1968, 737 § 6; 1973, 158.

SECT. 129A repealed, 1945, 254.

SECTS. 129B-129D added, 1968, 737 § 7 (regulating issuance of firearms license and identification card). (See 1968, 737 § 18.)

SECT. 129B revised, 1969, 799 § 7; first paragraph amended, 1972, 312 § 1; fifth paragraph revised, 1972, 312 § 2; sixth paragraph revised, 1971, 225.

SECT. 129C revised, 1969, 799 § 8; first and second paragraphs revised, 1973, 892 § 3; third paragraph revised, 1972, 312 § 3; amended, 1974, 289; fourth paragraph amended, 1973, 892 § 4; clause (*o*) revised, 1975, 378 § 1; fifth paragraph amended, 1973, 892 § 5; sixth paragraph stricken out, 1971, 456 § 4.

SECT. 129D revised, 1969, 799 § 9; amended, 1973, 892 § 6.

SECT. 130, sentence added, 1945, 132; section revised, 1951, 373 § 1; 1957, 688 § 13; 1959, 296 § 5; amended, 1967, 802 § 2; revised, 1968, 737 § 8; 1969, 799 § 10; amended, 1973, 161. (See 1968, 737 § 18.)

SECT. 130A added, 1951, 373 § 2 (further regulating the sale of firearms); repealed, 1956, 688 § 14.

SECT. 131 revised, 1936, 302; amended, 1951, 201; 1953, 319 § 20; sentence added, 1953, 454; section revised, 1957, 688 § 15; 1959, 296 § 6; first sentence revised, 1969, 799 § 11; sentence added, 1960, 293; section revised, 1972, 415; first paragraph, second sentence revised, 1974, 312; second paragraph amended, 1973, 138; 1974, 649 § 1; sentence added, 1975, 113 § 1; paragraph added, 1973, 892 § 7. (See 1953, 319 §§ 39, 40; 1974, 649 § 3; 1975, 113 § 4.)

SECT. 131A revised, 1957, 688 § 16; 1959, 296 § 7; first paragraph, sentence inserted after first sentence, 1965, 95; amended, 1972, 312 § 4; revised, 1973, 892 § 7A; fourth sentence revised, 1973, 135; paragraph added, 1973, 892 § 8.

SECT. 131B amended, 1956, 688 § 17.

SECT. 131C added, 1934, 246 (prohibiting persons licensed to carry pistols and revolvers from carrying the same in vehicles unless said weapons are under their control therein); first sentence amended, 1957, 688 § 18; revised, 1965, 44.

SECT. 131D added, 1947, 492 § 5 (relative to the emission of smoke by steam locomotives); repealed, 1954, 672 § 7; caption preceding section stricken out, 1957, 688 § 19.

SECTS. 131E and 131F added, 1957, 688 § 20 (prohibiting a penalty for the unlawful purchasing by a licensee of firearms for another and relative to the issuance of temporary licenses to non-residents).

SECT. 131E revised, 1968, 737 § 9; first and second sentences revised, 1969, 799 § 12; second sentence revised, 1973, 159.

SECT. 131F revised, 1959, 296 § 8; paragraph added, 1969, 799 § 12A.

SECT. 131G added, 1964, 447 (authorizing certain non-residents to carry firearms in or through the commonwealth); revised, 1965, 86; sentence added, 1975, 378 § 2.

SECT. 131H added, 1967, 802 § 3 (relative to the distribution of fines recovered in prosecution of fish, bird and mammal laws); first paragraph revised, 1969, 799 § 13; second paragraph amended, 1973, 136; third paragraph amended, 1974, 706 § 282. (See 1975, 706 § 312.)

SECT. 132 repealed, 1954, 672 § 7.

SECT. 133 amended, 1939, 451 § 56; revised, 1948, 550 § 22; 1949, 297 § 8; repealed, 1954, 672 § 7.

SECT. 134 repealed, 1954, 672 § 7.

SECT. 135 repealed, 1954, 672 § 7.

SECT. 136 revised, 1947, 492 § 6; repealed, 1954, 672 § 7.

SECT. 136A, under caption, added, 1934, 320 § 1 (definitions of certain words and phrases in sections 137-175); amended, 1943, 111 § 1; definition of "Livestock or fowls" amended, 1975, 706 § 283. (See 1934, 320 § 34; 1975, 706 § 312.)

SECT. 137 amended, 1932, 289 § 1; revised (and caption stricken out) 1934, 320 § 2; revised, 1943, 111 § 2; 1945, 140; second paragraph amended, 1956, 78 § 1; last two sentences stricken out, 1956, 44 § 1. (See 1934, 320 § 34.)

SECTS. 137A-137C added, 1934, 320 § 3 (relative to kennel licenses and regulating holders of such licenses). (See 1934, 320 § 34.)

SECT. 137A, paragraph added, 1937, 95; first paragraph stricken out and three paragraphs inserted, 1943, 111 § 3; second paragraph, sixth sentence amended, 1975, 706 § 284. (See 1975, 706 § 312.)

SECT. 137C revised, 1939, 206.

SECT. 137D added, 1948, 329 (prohibiting the issuing of dog licenses to persons convicted of cruelty to animals).

SECT. 138 revised, 1934, 320 § 4; 1938, 92; 1943, 111 § 4. (See 1934, 320 § 34.)

SECT. 139 amended, 1934, 320 § 5; sentence inserted after second sentence, 1956, 44 § 2; sentence added, 1939, 23; sentence added, 1941, 132; section revised, 1972, 35 § 1; first sentence revised, 1971, 19; third sentence amended, 1966, 535 § 11. (See 1934, 320 § 34; 1962, 35 § 2.)

SECT. 140 repealed, 1934, 320 § 6. (See 1934, 320 § 34.)

SECT. 141 revised, 1934, 320 § 7. (See 1934, 320 § 34.)

SECT. 141A added, 1957, 298 § 2 (providing that certain provisions of law relating to dogs shall not apply to chapter 49A of the General Laws).

SECT. 141B added, 1973, 854 (exempting certain pet shops from the kennel licensing laws).

SECTS. 142-144 repealed, 1934, 320 § 8. (See 1934, 320 § 34.)

SECT. 145 amended, 1932, 289 § 2.

SECT. 145A added, 1932, 289 § 3 (relative to the furnishing of anti-rabic vaccine); revised, 1934, 320 § 9; 1937, 375; last sentence revised, 1939, 42. (See 1934, 320 § 34.)

SECT. 145B added, 1969, 207 (relating to the vaccination of dogs against rabies).

SECT. 146 revised, 1934, 320 § 10; 1941, 133 § 1. (See 1934, 320 § 34.)

SECT. 147 revised, 1932, 289 § 4; 1934, 320 § 11; amended, 1941, 133 § 2; first sentence revised, 1957, 47; 1971, 125. (See 1934, 320 § 34.)

SECT. 148 repealed, 1932, 289 § 6. (See G. L. chapter 41 § 13A, inserted by 1932, 289 § 5.)

SECT. 150 revised, 1934, 320 § 12; 1954, 357. (See 1934, 320 § 34.)

SECT. 151 revised, 1934, 320 § 13; fifth sentence revised, 1948, 11 § 1; sentence inserted after fifth sentence, 1956, 78 § 2.

SECT. 151A added, 1934, 320 § 14 (powers and duties of dog officers under annual warrants from mayors or selectmen); first sentence revised, 1957, 298 § 3; amended, 1973, 49 § 2; 1974, 778 § 2; last sentence revised, 1948, 11

§ 2; amended, 1957, 48; revised, 1962, 98; 1969, 18. (See 1934, 320 § 34.)

SECT. 151B added, 1975, 146 (providing payment to veterinarians for emergency treatment to certain dogs and cats).

SECT. 152 revised, 1934, 320 § 15; 1957, 298 § 4. (See 1934, 320 § 34.)

SECT. 153 revised, 1934, 320 § 16; 1957, 298 § 5; amended, 1973, 49 § 3; 1974, 778 § 3. (See 1934, 320 § 34.)

SECT. 154 repealed, 1934, 320 § 17. (See 1934, 320 § 34.)

SECT. 155 revised, 1934, 320 § 18; sentence added, 1968, 281. (See 1934, 320 § 34.)

SECT. 155A added, 1972, 495 § 2 (providing for indemnification of police officers for certain damages).

SECT. 156 revised, 1934, 320 § 19; 1951, 156. (See 1934, 320 § 34.)

SECT. 157 revised, 1934, 320 § 20. (See 1934, 320 § 34.)

SECT. 158 revised, 1934, 320 § 21. (See 1934, 320 § 34.)

SECT. 159 revised, 1934, 320 § 22. (See 1934, 320 § 34.)

SECT. 160 revised, 1934, 320 § 23. (See 1934, 320 § 34.)

SECT. 161, first two sentences amended, 1932, 289 § 7; section amended, 1934, 320 § 24. (See 1934, 320 § 34.)

SECT. 161A added, 1934, 320 § 25 (reimbursement for damages by dogs regulated); second sentence amended, 1975, 706 § 285. (See 1934, 320 § 34; 1975, 706 § 312.)

SECT. 162 revised, 1934, 320 § 26. (See 1934, 320 § 34.)

SECT. 163 amended, 1934, 320 § 27. (See 1934, 320 § 34.)

SECT. 164 amended, 1934, 320 § 28. (See 1934, 320 § 34.)

SECT. 165 revised, 1934, 320 § 29. (See 1934, 320 § 34.)

SECT. 166 amended, 1934, 320 § 30. (See 1934, 320 § 34.)

SECT. 167, three sentences added, 1967, 234.

SECT. 170 amended, 1934, 320 § 31. (See 1934, 320 § 34.)

SECT. 171 revised, 1934, 320 § 32. (See 1934, 320 § 34.)

SECT. 172 revised, 1932, 289 § 8.

SECT. 173A added, 1967, 627 (providing for non-criminal disposition of violations of dog control laws); first paragraph amended, 1971, 526; 1973, 627.

SECT. 174 amended, 1953, 319 § 21. (See 1953, 319 §§ 39, 40.)

SECT. 174A added, 1967, 313 (regulating killing of certain dogs by carbon monoxide fumes).

SECT. 174B added, 1972, 92 (requiring restraint of dogs in public highway rest areas).

SECT. 175 revised, 1932, 289 § 9; 1934, 320 § 33; 1943, 93; repealed, 1945, 276 § 2. (See 1934, 320 § 34.)

SECT. 176 revised, 1948, 550 § 23.

SECT. 177, paragraph added, 1964, 284.

SECT. 177A added, under caption, 1949, 361 (relative to the licensing and operation of mechanical amusement devices).

SECT. 179 revised, 1948, 434; amended, 1964, 558; revised, 1968, 77.

SECTS. 180A-180D added, under caption, 1935, 378 (providing for the licensing and bonding of certain theatrical booking agents, personal agents and managers).

SECT. 180A revised, 1946, 566 § 1; paragraph added, 1948, 256; section revised, 1954, 630.

SECT. 180B revised, 1946, 566 § 2.

SECT. 180C revised, 1946, 566 § 3.

SECT. 180A and 180D stricken out and sections 180A-180G inserted, 1960, 666.

SECT. 181, paragraph added, 1971, 996. Affected by 1935, 454 § 8.

SECT. 181A added, 1948, 534 (requiring certain entertainers and persons appearing under assumed names to file their true names with the commissioner of public safety); amended, 1961, 292.

SECT. 181B added, 1949, 132 (requiring the posting of the schedule of admission prices to travelling entertainments).

SECT. 183A amended, 1935, 102 § 1; 1936, 71 § 1. (See 1935, 102 § 2.)

SECT. 183B repealed, 1936, 71 § 2.

SECT. 183D added, 1951, 216 (requiring common victuallers and others to post minimum charges).

SECT. 184 amended, 1934, 328 § 18.

SECT. 185 repealed, 1963, 195.

SECT. 185A amended, 1936, 279; paragraph added, 1941, 247.

SECT. 185D amended, 1967, 126; revised, 1975, 213.

SECT. 185F revised, 1969, 596.

SECT. 185H added, under caption, 1939, 253 (relative to the licensing and supervision of dancing schools, so called).

SECT. 185I added, 1963, 194 (providing that no person may tell fortunes for money unless licensed).

SECT. 186 amended, 1936, 169 § 1.

SECT. 187 amended, 1936, 169 § 2.

SECT. 192 revised, 1948, 550 § 24; 1949, 297 § 9.

SECT. 197 amended, 1973, 925 § 53. (See 1973, 925 § 84.)

SECT. 198, first sentence stricken out and two sentences inserted, 1968, 51 § 1.

SECT. 202 revised, 1936, 169 § 3; 1948, 550 § 25; 1949, 297 § 10; amended, 1969, 59 § 2A.

SECT. 205A added, 1974, 807 § 1 (regulating the operation of certain amusement devices); revised, 1975, 748 § 1.

SECT. 206 added, 1975, 397 § 1 (regulating the equipment and inspection of semi-public outdoor inground swimming pools).

Chapter 140A. — Regulation of Certain Credit Transactions.

New chapter inserted, 1955, 587 § 1. (See 1966, 587 § 7.)

SECT. 1, clause (1) revised, 1968, 354 § 1; clause (3), second sentence revised, 1967, 673 § 1. (See 1967, 673 § 4.)

SECT. 5, clauses (*f*) and (*g*) revised, 1967, 673 § 2. (See 1967, 673 § 4.)

SECT. 7, second sentence stricken out and three sentences inserted, 1967, 673 § 3. (See 1967, 673 § 4.)

Chapter repealed, 1969, 517 § 2.

Chapter 140B. — Control of Certain Junkyards.

New chapter inserted, 1967, 600 § 1.

Chapter 140C. — Consumer Credit Cost Disclosure.

New chapter inserted, 1969, 517 § 1.

SECT. 1, clause (*k½*) inserted, 1973, 273 § 2; clause (*u*) revised, 1974, 17 § 1.

SECT. 2 subsection (*e*) added, 1975, 592 § 1.

SECT. 3, subsection (*i*) added, 1975, 592, § 2. (See 1975, 592 § 2.)

SECT. 4, subsection (*a*) amended, 1973, 802 § 1.

SECT. 5, subsection (*a*) revised, 1974, 17 § 2; subsection (*i*) added, 1972, 229 § 1; subsection (*j*) added, 1975, 592 § 3.

SECT. 6, subsection (*a*) amended, 1973, 802 § 2; clause (1) amended, 1975, 592 § 4; subsection (*b*) amended, 1973, 802 § 3; clause (2) revised, 1975, 592 § 5; clause (8) amended, 1975, 592 § 6; subsection (*c*) revised, 1973, 802 § 4; subsection (*d*) revised, 1975, 592 § 7; subsection (*e*) revised, 1972, 229 § 2. (See 1975, 592 § 12.)

SECT. 6A added, 1971, 860 § 2 (regulating certain billing and finance charge procedures for consumer protection); first paragraph, first sentence amended, 1974, 116 § 1.

SECT. 6B added, 1972, 783 § 2 (relative to computation and imposition of finance charges); revised, 1973, 273 § 3; paragraph added, 1974, 469.

SECT. 6C added, 1974, 556 (regulating the application of funds of credit cardholders by card issuers to satisfy certain debts).

SECT. 7, subsection (*a*) amended, 1975, 592 § 8; subsection (*b*), clause (3) amended, 1974, 713 § 1; clause (7) revised, 1974, 17 § 3; subsection (*c*), clause (8) amended, 1974, 713 § 2; subsection (*d*), clause (3) amended, 1974, 713 § 3; clause (4) added, 1970, 824 § 2; subsection (*o*) revised, 1972, 229 § 3; subsection (*p*) added, 1972, 229 § 4.

SECT. 8, subsection (*a*) revised, 1975, 592 § 8A; first sentence revised, 1975, 695; subsection (*b*) amended, 1972, 229 § 5; subsection (*c*) amended, 1972, 229 § 6; subsection (*g*) amended, 1972, 229 § 7; clause (5) added, 1975, 592 § 9.

SECT. 9, subsections (*c*) and (*d*) revised, 1974, 17 § 4; subsection (*e*) added, 1972, 229 § 8; subsection (*f*) added, 1975, 592 § 10.

SECT. 9A added, 1975, 109 (relative to annual percentage rates charged by creditors).

SECT. 10, subsection (*b*) amended, 1972, 229 § 9; subsections (*e*), (*f*) and (*g*) added, 1975, 592 § 11.

Chapter 141. — Supervision of Electricians.

SECT. 1, first paragraph amended, 1943, 308; section revised, 1962, 582 § 1. (See 1962, 582 §§ 3, 4.)

SECT. 2, third paragraph revised, 1966, 9; fourth paragraph stricken out, 1946, 480 § 1.

SECT. 2A added, 1946, 480 § 2 (granting a credit in the examination standing of certain veterans applying for electricians' licenses); revised, 1954, 627 § 29. (See 1954, 627 §§ 41, 65, 67.)

SECT. 3, clause (3) revised, 1954, 190 § 1; 1960, 723; amended, 1963, 491; clause (4) amended, 1934, 347 § 1; revised, 1959, 312 § 1; revised, 1967, 317; amended, 1972, 684 § 57; clause (5) amended, 1954, 190 § 2; revised, 1959, 312 § 2; amended, 1972, 684 § 58; clause (8) amended, 1948, 187. (See 1972, 684 § 136.)

SECT. 8 revised, 1948, 629 § 1; 1962, 582 § 2. (See 1948, 629 § 2; 1962, 582 §§ 3, 4.)

Chapter 142. — Supervision of Plumbing.

SECT. 1, definition of "Apprentice" inserted, 1963, 431 § 1; definition of "Certificate of a plumbing corporation or certificate of a plumbing partnership" inserted after definition of "Certificate," 1969, 731 § 1.

SECT. 2 revised, 1958, 332; amended, 1963, 228 § 1; revised, 1971, 604 § 1.

SECT. 3, sentence inserted after the first sentence, 1948, 382; sentence added, 1958, 263; section revised, 1959, 284; second sentence amended, 1960, 190; 1963, 148 § 1; section revised, 1963, 431 § 2.

SECT. 3A added, 1963, 431 § 3 (providing that apprentice plumbers be licensed); two paragraphs added, 1973, 951.

SECT. 3B added, 1969, 731 § 2 (relative to requirements for plumbing corporation or partnership certificates).

SECT. 4, first sentence revised, 1947, 382; second sentence revised, 1962, 488; paragraph added, 1946, 502; revised, 1954, 627 § 30; 1967, 282. (See 1954, 627 §§ 65, 67.)

SECT. 4A added, 1969, 731 § 3 (authorizing the installation of certain plumbing and plumbing repairs by certain plumbers).

SECT. 5 revised, 1954, 200; sentence added, 1963, 431 § 4; section revised, 1965, 645 § 1; last sentence revised, 1966, 209; section revised, 1971, 533.

SECT. 6 revised, 1934, 347 § 2; third sentence revised, 1965, 645 § 2.

SECT. 8 repealed, 1965, 358 § 1.

SECT. 11 amended, 1945, 703 § 11; revised, 1954, 627 § 31. (See 1954, 627 §§ 65, 67.)

SECT. 13 amended, 1934, 284; 1954, 157; revised, 1963, 228 § 2; 1965, 358 § 2; 1971, 604 § 2; amended, 1973, 193; first sentence amended, 1975, 706 § 286. (See 1965, 358 § 3; 1975, 706 § 312.)

SECT. 15 revised, 1952, 112.

SECT. 16 amended, 1963, 431 § 5.

SECT. 17 revised, 1936, 234; 1941, 518 § 1; paragraph added, 1945, 477; section revised, 1955, 612 § 1.

SECT. 18 revised, 1941, 518 § 2.

SECT. 19 revised, 1941, 518 § 3; 1955, 612 § 2.

SECT. 21 added, 1938, 302 (providing for regulation of plumbing in buildings owned and used by the commonwealth).

SECT. 22 added, 1941, 518 § 4 (providing for the enforcement of certain laws relative to the marking, construction and installation of hot water tanks).

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

SECT. 1, definition of "Alteration" revised, 1945, 480; definition of "Building" inserted, 1945, 480; definition of "Clinic" inserted, 1971, 779 § 1; definition of "Commissioner" inserted, 1945, 480; definition of "Day care services for children" inserted, 1962, 720 § 1; stricken out and definition of "Day care center" inserted, 1972, 785 § 9; definition of "Group residence" inserted, 1971, 1098 § 1; definition of "Inspector" amended, 1943, 544 § 7B; revised, 1945, 480; amended, 1974, 541 § 11; definition of "Institution" inserted, 1955, 662 § 1; revised, 1959, 446 § 1; 1966, 614 § 5; amended, 1970, 888 § 20; 1971, 1098 § 2; definition of "Miscellaneous hall" revised, 1970, 199 § 2; definition of "Place of assembly" inserted after paragraph in lines 12-14, 1943, 546 § 1; revised, 1945, 480; amended, 1970, 199 § 1; definition of "Public building" revised, 1945, 480; definition of "Public hall" revised, 1946, 363 § 1; 1970, 199 § 3; definition of "Special hall" revised, 1941, 694; definition of "Structure" inserted, 1945, 480; amended, 1974, 541 § 10; definition of "Supervisor of plans" revised, 1946, 363 § 1; section revised, 1972, 802 § 12. (See 1945, 722 § 2; 1970, 888 § 31; 1972, 785 § 20; 802 § 77; 1974, 541 § 24.)

SECT. 2 amended, 1949, 125; 1959, 563; 1960, 252 § 1; 1962, 72; 1963, 21; last sentence revised, 1967, 436 § 1, 606 § 1; section repealed, 1968, 232. (See 1960, 252 § 2.)

SECT. 2A added, 1948, 582 § 1 (excluding the state house from certain provisions of law relating to the safety of persons in buildings); sentence added, 1951, 430; amended, 1972, 802 § 13. (See 1948, 582 § 3; 1954, 153; 1957, 487; 1972, 802 § 77.)

SECT. 2B added, 1949, 547 (providing for regulations relative to fire protection and prevention in the state house); amended, 1972, 802 § 14. (See 1972, 802 § 77.)

SECT. 2C added, 1954, 34 (relative to the evacuation of the state house in case of fire or other disaster).

SECT. 3 revised, 1943, 544 § 2; 1945, 674 § 1; first paragraph revised, 1946, 363 § 2; amended, 1949, 156 § 3; 1959, 607 § 2; 1968, 499 § 1; paragraph inserted after second paragraph, 1958, 515; 1946, 423; paragraph added, 1949, 156 § 4; amended, 1951, 85; section revised, 1972, 802 § 15; first paragraph stricken out and three paragraphs inserted, 1973, 1152 § 1; first paragraph amended, 1974, 541 § 11A; two sentences added, 1975, 426. (See 1945, 722 § 2; 1972, 802 § 77; 1973, 1152 § 3; 1974, 541 § 24.)

SECT. 3A-3H added, 1943, 544 § 2 (providing for rules and regulations for protecting life and limb in places of assembly and for the enforcement of laws, rules and regulations ordinances and by-laws for protecting the same therein). (See 1943, 544 §§ 7A and 8.)

SECT. 3A revised, 1945, 482 § 1; 1972, 802 § 16; 1974, 541 § 12; first paragraph, first sentence stricken out and two sentences inserted, 1975, 144 § 2. (See 1945, 722 § 2; 1972, 802 § 77; 1974, 541 § 24; 1975, 144 § 3.)

SECT. 3B revised, 1945, 645 § 2; sentence inserted after the first sentence, 1947, 646; first two sentences revised, 1963, 691; first sentence amended, 1968, 499 § 2; fourth paragraph amended, 1948, 144 § 1; section repealed, 1972, 802 § 17. (See 1963, 691 § 2; 1972, 802 § 77.)

SECT. 3C repealed, 1945, 645 § 3.

SECT. 3D revised, 1945, 482 § 2; repealed, 1972, 802 § 17. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 3E and 3F repealed, 1945, 645 § 3.

SECT. 3G revised, 1945, 482 § 3; 1946, 363 § 3. (See 1945, 722 § 2.)

SECT. 3H revised, 1945, 645 § 4; amended, 1968, 499 § 3.

SECTS. 3I-3K added, 1947, 631 § 1 (to provide regulations for the prevention of fire and the preservation of life, health and morals in buildings used for dwelling purposes and to provide for alternatives to the requirements of ordinances, by-laws or regulations relative to the construction, alteration, repair, use or occupancy of such buildings).

SECT. 3I amended, 1948, 438 § 1.

SECT. 3J amended, 1950, 534 § 1; first paragraph amended, 1955, 617 § 1; second paragraph amended, 1955, 617 § 2; third paragraph amended, 1952, 158.

SECTS. 3G-3J repealed, 1972, 802 § 17. (See 1972, 802 § 77.)

SECT. 3K, paragraph added, 1948, 438 § 2; same paragraph amended, 1949, 530; section repealed, 1950, 534 § 2.

SECT. 3L added, 1950, 617 § 1 (relative to rules and regulations for the installation, repair and maintenance of electrical wiring and fixtures); first paragraph amended, 1972, 802 § 18; paragraph added, 1956, 403; revised, 1959, 355; paragraph added, 1961, 531 § 2. (See 1950, 617 § 2; 1972, 802 § 77.)

SECT. 3M added, 1951, 285 (relative to the depth and slant of window ledges on certain new buildings); stricken out, 1951, 752.

SECT. 3N and 3O added, 1960, 737 § 2 (relative to rules and regulations governing gas fitting). (See 1960, 737 §§ 3, 4, 5 and 7.)

SECT. 3N amended, 1972, 802 § 19. (See 1972, 802 § 77.)

SECT. 3O revised, 1963, 217; paragraph added, 1964, 170; paragraph inserted after first paragraph, 1964, 312 § 2; paragraph added, 1966, 161.

SECT. 3P added, 1961, 531 § 3 (providing for appeals in connection with matters relating to installation of wiring and fixtures).

SECT. 3Q added, 1962, 630 § 1 (authorizing the department of public safety to promulgate rules and regulations for the safety of persons and the prevention of fire in convalescent or nursing homes and rest homes); first sentence revised, 1966, 614 § 6; amended, 1972, 802 § 20; second sentence revised, 1968, 406. (See 1962, 630 § 2; 1972, 802 § 77.)

SECT. 3R added, 1965, 464 § 1 (requiring that the main doors of certain apartment houses be designed or equipped to close and lock automatically); sentence inserted after first sentence, 1967, 735 § 1; first sentence revised, 1969, 303; second paragraph revised, 1967, 142; paragraph added, 1968, 319; section revised, 1972, 802 § 21; second paragraph amended, 1974, 541 § 13. (See 1965, 464 § 2; 1967, 735 § 2; 1972, 802 § 77; 1974, 541 § 24.)

SECT. 3S added, 1967, 260 (requiring owners of multiple dwellings to post their names and addresses); revised, 1972, 493.

SECT. 3T-3V added, 1971, 837 § 1 (requiring the use of safety glazing materials in the construction of certain buildings). (See 1971, 837 § 2; 1972, 131.)

SECT. 3T amended, 1973, 353.

SECT. 3W added, 1973, 418 (further regulating plans and specifications for the erection or alteration of public buildings).

SECT. 3X added, 1973, 1096 (providing for notice to local postmasters of the issuance of building permits for ten or more residential units).

SECTS. 4-5 repealed, 1972, 802 § 22. (See 1972, 802 § 77.)

SECT. 6 revised, 1946, 363 § 4; amended, 1949, 541 § 1; revised, 1957, 214 § 1; 1972, 802 § 23. (See 1972, 802 § 77.)

SECT. 7, sentence added, 1949, 156 § 2; section revised, 1957, 214 § 2.

SECT. 8 amended, 1945, 697 § 1; 1949, 541 § 2; revised, 1957, 214 § 3; amended, 1972, 802 § 24. (See 1972, 802 § 77.)

SECT. 9 revised, 1945, 697 § 2; sentence inserted after first sentence, 1949, 156 § 5; section amended, 1949, 541 § 3; revised, 1957, 214 § 4; third sentence amended, 1959, 75; stricken out and two sentences inserted, 1970, 649 § 5; section revised, 1972, 802 § 25. (See 1972, 802 § 77.)

SECT. 9A added, 1945, 697 § 2A (relative to recovery for damage to other property caused by the making safe or taking down of a dangerous structure). (See 1945, 697 § 2B.)

SECT. 10 revised, 1945, 697 § 3; amended, 1949, 541 § 4; 1972, 802 § 26. (See 1972, 802 § 77.)

SECT. 11 amended, 1949, 541 § 5.

SECT. 12 amended, 1945, 697 § 4; 1972, 802 § 27. (See 1972, 802 § 77.)

SECT. 13 revised, 1946, 363 § 5.

SECT. 15 amended, 1943, 544 § 3; first sentence amended, 1947, 645 § 1; section revised, 1949, 539; first sentence amended, 1952, 509 § 1; 1955, 662 § 2; revised, 1959, 446 § 2; amended, 1960, 596 § 2; 1962, 720 § 2; revised, 1963, 687 § 1; 1966, 614 § 7; amended, 1971, 779 § 2; revised, 1971, 1098 § 3; 1972, 785 § 10; sentence inserted after sixth sentence, 1972, 684 § 59. (See 1943, 544 § 7A; 1963, 687 § 3; 1972, 684 § 59, 785 § 20.

SECT. 15A added, 1960, 596 § 3 (directing the commissioner of public safety to establish standards for the construction of public and private schoolhouses). (See 1960, 596 § 4.)

SECT. 16 amended, 1943, 544 § 3; revised, 1945, 473. (See 1943, 544 § 7A.)

SECTS. 15-16 repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 16A added, 1966, 252 (providing, that the furnishing of safety inspection or advisory services by an insurer shall not subject such insurer to liability for damages as a result of any act or omission in the course of such services).

SECT. 20 amended, 1945, 700 § 1.

SECT. 21 amended, 1943, 544 § 3; revised, 1943, 546 § 2; 1945, 536; first sentence revised, 1947, 645 § 2; amended, 1952, 509 § 2; 1955, 662 § 3; revised, 1959, 446 § 3; amended, 1962, 720 § 3; revised, 1963, 687 § 2; 1966, 614 § 8; amended, 1971, 779 § 3; revised, 1971, 1098 § 4; 1972, 785 § 11. (See 1943, 544 § 7A, 546 § 5; 1945, 722 § 2; 1963, 687 § 3; 1972, 785 § 20.)

SECTS. 21A and 21B added, 1943, 546 § 3 (further regulating the means of ingress to and egress from places of assembly and certain other places). (See 1943, 546 §§ 5 and 6.)

SECT. 21A amended, 1945, 474 § 1; 1946, 363 § 6; revised, 1948, 440.

SECT. 21B amended, 1945, 482 § 4; revised, 1945, 722 § 1; paragraph

added, 1946, 327 § 1; section revised, 1947, 654 § 1; 1948, 502. (See 1947, 654 § 3.)

SECT. 21C added, 1946, 327 § 2 (relative to the use and maintenance of revolving doors, so called, in certain buildings); revised, 1947, 654 § 2; 1948, 439 § 1; 1949, 540; paragraph added, 1952, 435. (See 1947, 654 § 3.)

SECTS. 17-21C repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 21D added, 1972, 391 § 1 (requiring certain auxiliary lighting and exit signs in certain dwellings). (See 1972, 391 § 2.)

SECTS. 24-33 amended, 1943, 544 § 3. (See 1943, 544 § 7A.)

SECTS. 24-31 repealed, 1972, 802 § 28. (See 1972, 802 § 77.)

SECT. 28 revised, 1945, 474 § 2; 1947, 648; sentence inserted after second sentence, 1972, 684 § 60; revised, 1974, 542; third sentence revised, 1955, 662 § 5. (See 1972, 684 § 136.)

SECT. 29 revised, 1950, 288 §§ 2, 3.)

SECT. 32 revised, 1972, 802 § 29. (See 1972, 802 § 77.)

SECT. 33 revised, 1945, 533 § 1; 1946, 363 § 7; amended, 1947, 645 § 3; 1948, 439 § 2; 1952, 509 § 3; 1955, 662 § 4; revised, 1959, 446 § 4; 1966, 614 § 9; amended, 1971, 779 § 4; revised, 1971, 1098 § 5. (See 1945, 722 § 2.)

SECT. 34 revised, 1943, 544 § 4; amended, 1952, 541 § 4; 1954, 158. (See 1943, 544 § 7A.)

SECTS. 33-34 repealed, 1972, 802 § 30. (See 1972, 802 § 77.)

SECT. 35 revised, 1972, 802 § 31. (See 1972, 802 § 77.)

SECTS. 36-42 repealed, 1972, 802 § 32. (See 1972, 802 § 77.)

SECT. 43 amended, 1943, 544 § 3; 1972, 802 § 33. (See 1943, 544 § 7A; 1972, 802 § 77.)

SECT. 44 amended, 1947, 643; revised, 1963, 690 § 1. (See 1963, 690 § 5.)

SECT. 45 revised, 1963, 690 § 2; amended, 1971, 112. (See 1963, 690 § 5.)

SECT. 46 revised, 1963, 690 § 3. (See 1963, 690 § 5.)

SECT. 47, last sentence stricken out, 1945, 700 § 2.

SECT. 48 amended, 1945, 700 § 3.

SECT. 49 amended, 1943, 544 § 3; revised, 1945, 526; paragraph added, 1963, 705. (See 1943, 544 § 7A.)

SECTS. 44-49 repealed, 1972, 802 § 32. (See 1972, 802 § 77.)

SECT. 50, sentence added, 1945, 472; section revised, 1972, 802 § 34. (See 1945, 722 § 2; 1972, 802 § 77.)

SECTS. 51 and 52 amended, 1943, 544 § 3. (See 1943, 544 § 7A.)

SECT. 51 revised, 1945, 510; 1972, 802 § 35. (See 1972, 802 § 77.)

SECT. 52 revised, 1945, 478; first sentence amended, 1963, 681.

SECT. 53 amended, 1949, 541 § 6.

SECT. 54 revised, 1943, 544 § 5. (See 1943, 544 § 7A.) Affected, 1955, 675 § 2.

SECTS. 52-54 repealed, 1972, 802 § 36. (See 1972, 802 § 77.)

SECT. 54A added, 1966, 239 (requiring certain officials not to accept or approve certain plans and specifications unless they bear the seal of a registered architect or a registered professional engineer); amended, 1972, 802 § 37. (See 1972, 802 § 77.)

SECT. 55 amended, 1949, 541 § 7.

SECTS. 55-56 repealed, 1972, 802 § 38. (See 1972, 802 § 77.)

SECT. 57 revised, 1945, 533 § 2; 1948, 582 § 2; 1972, 802 § 39. (See 1945, 722 § 2; 1948, 582 § 3; 1954, 153; 1957, 487; 1972, 802 § 77.)

SECT. 59 revised, 1943, 544 § 6; 1945, 533 § 3; 1972, 802 § 40. (See 1943, 544 § 7A; 1945, 722 § 2; 1972, 802 § 77.)

SECT. 60 amended, 1945, 533 § 4; revised, 1972, 802 § 41. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 61 revised, 1945, 674 § 2; 1972, 802 § 42. (See 1945, 722 § 2; 1972, 802 § 77.)

SECT. 62, sentence added, 1950, 509; six sentences added, 1956, 722; section revised, 1957, 519; sixth sentence stricken out, 1963, 616 § 1; section revised, 1972, 802 § 43; amended, 1974, 541 § 14; fifth sentence amended, 1975, 158. (See 1972, 802 § 77; 1974, 541 § 24.)

SECT. 62A added, 1963, 616 § 2 (relative to the inspection of elevators in certain cities and towns); amended, 1972, 802 § 44. (See 1972, 802 § 77.)

SECT. 63 amended, 1972, 802 § 45. (See 1972, 802 § 77.)

SECT. 64 revised, 1963, 616 § 3; last sentence revised, 1966, 157; section revised, 1972, 802 § 46. (See 1972, 802 § 77.)

SECT. 65 revised, 1972, 802 § 47. (See 1972, 802 § 77.)

SECT. 66, first sentence revised, 1970, 182; section revised, 1972, 802 § 48. (See 1972, 802 § 77.)

SECT. 67 repealed, 1956, 481.

SECT. 68 amended, 1972, 802 § 49. (See 1972, 802 § 77.)

SECT. 69 revised, 1945, 643 § 2; first paragraph amended, 1972, 802 § 50; second paragraph amended, 1948, 144 § 2. (See 1959, 373; 1962, 288; 1972, 802 § 77.)

SECT. 70 revised, 1957, 257; 1959, 439 § 2; amended, 1972, 802 § 51; amended, 1973, 926. (See 1972, 802 § 77.)

SECTS. 71A-71C added, 1945, 626 § 1 (providing for the licensing of persons engaged in the construction and maintenance of elevators and escalators). (See 1945, 626 § 2.)

SECT. 71A revised, 1957, 637 § 1; fourth sentence revised, 1963, 801 § 78.

SECT. 71B, second sentence stricken out, 1956, 474; section revised, 1957, 637 § 2; sentence added, 1973, 985.

SECT. 71C revised, 1957, 637 § 3; paragraph (1) amended, 1972, 684 § 61. (See 1972, 684 § 136.)

SECT. 71D added, 1946, 495 (providing that persons engaged in certain work in the construction and maintenance of elevators and escalators need not be licensed as elevator constructors, maintenance men or repairmen); revised, 1957, 637 § 4.

SECT. 71E added, 1956, 475 (relative to the inspection, regulation and operation of moving stairways); revised, 1957, 637 § 4A.

SECT. 71F added, 1957, 637 § 5 (relative to the licensing of persons engaged in the construction of elevators, moving stairways and dumbwaiters).

SECT. 71G added, 1963, 616 § 4 (relative to the licensing of elevator operators and the fees for such licenses); second sentence stricken out and four sentences inserted, 1968, 373 § 5; third sentence revised, 1969, 177 § 1. (See 1968, 373 § 6.)

SECTS. 71H-71O added, under caption, 1968, 565 § 1 (creating a recreational tramway board).

SECTS. 72-73 revised, 1971, 772 § 1.

SECT. 74 revised, 1941, 553 § 1; 1971, 772 § 1. (See 1941, 553 § 9.)

SECT. 75 revised, 1941, 553 § 2; amended, 1950, 112; 1968, 227 § 1; 1971, 772 § 2; amended, 1973, 925 § 54. (See 1941, 553 § 9; 1973, 925 § 54.)

SECT. 76 revised, 1941, 553 § 3; repealed, 1971, 772 § 3. (See 1941, 553 § 9.)

SECTS. 77 and 78 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 79 revised, 1941, 553 § 5; 1968, 227 § 2; repealed, 1971, 772 § 3. (See 1941, 553 § 9.)

SECT. 80 repealed, 1941, 553 § 4. (See 1941, 553 § 9.)

SECT. 81 amended, 1971, 772 § 4.

SECT. 82 amended, 1941, 553 § 6; 1971, 772 § 5. (See 1941, 553 § 9.)

SECTS. 83-84 revised, 1971, 772 § 6.

SECT. 85 amended, 1941, 553 § 7; revised, 1955, 44. (See 1941, 553 § 9.)

SECT. 86 amended, 1941, 553 § 8; repealed, 1971, 772 § 7. (See 1941, 553 § 9.)

SECT. 88 repealed, 1971, 772 § 7.

SECT. 89 added, 1955, 152 § 1 (relative to the storage, distribution and exhibition of certain nitrate motion picture film); revised, 1971, 772 § 8.

SECT. 90 added, 1967, 339 (requiring certain bold face type in exculpatory provisions of contracts to repair or remodel dwellings).

SECTS. 91-92 added, 1972, 802 § 52 (regulating penalties and issued building permits under the new state building code). (See 1972, 802 § 77.)

Chapter 144. — Tenement Houses in Cities.

SECT. 1 revised, 1966, 707 § 5.

SECT. 94, second paragraph stricken out, 1966, 707 § 6.

SECT. 95 revised, 1966, 707 § 7.

SECTS. 95A, 95B and 95C added, 1966, 707 § 8 (relative to the service of all lawful process on non-resident owners of tenement houses in cities).

Chapter 145. — Tenement Houses in Town.

SECT. 1 revised, 1966, 707 § 9; 1975, 554.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses).

SECT. 59, second sentence stricken out, 1966, 707 § 10; sentence added, 1948, 550 § 26.

SECT. 60 revised, 1966, 707 § 11.

SECTS. 60A, 60B and 60C added, 1966, 707 § 12 (relative to the service of all lawful process on non-resident owners of tenement houses in towns).

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers, Firemen, and Operators of Hoisting Machinery.

SECT. 1, definition of "Boiler" inserted, 1972, 225 § 1; definition of "Inspector" revised, 1958, 486 § 3; definition of "Pressure vessel" inserted, 1972, 225 § 2.

SECT. 2 amended, 1941, 459; 1946, 336 § 1; revised, 1958, 525.
SECT. 4 amended, 1946, 336 § 2.
SECT. 6, sentence added, 1971, 365.
SECT. 7 amended, 1948, 321.
SECT. 13 amended, 1952, 153.
SECT. 14, first sentence revised, 1972, 189.
SECT. 16 revised, 1932, 180 § 28.
SECT. 18 amended, 1953, 35 § 1.
SECT. 22 revised, 1952, 541 § 1; 1971, 667 § 1; amended, 1972, 684 § 62. (See 1972, 684 § 136.)
SECT. 34 revised, 1938, 319 § 1; sentence inserted after first sentence, 1962, 139; sentence added, 1947, 620; revised, 1948, 146.
SECT. 35 amended, 1938, 319 § 2.
SECT. 38 amended, 1953, 35 § 2.
SECT. 39 revised, 1975, 94.
SECT. 40 revised, 1952, 541 § 2; amended, 1971, 667 § 2; first sentence amended, 1972, 684 § 63. (See 1972, 684 § 136.)
SECT. 45A added under caption, 1963, 561 (providing for the inspection of certain refrigeration and air conditioning systems by the division of inspection in the department of public safety); last two sentences stricken out and three sentences inserted, 1963, 655; section revised, 1971, 570; amended, 1972, 684 § 64. (See 1972, 684 § 136.)
SECT. 46, first sentence amended, 1953, 207 § 1A.
SECT. 48, first paragraph stricken out and four paragraphs inserted, 1961, 306.
SECT. 49, last sentence revised, 1953, 207 § 1; section revised, 1962, 27 § 1; 1970, 568 § 1. (See 1953, 207 § 2; 1962, 27 § 2.)
SECT. 50 amended, 1935, 67; 1951, 36; revised, 1962, 574 § 1; 1970, 569; amended, 1973, 251.
SECT. 50A added, 1971, 605 (establishing the eligibility requirements for licensing certain nuclear steam power plant operators and engineers).
SECTS. 50B-50C added, 1972, 295 § 1 (requiring nuclear power plants to employ certain nuclear power plant engineers with certain powers and duties). (See 1972, 295 § 2.)
SECT. 52 repealed, 1948, 140.
SECT. 53, sentence added, 1965, 113.
SECT. 57 revised, 1952, 541 § 3; amended, 1971, 364; second sentence amended, 1972, 684 § 65. (See 1972, 684 § 136.)
SECT. 59 amended, 1971, 342.
SECT. 60 amended, 1951, 398; 1972, 684 § 66; revised, 1975, 748 § 2. (See 1972, 684 § 136.)
SECT. 61 revised, 1975, 748 § 3.
SECT. 62 revised, 1971, 363; third paragraph amended, 1975, 523; section revised, 1975, 748 § 4.
SECT. 63 amended, 1952, 154; 1975, 524.
SECT. 64 revised, 1961, 310; two sentences inserted after second sentence, 1962, 574 § 2.
SECT. 65, third sentence revised, 1971, 574.

SECT. 67 revised, 1941, 525 § 1; amended, 1946, 180; revised, 1951, 393; 1952, 175; first sentence stricken out and four sentences inserted, 1968, 373 § 1; second sentence amended, 1972, 684 § 67. (See 1972, 684 § 136.) (See 1941, 525 § 2.)

SECT. 67A added, under caption, 1964, 680 § 1 (relative to the office of examiner for the certification of oil burner technicians).

SECT. 68 stricken out, 1953, 319 § 22. (See 1953, 319 §§ 39, 40.)

SECTS. 70-80 added, 1970, 647 (relative to the inspection of hot water heating boilers and their appurtenances).

SECTS. 81-85 added, 1975, 699 § 1. (See 1975, 699 § 2.)

Chapter 147. — State and Other Police, and Certain Power and Duties of the Department of Public Safety.

SECT. 1A added, 1947, 668 § 1 (relative to the policing of reservations of the United States of America). (See 1947, 668 § 2.)

SECT. 4, two paragraphs added, 1963, 798 § 3.

SECT. 4A, sentence added, 1972, 805 § 6.

SECT. 4B added, 1939, 116 (providing that local police authorities and district attorneys be furnished with information relative to certain persons charged with or convicted of sex crimes, so called, upon their release or discharge from certain institutions); revised, 1954, 246; amended, 1970, 888 § 21. (See 1970, 888 § 31.)

SECT. 4C added, 1955, 771 § 2 (relative to the functions and duties of the criminal information bureau); subdivision (*a*) amended, 1969, 749 § 2; subdivision (*b*) amended, 1972, 805 § 7; subdivision (*d*) added, 1956, 365; section revised, 1973, 793 § 3.

SECT. 4D added, 1969, 434 § 1 (authorizing the department of public safety to make drug analyses and to issue certificates of the results which shall be prima facie evidence thereof). (See 1969, 434 § 2.)

SECT. 4E added, 1969, 749 § 3 (establishing the functions and duties of the narcotics unit of the state police criminal information bureau); revised, 1969, 889 § 23B; 1973, 793 § 4.

SECT. 4F added, 1972, 252 (qualifying the certificate of a chemist of the department of public safety as prima facie evidence of an analysis as to presence of sperm cells).

SECT. 6 amended, 1972, 802 § 53. (See 1972, 802 § 77.)

SECT. 8, third sentence revised, 1971, 1076 § 10. (See 1971, 1076 § 22.)

SECT. 8A added, 1938, 296 (authorizing the carrying of certain weapons by sheriffs, deputy sheriffs and special sheriffs, and certain officers in the department of correction); revised, 1939, 174.

SECT. 10 amended, 1934, 23.

SECT. 10A added, 1949, 148 (authorizing the appointment as special police officers of employees of the Port of Boston Authority).

SECT. 10B added, 1953, 536 (authorizing the appointment as special police officers of certain employees of the department of mental health); first two sentences stricken out and five sentences inserted, 1969, 386.

SECT. 10C added, 1956, 231 (authorizing the appointment as special police officers of certain employees of the department of public health); first two sentences stricken out and five sentences inserted, 1969, 388.

SECT. 10D added, 1957, 349 (providing for the appointment of employees of the Massachusetts Turnpike Authority as special police officers).

SECT. 10E added, 1957, 731 (providing for the appointment as special police officers of employees of the Soldiers' Home in Holyoke and the Soldiers' Home in Massachusetts); first two sentences stricken out and five sentences inserted, 1969, 387.

SECT. 10F added, 1965, 381 (providing that police appointing authorities may appoint parking control officers); revised, 1969, 320.

SECT. 10G added, 1965, 565 (authorizing the appointment as special police officers of employees of colleges, universities and other educational institutions).

SECT. 10H added, 1968, 176 (authorizing the appointment as special police officers of certain employees of the civil defense agency).

SECT. 10I added, 1969, 420 (authorizing the appointment of certain Middlesex County Sanitorium employees as special police officers by the commissioner of public safety).

SECT. 10J added, 1972, 360 (authorizing the appointment of employees of the division of employment security as special police officers).

SECT. 10K added, 1973, 126 (authorizing the appointment of state lottery commission employees as special police officers); revised, 1973, 1002 § 8.

SECT. 11 revised, 1967, 85.

SECTS. 13B and 13C added, under caption, 1939, 419 § 2 (providing for the ultimate abolition of reserve police forces in certain cities and towns).

SECT. 16A added, 1937, 85 § 1 (providing for one day off in every seven days for police officers in certain cities and towns); revised, 1938, 426 § 1.

SECT. 16B added, 1938, 426 § 2 (providing for one day off in every six days for police officers of certain cities and towns).

SECT. 16C added, 1951, 346 § 1 (providing for a five day work week for police officers in certain cities and towns).

SECT. 17 amended, 1937, 85 § 2; 1938, 426 § 3; 1951, 346 § 2; sentence added, 1954, 325; stricken out and two sentences inserted, 1961, 246 § 1; stricken out, 1970, 886 § 1.

SECT. 17A added, 1952, 268 (providing additional off duty and extra pay for police officers in certain cases); sentence inserted after first sentence, 1961, 200; section revised, 1962, 318; first sentence revised, 1965, 205; amended, 1968, 704; 1970, 547 § 5. (See 1970, 547 § 6.)

SECTS. 17B and 17C added, 1956, 349 (providing for a forty hour week for police officers of certain cities and towns and compensation for overtime service).

SECT. 17C amended, 1969, 872 § 2.

SECT. 17D added, 1961, 246 § 2 (providing that police officers in certain cities and towns shall be excused from duty without loss of pay while in attendance as official delegates at the annual convention of the Massachusetts Police Association); last sentence stricken out, 1970, 886 § 2.

SECT. 17E added, 1962, 321 § 1 (providing for the payment of overtime compensation owed to a police officer at the time of his death or retirement).

SECT. 17F added, 1969, 435 § 1 (providing extra pay for certain police heads for duty on certain holidays); amended, 1970, 547 § 5A. (See 1970, 547 § 6.)

SECT. 17G, 1969, 872 § 1 (providing overtime compensation for regular city, town and metropolitan district commission police).

SECT. 19, sentence added after the first sentence, 1939, 256 § 2. (See 1939, 256 § 3.)

SECT. 21A added, under caption, 1967, 340 (authorizing employment of police cadets).

SECTS. 22-30 and caption preceding section 22 stricken out and sections 22-30 inserted, under caption, 1960, 802 § 1. (See 1960, 802 § 2.)

SECT. 23, clause 10 added, 1962, 361.

SECT. 25, first paragraph, sentence added, 1968, 1968, 738 § 3; second paragraph, sentence inserted after first sentence, 1970, 43.

SECT. 26 amended, 1972, 684 § 68. (See 1972, 684 § 136.)

SECT. 28, paragraph added, 1968, 22.

SECT. 29, first paragraph, sentence inserted after second sentence, 1970, 42.

SECT. 29A added, 1973, 228 (requiring agencies employing armed guards to keep certain records).

SECT. 32 revised, 1935, 262 § 1.

SECT. 33 amended, 1935, 262 § 2.

SECT. 35 revised, 1934, 69; 1948, 199; amended, 1973, 1214 § 1.

SECT. 36 revised, 1932, 79.

SECT. 38 revised, 1947, 234; sixth sentence amended, 1953, 238.

SECT. 39 revised, 1948, 371; 1949, 371; 1950, 114; amended, 1972, 377; 1973, 1214 § 2; second sentence amended, 1974, 227.

SECT. 39A added, 1948, 232 (excluding certain persons who have been knocked out from participating in boxing or sparring matches).

SECT. 39B added, 1954, 177 (requiring certain persons licensed to conduct boxing matches to provide insurance for contestants).

SECT. 40 amended, 1952, 203; revised, 1956, 660.

SECT. 40A added, 1957, 623 § 3 (establishing a boxers' fund and regulating payments thereto); first paragraph amended, 1964, 367; paragraph added, 1959, 463.

SECT. 46 revised, 1958, 399.

SECT. 50A added, 1956, 357 (authorizing courses of instruction in boxing or sparring matches or exhibitions at certain boys' clubs, schools and recreational agencies).

SECTS. 52-55 added, under caption, 1971, 486 § 3 (licensing the game of Beano).

SECT. 52, first paragraph revised, 1972, 616 § 1; fourth paragraph, first sentence stricken out, 1972, 616 § 2; seventh paragraph revised, 1972, 93.

SECT. 53, first paragraph, second sentence revised, 1972, 102.

SECTS. 52-55 repealed, 1973, 729 § 2.

SECT. 56 added, 1972, 429 § 1 (prohibiting the sale of power lawnmowers without certain safety devices). (See 1972, 429 § 2.)

Chapter 148. — Fire Prevention.

SECT. 1, definition of "Head of the fire department" revised, 1945, 470; definition of "local licensing authority" amended, 1932, 102; revised, 1953,

230 § 1; three paragraphs added, defining "Board", "Building" and "Structure", 1945, 470. (See 1953, 230 § 2.)

SECT. 2 amended, 1948, 504.

SECT. 3 amended, 1945, 700 § 4.

SECT. amended, 1945, 710 § 2; paragraph added, 1955, 662 § 6; revised, 1959, 446 § 5; amended, 1964, 123; 1972, 802 § 54. (See 1972, 802 § 77.)

SECT. 5, sentence in lines 16-17 amended, 1945, 463; last sentence stricken out, 1962, 456.

SECT. 5A added, 1962, 636 (prohibiting the use of a certain type of space heater in buildings used for human habitation).

SECT. 9 amended, 1945, 710 § 3; two sentences added, 1975, 764.

SECT. 9A added, 1969, 903 (requiring the board of fire prevention to regulate the keeping, storage, manufacture, sale, use, launching, operation and flying of model rocket engines).

SECT. 10 revised, 1945, 710 § 4; third paragraph amended, 1948, 144 § 3.

SECT. 10A added, 1932, 75 (relative to the granting of certain permits and the making of certain inspections by municipal officers designated by the state fire marshal); revised, 1945, 479; first paragraph, third sentence revised, 1975, 171.

SECT. 10B added, 1954, 331 (establishing a penalty for the violation of any rule or regulation made by the board of fire prevention regulations).

SECTS. 10C-10H added, 1964, 680 § 2 (providing for the examination and certification of oil burner technicians and the establishment of fees therefor). (See 1964, 680 § 3.)

SECT. 10D, first sentence stricken out and two sentences inserted, 1970, 591; second sentence revised, 1972, 684 § 69; fifth sentence stricken out and four sentences inserted, 1968, 373 § 3; fifth sentence amended, 1972, 684 § 70. (See 1972, 684 § 136.)

SECT. 10E, second sentence stricken out and four sentences inserted, 1968, 373 § 4.

SECT. 13, first paragraph amended, 1932, 22 § 1; section amended, 1935, 123 § 1; revised, 1936, 394 § 1; first paragraph amended, 1945, 415 § 1; revised, 1945, 710 § 5; 550 § 27; amended, 1951, 329; 1953, 200; second paragraph amended, 1945, 710 § 6; paragraph inserted after second paragraph, 1958, 251; third paragraph amended, 1939, 333; 1945, 710 § 7; paragraph inserted, 1959, 353 § 1; fourth paragraph (as appearing in 1936, 394 § 1) amended, 1945, 710 § 8; last paragraph,, as so appearing, amended, 1938, 99. (See 1932, 22 § 2; 1936, 394 §§ 2, 3; 1945, 415 § 2, 710 § 19; 1959, 353 § 2.)

SECT. 14 amended, 1938, 103.

SECT. 16 amended, 1941, 288.

SECT. 18 repealed, 1934, 182 § 2.

SECT. 19, sentence added, 1948, 550 § 28.

SECT. 20A added, 1946, 501 (relative to bonds to cover risk of damages from blasting operations conducted in several municipalities).

SECT. 20B added, 1967, 532 § 1 (relative to competency to conduct blasting operations); third sentence revised, 1972, 684 § 71; sixth sentence stricken out and four sentences inserted, 1968, 373 § 2; sixth sentence amended, 1972, 684 § 72. (See 1967, 532 § 2; 1972, 684 § 136.)

SECT. 20C added, 1972, 333 (establishing liability for damages caused by blasting without proof of negligence).

SECT. 21 amended, 1945, 710 § 9.

SECT. 22 amended, 1945, 710 § 10.

SECT. 23 amended, 1935, 123 § 2; first sentence revised, 1964, 155.

SECT. 23A added, 1948, 188 (prohibiting the use of inflammable anti-freeze solutions in fire hydrants).

SECT. 25A added, 1962, 688 § 1 (prohibiting the sale or installation of secondhand space heaters and secondhand portable stoves in buildings used for human habitation).

SECT. 25B added, 1962, 688 § 2 (prohibiting the use of space heaters in buildings used for human habitation).

SECT. 25C added, 1970, 29 (relative to the sale of certain decorating candles).

SECT. 25D added, 1973, 648 (regulating the manufacture and sale of certain types of children's clothing and sleepwear).

SECT. 26 amended, 1945, 481.

SECT. 26A added, 1973, 395 § 1 (requiring sprinkler systems in high rise buildings); revised, 1975, 676 § 1. (See 1975, 676 § 3.)

SECT. 26B added, 1974, 214 § 1 (requiring automatic fire warning systems in certain buildings and structures); revised, 1975, 676 § 2. (See 1974, 214 § 2; 1975, 676 § 3.)

SECT. 26C added, 1975, 710 (requiring the installation of automatic smoke or heat detectors in certain hotels).

SECT. 27 amended, 1973, 395 § 2.

SECT. 27A added, 1932, 283 (relative to the protection of life and property from fire hazards incident to the present industrial emergency).

SECT. 27B added, 1962, 337 (prohibiting piling snow on fire hydrants so as to conceal the same or cover their outlets).

SECT. 28 amended, 1945, 710 § 12; paragraph B amended, 1972, 802 § 55; paragraph I revised, 1949, 512; amended, 1970, 81; revised, 1972, 802 § 56; 1974, 541 § 15; paragraph J revised, 1958, 333; paragraph L amended, 1943, 546 § 4; revised, 1946, 363 § 9; amended, 1963, 680 § 1; 1972, 802 § 57; paragraph N added, 1946, 363 § 9; amended, 1972, 802 § 58; paragraph O added, 1966, 390; paragraph P added, 1969, 55. (See 1943, 546 § 5; 1963, 680 § 2; 1972, 802 § 77; 1974, 541 § 24.)

SECT. 28A added, 1963, 689 (requiring the head of the fire department to report to the proper authority violations of the building laws); amended, 1972, 802 § 59. (See 1972, 802 § 77.)

SECT. 28B added, 1969, 190 (requiring notice by certain establishments to fire departments of the use of canine guards).

SECT. 29 amended, 1939, 205.

SECT. 30 amended, 1945, 710 § 13; first sentence revised, 1956, 214.

SECT. 31 amended, 1945, 460.

SECT. 38 amended, 1945, 710 § 14.

SECT. 38A added, 1938, 95 (prohibiting the removal of certain gasoline tanks without a permit).

SECT. 39 revised, 1943, 291 § 1; amended, 1966, 403 clause (9) added, 1956,

213; clause (10) added, 1966, 637; stricken out, 1967, 366; section revised, 1973, 1028 § 1.

SECT. 39A added, 1943, 291 § 2 (authorizing the making of rules and regulations for the granting of permits for supervised displays of fireworks); amended, 1945, 256; 710 § 15.

SECT. 40 amended, 1945, 710 § 16; sentence added, 1948, 550 § 29.

SECT. 42, sentence added, 1951, 184.

SECT. 46 amended, 1945, 710 § 17; revised, 1973, 1028 § 2.

SECT. 47 repealed, 1973, 1028 § 3.

SECTS. 48 and 49 repealed, 1946, 282.

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes); repealed, 1946, 282.

SECT. 50 amended, 1943, 291 § 3.

SECT. 52A added, 1950, 258 (prohibiting the sale of exploding matches); revised, 1967, 178.

SECT. 53 repealed, 1943, 291 § 4.

SECT. 54 revised, 1948, 370 § 2; amended, $952, 254.

SECT. 56, first sentence revised, 1962, 168 § 1; 338 § 22; second sentence revised, 1961, 397; last sentence amended, 1957, 172; sentence added, 1965, 444; revised, 1973, 1141 § 6. (See 1962, 168 §§ 2, 3, 338 §§ 23, 24.)

SECT. 57 added, 1969, 86 (prohibiting the installation of certain siding without an electrical permit).

Chapter 149. — Labor and Industries.

For temporary legislation authorizing the commissioner of labor and industries to suspend certain laws, rules and regulations relative to the employment of women and minors when necessary to provide relief from conditions resulting from the present shortage of man power, see 1943, 382.

For temporary legislation authorizing the commissioner of labor and industries to suspend certain laws, rules and regulations relative to the employment of women and minors when an emergency exists or conditions of hardship require or justify suspension, see 1947, 357 § 4; 1949, 332, 1950, 168; 1951, 167; 1952, 119; 1953, 236; 1954, 10; 1955, 106; 1956, 304; 1957, 162; 1958, 214; 1959, 45; 1960, 85; 1961, 84; 1962, 26; 1963, 1; 1965, 25.

For legislation relative to interstate compacts affecting labor and industry, see 1933, Res. 44; 1934, 383, Res. 25; 1935, 315 §§ 1-3; 1936, Res. 68; 1937, 404; 1943, 255.

SECT. 1, paragraph defining "Apprentice" inserted, 1967, 296 § 1; paragraph defining "buildings used for industrial purposes" or "industrial establishments" revised, 1962, 102; paragraph defining "cooperative courses" amended, 1939, 461 § 4; paragraph defining "discrimination" inserted, 1937, 367 § 1; paragraphs defining "employee" and "employer" inserted, 1945, 584 § 1; definition of "employee" amended, 1970, 760 § 1; definition of "employment" amended, 1945, 584 § 2; revised, 1945, 646; amended, 1970, 760 § 2; paragraph defining "employment permit", "permit for employment" or "employment certificate" inserted, 1939, 461 § 4A; revised, 1945, 133 § 3; paragraph defining "mercantile establishments"

amended, 1936, 78.

SECT. 3 amended, 1970 § 3.

SECT. 6 amended, 1934, 132 § 1; 1937, 249; first paragraph amended, 1970, 760 § 4; two paragraphs added, 1952, 155; third paragraph amended, 1961, 224; 1962, 710; paragraph added, 1954, 680 § 7. (See 1934, 132 § 2.)

SECT. 8 amended, 1943, 441.

SECT. 10 amended, 1970, 760 § 5.

SECT. 11 amended, 1935, 328; revised, 1950, 453.

SECT. 17 amended, 1945, 430; revised, 1961, 585; amended, 1970, 760 § 6.

SECTS. 18A-18I added, under caption, 1959, 614 (establishing safety orders applicable to longshore and waterfront operations).

SECT. 19A added, 1953, 117 (requiring the furnishing of copies of certain medical reports to employees).

SECT. 19B added, 1959, 255 (prohibiting the use of lie detector tests by employers as a condition of employment); revised, 1963, 797; 1973, 620.

SECT. 20A added, 1933, 351 § 1 (relative to the judicial enforcement of certain contracts relative to membership in labor or employers' organizations). (See 1933, 351 § 2.)

SECTS. 20B and 20C added, 1935, 407 § 1 (regulating the liability of labor unions and others involved in labor disputes, and defining labor disputes and other terms used in connection therewith). (See 1935, 407 § 6.)

SECT. 20C, first sentence amended, 1950, 452 § 1; subsection (*c*) stricken out and sebsections (*c*)-(*f*) inserted, 1950, 452 § 2; sentence amended,, 1973, 1114 § 13; subsection (*e*) amended, 1973, 1114 § 14. (See 1937, 436 § 10; G. L. 150A § 6 (*h*) inserted by 1938, 345 § 2; 1950, 452 §§ 5-7; 1973, 1114 § 351.)

SECT. 20D added, 1958, 678 (prohibiting the solicitation, acceptance or payment of money for the purpose of encouraging or discouraging the formation or functioning of a labor organization).

SECT. 21 revised, 1965, 234.

SECT. 22 amended, 1951, 166 § 1; 1955, 430; two sentences added, 1956, 471.

SECT. 22A added, 1969, 448 § 1 (prohibiting professional strikebreaking).

SECT. 23, first paragraph amended, 1951, 166 § 2; second paragraph amended, 1935, 114; revised, 1970, 213.

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, lockouts and other labor troubles).

SECT. 23B added, 1955, 241 (prohibiting the use of auxiliary police or other personnel organized under civil defense laws in connection with any labor dispute).

SECT. 24 amended, 1933, 272; revised, 1950, 452 § 4. (See 1950, 452 §§ 5-7.)

SECTS. 24A-24J added, under caption, 1937, 367 § 2.

SECT. 24C amended, 1970, 760 § 7.

SECT. 24I revised, 1970, 760 § 8.

SECT. 24K added, 1972, 532 (prohibiting discrimination in employment against rehabilitated handicapped persons).

SECTS. 26 and 27 stricken out, and new sections 26-27D added, 1935, 461 (relative to preference and minimum wages of veterans and others in certain employments on certain public works).

SECT. 26 amended, 1947, 334; first sentence revised, 1954, 627 § 32; sentence added at end, 1956, 606 § 1; amended, 1960, 401 § 1; revised, 1964, 609 § 1; first paragraph, first sentence amended, 1967, 296 § 2; third sentence amended, 1967, 296 § 3; paragraph added, 1937, 346; same paragraph revised, 1938, 413; 1946, 591 § 46. (See 1954, 627 §§ 65, 67.)

SECT. 27, first sentence amended, 1967, 296 § 4; revised, 1973, 625 § 1; third sentence amended, 1967, 296 § 5; sentence inserted after third sentence, 1973, 625 § 2; last sentence revised, 1955, 180; last sentence stricken out and three sentences inserted, 1956, 606 § 2; last three sentences revised, 1960, 401 § 2; second from last sentence amended, 1964, 609 § 2; next to last sentence amended, 1964, 609 § 3.

SECT. 27B revised, 1965, 417; first paragraph, first sentence amended, 1967, 296 § 6; third paragraph, Statement of Compliance amended, 1967, 296 § 7.

SECT. 27C, second sentence stricken out and two sentences inserted, 1971, 744; last sentence stricken out and four sentences inserted, 1961, 475 § 1.

SECT. 27D amended, 1955, 453; revised, 1958, 364; 1961, 475 § 2.

SECT. 27E added, 1938, 67 (establishing residential requirements to be observed in the employment of certain persons by the department of public works).

SECT. 27F added, 1960, 795 (requiring payment of determined wages to operators of trucks and other equipment rented for use on public works).

SECT. 27G added, 1968, 537 (requiring payment of determined wages for contracts for moving of furniture and fixtures entered into by commonwealth).

SECT. 28 revised, 1948, 550 § 30.

SECT. 29 amended, 1935, 217 § 2; revised, 1935, 472 § 2; 1938, 361; 1955, 702 § 2; 1957, 682 § 1; first and second paragraphs revised, 1962, 696; first paragraph amended, 1964, 609 § 4; second paragraph amended, 1964, 609 § 5; second, third and fourth paragraphs stricken out and five paragraphs inserted, 1972, 774 § 5. (See 1955, 702 § 3; 1957, 682 § 3; 1972, 774 § 12.)

SECT. 29A added, 1949, 185 (relative to the enforcement of certain surety bonds by persons furnishing labor and materials on private building projects); amended, 1972, 399.

SECT. 30 revised, 1936, 367 § 1; 1947, 680 § 1.

SECT. 30A added, 1947, 677 § 1 (further regulating the work hours of certain persons employed by the commonwealth); amended, 1949, 780; 1950, 439; revised, 1952, 626; 1955, 643 § 6; amended, 1960, 430 § 1; 1963, 798 § 4; next to last sentence stricken out, 1960, 614 § 1; section amended, 1969, 838 § 60; 1970, 758 § 1; revised, 1973, 271; amended, 1974, 835 § 153. (See 1947, 677 §§ 2, 3; 1955, 643 § 12; 1960, 430 § 2, 614 § 3; 1969, 838 § 74; 1974, 835 § 185.)

SECT. 30B added, 1960, 614 § 2 (relative to the payment of overtime to certain employees of the commonwealth); revised, 1960, 762 § 1; amended, 1963, 798 § 5; 1962, 748; 1969, 838 § 61; 1970, 758 § 2; 1974, 835 § 154. (See 1960, 614 § 3, 762 § 2; 1969, 838 § 74; 1974, 835 § 185.)

SECT. 30C added, 1971, 1004 § 7 (relative to compensation for overtime

work by certain employees of the commonwealth); amended, 1974, 835 § 155; first paragraph revised, 1975, 706 § 287. (See 1974, 835 § 185; 1975, 706 § 312.)

SECT. 32 revised, 1945, 680.

SECT. 33A added, 1947, 649 (authorizing a forty hour week for employees of certain cities and towns); revised, 1948, 657.

SECT. 33B added, 1950, 653 (further regulating the work hours of persons employed by cities and towns).

SECT. 33C added, 1961, 510 (requiring the payment of overtime to certain city and town employees at the rate of one and one-half times their regular rate of compensation).

SECT. 33D added, 1973, 507 (authorizing leave of absences with pay to public employees for certain blood donations).

SECT. 34 amended, 1936, 367 § 2; revised, 1947, 680 § 2.

SECT. 34A added, 1938, 438 (requiring contractors on public buildings and other public works to provide and continue in force, during the full term of the contract, insurance under the Workmen's Compensation Law, so called).

SECT. 34B added, 1939, 252 (regulating the rate of compensation paid to reserve police officers by contractors on certain public works).

SECT. 34C added, 1947, 680 § 3 (concerning the applicability of certain provisions of law relative to hours of labor on public works).

SECT. 36 amended, 1942, 1 § 7; revised, 1957, 91; amended, 1974, 371 § 2. (See 1942, 1 § 9.)

SECT. 39 revised, 1935, 444 § 1; 1954, 632 § 1. (See 1935, 444 § 2.)

SECT. 40 revised, 1945, 426 § 1; repealed, 1954, 632 § 2. (See 1945, 426 § 2.)

SECTS. 44A-44E stricken out and sections 44A-44L inserted, 1956, 679 § 2.)

SECT. 44A, second sentence revised, 1957, 590 § 1; first paragraph revised, 1960, 692; amended, 1967, 535 § 1; paragraph added, 1967, 535 § 2; paragraph added, 1967, 899.

SECT. 44B, subsection (1) revised, 1973, 1008 § 1; subsection (2) amended, 1961, 604 § 1; subsection (3), second sentence revised, 1960, 771 § 2; amended, 1961, 604 § 2; subsection (4) revised, 1963, 445 § 1; 1973, 1008 § 2.

SECT. 44C, second sentence amended, 1962, 645; revised, 1963, 267; 1964, 523; third sentence revised 1957, 590 § 2; paragraph added, 1961, 604 § 3; 1970, 497.

SECT. 44D, second sentence revised, 1961, 604 § 4; section revised, 1965, 598.

SECT. 44F revised, 1960, 771 § 3; paragraph added 1961, 604 § 5.

SECTS. 44G, first line of "Form for Sub-Bid" revised, 1965, 836 § 1; paragraph C of said form revised, 1965, 836 § 2; paragraph D of said form revised, 1960, 771 § 4; paragraph E of said form revised, 1961, 604 § 6; 1965, 836 § 3. (See 1965, 836 §§ 7, 8.)

SECT. 44H, first sentence revised, 1963, 445 § 2; second sentence amended, 1965, 836 § 4; last sentence of first paragraph stricken out and two sentences inserted, 1960, 771 § 5; fourth sentence amended, 1965, 836 § 5; second paragraph amended, 1965, 836 § 6; paragraph added, 1960, 771 § 6; 1961, 604 § 7. (See 1965, 836 § 8.)

SECT. 44I, paragraph (3) revised, 1960, 771 § 7; paragraph (5) added, 1960, 771 § 8; paragraph (6) added, 1967, 884.

SECT. 44K revised, 1957, 590 § 3; 1967, 535 § 3.

SECT. 48 revised, 1935, 185, 423 § 3; amended, 1938, 320; revised, 1939, 235 § 1.

SECT. 49 amended, 1937, 221; revised, 1938, 295; 1961, 70 § 1.

SECT. 50 revised, 1933, 225; amended, 1935, 423 § 1; revised, 1961, 70 § 2.

SECT. 50A added, 1935, 423 § 2 (making one day's rest in seven law applicable to watchmen and employees maintaining fires in certain establishments).

SECT. 51 revised, 1939, 235 § 2.

SECT. 51A added, 1954, 93 (authorizing exemptions from the law requiring one day's rest in seven).

SECT. 51B added, 1958, 593 (providing that certain injured workers shall have preference in re-employment); sentence added, 1969, 336.

SECT. 52, first sentence amended, 1968, 167; last sentence revised, 1961, 47.

SECT. 52A added, 1956, 385 (providing for leave of absence from work for training for employees who are members of organized units of the ready reserve of the armed forces of the United States).

SECT. 53 amended, 1968, 331 § 1.

SECT. 53A added, 1968, 331 § 2 (limiting weight permitted to be lifted by female employees).

SECT. 55 revised, 1945, 87; repealed, 1974, 345.

SECT. 56 amended, 1932, 110 § 1; revised, 1935, 200; first sentence stricken out and two sentences inserted, 1939, 377; first sentence amended, 1941, 574, 610 § 1; 1947, 161; revised, 1947, 368; amended, 1948, 196; revised, 1961, 44; amended, 1970, 760 § 9; sentence inserted after first sentence, 1967, 357 § 1; fourth sentence amended, 1970, 760 § 10; 1974, 372 § 2; eighth sentence revised, 1966, 183; sentence inserted after ninth sentence, 1971, 95; sentence added, 1941, 610 § 1; revised, 1967, 357 § 2; paragraph added, 1946, 241 § 1. (See 1941, 610 §§ 2, 3.)

SECT. 57 amended, 1932, 110 § 2.

SECT. 59 amended, 1933, 193 § 1; 1936, 170 § 1; revised, 1947, 357 § 1; 1965, 448; first paragraph amended, 1968, 323 § 1; 1969, 201; second paragraph amended, 1968, 323 § 2; section repealed, 1974, 371 § 1. (For prior temporary legislation authorizing the commissioner of labor and industries to suspend certain provisions relative to the hours of employment of women in the textile and leather industries, see 1933, 347; time for suspension as to the textile industry extended, 1935, 429; 1936, 154; 1937, 153; 1938, 68; 1939, 96; 1941, 154; 1943, 306; 1945, 14; 1946, 96. For prior temporary legislation suspending certain provisions relative to the hours of employment of women and children in the textile industry and to their meal periods, 1946, 127, 560.)

SECT. 60 revised, 1935, 203; paragraph added, 1939, 193 § 1; section revised, 1939, 461 § 5; 1947, 109 § 1; amended, 1955, 113; second paragraph, second sentence revised, 1969, 107; paragraph added, 1962, 107 § 2; 1967, 267. (See 1939, 461 § 13.)

SECT. 61, clause (1) revised, 1946, 241 § 2; section amended, 1954, 98; last sentence stricken out, 1954, 240 § 1.

SECT. 62, first sentence, clause (10) amended, 1975, 376; clause (13) amended, 1934, 328 § 19; section amended, 1945, 337; clause (15) added, 1946, 171; amended, 1954, 240 § 2; second sentence revised, 1962, 452; amended, 1966, 43; revised, 1974, 176; 1975, 202.

SECT. 62A added, 1967, 165 (allowing certain minor vocational agricultural students to perform certain work); paragraph added, 1974, 248.

SECT. 65 amended, 1939, 352; revised, 1939, 461 § 6.

SECT. 66 amended, 1933, 193 § 2; 1936, 170 § 2; 1939, 255; 1946, 48; affected, 1946, 127, 560; section revised, 1947, 357 § 2; 1961, 69; amended, 1962, 60; amended, 1967, 95; revised, 1968, 323 § 3; 1971, 417.

SECT. 67 revised, 1939, 348; amended, 1961, 68; revised, 1973, 925 § 55. (See 1973, 925 § 84.)

SECTS. 69-73. See 1934, 114.

SECT. 69 amended, 1939, 461 § 7.

SECT. 70, sentence added, 1939, 94; section revised, 1945, 133 § 4.

SECT. 71 amended, 1945, 133 § 5; revised, 1958, 38.

SECT. 73 revised, 1939, 461 § 8; amended, 1955, 503.

SECTS. 69-73 revised, 1972, 47.

SECT. 78 amended, 1934, 292 § 1; 1954, 240 § 3.

SECT. 79 amended, 1954, 291; revised, 1961, 43.

SECT. 84 amended, 1932, 180 § 29.

SECT. 86 revised, 1939, 461 § 9; first paragraph revised, 1947, 109 § 2.

SECT. 87 revised, 1939, 461 § 10; paragraph inserted after subsection (4) (*e*), 1952, 63.

SECT. 88 amended, 1945, 133 § 6.

SECT. 89 revised, 1945, 133 § 7.

SECT. 90 revised, 1945, 133 § 8.

SECT. 94 revised, 1939, 461 § 11.

SECT. 95, first paragraph amended, 1945, 133 § 9; 1956, 234 § 1; second paragraph amended, 1956, 234 § 2.

SECT. 95A added, 1970, 798 (authorizing employment of certain minors between the ages of sixteen and eighteen in industry while attending school).

SECT. 99 repealed, 1974, 372 § 1.

SECT. 100 amended, 1939, 280; affected, 1946, 127, 560; section revised, 1947, 357 § 3; 1957, 723; 1958, 461; amended, 1968, 323 § 4; revised, 1974, 356.

SECT. 101 revised, 1938, 335; amended, 1955, 111; revised, 1974, 373.

SECT. 103 revised, 1974, 327.

SECT. 104 amended, 1932, 27; 1939, 193 § 2; revised, 1954, 110; sentence inserted after first sentence, 1962, 107 § 1.

SECTS. 105A-105C added, under caption, 1945, 584 § 3 (penalizing discriminatory wage rates based on sex).

SECT. 105A revised, 1947, 565; 1951, 180.

SECT. 105C amended, 1970, 760 § 11.

SECT. 105D added, 1972, 790 § 1 (requiring employees to grant maternity leave to certain employees).

SECT. 106, sentence added, 1955, 373 § 1; section revised, 1956, 89.

SECT. 113 revised, 1934, 255; amended, 1955, 426; 1968, 158; revised, 1969, 114; 1973, 388.

SECT. 117 revised, 1935, 208; 1961, 222.

SECT. 118 amended, 1961, 438.

SECT. 126 revised, 1945, 528; first sentence revised, 1954, 349; amended, 1972, 802 § 60; second and third sentences revised, 1963, 38. (See 1972, 802 § 60.)

SECT. 127 revised, 1951, 38.

SECT. 129 revised, 1963, 36.

SECT. 129A added, 1949, 305 (requiring the shoring of certain excavations); revised, 1956, 431.

SECT. 129B added, 1964, 233 (prohibiting certain employers from requiring or knowingly permitting employees to use devices, commonly known as stilts, in the performance of their work); revised, 1967, 261.

SECT. 129C added, 1969, 680 (providing penalties for permitting certain linemen to work on certain live wires without certain help).

SECT. 130 revised, 1954, 59.

SECT. 133, sentence added, 1955, 373 § 2; section revised, 1955, 669 § 1. (See 1955, 669 § 2.)

SECT. 135 amended, 1933, 64; revised, 1961, 225.

SECT. 139 amended, 1955, 92.

SECT. 140 repealed, 1953, 57.

SECT. 141A added, 1949, 255 (limiting the weight to be lifted by hand by certain employees in textile factories).

SECTS. 142A-142F added, under caption, 1933, 304 (regulating the sale, distribution, storage and use of benzol and its compounds).

SECT. 142A amended, 1935, 463 § 1; revised, 1949, 591 § 1; 1955, 469 § 1. (See 1955, 469 § 7.)

SECT. 142B revised, 1935, 463 § 2; 1949, 591 § 2; 1955, 469 § 2. (See 1955, 469 § 7.)

SECT. 142C revised, 1955, 469 § 3. (See 1955, 469 § 7.)

SECT. 142D amended, 1949, 591 § 3; revised, 1955, 469 § 4. (See 1955, 469 § 7.)

SECT. 142E revised, 1949, 591 § 4; 1955, 469 § 5. (See 1955, 469 § 7.)

SECT. 142F amended, 1949, 591 § 5; revised, 1955, 469 § 6. (See 1955, 469 § 7.)

SECT. 142G added, 1955, 469 § 6 (providing for the enforcement of certain rules and regulations relative to the use, storage and sale of certain materials and substances hazardous to health).

SECT. 147A added, 1932, 234 (requiring the furnishing of certain information to the department of labor and industries with respect to the performance of certain industrial work in tenements and dwelling houses).

SECTS. 143-147A, and the heading above section 143, stricken out, and new sections 143-147H inserted, under new heading, 1937, 429.

SECT. 143 revised, 1945, 600 § 1; 1955, 764 § 1. (See 1955, 764 § 13.)

SECT. 143A added, 1955, 764 § 2 (relative to protection of health and well being of industrial home workers). (See 1955, 764 § 13.)

SECT. 144 amended, 1945, 600 § 2; 1955, 764 § 3; 1962, 253. (See 1955, 764 § 13.)

SECT. 145 amended, 1955, 764 § 4. (See 1955, 764 § 13.)

SECT. 146A added, 1955, 764 § 5 (relative to the distribution of industrial homework). (See 1955, 764 § 13.)

SECT. 147 amended, 1941, 539; first paragraph amended, 1945, 600 § 3; 1955, 764 § 6; 1958, 666 § 1; second paragraph amended, 1953, 247; revised, 1955, 764 § 7. (See 1955, 764 § 13.)

SECT. 147A amended, 1939, 461 § 12; paragraph added, 1955, 764 § 8; revised, 1958, 666 § 2. (See 1955, 764 § 13.)

SECT. 147B amended, 1945, 600 § 4.

SECT. 147C amended, 1945, 600 § 5; 1955, 764 § 9. (See 1955, 764 § 13.)

SECT. 147D amended, 1945, 600 § 6; 1955, 764 § 10. (See 1955, 764 § 13.)

SECT. 147E amended, 1955, 764 § 11. (See 1955, 764 § 13.)

SECT. 147G amended, 1945, 600 § 7; 1955, 764 § 12. (See 1955, 764 § 13.)

SECT. 147H amended, 1966, 535 § 12.

SECT. 148, last sentence amended, 1932, 101 § 1; section revised, 1935, 350; 1936, 160; first paragraph revised, 1955, 506; paragraph inserted after first paragraph, 1943, 467; paragraph inserted after third paragraph, 1943, 378; amended, 1943, 563; revised, 1946, 414; last paragraph amended, 1951, 28; section revised, 1956, 259; first paragraph revised, 1960, 416; amended, 1966, 319; 1970, 760 § 12; 1971 387; sixth paragraph revised, 1971, 590.

SECT. 150, sentence added, 1932, 101 § 2.

SECT. 150A added, 1938, 403 (requiring employers to furnish certain information to employees relative to deductions from wages for social security and unemployment compensation benefits); revised, 1960, 246; 1961, 400.

SECT. 150B added, 1943, 385 (prohibiting labor unions from requiring payment of certain fees as a condition of securing or continuing employment).

SECT. 152A added, 1952, 490 (prohibiting the payment by an employee to an employer of tips or gratuities received during the course of employment); sentence added, 1966, 350.

SECT. 156 amended, 1935, 363 § 1; 1941, 164. (See 1935, 363 § 2.)

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 159A added, 1937, 342 § 1 (to prevent the misleading of patrons of certain places as to the beneficiaries of tips given to hatcheck and cigarette girls and the like); revised, 1973, 370.

SECT. 159B added, 1949, 241 (requiring payment by employers for medical examinations of present or prospective employees in certain cases).

SECT. 168A added, 1969, 883 (requiring employers entering into certain farm labor contracts to give notice thereof to the department of labor and industries).

SECT. 170 amended, 1945, 580 § 8. (See 1945, 580 § 9.)

SECT. 171 revised, 1948, 487.

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of interstate employees to certain next of kin without administration); sentence added, 1953, 436 § 4; section revised, 1954, 562 § 4.

SECT. 178B added, 1947, 189 § 1 (to authorize deductions from wages of employees of districts and municipalities for making certain payments to credit unions of such employees); revised, 1956, 144; 1966, 458; first sentence revised, 1968, 558; 1969, 785; 1970, 292; amended, 1975, 586 § 2; third sentence revised, 1975, 586 § 3. [For prior legislation, see G. L. chapter 171 § 6A (1946, 184) repealed by 1947, 189 § 2.]

SECT. 178C added, 1953, 436 § 5 (relative to the payment of salaries, wages or other sums owing by the commonwealth or certain political subdivisions thereof upon the death of their officers or employees); revised, 1954, 562 § 5. (See 1953, 436 § 7.)

SECT. 178D added, 1958, 460 (protecting the right of public employees to join vocational or labor organizations); third sentence revised, 1969, 171; stricken out, 1972, 792; sentence added, 1962, 504; section repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178E added, 1959, 552 (providing that a certain portion of a dividend or rate reduction under a group insurance policy should be applied for the sole benefit of certain insured employees).

SECT. 178F added, 1964, 637 (authorizing state employees to join and to act on behalf of certain organizations representing employees of the commonwealth and to enter into certain agreements with state departments or agencies relative to working conditions); revised, 1967, 774; subsection (10), first paragraph amended, 1972, 713 § 1; second paragraph revised, 1972, 713 § 2.

SECTS. 178G-178N added, 1965, 763 § 2 (providing for the election of representative bargaining agents with political subdivisions of the commonwealth).

SECTS. 178F-178N repealed, 1973, 1078 § 1. (See 1973, 1078 § 7.)

SECT. 178G, definition of "Employee" revised, 1966, 156.

SECT. 178H, subsection (2) amended, 1971, 410; subsection (4A) inserted, 1972, 713 § 3; subsection (5) added, 1967, 746.

SECT. 178I, first paragraph, third sentence revised, 1968, 633; two sentences stricken out and one sentence inserted, 1969, 128 § 2; sentence added, 1967, 514 § 1; second paragraph amended, 1967, 514 § 2; second sentence amended, 1969, 341; revised, 1970, 340.

SECT. 178J, subsection (*b*) amended, 1972, 490.

SECT. 178K amended, 1970, 445; sentence added, 1972, 375.

SECT. 178L amended, 1970, 463 § 1; third paragraph, last sentence stricken out and paragraph inserted, 1972, 713 § 4.

SECT. 178O added, 1972, 353 (requiring employer to notify employee whose employment is being terminated of employee's group insurance coverage termination date).

SEFT. 179B added, 1941, 642 (requiring the giving of notice to the Commissioner of Labor and Industries of the commencement or a change of location of operations by industries in this commonwealth).

Chapter 150. — Conciliation and Arbitration of Industrial Disputes.

SECT. 3 amended, 1938, 364 § 1; 1939, 111.
SECT. 5 revised, 1938, 364 § 2.
SECT. 7, fifth sentence amended, 1946, 590 § 1; 1957, 481.
SECT. 9, last sentence amended, 1946, 590 § 2.
SECT. 10 revised, 1973, 1192 § 3.
SECT. 11 added, 1949, 548 (providing that certain agreements for the arbitration and conciliation of labor disputes shall be valid); repealed, 1959, 546 § 3. (See 1959, 546 § 4.)

Chapter 150A. — Labor Relations.

New chapter inserted, 1938, 345 § 2 (incorporating the provisions of 1937, 436, relative to labor relations as an addition to the General Laws). (See 1938, 345 §§ 3, 4.)

SECT. 1, paragraph added, 1964, 576 § 1; amended, 1968, 513 § 1; paragraph added, 1968, 513 § 2. (See 1964, 576 § 10.)
SECT. 2, subsections (2) and (3) revised, 1964, 576 § 2; subsection (2) amended, 1968, 513 § 3; subsection (3) amended, 1968, 513 § 4; 1970, 760 § 12A; revised, 1970, 882 § 1; subsection (9) added, 1951, 615 § 1; subsections (10) and (11) added, 1964, 576 § 3. (See 1964, 576 § 10.)
SECT. 3 revised, 1951, 615 § 2.
SECT. 3A added, 1970, 760 § 12B (further defining "employee" and his rights).
SECT. 4, subsection (2) amended, 1956, 286; subsection (3) revised, 1947, 657 § 1; subsection (6) added, 1947, 657 § 2.
SECT. 4A revised, 1947, 657 § 3.
SECT. 4B added, 1947, 657 § 3 (making it an unfair labor practice for a labor organization to refuse to bargain collectively in certain cases).
SECT. 4C added, 1964, 576 § 4 (relative to unfair labor practices of health care facilities or of nurse employees of health care facilities); amended, 1968, 513 § 5; revised, 1969, 133 § 1. (See 1964, 576 § 10.)
SECT. 5, subsection (*a*) revised, 1951, 615 § 3; subsection (*b*) amended, 1939, 318; revised, 1951, 615 § 4; 1964, 576 § 5; subsection (*c*) amended, 1947, 657 § 4; 1964, 576 § 6; subsection (*d*) revised, 1974, 725 § 1; subsection (*e*) added, 1974, 725 § 1. (See 1964, 576 § 10.)
SECT. 5A added, 1970, 882 § 2 (relative to agricultural workers).
SECT. 6, subsection (*a*) amended, 1947, 657 § 5; revised, 1964, 576 § 7; subsections (*c*) and (*d*) revised, 1974, 725 § 2; subsection (*e*) amended, 1954, 681 § 10; subsection (*f*) amended, 1954, 681 § 11; 1973, 382; subsections (*e*) and (*f*) revised, 1973, 1114 § 15; subsection (*e*) amended, 1974, 725 § 3; subsection (*f*) amended, 1974, 725 § 4; subsection (*h*) amended, 1941, 261; subsections (*h*) and (*i*) revised, 1973, 1114 § 15. (See 1964, 576 § 10; 1973, 1114 § 351.)
SECTS. 6A-6C added, 1947, 657 § 6 (relative to membership in labor organizations where such membership is required as a condition of employment).

SECT. 7, first paragraph amended, 1947, 657 § 7.
SECT. 9 amended, 1947, 657 § 8; revised, 1964, 576 § 8. (See 1964, 576 § 10.)
SECT. 9A added, 1964, 576 § 9 (providing for the submission to arbitration of certain grievances or disputes between a health care facility and its nurse employees); amended, 1968, 513 § 6; revised, 1969, 133 § 2. (See 1964, 576 § 10.)
SECT. 10, subsection (*b*) revised, 1945, 354; 1947, 657 § 9.

Chapter 150B. — Peaceful Settlement of Industrial Disputes Dangerous to Public Health and Safety. Public Health and Safety.

New chapter inserted, 1947, 596.
SECTS. 3 and 4 revised, 1954, 557 § 1.
SECT. 5, subsection (*b*) revised, 1973, 1114 § 17. (See 1973, 1114 § 351.)
SECT. 8 added, 1954, 557 § 2 (relative to compensation for persons appointed as moderators, commissioners or board members in matters relating to peaceful settlement of industrial disputes).

Chapter 150C. — Collective Bargaining Agreements to Arbitrate.

New chapter inserted, 1959, 546 § 1. (See 1959, 546 § 4.)

Chapter 150D. — Registration of Labor Replacements or Strike Breakers.

New chapter inserted, 1960, 738.
SECT. 1 revised, 1962, 443 § 1.
SECT. 3 revised, 1962, 443 § 2.
SECT. 5, first paragraph revised, 1962, 443 § 3.
Chapter repealed, 1969, 448 § 2.

Chapter 150E. — Labor Relations; Public Employees.

New chapter inserted, 1973, 1078 § 2. (See 1973, 1078 § 7.)
SECT. 1, definition of "Employee" or "public employee" amended, 1974, 354; 1975, 689 § 11.
SECT. 3, first paragraph, second sentence revised, 1974, 526; paragraph added, 1975, 591.
SECT. 7, first paragraph amended, 1974, 589 § 1.
SECT. 10, paragraph (*b*) revised, 1974, 589 § 2.
SECT. 11, fourth paragraph amended, 1974, 589 § 3.

Chapter 151. — Minimum Fair Wages (former title, Minimum Fair Wages for Women and Minors).

Chapter stricken out and new chapter 151 inserted, 1934, 308 § 1. (See 1934, 308 §§ 2, 3; 1935, 267. See also 1933, Res. 44; 1934, 383 Res. 25.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1937, 401 § 1. (See 1937, 401 §§ 2, 3.)

Chapter stricken out, and new chapter 151 (with new title) inserted, 1947, 432 § 1 (incorporating as part of the General Laws, 1946, 545 which extended the minimum wage law, so called, to adult male persons). (See 1947, 432 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 151, as so inserted:

SECT. 1, sentence added, 1949, 777 § 1; amended, 1952, 558 § 1; 1955, 762 § 1; revised, 1956, 740 § 1; amended, 1958, 620 § 1; revised, 1962, 134 § 1; amended, 1962, 134 § 4; revised, 1964, 644 § 1; amended, 1964, 644 § 4; revised, 1966, 679 § 1; amended, 1966, 679 § 4; revised, 1971, 892 § 1; amended, 1972, 752 § 1; section revised, 1973, 1192 § 4; second sentence revised, 1974, 685 §§ 1, 2. (See 1949, 777 §§ 2, 4; 1955, 762 § 4; 1956, 740 § 4; 1958, 620 § 3; 1962, 134 §§ 7, 8, 9; 1964, 644 §§ 7-11; 1966, 679 §§ 9, 10; 1971, 892 § 3; 1972, 752 § 3; 1974, 685 § 3.)

SECT. 1A added, 1960, 813 (establishing a minumum rate for hours worked in excess of forty hours in a work week); revised, 1961, 431; clause (9) revised, 1962, 155; clause (11) amended, 1961, 576 § 1; clause (15) revised, 1965, 416; clause (16) revised, 1969, 108; clause (18) added, 1962, 153; clause (19) added, 1967, 718 § 1. (See 1961, 576 § 2; 1967, 718 § 2.)

SECT. 1B added, 1962, 371 (providing criminal and other penalties for failure to pay statutory overtime rates of compensation).

SECT. 2, definition of "A directory order" stricken out, 1952, 558 § 2; paragraph defining "Agricultural and farm work" inserted, 1967, 718 § 2A; definitions of "Commission" and "Wage board" stricken out, 1973, 1192 § 5; definition of "Occupation" revised, 1948, 362; amended, 1952, 558 § 3; revised, 1954, 174; amended, 1959, 190; revised, 1967, 718 § 2; amended, 1970, 760 § 13. (See 1967, 718 § 10.)

SECT. 2A added, 1967, 718 § 3 (establishing a minimum wage for farm workers); amended, 1967, 718 §§ 6 and 8; 1970, 509 § 1. (See 1967, 718 § 10; 1970, 509 § 2.)

SECT. 2B added, 1971, 695 1 (providing compulsory health insurance for migrant workers). (See 1971, 695 § 2.)

SECT. 3, clause 2 amended, 1970, 760 § 14.

SECT. 5, last sentence amended, 1962, 479.

SECTS. 4-6 repealed, 1973, 1192 § 6.

SECT. 7, first two sentences stricken out and three sentences inserted, 1957, 202; fifth sentence amended, 1969, 397 § 1; paragraph added, 1952, 558 § 4; revised, 1953, 515; amended, 1955, 762 § 2; revised, 1956, 740 § 2; 1958, 616 § 1; 1959, 551 § 1; 1962, 134 § 2; amended, 1962, 134 § 5; 1963, 586 § 1; 1963, 586 § 2; revised, 1964, 644 § 2; amended, 1964, 644 § 5; 1965, 334 §§ 1, 2; second paragraph revised, 1966, 679 § 2; amended, 1966, 679 § 5; 1969, 397 § 2; 1970, § 307; revised, 1971, 892 § 2; 1972, 752 § 2; paragraph added 1956, 681; section revised, 1973, 1192 § 7. (See 1952, 558 § 5; 1955, 762

§ 4; 1956, 185, 740 § 4; 1958, 616 § 2; 1959, 551 § 2; 1962, 134 §§ 7, 8, 9; 1963, 586 §§ 3, 4; 1964, 644 §§ 7-11; 1965, 334 § 3, 4; 1966, 679 §§ 9, 10; 1971, 892 § 3; 1972, 752 § 3.)

SECT. 8, last sentence revised, 1952, 558 § 6; section repealed, 1973, 1192 § 8.

SECT. 9 revised, 1957, 225; 1958, 27; amended, 1961, 272; revised, 1973, 1192 § 9.

SECT. 10, first sentence revised, 1952, 558 § 7; section revised, 1973, 1192 § 10.

SECT. 11, first sentence amended, 1952, 558 § 8; section revised, 1973, 1192 § 11.

SECT. 12 revised, 1952, 558 § 9.

SECT. 13 amended, 1952, 558 § 10.

SECTS. 12-13 repealed, 1973, 1192 § 12.

SECT. 14, paragraph added, 1959, 123; section revised, 1973, 1192 § 13.

SECT. 15 amended, 1950, 349 § 1.

SECT. 16 amended, 1952, 558 § 11; 1970, 760 § 15; 1973, 1192 § 14.

SECT. 17 amended, 1970, 760 § 16.

SECT. 18 repealed, 1973, 1192 § 15.

SECT. 19, paragraph (1) revised, 1962, 86; paragraph (2) revised, 1949, 777 § 3; 1952, 558 § 12; amended, 1955, 762 § 3; revised, 1956, 740 § 3; amended, 1958, 620 § 2; revised, 1962, 134 § 3; amended, 1962, 341, 134 § 6; revised, 1964, 644 § 3; amended, 1964, 644 § 6; revised, 1966, 679 § 3; amended, 1966, 679 § 6; paragraph (2A) added, 1967, 718 § 4; amended, 1967, 718 §§ 7 and 9; paragraph (3) amended, 1970, 760 § 17; paragraph (5) added, 1965, 335; revised, 1966, 22; section revised, 1973, 1192 § 16. (See 1949, 777 §§ 2, 4; 1955, 762 § 4; 1956, 740 § 4; 1958, 620 § 3; 1962, 134 §§ 7, 8, 9; 1964, 644 §§ 7-11; 1966, 679 §§ 9, 10; 1967, 718 § 10.)

SECT. 20, first sentence amended, 1962, 399 §§ 1, 2; section revised, 1973, 1192 § 17. (See 1962, 399 § 3.)

SECT. 20A added, 1950, 349 § 2 (establishing a time during which certain actions may be brought under the minimum wage law); revised, 1967, 329.

Chapter 151A. — Employment Security (for title, Unemployment Compensation).

For legislation providing for the payment of unemployment compensation benefits to persons upon termination of service in the military or naval forces of the United States during the present national emergency, see 1941, 701; 1943, 319; 1946, 168.

New chapter inserted, 1935, 479 § 5. (See 1935, 479 §§ 6, 7; 1936, 12 § 3, 249 § 16.)

Chapter stricken out, and new chapter 151A (with same title) inserted, 1937, 421 § 1. (See 1937, 421 §§ 2-4.)

Chapter stricken out, and new chapter 151A (with new title) inserted, 1941, 685 § 1. (See 1941, 685 §§ 7-11; 1941, 686.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 151A, as so inserted:

SECT. 1, definition of "Base period" revised, 1951, 763 § 1; 1953, 560 § 1; 1956, 719 § 1; 1970, 703 § 1; (affected, 1957, 626); definition of "Benefit year" revised, 1951, 763 § 1; definition of "Employment" revised, 1971, 940 § 1; definition of "Payroll" revised, 1971, 940 § 1; definition of "Quarter" amended, 1956, 719 § 3; revised, 1969, 614 § 1; definition of "Partial unemployment" revised, 1951, 763 § 1; amended, 1956, 719 § 2; definition of "Total unemployment" amended, 1949, 476; revised, 1951, 763 § 1; definition of "Remuneration" added, 1953, 635 § 1; revised, 1957, 632; definition of "Wages" amended, 1948, 603 § 1; revised, 1951, 763 § 1; amended, 1954, 279 § 1; definition of "American vessel" added, 1949, 639 § 2; definition of "Average weekly wage" added, 1951, 763 § 2; definition of "American aircraft" added, 1962, 414 1. (See 1949, 639 § 3; 1951, 763 § 22; 1953, 560 § 3; 1954, 279 § 2; 1956, 719 § 8; 1969, 614 § 6; 1970, 703 § 2; 1971, 940 § 22.)

SECTS. 2-3 revised, 1971, 940 § 2. (See 1971, 940 § 22.)

SECT. 4 repealed, 1971, 940 § 3. (See 1971, 940 § 22.)

SECTS. 4A-4B added, 1971, 940 § 4 (providing for coverage of public employees of hospitals and institutions of higher education). (See 1971, 940 § 22.)

SECT. 6, subsection (*c*) revised, 1949, 639 § 1; subsection (*d*) revised, 1951, 763 § 3; 1954, 280 § 1; subsection (*f*) amended, 1954, 431 § 1; subsection (*h*) revised, 1951, 763 § 3; subsection (*j*) revised, 1951, 763 § 3; subsection (*n*) revised, 1951, 763 § 3; subsection (*q*) 1947, 433; section revised, 1961, 393 § 1; subsection (*a*) amended, 1971, 940 § 5; subsection (*c*) stricken out, 1971, 940 § 9; subsection (*d*) revised, 1973, 925 § 56; subsection (*e*) revised, 1966, 560 § 1; subsection (*f*) amended, 1971, 940 § 6; subsection (*g*) amended, 1962, 414 § 2; revised, 1964, 454; stricken out, 1971, 940 § 9; subsection (*j*) revised, 1962, 414 § 3; subsection (*k*) amended, 1971, 940 § 7; subsection (*p*) added, 1964, 358; subsection (*q*) added, 1968, 239 subsections (*r*)-(*w*) added, 1971, 940 § 8. (See 1949, 639 § 3; 1951, 763 § 22; 1954, 280 § 2; 1961, 393 § 2; 1971, 940 § 22; 1973, 925 § 84.)

SECT. 7 repealed, 1971, 940 § 10. (See 1971, 940 § 22.)

SECT. 8, subsection (*a*) amended, 1950, 535; revised, 1970, 828; subsections (*g*) and (*h*) added, 1943, 534 § 2.

SECT. 10 repealed, 1971, 940 § 10. (See 1971, 940 § 22.)

SECT. 11 revised, 1941, 685 § 2; 1951, 763 § 4; amended, 1971, 940 § 11. (See 1951, 763 § 22 1971, 940 § 22.)

SECT. 12, second paragraph amended, 1959, 507 § 1; last paragraph amended, 1959, 507 § 2.

SECT. 14, first paragraph revised, 1948, 603 § 2; subsection (*a*) amended, 1948, 603 § 3; subsection (*b*) (2) revised, 1943, 534 § 1; amended, 1945, 484 § 2; 1946, 170 § 2; 1948, 537 § 1; subsection (*b*) (4), sentence added, 1947, 602 § 1; subsection (*b*) revised, 1949, 740 § 1; subsection (*c*) added, 1943, 534 § 1A; designations of subsections (*c*) and (*d*) changed to (*d*) and (*e*),

respectively, 1943, 534 § 1B; subsection (*c*) revised, 1945, 516; paragraph in lines 48-72 revised, 1946, 360; subsection (*c*) revised, 1947, 440 § 1; 1949, 740 § 2; subsection (*e*) amended, 1948, 537 § 2; section revised, 1951, 763 § 5; 1953, 397; first paragraph revised, 1961, 614 § 1; amended, 1962, 468 § 1; first paragraph revised, 1971, 940 § 12; subsection (*a*) revised, 1972, 594 § 1; subsection (*b*) (1) revised, 1956, 719 § 7; subsection (*d*), paragraph (2) revised, 1966, 560 § 2; paragraph (4) stricken out, 1970, 866 § 2; subsection (*e*), paragraph (3) amended, 1970, 866 § 3; paragraph (6) revised, 1961, 614 § 2; subsection (*f*) revised, 1961, 614 § 3; 1973, 829 § 1; subsection (*h*), paragraph (3) added, 1966, 362; revised, 1973, 829 § 2; subsection (*i*) revised, 1961, 614 § 4; paragraph (9) amended, 1973, 742; paragraph (10) added, 1972, 594 § 2; subsections (*k*) and (*l*) revised, 1972, 796; subsection (*j*) revised, 1961, 614 § 5; 1970, 866 § 4; subsection (*n*), paragraph (1) revised, 1958, 643 § 1; 1959, 508; amended, 1972, 480 § 1; paragraph (3) amended, 1974, 464 § 1; paragraph (4) revised, 1972, 480 § 2; paragraph (5) stricken out, 1958, 643 § 2; subsection (*o*) added, 1954, 431 § 2; amended, 1965, 631. (See 1947, 440 § 2, 602 § 2; 1948, 537 § 3; 1949, 740 § 3; 1951, 763 § 22; 1956, 719 § 8; 1957, 643 § 3; 1962, 468 § 2; 1970, 866 § 5; 1971, 940 § 22; 1972, 594 § 3.)

SECT. 14A added, 1971, 940 § 13 (relative to the financing of benefits paid to employees of nonprofit organizations); subsection (*a*) amended, 1973, 960 § 1; subsection (*b*) amended, 1973, 960 § 2; subsection (*f*) amended, 1973, 960 § 3; subsection (*h*) revised, 1973, 960 § 4. (See 1971, 940 § 22.)

SECT. 15, subsection (*a*) amended, 1950, 232; 1972, 465 § 1; subsection (*b*) revised, 1948, 603 § 6; subsection (*c*) revised, 1943, 373; subsection (*e*) added, 1968, 533; amended, 1969, 174. (See 1972, 465 § 2.)

SECT. 18, first paragraph revised, 1966, 560 § 3.

SECT. 22, sentence added, 1945, 625 § 2.

SECT. 23, subsection (*a*) revised, 1941, 685 § 3; 1951, 763 § 6; amended, 1955, 530; subsections (*b*) and (*c*) revised, 1951, 763 § 6; subsection (*e*) stricken out, 1943, 534 § 3; subsection (*f*) added, 1951, 763 § 7. (See 1951, 763 § 22.)

SECT. 24 revised, 1951, 763 § 8; first paragraph amended, 1959, 587 § 1; 1963, 447 § 1; clause (*a*) amended, 1967, 480 §§ 1 and 2; revised, 1973, 899 § 1; paragraph added, 1958, 437 § 1; 1965, 636; revised, 1966, 528; amended, 1968, 576. (See 1951, 763 § 22; 1963, 447 § 3; 1973, 899 § 5.)

SECT. 25, subsection (*a*) amended, 1948, 421; revised, 1951, 763 § 9; amended, 1961 § 3; subsection (*b*) amended, 1953, 464; revised, 1959, 554; amended, 1961, 247; 1963, 447 § 2; 1964, 355; 1966, 382; clause (4) amended, 1967, 480 § 3; subsection (*c*) amended, 1959, 533; clause (4) amended, 1968, 323 § 5; first paragraph revised, 1968, 625; paragraph added, 1971, 940 § 14; subsection (*d*) amended, 1945, 356; revised, 1951, 763 § 9; subsection (*e*) revised, 1951, 763 § 9; 1953, 401; amended, 1956, 719 § 4; revised, 1958, 677; amended, 1969, 614 § 2; revised, 1973, 899 § 2; 1975, 684 § 78; subsection (*f*) added, 1951, 763 § 10. (See 1951, 763 § 22; 1956, 719 § 8; 1963, 447 § 3; 1969, 614 § 6; 1971, 940 § 22; 1973, 899 § 5; 1975, 684 § 97.)

SECT. 27 amended, 1945, 625 § 3; revised, 1948, 630; 1951, 763 § 11; 1965, 634; repealed, 1973, 1042. (See 1951, 763 § 22.)

SECT. 28, paragraph added, 1954, 431 § 3.

SECT. 28A added, 1971, 940 § 15 (relative to benefits based on service in institutions of higher education). (See 1971, 940 § 22.)

SECT. 29, subsection (*a*) revised, 1943, 534 § 5; 1945, 484 § 1; 1946, 170 § 1; 1956, 719 § 5; 1959, 587 § 2; 1963, 438 § 1; 1965, 649 § 1; 1967, 480 §§ 4 and 5; 1969, 614 §§ 3 and 4; 1970, 657 § 1; amended, 1971, 1083 §§ 1, 2; 1973, 899 §§ 3, 3A; subsection (*b*) revised, 1951, 763 § 12; 1954, 673; subsection (*c*) added, 1946, 611; revised, 1949, 501; 1951, 763 § 12; 1954, 635; amended, 1957, 542; revised, 1958, 385; 1959, 589; 1960, 603; 1962, 476; amended, 1969, 614 § 5; 1971, 940 § 16; revised, 1973, 906; amended, 1974, 755 § 1; subsection (*d*) added, 1971, 940 § 17; amended, 1973, 558 § 1, 899 § 4; 1974, 464 §§ 1A, 2. (See 1951, 763 § 22; 1956, 719 § 8; 1963, 438 § 2; 1965, 649 § 2; 1969, 614 § 6; 1970, 657 § 2; 1971, 940 § 22, 1083 § 3; 1973, 558 § 3, 899 § 5; 1974, 755 § 2.)

SECT. 29A added, 1949, 421 (providing that benefits under this chapter shall not be reduced by reason of the receipt of holiday pay, so called).

SECT. 30 amended, 1945, 484 § 3; revised, 1949, 559; 1953, 410 § 1; 1956, 719 § 6; 1958, 437 § 2; first paragraph revised, 1959, 588. (See 1953, 410 § 2; 1956, 719 § 8.)

SECT. 30A added, 1970, 866 § 1 (establishing an extended benefits program under the employment security law); subsection (1), paragraph (*e*) amended, 1972, 483 § 1; paragraph added, 1971, 756 § 1. (See 1970, 866 § 5; 1971, 756 § 3.)

SECT. 30B added, 1971, 756 § 2 (extending benefits under the employment security act). (See 1971, 756 § 3.)

SECT. 30C added, 1973, 483 § 2 (regulating eligibility for emergency state supplementary unemployment benefits).

SECT. 31 revised, 1951, 763 § 13; 1971, 940 § 18. (See 1951, 763 § 22; 1971, 940 § 22.)

SECT. 32 repealed, 1951, 763 § 14. (See 1951, 763 § 22.)

SECT. 33 repealed, 1943, 534 § 4.

SECT. 34 repealed, 1951, 763 § 14. (See 1951, 763 § 22.)

SECT. 37 revised, 1959, 506.

SECT. 38 revised, 1951, 763 § 15; subsection (*a*), paragraph added, 1953, 560 § 2. (See 1951, 763 § 22; 1953, 560 § 3.)

SECT. 39 revised, 1949, 659; 1951, 763 § 16; amended, 1971, 957 § 1. (See 1951, 763 § 22.)

SECT. 40 revised, 1951, 763 § 17; amended, 1970, 421. (See 1951, 763 § 22.)

SECT. 41 amended, 1971, 957 § 2.

SECT. 42 revised, 1943, 534 § 6; fifth sentence stricken out and three sentences inserted, 1951, 763 § 18; eighth sentence revised, 1954, 681 § 12; next to last sentence stricken out and six sentences inserted, 1947, 434; sentence inserted before last sentence, 1971, 957 § 3; section revised, 1973, 1114 § 18; thirteenth sentence revised, 1975, 377 § 2; fifteenth sentence revised, 1975, 377 § 3. (See 1951, 763 § 22; 1954, 681 §§ 20, 22; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 42B added, 1971, 957 § 4 (providing for recovery of benefits of erroneously paid to a claimant).

SECT. 44, subsection (*b*) revised, 1948, 603 § 4.

SECT. 45A added, 1954, 655 (requiring an employer to furnish an employee with a wage report).

SECT. 46, second sentence amended, 1954, 512; revised, 1964, 302; subsection (*a*) added, 1948, 603 § 5; section revised, 1973, 91, 875.

SECT. 47 revised, 1951, 763 § 19; first paragraph revised, 1972, 321; fourth paragraph amended, 1966, 560 § 4. (See 1951, 763 § 22.)

SECT. 48, second paragraph revised, 1966, 560 § 5.

SECT. 53A added, 1957, 512 (relative to the expenditure of certain moneys credited the commonwealth under the federal social security act); first paragraph revised, 1969, 602; 1972, 586 § 1.

SECT. 54 revised, 1966, 560 § 6.

SECT. 58, subsection (*a*), paragraph (3) amended, 1974, 464 § 3; subsection (*d*) revised, 1966, 560 § 7; subsection (*e*) amended, 1974, 464 § 4.

SECT. 58A added, 1966, 560 § 8 (establishing a contingent fund for the administration of the division of employment security).

SECT. 62 amended, 1952, 394.

SECT. 66 subsection (*g*) added, 1971, 940 § 19. (See 1971, 940 § 22.)

SECT. 66A added, 1949, 646 (authorizing the director of employment security to enter into reciprocal agreements with foreign countries relative to the administration of the employment security law).

SECT. 69, paragraph added, 1949, 555; section revised, 1951, 763 § 20. (See 1951, 763 § 22.)

SECT. 71 revised, 1951, 763 § 21. (See 1951, 763 § 22.)

SECT. 74 revised, 1949, 290.

Chapter 151B. — Unlawful Discrimination Against Race, Color, Religious Creed, National Origin or Ancestry.

New chapter inserted, 1946, 368 § 4.

SECT. 1, subsection 4 amended, 1957, 426 § 6; subsection 5 amended 1950, 697 § 1; revised, 1962, 627; 1969, 216; subsection 7 revised, 1963, 469; subsection 8 added, 1950, 697 § 2; amended, 1966, 405; subsections 9, 10, 11 added, 1957, 426 § 1; subsection 9 revised, 1963, 613 § 1; subsection 12 added, 1959, 239 § 1; subsection 13 added, 1963, 197 § 1; subsection 14 added, 1965, 213 § 1.

SECT. 3, subsection 1 amended, 1969, 877; subsection 6 amended, 1950, 697 § 3; revised, 1960, 163 § 1; amended, 1965, 397 § 1; 1971, 923; subsection 8 amended, 1950, 697 § 4; 1965, 397 § 2; subsection 9 amended, 1950, 697 § 5; 1965, 397 § 3; subsection 12 added, 1966, 410; second sentence revised, 1968, 218; subsection 13 added, 1972, 786 § 1.

SECT. 4, first sentence amended, 1957, 426 § 2; subsection 1 amended, 1950, 697 § 6; 1965, 397 § 4; subsection 1A inserted, 1973, 929; subsection 2 amended, 1950, 697 § 7; 1965, 397 § 5; subsection 3 amended, 1950, 697 § 8; 1965, 397 § 6; subsection 3A added, 1955, 274; amended, 1971, 874 § 1; subsection 3B added, 1960, 163 § 2; amended, 1971, 874 § 2; 1975, 637 § 1; subsection 6 added, 1957, 426 § 2; amended, 1959, 239 § 2; revised, 1961, 128;

1969, 90; subsection 7 added, 1963, 197 § 2; subsection 8 added, 1965, 213 § 2; subsections 6-8 revised, 1971, 661; subsection 6 revised, 1972, 185; amended, 1973, 187 § 1, 1015 § 1; subsection 7 amended, 1973, 187 § 2, 1015 § 2; subsection 8 amended, 1973, 187 § 3, 1015 § 3; subsection 9 added, 1969, 314; revised, 1972, 428; 1974, 531; subsection 9A inserted, 1973, 701 § 1; subsection 10 added, 1971, 726; subsection 11 added, 1971, 874 § 3; subsection 11A inserted, 1972, 790 § 2; subsection 12 inserted, 1972, 542; subsection 13 inserted, 1972, 786 § 2; subsection 14 added, 1973, 168; amended, 1973, 168; amended, 1973, 325; first paragraph amended, 1975, 637 § 2; paragraph added, 1947, 424; 1957, 426 § 3; two paragraphs added, 1966, 361; subsection 15 added, 1975, 84; revised, 1975, 367 § 3. (See 1973, 701 § 2.)

SECT. 4A added, 1969, 523 § 1 (invalidating and prohibiting certain restrictive covenants and conditions relating to real property).

SECT. 5 revised, 1950, 479 § 4; amended, 1957, 426 § 4; first paragraph amended, 1969, 751 § 10; second paragraph amended, 1961, 570; revised, 1963, 613 § 2; first sentence stricken out and three sentences inserted, 1967, 483; second and third sentences amended, 1968, 719; fifth sentence amended, 1967, 525; six sentences inserted after tenth sentence, 1968, 727; ninth sentence amended, 1972, 212; paragraph amended, 1969, 751 § 11; paragraph added, 1965, 569; amended, 1969, 751 § 12.

SECT. 6 amended, 1957, 426 § 5; seventh sentence revised, 1954, 681 § 13. (See 1954, 681 §§ 20, 22.)

SECT. 7 amended, 1963, 613 § 3; revised, 1974, 483.

SECT. 9 amended, 1950, 697 § 9; first sentence revised, 1965, 397 § 7; last sentence amended, 1963, 613 § 4; second sentence stricken out and two paragraphs added, 1974, 478.

Chapter 151C. — Fair Educational Practices.

New chapter inserted, 1949, 726 § 2.

SECT. 1, paragraph (*a*) revised, 1956, 334 § 1; paragraph (*b*) amended, 1972, 101 § 1; paragraph (*c*) amended, 1956, 334 § 2; paragraph (*d*) added, 1972, 101 § 2.

SECT. 2, first paragraph, clause (*c*) amended, 1956, 334 § 3; clause (*d*) added, 1972, 175 § 1; clause (*e*) added, 1972, 369; clause (*f*) added, 1973, 865; second paragraph revised, 1972, 175 § 2.

SECT. 2A added, 1972, 101 § 3 (regulating unfair educational practices at vocational training institutions).

SECT. 3, paragraph (*a*) amended, 1956, 334 § 4; 1972, 101 § 4; paragraph (*b*) amended, 1956, 334 § 5; 1972, 101 § 5; paragraph (*c*) amended, 1956, 334 § 6; paragraph (*d*) amended, 1956, 334 § 7; paragraph (*e*) amended, 1956, 334 § 8; 1971, 106; paragraph (*g*) amended, 1956, 334 § 9; paragraph (*h*) amended, 1956, 334 § 10; paragraph (*i*) amended, 1956, 334 § 11; paragraph (*j*) amended, 1956, 334 § 12.

SECT. 4, paragraph (*a*) amended, 1956, 334 § 13; paragraph (*b*) amended, 1956, 334 § 14; paragraph (*c*) revised, 1954, 681 § 14; amended, 1956, 334 § 15; paragraph (*d*) amended, 1956, 334 § 16. (See 1954, 681 §§ 20, 22.)

SECT. 5 amended, 1956, 334 § 17.

Chapter 151D. — Health, Welfare and Retirement Funds.

New chapter inserted, 1957, 778 § 2; repealed, 1958, 655 § 2. (See 1957, 778 § 3.)

New chapter 151D (with same title) inserted, 1958, 655 § 4. (See 1958, 655 § 5.)

Chapter stricken out and new chapter 151D (with same title) inserted, 1973, 1169 § 1. (See 1973, 1169 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

SECT. 1, definition of "Combination plan" or "split-funded plan" added, 1974, 641 § 1; definition of "Employee benefit plan" or "Plan" stricken out, 1974, 641 § 2; definition of "Normal retirement age" revised, 1974, 641 § 3; definition of "Pension plan" revised, 1974, 641 § 4; definition of "Trust" revised, 1974, 641 § 5.

SECT. 2, first paragraph, first sentence revised, 1974, 641 § 6; second paragraph amended, 1974, 641 § 7.

SECT. 3, subsection (*a*), paragraph added, 1974, 641 § 8; subsection (c), first paragraph amended, 1974, 641 § 9; subsection (*f*), first paragraph amended, 1974, 641 § 10; second paragraph, first sentence amended, 1974, 641 § 11; third sentence amended, 1974, 641 § 12.

SECT. 3A amended, 1974, 641 §§ 13, 14.

SECT. 5, first sentence revised, 1974, 641 § 15.

SECT. 7 amended, 1974, 641 § 16.

SECT. 13, second paragraph, second sentence amended, 1974, 641 § 17.

SECT. 14, first paragraph, first sentence amended, 1974, 641 § 18; second paragraph revised, 1974, 641 § 19; fourth paragraph amended, 1974, 641 § 20.

Chapter 152. — Workmen's Compensation.

For legislation requiring manufacturers to insure under the workmen's compensation act where employees work on machinery, see 1936, 426; repealed, 1948, 156.

SECT. 1, paragraph (1), two sentences added, 1935, 332 § 1; paragraph revised, 1943, 529 § 1; paragraph (2) revised, 1953, 314 § 2; paragraph (3) amended, 1950, 738 § 1; paragraph (4) revised, 1935, 406; 1943, 529 § 3; 1945, 369; first paragraph amended, 1947, 215; paragraph inserted, 1951, 109 § 1; amended, 1953, 139; third paragraph revised, 1953, 656 § 1; amended, 1955, 366; revised, 1955, 755; 1956, 680; 1960, 306; amended, 1971, 811; revised, 1972, 374 § 1; paragraph (5) revised, 1943, 529 § 1A; 1954, 265; amended, 1958, 429; 1969, 755 § 1; paragraph (6) amended, 1943, 529 § 2; paragraph (7) revised, 1950, 277 § 2; pargraph (7A) added, 1941, 437; paragraph (7B) added, 1947, 488 § 9; repealed, 1950, 277 § 1; paragraph (8) revised, 1953, 314 § 3. (See 1943, 529 § 14; 1951, 109 § 2; 1972, 374 § 3.)

SECT. 2 amended, 1953, 314 § 4.

SECT. 2A added, 1946, 386 § 3 (limiting the application of certain acts in amendment of G. L. 152 increasing the amounts of compensation payable thereunder).

SECT. 4 revised, 1939, 83; 1953, 314 § 5; 1961, 611 § 7.

SECT. 5, first paragraph, sixth sentence revised, 1963, 407; paragraph added, 1943, 359; section amended, 1953, 314 § 6; paragraph added, 1971, 882; amended, 1972, 233.

SECT. 6 amended, 1945, 347; 1953, 314 § 6.

SECT. 7 amended, 1953, 314 § 6; 1971, 974; revised, 1972, 742 § 1. (See 1971, 892 § 3.)

SECT. 7A added, 1947, 380 (relative to procedure in certain claims under the workmen's compensation law where employees are unable to testify); revised, 1971, 702.

SECT. 7B added, 1947, 455 (regulating the admissibility of certain evidence in workmen's compensation cases); revised, 1968, 235.

SECT. 7C added, 1966, 443 (requiring preliminary conferences in workmen's compensation cases).

SECT. 7D added, 1968, 21 (permitting admission of medical reports of certain deceased physicians in workmen's compensation cases).

SECT. 7E added, 1968, 468 § 1 (providing for award increases to claimants whose compensation payments have been unreasonably delayed); amended, 1972, 188. (See 1968, 468 § 2.)

SECT. 8 amended, 1953, 314 § 6; revised, 1961, 611 § 8; fourth sentence revised, 1972, 742 § 2.

SECT. 8A amended, 1953, 314 § 6; 1957, 693 § 1; revised, 1972, 742 § 3; 1973, 381.

SECT. 9 revised, 1949, 442; amended, 1953, 314 § 6.

SECT. 9A revised, 1938, 381; amended, 1953, 314 § 6; 1974, 247.

SECT. 9B added, 1935, 424 (providing for the reference of certain cases under the workmen's compensation law to industrial disease referees); revised, 1938, 462; repealed, 1947, 286.

SECT. 10 revised, 1947, 546; first sentence revised, 1972, 742 § 4.

SECT. 11 amended, 1932, 129 § 1; first paragraph amended, 1956, 301; paragraph added, 1935, 484; 1939, 213 § 1; 1949, 61; 1950, 634 § 1; 1953, 288; section amended, 1953, 314 § 6; revised, 1957, 693 § 2; first paragraph revised, 1972, 742 § 5. (See 1939, 213 § 2.)

SECT. 11A added, 1945, 444 (relieving employees and their dependents of the expenses of certain appeals in workmen's compensation cases); sentence added, 1949, 372; section revised, 1957, 693 § 3.

SECT. 12, last paragraph amended, 1932, 117 § 1; section amended, 1953, 314 § 6. (See 1932, 117 § 2; 1935, 351.)

SECT. 12A added, 1959, 585 (compensating an injured employee for reasonable costs resulting from proceedings to discontinue compensation); revised, 1972, 742 § 6.)

SECT. 13, sentence added, 1933, 68; section amended, 1953, 314 § 6; revised, 1968, 492 § 18; amended, 1973, 1229 § 4M; revised, 1974, 746. (See 1973, 1229 § 13.)

SECT. 14 amended, 1953, 314 § 6.

SECT. 15 revised, 1939, 401; 1943, 432; second sentence amended, 1965, 487 § 1A; section revised, 1971, 888 § 1; sentence added, 1971, 941 § 1. (See 1965, 487 § 2.)

SECT. 15A amended, 1934, 252; 1955, 174 § 5.

SECTS. 16 and 17 amended, 1953, 314 § 6.

SECT. 18, sentence added, 1938, 102; section amended, 1939, 93; paragraph added, 1969, 755 § 2.

SECT. 19, third paragraph revised, 1935, 339; revised, 1939, 245; amended, 1973, 438; fourth paragraph revised, 1955, 174 § 1; sixth paragraph added, 1941, 379 § 11; section amended, 1953, 314 § 6; sixth paragraph revised, 1955, 174 § 2.

SECT. 19A added, 1935, 359 (requiring certain notices from employers not insured under the workmen's compensation law); repealed, 1948, 158.

SECT. 19B added, 1941, 410 (requiring the posting of notices by certain employers not covering their employees by workmen's compensation insurance); repealed, 1948, 157.

SECT. 20 revised, 1935, 340; amended, 1945, 464; last two sentences revised, 1946, 390; section revised, 1949, 276; amended, 1953, 314 § 6.

SECT. 20A added, 1945, 468 (requiring employers and certain insurers who maintain clinics, etc., for the treatment of injured employees, to furnish such employees with copies of all medical examinations); revised, 1954, 194.

SECT. 20B added, 1974, 598 (providing for the admissibility of medical reports of incapacitated, disabled or deceased physicians in proceedings before the industrial accident board).

SECT. 21 amended, 1943, 529 § 4. (See 1943, 529 § 14.)

SECT. 22 amended, 1943, 529 § 13; 1953, 314 § 6. (See 1943, 529 § 14.)

SECT. 23 revised, 1943, 529 § 5; amended, 1953, 314 § 6. (See 1943, 529 § 14.)

SECT. 24 amended, 1943, 529 § 6; 1955, 174 § 5. (See 1943, 529 § 14.)

SECTS. 25A-25D added, 1943, 529 § 7, under caption. (See 1943, 529 § 14.)

SECT. 25A, paragraph (2) amended, 1949, 441 § 1; paragraph (2) (*a*) amended, 1945, 316; sixth sentence revised, 1946, 472 § 1; paragraph (2) (*a*) revised, 1949, 441 § 2; sentence added, 1969, 567; amended, 1972, 764; paragraph (2) (*b*), first sentence revised, 1945, 518; 1946, 472 § 2; paragraph (2) (*b*) revised, 1949, 441 § 3; paragraph (2) (*c*) revised, 1945, 344; 1948, 176; 1949, 441 § 4; amended, 1950, 351; revised, 1955, 174 § 3.

SECT. 25C, two sentences added, 1951, 689; next to last sentence revised, 1953, 330; section amended, 1955, 174 § 5.

SECT. 25D amended, 1955, 174 § 5.

SECT. 26 amended, 1937, 370 § 1; revised, 1943, 302, 529 § 8; paragraph added, 1945, 623 § 1; section amended, 1955, 174 § 5; second paragraph amended, 1973, 855 § 1. (See 1943, 529 § 14.)

SECT. 26A added, 1937, 370 § 2 (providing for payment of workmen's compensation in certain cases of suicide).

SECT. 26B added, 1957, 276 (apportioning liability under the workmen's compensation act when the injured employee is in the concurrent service of two or more employers).

SECT. 27 revised, 1935, 331.

SECT. 28 amended, 1934, 292 § 2; revised, 1943, 529 § 9. (See 1943, 529 § 14.)

SECT. 29 revised, 1935, 372; 1937, 382; amended, 1949, 471; 1951, 135; 1953, 314 § 6; first two sentences revised, 1966, 578; fourth sentence revised, 1966, 442.

SECT. 30 revised, 1936, 164; 1943, 181; 233 § 1; first sentence revised, 1972, 403; sentence added, 1948, 159; section amended, 1953, 314 § 6. (See 1946, 233 § 2.)

SECTS. 30A-30C added, 1950, 767 § 2 (prescribing duties of the rehabilitation commission in the department of industrial accidents).

SECT. 30A amended, 1952, 630 § 11; first sentence revised, 1956, 602 § 14. (See 1956, 602 §§ 17-20.)

SECT. 30B amended, 1953, 314 § 6; revised, 156, 602 § 15; third paragraph amended, 1971, 773. (See 1956, 602 §§ 17-20).

SECT. 30D added, 1956, 602 § 16 (relative to the furnishing of certain information to the industrial accident rehabilitation board by self insurers and insurers).

SECT. 31, first paragraph amended, 1934, 250; 1950, 738 § 2; 1955, 174 § 5; second paragraph revised, 1937, 325; amended, 1943, 368; revised, 1945, 572; 1948, 666; 1950, 357; amended, 1955, 174 § 5; revised, 1956, 588; 1959, 530; 1961, 541; 1964, 446; amended, 1970, 860; 1974, 438 § 1; third paragraph revised, 1943, 400; amended, 1950, 738 § 3; revised, 1951, 98; amended, 1955, 174 § 5; revised, 1961, 503. (See 1974, 438 § 3.)

SECT. 32, paragraph (*c*) amended, 1950, 282 § 2; paragraph (*d*) revised, 1947, 450; amended, 1949, 281; 1950, 282 § 3; paragraph added, 1935, 361 (relative to payments under the workmen's compensation law to dependents of deceased minor employees); amended, 1950, 738 § 4.

SECT. 33 revised, 1939, 81; 1941, 495; amended, 1948, 155; 1949, 258; revised, 1957, 270; 1960, 287.

SECT. 34 revised, 1935, 332 § 2; 1941, 624; 1945, 717; 1946, 321 § 1; amended, 1947, 665; 1949, 520 § 1; revised, 1955, 777 § 1; amended, 1956, 735 § 1; revised, 1958, 665 § 1; 1959, 566 § 1; 1961, 602 § 1; 1963, 460 § 1; amended, 1965, 644 § 1; revised, 1967, 482 §§ 1, 4; 1969, 529 § 1; 1971, 879 §§ 1, 4; 1973, 978 §§ 1, 4. (See 1946, 321 § 4; 1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 34A added, 1935, 364 (providing for payments for total and permanent disability under the workmen's compensation law, and establishing methods of determining the same); amended, 1943, 276; revised, 1945, 717; first paragraph revised, 1946, 321 § 2; amended, 1943, 276; revised, 1945, 717; first paragraph revised, 1946, 321 § 2; amended, 1949, 520 § 2; revised, 1955, 777 § 2; first sentence amended, 1956, 735 § 2; revised, 1958, 665 § 2; 1959, 566 § 2; 1961, 602 § 2; 1963, 460 § 2; amended, 1965, 644 § 2; revised, 1967, 482 §§ 2, 5; 1969, 529 § 2; 1971, 879 §§ 2, 5; 1973, 978 §§ 2, 5. (See 1946, 321 § 4; 1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 35 amended, 1943, 299; revised, 1945, 717; 1946, 321 § 3; amended, 1949, 520 § 3; revised, 1955, 777 § 3; 1958, 665 § 3; 1959, 566 § 3; 1961, 602 § 3; 1963, 460 § 3; amended, 1965, 644 § 3; revised, 1967, 482 §§ 3, 6; 1969, 529 § 3;

1971, 879 §§ 3, 6; 1973, 978 §§ 3, 6. (See 1946, 321 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7.)

SECT. 35A added, 1945, 717 (providing for an increase in certain weekly benefits under the workmen's compensation law in certain cases); revised, 1946, 553, paragraph (*c*) revised, 1950, 282 § 1; section amended, 1953, 314 § 6; 1956, 735 § 3; revised, 1957, 641; amended, 1959, 566 § 4; paragraph (*c*) amended, 1974, 438 § 2. (See 1956, 735 § 4; 1974, 438 § 3.)

SECT. 35B added, 1970, 667 § 1 (relative to workmen's compensation benefit payments for a subsequent injury). (See 1970, 667 § 2.)

SECT. 36, paragraph (*j*) revised, 1933, 257; section revised, 1935, 333; paragraph (*b*) amended, 1947, 664 § 1; paragraph (*d*) amended, 1947, 634 § 1; paragraph (*e*) amended, 1947, 634 § 2; paragraph (*f*) amended, 1946, 386 § 1; paragraph added, 1947, 634 § 3; section revised, 1972, 741 § 1. (See 1946, 386 § 2; 1947, 664 § 2; 1972, 741 § 2.)

SECT. 36 stricken out and sections 36 and 36A inserted, 1949, 519 (increasing the benefits payable under the workmen's compensation law for certain injuries).

SECT. 36, paragraph (*d*) revised, 1959, 230; paragraph (*f*) revised, 1959, 545 § 1; paragraphs (*h*) and (*i*) revised, 1952, 60; paragraphs (*n*) and (*o*) revised, 1959, 545 § 2; paragraph (*q*) revised, 1952, 84; paragraphs (*s*) and (*t*) inserted, 1959, 545 § 3; paragraph added, 1953, 64; amended 1959, 199; section revised, 1962, 471 § 1; amended, 1966, 584. (See 1962, 471 § 2.)

SECT. 36A revised, 1950, 445; 1951, 494.

SECT. 37 amended, 1937, 321; revised, 1950, 527; amended, 1957, 287; revised, 1973, 855 § 2.

SECT. 37A added, 1945, 623 § 2 (relative to payments to disabled war veterans subsequently injured in industry); second sentence revised, 1965, 891; 1973, 855 § 3.

SECT. 39 amended, 1937, 317.

SECT. 41 revised, 1965, 487 § 1. (See 1965, 487 § 2.)

SECT. 41A added, 1975, 455 § 1 (requiring insurance companies to give certain notices of decisions to disclaim liability in certain cases). (See 1975, 455 § 2.)

SECT. 45, paragraph added, 1951, 662; section amended, 1955, 174 § 5.

SECT. 46 amended, 1941, 378; 1945, 623 § 2A; 1953, 314 § 6; revised, 1973, 855 § 4.

SECT. 46A added, 1974, 812 § 1 (providing for a lien by group accident and health accident insurers under certain conditions); revised, 1975, 883.

SECT. 47 revised, 1960, 792.

SECTS. 48 and 49 amended, 1953, 314 § 6.

SECT. 50 revised, 1953, 670; 1965, 616.

SECT. 51A added, 1969, 833 § 1 (fixing rate of compensation as of date of final decision in certain cases).

SECT. 52 revised, 1947, 619 § 1. (See 1947, 619 § 3.)

SECT. 52A added, 1939, 465 § 2 (relative to insuring against silicosis and other occupational pulmonary dust diseases); repealed, 1957, 301. (See 1939, 465 § 4.)

SECT. 52B added, 1945, 581 (relative to the payment of premiums for workmen's compensation insurance in certain cases).

SECTS. 52C-52G added, 1947, 619 § 2 (relative to rates for workmen's compensation insurance). (See 1947, 619 § 3.)

SECT. 52D, paragraph added, 1962, 342.

SECT. 52F, paragraph (*c*) amended, 1954, 681 § 15. (See 1954, 681 §§ 20, 22.)

SECT. 54A added, 1935, 425 (relative to safeguarding and extending the workmen's compensation law by making void certain contracts or agreements in the nature of insurance which do not insure the payment of the compensation provided for by said law); revised, 1957, 275; second sentence stricken out, 1972, 374 § 2. (See 1972, 374 § 3.)

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 57 amended, 1955, 174 § 5.

SECT. 58 amended, 1955, 174 § 5.

SECT. 59 amended, 1953, 314 § 6.

SECTS. 62 and 63 amended, 1953, 314 § 6.

SECT. 63 amended, 1973, 403.

SECT. 65 amended, 1935, 395; 1936, 162; 1937, 394; revised, 1939, 465 § 3; amended, 1943, 367; second sentence amended, 1950, 634 § 2; section amended, 1955, 174 § 5; 234 § 2; third sentence revised, 1967, 513; section revised, 1973, 855 § 5. (See 1939, 465 § 4.)

SECTS. 65A-65M added, under caption, 1939, 489 (providing for the equitable distribution of rejected risks among insurers of workmen's compensation, and the pooling of losses in connection with such risks).

SECTS. 65A and 65B amended, 1953, 314 § 6.

SECT. 65F amended, 1974, 761 § 2.

SECT. 65M amended, 1953, 314 § 6.

SECT. 65N added, 1945, 623 § 3 (establishing a special fund to encourage the employment in industry of disabled war veterans); amended, 1949, 689; 1955, 174 § 5; sentence added, 1967, 512; section repealed, 1973, 855 § 6. (See 1965, 642.)

SECT. 65O added, 1974, 761 § 1 (relative to the assignment of rejected risks and pooling).

SECT. 66 revised, 1943, 529 § 9A; 1959, 478; amended, 1971, 700 § 1. (See 1943, 529 § 14; 1971, 700 § 2.)

SECT. 67 revised, 1943, 529 § 10; first sentence revised, 1953, 656 § 2. (See 1943, 529 § 14.)

SECT. 68 revised, 1943, 529 § 11; amended, 1947, 506 § 4; revised, 1949, 427 § 8. (See 1943, 529 § 14; 1949, 427 § 11.)

SECT. 69 revised, 1933, 318 § 7; 1936, 260; amended, 1936, 403; revised, 1939, 435; last sentence revised, 1939, 468; section amended, 1941, 614; 1945, 729; 1946, 422; second sentence revised, 1947, 590; paragraph added, 1951, 610 § 2; section revised, 1959, 555; first paragraph amended, 1966, 401; first sentence revised, 1971, 1059; second sentence amended, 1969, 863; paragraph added, 1960, 655.

SECT. 69A added, 1933, 315 (regulating workmen's compensation payments by the commonwealth); amended, 1953, 314 § 6.

SECT. 69B added, 1936, 427 (further regulating workmen's compensation payments by the commonwealth); amended, 1955, 174 § 5.

SECT. 70 amended, 1953, 314 § 6.

SECT. 73, first sentence amended, 1936, 318 § 4; 1937, 336 § 23; first sentence stricken out and paragraph inserted, 1941, 379 § 12; first two sentences revised, 1950, 209; first sentence revised, 1967, 597 § 23; amended, 1971, 1012 § 15.

SECT. 73A added, 1941, 649 (to provide for the employment of partially disabled public employees and temporary filling of their original positions); amended, 1974, 835 § 156. (See 1974, 835 § 185.)

SECT. 74 amended, 1939, 451 § 57; 1941, 344 § 26; sentence added at end, 1953, 501.

SECT. 74A added, 1955, 681 (extending workmen's compensation to employees furnishing aid to other governmental units); revised, 1974, 799.

SECT. 75 revised, 1932, 19; amended, 1951, 610 § 1; 1954, 680 § 8; 1955, 174 § 4, 643 § 11; third sentence revised, 1974, 835 § 157. (See 1955, 643 § 12; 1974, 835 § 185.)

SECTS. 76-85 added, 1939, 465 § 1 (providing workmen's compensation benefits for employees in the granite industry contracting silicosis and other occupational pulmonary dust diseases). (See 1939, 465 § 4; 1950, 220.)

SECTS. 76-85 stricken out and section 76 inserted, 1950, 220.

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

SECT. 76 repealed, 1955, 234 § 1.

Chapter 153. — Liability of Employers to Employees for Injuries not resulting in Death.

SECT. 6 amended, 1935, 387; first sentence revised, 1947, 506 § 5; 1949, 427 § 9. (See 1949, 427 § 11.)

Chapter 154. — Assignment of Wages.

SECT. 2 revised, 1948, 550 § 31; first sentence amended, 1956, 689 § 6; revised, 1963, 305. (See 1956, 689 § 9.)

SECT. 8 added, 1933, 96 (exempting orders for payment of labor or trade union or craft dues or obligations from the operation of the laws regulating assignments of wages); amended, 1939, 125; 1948, 117; revised, 1950, 204; 1951, 239; amended, 1955, 631; 1956, 244 § 3; revised, 1958, 52 § 1; amended, 1962, 162; paragraph added, 1970, 324; sentence added, 1972, 254. (See 1958, 52 § 2.)

Chapter 155. — General Provisions relative to Corporations.

SECT. 1 revised, 1935, 297 § 1; 1962, 750 § 5; 1964, 723 § 4; amended, 1969, 392 § 27; revised, 1971, 819 § 1; 1973, 860 § 22. (See 1935, 297 § 3; 1962, 750 §§ 73, 74; 1964, 723 §§ 6, 7; 1971, 819 § 12; 1973, 860 § 27.)

SECT. 2 amended, 1962, 750 § 6.

SECT. 2A added, 1955, 490 (to provide for the certification and recording of evidence of the incorporation of church or cemetery corporations); amended, 1962, 750 § 7; revised, 1964, 476; repealed, 1971, 819 § 2. (See 1971, 819 § 12.)

SECT. 2B added, 1958, 441 (relative to the approval of certain proposed corporations); revised, 1962, 750 § 8; sentence added, 1970, 451.

SECT. 3A amended, 1965, 310.

SECT. 6, sentence added, 1949, 105.

SECT. 8, sentence added, 1969, 245 § 1; 1971, 111; section revised, 1972, 103 § 1. (See 1969, 245 § 3.)

SECT. 9 amended, 1938, 327 § 1; revised, 1943, 295; first sentence revised, 1953, 32; section revised, 1962, 750 § 9; first paragraph amended, 1963, 59; section revised, 1964, 484 § 1; first paragraph, first sentence amended, 1969, 142 § 1; paragraph added, 1969, 142 § 2. (See 1938, 327 § 2.)

SECT. 9A added, 1964, 484 § 2 (providing for the reservation of a corporate name).

SECT. 10 amended, 1933, 11; third sentence revised, 1943, 549 § 4; fifth sentence revised, 1957, 698 § 2; section revised, 1962, 750 § 10.

SECT. 12A added, 1938, 164 § 1 (making permanent certain provisions of law authorizing domestic corporations to contribute to certain funds for the benefit of social and economic conditions); amended, 1946, 278. (See 1938, 164 § 2.)

SECT. 12B added, 1947, 488 § 5 (empowering corporations to participate as subscribers in the exchanging of reciprocal or inter-insurance contracts).

SECT. 12C added, 1953, 415 (authorizing corporations to make contributions for charitable, scientific or educational purposes).

SECT. 13, sentence added, 1949, 695.

SECT. 15 revised, 1939, 14.

SECT. 18 revised, 1962, 133.

SECT. 22, paragraph added, 1953, 185; revised, 1954, 50.

SECT. 23 amended, 1962, 750 § 11.

SECT. 23A added, 1935, 297 § 2 (regulating sales of stocks, bonds and other securities of corporations to their employees); repealed, 1938, 445 § 13. (See 1935, 297 § 3; G. L. chapter 110A, § 11A, inserted by 1938, 445 § 9.)

SECTS. 24-44 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 46, first sentence stricken out, 1957, 765 § 7. (See 1957, 765 § 21.)

SECT. 50 amended, 1933, 66.

SECT. 50A added, 1939, 456 § 1 (relative to the dissolution of domestic corporations); amended, 1943. 383; revised, 1962, 750 § 12.

SECT. 51A added, 1958, 204 (providing for the distribution of the assets of certain corporations upon petition to the supreme judicial or superior courts); amended, 1962, 750 § 13.

SECT. 56, first sentence revised, 1939, 456 § 2; 1953, 31; section revised, 1962, 750 § 14.

Chapter 156. — Business Corporations.

SECT. 1 revised, 1962, 750 § 15.

SECT. 2, first sentence revised, 1964, 723 § 5; amended, 1965, 685 § 55; 1969, 392 § 28. (See 1964, 723 §§ 6, 7; 1965, 685 § 57.)

SECT. 3 amended, 1962, 750 § 16.

SECT. 5 amended, 1939, 301 § 1.

SECT. 6, clause (*e*) amended, 1939, 15 § 1.

SECT. 10, clauses (*e*) and (*f*) added, 1961, 97 § 1; paragraph added, 1961, 97 § 2.

SECT. 11, first sentence revised, 1961, 97 § 3; 1962, 750 § 17.

SECT. 12, form of certificate revised, 1932, 67; section revised, 1959, 327 § 1; 1962, 750 § 18. (See 1959, 327 § 2.)

SECT. 16 amended, 1962, 750 § 19.

SECT. 17 amended, 1962, 750 § 20; 1972, 684 § 74. (See 1972, 684 § 136.)

SECT. 24 revised, 1961, 211 § 1; 1962, 750 § 21. (See 1961, 211 § 3.)

SECT. 29 revised, 1961, 211 § 2; 1962, 750 § 22. (See 1961, 211 § 3.)

SECT. 30 amended, 1937, 52.

SECT. 32 revised, 1955, 173; 1956, 375.

SECT. 36 revised, 1941, 514 § 1.

SECT. 41 revised, 1932, 136.

SECT. 41B added, 1951, 498 (authorizing changes of shares of par value stock into a greater number or the exchange thereof for a greater number).

SECT. 41C added, 1951, 565 § 1 (authorizing changes of stock without par value to shares with par value).

SECT. 42 amended, 1943, 38 § 1.

SECT. 43 amended, 1962, 750 § 23.

SECT. 44 amended, 1951, 565 § 2.

SECT. 45 amended, 1951, 565 § 3.

SECT. 46, sentence added, 1943, 38 § 2.

SECTS. 46A-46F added, under heading, 1941, 514 § 2.

SECT. 46A revised, 1948, 524; amended, 1962, 750 § 24; last paragraph amended, 1959, 180 § 1.

SECT. 46B, third paragraph amended, 1962, 750 § 25; paragraph contained in lines 102-108 revised, 1943, 405 § 1; 1947, 543 § 1; sixth paragraph amended, 1959, 180 § 2.

SECT. 46D amended, 1962, 750 § 26; subsection 2 of paragraph (*b*) amended, 1954, 57; 1958, 2; paragraph contained in lines 64-73 revised, 1943, 405 § 2; 1947, 543 § 2; fifth paragraph amended, 1959, 180 § 3. (See 1963, 141.)

SECT. 46F added, 1959, 180 § 4 (providing for the issuance of certain certificates by the secretary of state for filing in registries of deeds and town clerks' offices as evidence of mergers and consolidations of corporations).

SECT. 47 revised, 1962, 467 § 1; amended, 1962, 750 § 27. (See 1962, 467 § 3.)

SECT. 48 revised, 1961, 202; amended, 1962, 750 § 28.

SECT. 49 revised, 1941, 276; first sentence revised, 1948, 118; section revised, 1962, 467 § 2. (See 1962, 467 § 3.)

SECT. 50 amended, 1962, 750 § 29.

SECT. 52 amended, 1962, 750 § 30.

SECT. 53 amended, 1957, 698 § 3; 1972, 684 § 75. (See 1972, 684 § 136.)

SECT. 54 amended, 1932, 180 § 30; second paragraph amended, 1972, 684 § 76; third paragraph amended, 1972, 684 § 77; fourth paragraph amended, 1972, 684 § 78; paragraph added, 1951, 565 § 4; amended, 1972, 684 § 79. (See 1972, 684 § 136.)

SECT. 55 amended, 1952, 314; revised, 1955, 338; amended, 1957, 698 § 4; 1972, 684 § 80. (See 1972, 684 § 136.)

Chapter 156A. — Professional Corporations.

New chapter inserted, 1963, 654 § 1.

SECT. 1, paragraph (*b*) amended, 1970, 443 § 32; revised, 1971, 113; amended, 1972, 81; revised, 1972, 142; amended, 1973, 367; revised, 1073, 478.

SECT. 2 amended, 1969, 829 § 1. (See 1969, 829 § 2.)

SECT. 3 amended, 1969, 392 § 29.

SECT. 5 revised, 1973, 366.

SECT. 6 revised, 1964, 459; 1974, 271.

SECT. 8, second sentence revised, 1971, 259; sentence added, 1970, 444 § 1; 1972, 316 § 1.

SECT. 9 revised, 1972, 693 § 6.

SECT. 14, second sentence revised, 1972, 316 § 2.

Chapter 156B. — Certain Business Corporations.

New chapter inserted, 1964, 723 § 1. (See 1964, 723 § 6, 7.)

SECT. 2, clause (*b*) revised, 1965, 685 § 1. (See 1965, 685 § 57.)

SECT. 3 amended, 1965, 685 § 1A; revised, 1969, 392 § 1. (See 1965, 685 § 57.)

SECT. 4 amended, 1965, 685 § 1B. (See 1965, 685 § 57.)

SECT. 5 amended, 1969, 392 § 2.

SECT. 6, last sentence stricken out, 1965, 685 § 2. (See 1965, 685 § 57.)

SECT. 7 amended, 1969, 392 § 3.

SECT. 8 revised, 1965, 685 § 3. (See 1965, 685 § 57.)

SECT. 9, clause (*l*) revised, 1969, 392 § 4; section amended, 1969, 329 § 5; clause (*o*) stricken out and clauses (*o*) and (*p*) inserted, 1969, 392 § 6.

SECT. 9A added, 1969, 392 § 7 (specifying when a corporation may be a partner).

SECT. 11, subsection (*b*) amended, 1965, 685 § 4; subsection (*c*) amended, 1965, 685 § 5; subsection (*d*) amended, 1965, 685 § 6. (See 1965, 685 § 57.)

SECT. 12, first paragraph amended, 1965, 685 § 7; second paragraph amended, 1965, 685 § 8; section revised, 1969, 392 § 8; first paragraph amended, 1973, 925 § 57. (See 1965, 685 § 57; 1973, 925 § 84.)

SECT. 13, subsection (*c*) amended, 1965, 685 § 9. (See 1965, 685 § 57.)

SECT. 17, first sentence revised, 1975, 70 § 1; sentence inserted after first sentence, 1965, 685 § 10. (See 1965, 685 § 57.)

SECT. 23 revised, 1965, 685 § 11. (See 1965, 685 § 57.)

SECT. 24 amended, 1969, 392 § 9.

SECT. 25 amended, 1969, 392 § 10.

SECT. 26, first paragraph revised, 1965, 685 § 12; amended, 1969, 392 § 11. (See 1965, 685 § 57.)

SECT. 27 revised, 1965, 685 § 13. (See 1965, 685 § 57.)

SECT. 29 amended, 1965, 685 § 13A. (See 1965, 685 § 57.)

SECT. 31 revised, 1965, 685 § 14. (See 1965, 685 § 57.)

SECT. 32, first and second sentences revised, 1965, 658 § 15. (See 1965, 685 § 57.)

SECT. 36 amended, 1965, 685 § 16. (See 1965, 685 § 57.)
SECT. 37 revised, 1969, 392 § 12.
SECT. 39 revised, 1965, 685 § 17. (See 1965, 685 § 57.)
SECT. 41 amended, 1965, 685 § 18. (See 1965, 685 § 57.)
SECT. 42, paragraph added, 1969, 392 § 13.
SECT. 43 amended, 1965, 685 § 19; revised, 1969, 392 § 14. (See 1965, 685 § 57.)
SECTS. 47-49 revised, 1965, 685 § 20. (See 1965, 685 § 57.)
SECT. 47 amended, 1971, 929 § 2; 1974, 350 § 1.
SECT. 50 amended, 1965, 685 § 20A. (See 1965, 685 § 57.)
SECT. 51, clause (*a*) amended, 1965, 685 § 21. (See 1965, 685 § 57.)
SECT. 53, last sentence revised, 1965, 685 § 22. (See 1965, 685 § 57.)
SECT. 55 amended, 1965, 685 § 22A. (See 1965, 685 § 57.)
SECT. 59 revised, 1965, 685 § 23; 1969, 392 § 15; paragraph added, 1974, 350 § 2. (See 1965, 685 § 57.)
SECT. 61 amended, 1965, 685 § 24. (See 1965, 685 § 57.)
SECT. 62 amended, 1965, 685 § 25. (See 1965, 685 § 57.)
SECT. 63 amended, 1965, 685 § 26; revised, 1971, 929 § 3; 1972, 316 § 3. (See 1965, 685 § 57.)
SECT. 65, sentence added, 1969, 392 § 16.
SECT. 67, two paragraphs added, 1965, 685 § 27; first paragraph revised, 1969, 392 § 17; first sentence revised, 1971, 929 § 4; paragraph added, 1969, 392 § 18. (See 1965, 685 § 57.)
SECT. 71 revised, 1965, 685 § 28. (See 1965, 685 § 57.)
SECT. 72, first sentence amended, 1967, 198.
SECT. 74, first paragraph amended, 1965, 685 § 29. (See 1965, 685 § 57.)
SECT. 75, sentence added, 1965, 685 § 30. (See 1965, 685 § 57.)
SECT. 78, subsection (*b*) amended, 1965, 685 § 31; subsection (*c*) amended, 1965, 685 § 32; revised, 1969, 392 § 19; paragraph (1), clause (*iii*), two sentences added, 1975, 70 § 2; subsection (*d*) amended, 1965, 685 § 32A; 1969, 392 § 20; subsection (*e*) amended, 1965, 685 § 33; revised, 1974, 350 § 3. (See 1965, 685 § 57.)
SECT. 79, subsection (*c*) amended, 1965, 685 § 33A; 1969, 392 § 21; subsection (*d*) amended, 1965, 685 § 34; revised, 1974, 350 § 4. (See 1965, 685 § 57.)
SECT. 80 amended, 1965, 685 § 35. (See 1965, 685 § 57.)
SECT. 81 amended, 1965, 685 § 36. (See 1965, 685 § 57.)
SECT. 82, subsection (*b*) amended, 1965, 685 § 37; subsection (*e*) amended, 1965, 685 § 38. (See 1965, 685 § 57.)
SECT. 83, subsection (*d*) amended, 1965, 685 § 38A; subsection (*f*) amended, 1965, 685 § 39. (See 1965, 685 § 57.)
SECT. 84 amended, 1972, 684 § 81. (See 1972, 684 § 136.)
SECT. 85, sentence added, 1969, 392 § 22.
SECT. 86 amended, 1965, 685 § 40; 1973, 749 § 1. (See 1965, 685 § 57.)
SECT. 87 amended, 1973, 749 § 2.
SECT. 88 amended, 1973, 749 § 3.
SECT. 89 revised, 1973, 749 § 4.
SECT. 95 amended, 1965, 685 § 41. (See 1965, 685 § 57.)
SECT. 97 amended, 1965, 685 § 42. (See 1965, 685 § 57.)

SECT. 98 amended, 1965, 685 § 43. (See 1965, 685 § 57.)

SECTS. 99-102 revised, 1965, 685 § 44. (See 1965, 685 § 57.)

SECT. 99, paragraph (*b*) amended, 1969, 392 § 23.

SECT. 100, clause (*b*) amended, 1967, 197.

SECT. 103 amended, 1965, 685 § 45. (See 1965, 685 § 57.)

SECT. 104 amended, 1965, 685 § 46. (See 1965, 685 § 57.)

SECT. 107 amended, 1965, 685 § 47; last sentence revised, 1966, 347 § 1. (See 1965, 685 § 57.)

SECT. 108 amended, 1965, 685 § 48; first sentence revised, 1969, 392 § 24. (See 1965, 685 § 57.)

SECT. 109 amended, 1965, 685 § 49; subsection (3) amended, 1975, 70 § 3; subsection (4) amended, 1975, 70 § 4. (See 1965, 685 § 57.)

SECT. 109A added, 1969, 392 § 25 (relating to further requirements for certain annual reports); first sentence revised, 1971, 929 § 5; second and third sentences revised, 1975, 70 § 5.

SECT. 110 repealed, 1965, 685 § 50. (See 1965, 685 § 57.)

SECT. 111, first three sentences stricken out, 1969, 392 § 26.

SECT. 112, last sentence stricken out, 1965, 685 § 51. (See 1965, 685 § 57.)

SECT. 113 amended, 1965, 685 § 52. (See 1965, 685 § 57.)

SECT. 114, subsection (*a*) amended, 1972, 684 § 82; subsection (*b*), paragraph (1) amended, 684 § 83; paragraph (2) amended, 1972, 684 § 84; paragraph (3) amended, 1972, 684 § 85; paragraph (4) amended, 1972, 684 § 86; paragraph (5) revised, 1965, 685 § 53; 1966, 347 § 2; amended, 1972, 684 § 87; subsection (*c*) amended, 1972, 684 § 88; subsection (*d*), paragraph (1) amended, 1972, 684 § 89; paragraph (2) amended, 1972, 684 § 90; paragraph (3) amended, 1972, 684 § 91; paragraph (4) amended, 1972, 684 § 92; paragraph (5) amended, 1972, 684 § 93; subsection (*e*) amended, 1972, 684 § 94; subsections (*f*), (*g*) and (*h*) inserted, 1965, 685 § 54; subsection (*f*) amended, 1972, 684 § 95; subsection (*g*) amended, 1972, 684 § 96. (See 1965, 685 § 57; 1972, 684 § 136.)

SECT. 115 added, 1969, 245 § 2 (relating to the authority of corporate officers with respect to real estate); revised, 1972, 103 § 2. (See 1969, 245 § 3.)

Chapter 157. — Co-operative Corporations.

SECT. 3, second sentence revised, 1949, 378 § 1.

SECT. 3A added, 1949, 378 § 2 (authorizing the forming of corporations to conduct a housing business on the co-operative plan).

SECT. 3B added, 1971, 317 § 1 (authorizing direct charge cooperatives).

SECT. 4 revised, 1949, 378 § 3; first sentence revised, 1958, 26; amended, 1971, 317 § 2; second paragraph amended, 1971, 317 § 2A.

SECT. 6 amended, 1949, 378 § 3; paragraph 2 revised, 1964, 290; paragraph 4 revised, 1949, 378 § 5.

SECT. 7 amended, 1962, 750 § 31; 1957, 698 § 5; 1972, 684 § 97. (See 1972, 684 § 136.)

SECT. 8 amended, 1962, 750 § 32.

SECT. 9 amended, 1949, 378 § 6; 1957, 698 § 6; 1971, 317 § 3; 1972, 684 § 98. (See 1972, 684 § 136.)

SECT. 13 amended, 1954, 23.

SECT. 16, last sentence amended, 1932, 180 § 31.

Chapter 158. — Certain Miscallaneous Corporations.

SECT. 1 amended, 1962, 750 § 33; revised, 1973, 860 § 23. (See 1973, 860 § 27.)

SECT. 9 revised, 1962, 750 § 34.

SECT. 16, first sentence revised, 1969, 644.

SECT. 17 revised, 1966, 526.

SECT. 33 amended, 1962, 750 § 35.

SECT. 36 amended, 1962, 750 § 36.

SECT. 37 amended, 1962, 750 § 37.

SECT. 38 amended, 1962, 750 § 38.

SECT. 39 amended, 1962, 750 § 39.

SECT. 41 amended, 1962, 750 § 40.

SECT. 42 amended, 1962, 750 § 41.

SECT. 43, last paragraph amended, 1953, 282; section revised, 1957, 698 § 7; amended, 1972, 684 § 99. (See 1972, 684 § 136.)

Chapter 159. — Common Carriers.

SECT. 12 amended, 1964, 563 § 9; paragraph (*a*) revised, 1945, 175.

SECTS. 12A-12D added, 1973, 936 § 1 (placing mobile radio telephone utility companies under the jurisdiction of the department of public utilities).

SECT. 14A added, 1941, 713 (authorizing the department of public utilities to regulate rates for the transportation of persons or property within the commonwealth by common carriers by aircraft).

SECT. 15, paragraph added, 1937, 247; stricken out, 1938, 155 § 2; clause added, 1951, 681; revised, 1951, 726; amended, 1966, 535 § 13.

SECT. 16, two sentences added, 1970, 137.

SECT. 16A added, 1938, 243 (relative to the discontinuance of service by railroads).

SECT. 20 amended, 1939, 18; 1973, 816 § 1.

SECT. 21, sentence inserted after first sentence, 1946, 214.

SECT. 24, second sentence revised, 1945, 647 § 1.

SECT. 27 revised, 1945, 647 § 2.

SECT. 28 revised, 1945, 647 § 3.

SECT. 29 revised, 1945, 647 § 4.

SECT. 30 revised, 1945, 647 § 5.

SECT. 32, first sentence, revised, 1945, 199.

SECT. 34A added, 1945, 577 (relative to affiliated companies of common carriers); paragraph (*e*) revised, 1974, 128; paragraph (*f*) added, 1974, 128.

SECTS. 55-56 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 59 revised, 1933, 326 § 1.

SECT. 60 amended, 1933, 326 § 2; 1941, 233.

SECT. 61 amended, 1933, 326 § 3; 1946, 437 § 1.

SECT. 62 amended, 326 § 4; 1946, 437 § 2;

SECT. 63 amended, 1946, 437 § 3.

SECT. 65 amended, 1937, 270.

SECT. 70 revised, 1934, 357 § 1.

SECT. 80 amended, 1934, 357 § 2.

SECT. 83 amended, 1970, 284.

SECT. 89 revised, 1936, 363 § 1; amended, 1951, 24 § 1; 1953, 42 § 1; repealed, 1964, 400 § 2. (See 1953, 42 § 4.)

SECT. 90 revised, 1936, 363 § 2; amended, 1951, 24 § 2; repealed, 1964, 400 § 2.

SECT. 91 revised, 1936, 363 § 3; repealed, 1964; 400 § 2.

SECT. 92 amended, 1936, 363 § 4; 1951, 24 § 3; revised, 1964, 400 § 3.

SECT. 93, first sentence amended, 1936, 363 § 5; 1951, 24 § 4; 1971, 1076 § 13; sentence added, 1962, 362. (See 1971, 1076 § 22.)

SECT. 94 amended, 1936, 363 § 6; 1951, 24 § 5; 1953, 319 § 23. (See 1953, 319 §§ 39, 40.)

SECT. 95 amended, 1951, 24 § 6.

SECT. 98 amended, 1948, 550 § 32.

SECT. 99 amended, 1948, 550 § 33.

SECT. 101 revised, 1950, 116.

SECT. 103 amended, 1933, 10; 1941, 54; 1943, 322 § 1.

SECT. 104, first sentence revised, 1950, 117 § 1; 1959, 234; amended, 1960, 156; section revised, 1967, 684. (See 1950, 117 § 2.)

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

Title amended, and headings, "PART I", "CARRIERS OF PASSENGERS BY MOTOR VEHICLE", inserted before section 1, 1933, 372 § 1; repealed, 1934, 264 § 5.

SECT. 1 revised, 1948, 550 § 34; 1949, 297 § 11; amended, 1956, 99; paragraph added, 1975, 740.

SECT. 2 revised, 1947, 258 § 1. (See 1947, 258 § 2.)

SECT. 4, first sentence stricken out and three sentences inserted, 1945, 318 § 1. (See 1945, 318 § 2.)

SECT. 7, paragraph added, 1956, 329; amended, 1966, 97.

SECT. 7A added, 1949, 449 (relative to the transfer of certificates, licenses and permits issued for certain common carriers); first sentence revised, 1952, 355; first paragraph revised, 1961, 268 § 1; second paragraph amended, 1951, 160; two sentences added, 1954, 281.

SECT. 8, first sentence revised, 1973, 236 § 1; third sentence revised, 1968, 456; paragraph added, 1973, 236 § 2.

SECT. 9, first sentence revised, 1969, 349; second sentence revised, 1969, 669; 1971, 540; 1972, 197; 1975, 142; third sentence revised, 1968, 325.

SECT. 10, paragraph added, 1945, 585.

SECT. 11A added, 1939, 404 § 1 (placing special and chartered buses, so called, under the supervision of the department of public utilities); amended, 1941, 480; revised, 1947, 482 § 1; first sentence revised, 1953, 268 § 1; first paragraph revised, 1954, 319 § 1; second paragraph revised, 1954, 319 § 2; third paragraph amended, 1948, 484; 1950, 501; 1951, 161; 1954, 307; 1964, 41; paragraph added, 1961, 268 § 2; section revised, 1965, 537; first paragraph amended, 1966, 531; second paragraph, first sentence revised, 1969, 97; sentence inserted after second sentence, 1971, 560; revised, 1975, 331 § 1; fifth sentence revised, 1970, 335; 1972, 561; 1975, 331 § 2; third paragraph, second sentence revised, 1969, 96. (See 1939, 404 § 1; 1947, 482 § 2; 1953, 268 § 2; 1954, 319 § 3.)

SECT. 11B added, 1972, 704 (authorizing cities and towns to enter contracts to provide public transportation).

SECT. 15 revised, 1949, 609; first paragraph revised, 1964, 116.

SECTS. 17-30 added, under captions, 1933, 372 § 2 (regulating carriers of property by motor vehicle); repealed, 1934, 264 § 5.

Chapter 159B. — Carriers of Property by Motor Vehicle.

New chapter inserted, 1934, 264 § 1.

Chapter stricken out and new chapter 159B (with same title) inserted, 1938, 483 § 1. (See 1938, 483 §§ 2-5.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 159B, as so inserted:

SECT. 2, definition of "Interstate license" stricken out and definition of "Interstate license or registration" inserted, 1968, 106; definition of "Irregular route common carrier" revised, 1941, 653 § 2; definition of "Regular route common carrier" revised and paragraph defining "Regular routes" added, 1941, 653 § 3; definition of "Agricultural carrier by motor vehicle" inserted, 1941, 704 § 1; definitions of "Contract carrier by motor vehicle", "Motor carrier" and "Permit" revised, 1941, 704 § 2; definition of "Motor Carrier", revised, 1951, 664 § 3; definition of "Property" inserted, 1949, 346 § 1; revised, 1954, 87; 1956, 266; definition of "Motor Vehicle" stricken out and definition of "Commercial Motor Vehicle" inserted, 1951, 664 § 1; definition of "Private Carrier" inserted, 1951, 664 § 2; revised, 1952, 483; 1955, 569; amended, 1975, 546. (See 1941, 704 § 4.)

SECT. 3, introductory paragraph amended, 1945, 400 § 1; paragraph (*b*) revised, 1941, 592 § 1; paragraph (*c*) revised, 1945, 400 § 2; amended, 1946, 420 § 1; revised, 1947, 52 § 1; amended, 1959, 543 § 1; paragraph (*d*) revised, 1950, 189. (See 1945, 400 § 8; 1946, 420 § 2; 1947, 52 § 2.)

SECT. 4, second paragraph revised, 1945, 400 § 3; 1966, 196 § 1; third paragraph revised, 1941, 592 § 2; fifth paragraph revised, 1966, 196 § 2; paragraph added, 1951, 384 § 1. (See 1951, 384 § 2.)

SECT. 5, third paragraph amended, 1959, 543 § 2; revised, 1966, 424.

SECT. 6, fifth paragraph amended, 1951, 664 § 4; stricken out, 1955, 353 § 1; sixth paragraph revised, 1967, 516.

SECT. 6A added, 1955, 353 § 2 (relative to the responsibility for illegal rate practices by common carriers by motor vehicle); second paragraph amended, 1956, 217; third paragraph amended, 1968, 769.

SECT. 6B added, 1962, 626 (establishing a maximum charge for towing away motor vehicles during snow removal operations); amended, 1970, 310; paragraph added, 1970, 469.

SECT. 6C added, 1968, 177 (requiring regulation of maximum charges for towing motor vehicles).

SECT. 6D added, 1969, 238 (relating to the purchase by common or contract carriers of certain commodities for immediate resale).

SECT. 7, paragraph (*a*) revised, 1939, 171; amended, 1950, 187; paragraph (*b*) amended, 1945, 343.

SECT. 9 amended, 1941, 483 § 1; 1946, 376 § 1; sentence added, 1947, 52 § 3; section revised, 1954, 553; amended, 1972, 684 § 100. (See 1972, 684 § 136.) § 136.)

SECT. 10, paragraph added, 1939, 306; amended, 1941, 483 § 2; paragraph added, 1945, 379; section amended, 1946, 376 § 2; first paragraph amended, 1954, 481; revised, 1968, 289 § 1; second paragraph revised, 1953, 423; section revised, 1972, 798; second and third paragraphs revised, 1974, 595; seventh paragraph amended, 1974, 594.

SECT. 10A added, 1939, 322 (relative to replacing lost or mutilated plates and lost or destroyed certificates, permits and licenses issued to carriers of property by motor vehicle); sentence added, 1945, 644 § 1; section revised, 1953, 309; sentence inserted before first sentence, 1954, 288; paragraph added, 1967, 43; paragraph added, 1968, 289 § 2.

SECT. 10B added, 1946, 376 § 3 (relative to the issuance of certain distinguishing plates to carriers of property by motor vehicle and to the use of such plates); revised, 1954, 440; amended, 1974, 572.

SECT. 11 amended, 1941, 483 § 3; first sentence of first paragraph revised, 1948, 616 § 1; amended, 1950, 186; first paragraph revised, 1969, 598; second sentence of last paragraph revised, 1945, 644 § 2; revised, 1948, 616 § 2; paragraph added, 1951, 158; sentence added, 1961, 266; last paragraph, first sentence stricken out and two sentences inserted, 1967, 42.

SECT. 11A added, 1956, 601 (to authorize a conditional transfer of a certificate, permit or license to a temporary vendee or lessee of interstate motor carriers duly approved by the interstate commerce commission).

SECT. 12, first paragraph revised, 1941, 653 § 4; second sentence amended, 1945, 400 § 4; second paragraph revised, 1954, 293.

SECT. 12A added, 1957, 165 (authorizing the director of the commercial motor vehicle division of the department of public utilities to destroy or dispose of certain obsolete records and plates).

SECT. 13 amended, 1941, 692; 1945, 400 § 5; first sentence revised, 1951, 262; 1959, 543 § 3.

SECT. 14 amended, 1941, 653 § 5; 1945, 400 § 6; 1949, 346 § 2.

SECT. 14 stricken out and sections 14-14B inserted, 1951, 664 § 5 (relative to the powers and duties of investigators and examiners of the commercial motor vehicle division of the department of public utilities).

SECT. 14B amended, 1952, 255.

SECT. 15A added, 1941, 704 § 3 (relative to agricultural carriers of property by motor vehicles). (See 1941, 704 § 4.)

SECT. 16A added, 1939, 307 (giving the department of public utilities authority to obtain certain information of persons engaged in leasing motor vehicles for the transportation of property for hire).

SECT. 17 revised, 1951, 664 § 6.

SECT. 19 amended, 1949, 187.

SECT. 19A added, 1967, 499 (prohibiting common carriers from engaging in transportation except on a cash basis under certain conditions).

SECT. 21, first paragraph amended, 1951, 664 § 7; second paragraph amended, 1950, 194; revised, 1967, 515.

Chapter 160. — Railroads.

SECT. 38 revised, 1946, 226.

SECT. 65A added, 1958, 562 (authorizing railroad corporations to hold stoc, in railroad car and equipment companies).

SECT. 65B added, 1959, 222 (authorizing railroad corporations to hold stock in railroad car and equipment companies).

SECT. 68 revised, 1943, 33.

SECT. 70 amended, 1932, 238.

SECT. 70A revised, 1932, 236; amended, 1934, 264 § 3.

SECT. 85 amended, 1941, 53.

For temporary act providing tax relief for certain railroads, notwithstanding the provisions of section 87 of this chapter, see 1961, 464.

SECT. 93A added, 1971, 724 (authorizing a city or town to require a railroad to erect a fence along its track for the public safety).

SECT. 98 amended, 1970, 429 § 1.

SECT. 102 amended, 1941, 496 § 1.

SECT. 104 revised, 1933, 176; two sentences inserted after second sentence, 1955, 231.

SECT. 104A added, 1963, 264 (regulating the disconnecting, removal or displacement of wires over railroad crossings, and providing for the reimbursement of a railroad for certain expenses in connection therewith).

SECT. 106 revised, 1953, 332.

SECT. 127A added, 1957, 156 (authorizing the department of public utilities to exempt railroads from certain provisions of law relating to drawbridges if such drawbridges have not been opened for five years).

SECT. 128A added, 1957, 159 (to prohibit railroad corporations from eliminating passenger train service without a prior public hearing).

SECT. 131A added, 1948, 639 (authorizing certain corporations to own and operate railroad terminal facilities).

SECT. 133A added, 1955, 491 (relative to switch stands on railroad tracks).

SECT. 134 amended, 1941, 273 § 1; revised, 1953, 216.

SECT. 134A added, 1950, 815 § 1 (relative to the proper clearance of tracks in railroad yards); amended, 1953, 667; sentence added, 1954, 239; section revised, 1956, 240 § 1; first paragraph revised, 1971, 205 § 1; second paragraph amended, 1971, 205 § 2. (See 1956, 240 § 2.)

SECT. 138 amended, 1941, 273 § 2.

SECT. 138A added, 1967, 843 (requiring manual warning devices at certain railroad crossings).

SECT. 142 amended, 1938, 29; revised, 1947, 584 § 1; second and third sentences revised, 1951, 461 § 1; section revised, 1964, 346 § 1; last sentence revised, 1967, 691. (See 1947, 584 § 2; 1951, 461 § 2; 1964, 346 § 2.)

SECT. 144 revised, 1945, 301.

SECT. 147 revised, 1947, 498; first sentence revised, 1973, 282; third sentence revised, 1968, 196; last sentence stricken out and two sentences inserted, 1965, 886.

SECT. 147A added, 1967, 700 (providing for luminous paint on railroad crossing signs).

SECT. 151 amended, 1971, 303.

SECT. 155, two sentences inserted after first sentence, 1967, 692.

SECT. 163 revised, 1967, 701.

SECT. 163A added, 1952, 430 § 1 (requiring track motor cars operated by railroads to be equipped with windshields and tops). (See 1952, 430 § 2.)

SECT. 167 amended, 1941, 273 § 2.

SECT. 168 amended, 1970, 627.

SECT. 176A added, 1951, 174 § 1 (requiring lights on track motor cars operated by railroads). (See 1951, 174 § 2.)

SECT. 185A added, 1943, 333 (providing that railroad and terminal corporations shall provide reasonable lavatory and sanitary facilities for their employees); repealed, 1955, 669 § 3.

SECT. 198A. See 1936, 267.

SECT. 198B added, 1936, 267 (prohibiting the scalping, so called, of tickets issued by railroad corporations).

SECT. 219 amended, 1953, 42 § 2. (See 1953, 42 § 4.)

SECT. 220 amended, 1953, 42 § 3. (See 1953, 42 § 4.)

SECT. 225 revised, 1973, 435.

SECT. 230 repealed, 1974, 252.

SECT. 232 amended, 1947, 506 § 6; revised, 1949, 427 § 10; 1958, 238 § 9. (See 1949, 427 § 11; 1958, 238 § 10.)

SECT. 235 amended, 1941, 490 § 38.

SECT. 235 stricken out and sections 235 and 235A inserted, 1963, 794 § 1. (See 1963, 794 § 2.)

SECT. 235A amended, 1975, 706 § 288. (See 1975, 706 § 312.)

SECT. 241A added, 1970, 201 (relative to the removal of wreckage and debris caused by railroad derailments).

SECT. 245 amended, 1941, 273 § 4; 496 § 2.

Chapter 161. — Street Railways.

Name of Metropolitan Transit District changed to Boston Metropolitan District, and authority to issue notes and bonds defined, 1932, 147.

Temporary act, extending to January 15, 1939, the period of public control and management of the Eastern Massachusetts Street Railway Company, 1933, 108; further extension of five years, 1938, 173; further extension of five years, 1943, 98.

Temporary acts relative to the purchase of bonds of the Boston Elevated Railway Company by the Boston Metropolitan District, 1933, 235; 1934, 334; 1935, 451; 1936, 308; 1937, 357; 1941, 567; 1947, 92.

Act providing for the creation of the Metropolitan Transit Authority and the acquisition and operation by it of the entire assets, property and franchises of the Boston Elevated Railway Company, 1947, 544.

SECT. 20A amended, 1939, 28.

SECT. 35 amended, 1943, 342.

SECT. 42, third sentence amended, 1934, 328 § 20.

SECT. 44 amended, 1934, 264 § 4.

SECT. 69A added, 1954, 576 (authorizing the merger of certain associations or trusts with street railway companies).

SECT. 77 revised, 1934, 310 § 1.
SECT. 86 revised, 1934, 310 § 2.
SECT. 91A added, 1935, 101 (relative to the number of guards on passenger trains operated by street railway companies).
SECT. 94 revised, 1950, 118.
SECT. 94A added, 1968, 284 (providing penalties for throwing litter on premises of public transportation facilities).
SECT. 95 revised, 1967, 685.
SECT. 107, first paragraph amended, 1946, 253.
SECT. 143 amended, 1964, 563 § 10.
SECT. 147 revised, 1964, 563 § 11.
SECT. 150 amended, 1964, 563 § 12.
SECT. 151, sentence added, 1964, 563 § 13.
SECT. 152 amended, 1964, 563 § 14; 1968, 23 § 12.
SECT. 152A added, 1964, 563 § 15 (authorizing the executive office for administration and finance to enter into a contract with the trustees of certain transportation areas whereby the commonwealth agrees to reimburse the cities and towns comprising the area for an amount equal to ninety per cent of the debt service on certain bonds); revised, 1973, 1141 § 7. (See 1964, 563 § 25.)
SECT. 159 revised, 1964, 563 § 16.

Chapter 161A. — Massachusetts Bay Transportation Authority.

New chapter inserted, 1964, 563 § 18. (See 1964, 563 §§ 19-22, 24-29.)

SECT. 1, definition of "Commuters" revised, 1969, 578 § 3; definitions of "Department" and "Secretary" inserted, 1973, 1140 § 2; definition of "Sixty-four cities and towns" amended, 1967, 87 § 1. (See 1973, 1140 § 30.)
SECT. 3, paragraph (*d*) amended, 1973, 1140 § 4; revised, 1973, 1140 § 3; paragraph (*i*) revised, 1965, 882; paragraphs (*k*)-(*l*) revised, 1973, 1140 § 5; paragraph (*r*) added, 1973, 1140 § 6. (See 1973, 1140 § 30.)
SECT. 5, subsection (*b*) revised, 1966, 636; subsection (*e½*) inserted after subsection (*e*), 1969, 574 § 1; subsection (*e¾*) inserted, 1971, 1100; subsections (*g*)-(*h*) revised, 1973, 1140 § 7; subsection (*i*) amended, 1967, 81 § 1; revised, 1973, 1140 § 8; second and third paragraphs revised, 1975, 205; subsection (*l*) added, 1973, 1140 § 9. (See 1969, 574 § 2; 1973, 1140 § 30.)
SECT. 6, second sentence stricken out and two sentences inserted, 1968, 282; sentence added, 1965, 323 § 1; section revised, 1973, 1140 § 10. (See 1965, 323 § 2; 1973, 1140 § 30.)
SECT. 7, second paragraph revised, 1967, 81 § 2; amended, 1973, 1140 § 11; paragraph added, 1965, 509 § 1; revised, 1973, 1140 § 12. (See 1973, 1140 § 30.)
SECT. 8 amended, 1969, 897; paragraph added, 1973, 1140 § 13; amended, 1974, 825 § 8. (See 1973, 1140 § 30.)
SECT. 8A added, 1967, 24 § 1 (increasing amount of financial assistance to railroads providing passenger service to Boston); amended, 1968, 445 § 1.

SECT. 12, second paragraph revised, 1965, 650 § 1; fifth paragraph amended, 1971, 1075 § 2.

SECT. 13, last paragraph stricken out, 1965, 650 § 2.

SECT. 19A added, 1970, 514 (providing that the Massachusetts Bay Transportation Authority and its employees be subject to certain provisions of the state labor relations law).

SECT. 19B added, 1973, 857 (providing for payment to the spouse or named beneficiary or next of kin of any monies owed by Massachusetts Bay Transportation Authority to its deceased employees).

SECT. 23, first paragraph amended, 1971, 1075 § 3; third paragraph revised, 1971, 1075 § 4; stricken out and two sentences inserted, 1973, 1140 § 14; fourth paragraph amended, 1965, 650 § 3; paragraph inserted after fourth paragraph, 1975, 859 § 3; fifth paragraph amended, 1971, 1075 § 5; seventh paragraph amended, 1973, 1140 § 15. (See 1973, 1140 § 30.)

SECT. 28, first paragraph amended, 1971, 1075 § 6; second sentence amended, 1975, 859 § 4A; second paragraph revised, 1971, 1075 § 7; paragraph added, 1970, 513 § 5.

SECT. 28A added, 1967, 24 § 2 (relative to further financial assistance to railroads providing passenger service to Boston); first sentence revised, 1968, 445 § 2.

Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plans.

New chapter inserted, 1973, 1141 § 1.

Chapter 161C. — Rail Transportation in the Commonwealth.

New chapter inserted, 1975, 859 § 1.

Chapter 163. — Trackless Trolley Companies.

SECT. 12 added, 1932, 185 (requiring trackless trolley companies to furnish security for civil liability on account of personal injuries or property damage caused by their vehicles).

SECT. 13 added, 1943, 141 (providing a penalty for the improper operation of trackless trolley vehicles, so called).

Chapter 164. — Manufacture and Sale of Gas and Electricity.

For legislation authorizing compacts relative to the interstate transmission of electricity and gas, see 1933, 294.

SECT. 1, definitions of "Articles of organization" and "Corporation" inserted, 1973, 860 § 1. (See 1973, 860 § 27.)

SECT. 4 amended, 1938, 44; revised, 1967, 58; 1973, 502 § 1, 860 § 2. (See 1973, 860 § 27.)

SECT. 4A added, 1973, 860 § 2A (regulating the duties of the state secretary relative to certain utility corporations). (See 1973, 860 § 27.)

SECT. 5 revised, 1973, 860 § 3. (See 1973, 860 § 27.)

SECT. 5A added, 1973, 860 § 4 (regulating the names of certain utility corporations). (See 1973, 860 § 27.)

SECT. 6, paragraph (*e*) revised, 1947, 48; 1964, 331; section revised, 1973, 860 § 5. (See 1973, 860 § 27.)

SECT. 7 repealed, 1973, 860 § 6. (See 1973, 860 § 27.)

SECT. 8 revised, 1973, 860 § 7. (See 1973, 860 § 27.)

SECTS. 8A-8D added, 1973, 860 § 8 (further regulating certain utility corporations). (See 1973, 860 § 27.)

SECT. 9A revised, 1972, 502.

SECT. 10 revised, 1973, 860 § 9. (See 1973, 860 § 27.)

SECT. 12A added, 1971, 308 § 1 (authorizing gas and electric companies to issue convertible debentures).

SECT. 13 revised, 1950, 237; 1953, 85; 1967, 681.

SECT. 14 amended, 1935, 222; 1961, 296.

SECT. 15 revised, 1950, 393; first sentence revised, 1955, 188.

SECT. 16A added, 1973, 860 § 10 (authorizing a departmental order to certain corporations to set aside depreciation allowances from earnings). (See 1973, 860 § 27.)

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies); revised, 1954, 95 § 1; 1966, 340. (See 1954, 95 § 2.)

SECT. 18 revised, 1973, 502 § 2.

SECT. 19, sentence inserted after first sentence, 1953, 328; sentence inserted after second sentence, 1971, 308 § 2; section revised, 1973, 502 § 3.

SECT. 20 revised, 1973, 860 § 11. (See 1973, 860 § 27.)

SECT. 22 revised, 1973, 860 § 12. (See 1973, 860 § 27.)

SECT. 23 revised, 1973, 860 § 13. (See 1973, 860 § 27.)

SECT. 24 revised, 1973, 860 § 14. (See 1973, 860 § 27.)

SECT. 25 revised, 1973, 860 § 15. (See 1973, 860 § 27.)

SECTS. 26-28 repealed, 1973, 860 § 16. (See 1973, 860 § 27.)

SECT. 29 amended, 1962, 750 § 42; revised, 1973, 860 § 17. (See 1973, 860 § 27.)

SECT. 31 amended, 1939, 301 § 2.

SECT. 32 repealed, 1973, 860 § 18. (See 1973, 860 § 27.)

SECT. 33 amended, 1932, 180 § 32; 1953, 283; revised, 1973, 860 § 19. (See 1973, 860 § 27.)

SECT. 34 amended, 1937, 235 § 2; revised, 1966, 146; revised, 1973, 933 § 1. (See 1937, 235 § 2.)

SECT. 40 revised, 1963, 347 § 2.

SECT. 41 revised, 1965, 180.

SECT. 56, first sentence amended, 1958, 160.

SECTS. 56A-56E added, 1960, 643 (relative to municipal light commissions).

SECT. 56D amended, 1968, 16.

SECT. 57, sentence inserted after seventh sentence, 1963, 347 § 3.

SECT. 58, sentence added, 1964, 401.

SECT. 58A amended, 1971, 452.

SECT. 59 revised, 1953, 502.

SECT. 69A added, 1950, 419 (authorizing the purchase, sale and distribution of natural gas by certain cities and towns).

SECTS. 69A-69E added, 1958, 311, under caption.

SECT. 69A. as appearing in 1958, 311, amended, 1958, 564 § 1.

SECT. 69B amended, 1958, 564 § 2.

SECT. 69C amended, 1958, 564 § 3.

SECT. 69E amended, 1958, 564 § 4.

SECTS. 69A-69E, inclusive, added by 1958, 311, renumbered sections 69B-69F, inclusive, 1958, 564 § 5.

SECT. 69D, fourth paragraph revised, 1959, 58.

SECT. 69E revised, 1964, 94; amended, 1974, 745, 835 158. (See 1974, 835 § 185.)

SECTS. 69G-69R added, 1973, 1232 § 1 (establishing an Electric Power Facilities Siting Council for the preservation of the environment in conjunction with the promotion of an adequate energy supply). (See 1973, 1232 § 7.)

SECT. 69G, definitions of "Applicant", "Council" and "Facility" revised, 1974, 852 § 1; definitions of "Gas", "Gas company", "Liquified natural gas", "Natural gas", "Propane air", and "Synthetic natural gas" added, 1974, 852 § 2; section revised, 1975, 617 § 1.

SECT. 69H, first paragraph revised, 1974, 852 § 3; second paragraph, first sentence revised, 1974, 852 § 4; 1975, 617 § 2; fifth paragraph, clause (3) revised, 1975, 617 § 3; clause (4) revised, 1974, 852 § 5; 1975, 617 § 3.

SECT. 69I, first, second and third paragraphs revised, 1974, 852 § 6; first paragraph, first two sentences stricken out and four sentences inserted, 1975, 617 § 4; sentence added, 1975, 617 § 5; third paragraph revised, 1975, 617 § 6; fourth paragraph, first sentence amended, 1974, 852 § 7; two paragraphs inserted after fourth paragraph, 1975, 617 § 7.

SECT. 69J, first paragraph, third sentence revised, 1974, 852 § 8; paragraph revised, 1975, 617 § 8; second paragraph revised, 1974, 852 § 9; 1975, 617 § 8.

SECT. 69K, first paragraph revised, 1974, 852 § 10; stricken out and two paragraphs inserted, 1975, 617 § 9; sixth paragraph revised, 1974, 852 § 11; 1975, 617 § 10.

SECT. 69L, paragraph (A), clause (3) revised, 1974, 852 § 12; 1975, 617 § 11.

SECT. 69O, second paragraph, clause (1) revised, 1974, 852 § 13; clause (3) revised, 1974, 852 § 14; 1975, 617 § 12.

SECT. 69Q, third sentence revised, 1974, 852 § 15.

SECT. 69R, first paragraph revised, 1974, 852 § 16; fifth paragraph revised, 1974, 852 § 17; seventh paragraph revised, 1974, 852 § 18.

SECT. 70A revised, 1948, 550 § 35.

SECT. 72, sentence inserted after first sentence, 1965, 457.

SECT. 72A revised, 1968, 152.

SECT. 75A revised, 1965, 199; second sentence revised, 1971, 274.

SECTS. 75B-75D added, under caption, 1950, 462 (relative to natural gas pipe line companies).

SECT. 75E added, 1951, 574 § 1 (providing for rules and regulations relative to the transmission, distribution and use of natural gas). (See 1951, 574 § 2.)

SECT. 75F added, 1952, 192 (providing a penalty for failure of natural gas pipe line companies to restore properties to reasonable condition).

SECT. 75G added, 1953, 132 § 1 (requiring natural gas pipe line companies to mark location of underground pipes, equipment and structures on certain land). (See 1953, 132 § 2.)

SECT. 76A added, 1935, 335 § 1 (giving to the department of public utilities supervision over certain affiliates of gas and electric companies).

SECT. 76B added, 1958, 552 (regulating the construction of ways over, across or along high pressure gas mains).

SECT. 76C added, 1969, 645 (authorizing the department of public utilities to establish rules and regulations).

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85, second paragraph amended, 1935, 335 § 2.

SECT. 85A added, 1933, 202 § 1 (requiring the filing with the department of public utilities of certain contracts of gas and electric companies with affiliated companies).

SECT. 93 revised, 1963, 615 § 4.

SECT. 94, first paragraph amended, 1948, 471; 1973, 816 § 2; second paragraph amended, 1939, 178 § 1; 1973, 816 § 3; third paragraph amended, 1948, 471; 1963, 615 § 1. (See 1939, 178 § 2.)

SECT. 94A amended, 1941, 400 § 1.

SECT. 94B amended, 1941, 400 § 2.

SECT. 94C added, 1935, 227 (relative to payments, charges, contracts, purchases, sales or obligations or other arrangement between gas or electric companies and affiliated companies, and the burden of proving the reasonableness thereof); two paragraphs added, 1974, 286.

SECT. 94D added, 1936, 243 (prohibiting gas and electric companies from collecting penalty charges for delinquency in the payment of bills for gas or electricity used for domestic purposes).

SECT. 94E added, 1941, 400 § 3 (relative to notice of the termination of certain contracts of gas and electric companies).

SECT. 94F added, 1953, 331 (providing for refunds by gas companies in certain cases).

SECT. 94G added, 1974, 625 § 1 (prohibiting the arbitrary imposition of certain fuel charges by electric companies).

SECT. 96 revised, 1939, 229 § 1.

SECT. 97 amended, 1943, 55.

SECT. 99A added, 1966, 240 (relative to the rights in property held as tenants in common by electric companies).

SECT. 100 revised, 1950, 94.

SECT. 102 revised, 1939, 229 § 2.

SECTS. 102A-102B added, 1973, 860 § 20 (further regulating certain corporate consolidations or mergers). (See 1973, 860 § 27.)

SECT. 104 revised, 1957, 696.

SECT. 105 repealed, 1956, 28.

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 115A added, 1936, 259 § 1 (requiring the periodic replacement of meters for measuring gas); amended, 1937, 40 § 1; paragraph added, 1952, 520 § 1. (See 1936, 259 §§ 2, 3; 1937, 40 §§ 2, 3; 1952, 520 § 2.)

SECT. 116 amended, 1961, 305 § 1.

SECT. 116A added, 1966, 351 (facilitating the disconnection of gas and electric services at the scene of fire, explosion or other disaster).

SECT. 119 revised, 1934, 365.

SECT. 119A added, 1936, 76 § 1 (requiring bills for gas or electricity used for domestic purposes to be itemized); revised, 1939, 145 § 1; sentence added, 1974, 625 § 2. (See 1936, 76 § 2; 1939, 145 § 2.)

SECT. 120, fifth sentence revised, 1953, 154.

SECT. 124 amended, 1935, 237, 376 § 2; 1952, 102; revised, 1965, 118 § 1; amended, 1971, 824; 1973, 858 § 1.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness); revised, 1965, 118 § 2.

SECT. 124B added, 1965, 130 (prohibiting the curtailment of service by a utility company because of failure to pay for an appliance purchased from it).

SECT. 124C added, 1971, 767 (regulating the discontinuance of service by a gas or electric utility to a hospital, nursing home or similar facility).

SECT. 124D added, 1973, 858 § 2 (further regulating the shutting off of gas or electric service by gas or electric companies); first paragraph, first sentence revised, 1974, 270 § 1.

SECT. 124E revised, 1975, 422 (regulating the termination of utility services to certain persons).

SECT. 125A revised, 1963, 615 § 5.

SECT. 126 revised, 1961, 284.

SECT. 127 revised, 1961, 290.

SECT. 128 added, 1973, 860 § 21 (regulating the holding of advance payments by customers of certain utility companies). (See 1973, 860 § 27.)

Chapter 164A. — New England Power Pool.

New chapter inserted, 1973, 571 § 2.

Chapter 165. — Water and Aqueduct Companies.

SECT. 1 revised, 1962, 154.

SECT. 1A added, 1965, 385 § 2 (prohibiting the establishment of water companies unless their proposed distribution systems have been approved by the department of public utilities). (See 1965, 385 § 3.)

SECT. 1B added, 1971, 243 (authorizing the department of public utilities to regulate certain water companies).

SECT. 2 amended, 1955, 187; 1958, 527 § 2; revised, 1973, 860 § 24. (See 1973, 860 § 27.)

SECT. 2A added, 1954, 610 (relative to the filing of schedules of water rates, prices and charges of water districts with the department of public utilities).

SECT. 3 amended, 1975, 706 § 289. (See 1975, 706 § 312.)

SECT. 4A added, 1933, 202 § 2 (requiring the filing with the department of public utilities of certain contracts of water companies with affiliated companies).

SECT. 4B added, 1958, 353 (authorizing certain water companies or corporations to take by eminent domain certain property, rights and easements); amended, 1975, 706 § 290. (See 1975, 706 § 312.)

SECT. 6 amended, 1975, 706 § 291. (See 1975, 706 § 312.)

SECT. 10 amended, 1958, 527 § 3.

SECTS. 11A-11C added, 1957, 220 (relative to the authority of water companies to discontinue or shut off or refuse to furnish water service).

SECT. 11D added, 1961, 305 § 2 (requiring certain employees of corporations supplying water to display a badge and photograph before entering upon the premises of a customer).

SECT. 11E added, 1974, 270 § 2 (requiring certain notice before the termination of water service to certain residential buildings).

SECT. 12 amended, 1962, 750 § 43.

SECT. 13 amended, 1962, 750 § 44.

SECT. 14 amended, 1962, 750 § 45.

SECT. 19 repealed, 1941, 275 § 1.

SECT. 28 added, under caption, 1941, 275 § 2 (further regulating the acquisition and holding of real estate by water and aqueduct companies).

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 12A added, 1934, 202 § 2 (requiring telephone and telegraph companies to make additional annual returns).

SECT. 14A added, 1969, 192 (requiring telephone companies to issue a uniform emergency telephone number to certain public safety agencies).

SECT. 15A added, 1935, 242 (regulating charges by telephone companies for the use of hand sets, so called).

SECT. 15B added, 1939, 162 (authorizing the sale and transfer of property and the transfer of locations by domestic telephone and telegraph companies to domestic or foreign telephone and telegraph companies and validating certain locations so transferred).

SECT. 15C added, 1955, 120 (relating to priority of emergency calls on party line telephones).

SECT. 15D added, 1970, 173 (prohibiting telephone company employees from working in excavations or trenches where there may be energized cables).

SECT. 21 amended, 1939, 161; revised, 1951, 476 § 1.

SECTS. 21A-21G added, 1969, 882 (requiring certain precautions by those working in proximity of overhead high voltage lines).

SECT. 22, second paragraph amended, 1932, 36; third paragraph revised, 1948, 550 § 36.

SECT. 22A added, 1932, 266 (relative to the placing underground of certain wires); revised, 1933, 251; stricken out, 1969, 884 § 1.

SECTS. 22A-22N added, 1969, 884 § 1 (relative to poles and overhead wires and associated structures).

SECT. 25 revised, 1951, 476 § 2.

SECT. 28 revised, 1948, 550 § 37; 1961, 466.

SECT. 29 revised, 1951, 476 § 3.

SECT. 32 revised, 1949, 529.

SECT. 35 revised, 1951, 476 § 4.

SECT. 36 amended, 1951, 476 § 5.

SECT. 39 revised, 1958, 130.

SECT. 42A added, 1961, 153 (establishing a penalty for obtaining telecommunications service fraudulently).

SECT. 42B added, 1973, 1157 (imposing certain penalties for fraudulently avoiding charges for telecommunication services and authorizing the seizure of contraband).

SECT. 44 added, 1968, 738 § 2 (regulating service observing by telephone companies).

Chapter 166A. — Community Antenna Television Systems.

New chapter inserted, 1971, 1103 § 1.

SECT. 1, first paragraph, clause (*b*) amended, 1975, 674 § 1; clause (*e*) amended, 1975, 674 § 2.

SECT. 2, second paragraph, first sentence amended, 1972, 96 § 1; section revised, 1975, 674 § 3.

SECT. 2A, third sentence amended, 1972, 96 § 2.

SECT. 4, sixth sentence revised, 1975, 674 § 4.

SECT. 5, first paragraph amended, 1975, 674 § 5.

SECT. 6, third sentence amended, 1975, 674 § 6.

SECT. 7 revised, 1975, 674 § 7.

SECT. 8, first sentence revised, 1972, 402 § 1.

SECT. 9, first sentence amended, 1975, 674 § 8.

SECT. 11, first paragraph, clause (*e*) revised, 1975, 674 § 9.

SECT. 13, revised, 1975, 674 § 10.

SECT. 14, first paragraph amended, 1972, 96 § 3; revised, 1975, 674 § 11; fourth paragraph amended, 1975, 674 § 12; fifth paragraph, second sentence stricken out, 1975, 674 § 13.

SECT. 15, first paragraph amended, 1975, 674 § 14; second paragraph revised, 1975, 674 § 15.

SECT. 19, first sentence amended, 1975, 674 § 16.

SECT. 21 added, 1972, 402 § 2 (providing a penalty for certain tampering with a duly licensed community antenna television system).

SECT. 22 added, 1975, 596 (relative to the installation of cable television facilities).

Chapter 167. — Banks and Banking.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2; 1956, 324 §§ 5-10; 1960, 477 § 1; 1961, 175 §§ 1, 2.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 §§ 2-5; 1939, 227 §§ 2-5.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States defense savings bonds and defense postal saving stamps, see 1941, 221, 575.

For temporary legislation authorizing banking institutions to make loans to veterans of World War II guaranteed or insured by the administrator of veterans' affairs, see 1945, 46; 1946, 126; 1947, 110.

For temporary legislation suspending the law authorizing banks to verify deposit or passbooks of depositors or shareholders, see 1943, 30; 1948, 19; repealed, 1949, 357 § 4.

For temporary legislation authorizing banks and other lending institutions to offer relief to certain mortgagors whose taxes have been increased as a result of a general re-assessment of real estate, see 1962, 332 §§ 1, 2.

SECT. 1 amended, 1935, 452 § 1.

SECT. 2 revised, 1934, 251; first paragraph amended, 1935, 452 § 2; revised, 1948, 527 § 1; amended, 1956, 171; last sentence revised, 1951, 566; paragraph stricken out and two paragraphs inserted, 1958, 654 § 1; first paragraph amended, 1966, 296; 1974, 162; second paragraph, second sentence revised, 1969, 791; stricken out and two sentences inserted, 1973, 1149 § 4; first three sentences revised, 1975, 684 § 238; third paragraph revised, 1950, 428; fourth paragraph, last sentence revised, 1972, 24; 1975, 876. (See 1948, 527 § 5; 1958, 654 § 4; 1973, 1149 § 33; 1975, 684 § 97.)

SECT. 2A added, 1933, 310 (improving the method of examination of banks); first sentence revised, 1958, 47; section revised, 1974, 549.

SECT. 4 amended, 1934, 270 § 1.

SECT. 5 revised, 1933, 337; first paragraph amended, 1961, 226; second paragraph amended, 1954, 681 § 16; section revised, 1975, 463. (See 1954, 681 §§ 20, 22.)

SECT. 6 revised, 1945, 164.

SECT. 6A added, 1960, 27 (relative to the safekeeping of certain securities and passbooks of depositors in banks).

SECT. 7 revised, 1960, 58 § 2.

SECT. 8 revised, 1959, 341.

SECT. 9 revised, 1939, 499 § 8; 1945, 292 § 11; 1949, 592 § 1; second sentence revised, 1975, 169; third sentence revised, 1970, 94 § 1; 1973, 17 § 1.

SECT. 11 revised, 1934, 270 § 2; amended, 1950, 480 § 1; 1961, 493 § 9; 1955, 432 § 6. (See 1955, 432 § 4.)

SECT. 11A added, 1938, 266 § 1 (placing all corporations conducted on the Morris plan under the supervision of the commissioner of banks and further regulating the business of banking companies).

SECTS. 11B and 11C added, 1950, 368 (providing that certain violations of laws relating to banks shall be reported to the commissioner of banks and to the district attorney).

SECT. 11D added, 1971, 394 § 1 (requiring the commissioner of banks to promulgate rules and regulations establishing minimum security and protection standards for banks and credit unions).

SECT. 12 revised, 1935, 452 § 3; first two sentences stricken out and three sentences inserted, 1965, 154; two sentences added, 1951, 765; section revised, 1954, 250; paragraph added, 1967, 220.

SECT. 13 paragraph added, 1948, 527 § 2. (See 1948, 527 § 5.)

SECT. 14 revised, 1933, 334 § 1; 1949, 289 § 1.

SECT. 16 revised, 1949, 370; amended, 1961, 493 § 10; first sentence revised, 1968, 265; 1971, 582; sentence inserted after first sentence, 1969, 116.

SECT. 16A added, 1973, 914 (authorizing cooperative banks to offer negotiable order of withdrawal accounts); sentence inserted after first sentence, 1975, 799.

SECT. 17 repealed, 1933, 334 § 2.

SECT. 18 amended, 1943, 110 § 1; 1955, 432 § 7; revised, 1961, 493 § 11; 1968, 224 § 6. (See 1955, 532 § 4.)

SECT. 18A added, 1961, 269 (regulating the advertising by banks of anticipated interest or dividend rates); amended, 1968, 224 § 7.

SECT. 18B added, 1970, 587 (authorizing regulation of payment and advertising interest on deposits in non-federally-insured banks).

SECT. 20, first paragraph amended, 1933, 190; 1943, 22; 1961, 493 § 12; 1971, 177 § 1; paragraph added, 1958, 109; revised, 1971, 177 § 2.

SECT. 20A added, under caption, 1933, 292 (permitting certain public officers to participate in certain bank reorganizations).

SECTS. 22-36. See 1934, 43 § 11.

SECT. 22, second paragraph amended, 1943, 121. (See 1933, 59 § 5, 112 § 9.)

SECT. 23. See 1933, 112 § 6.

SECT. 24 amended, 1932, 294; 1933, 41 § 4; 1961, 493 § 13; 1955, 432 § 8; paragraph added, 1960, 477 § 2. (See 1955, 432 § 4.)

SECT. 26, two paragraphs added, 1972, 301.

SECT. 31A added, 1933, 277 (authorizing payment of dividends on smll deposits in closed banks to certain minors and to the next of kin of certain deceased persons without probate proceedings); revised, 1937, 170.

SECT. 35. See 1936, 428.

SECT. 35A added, 1933, 302 (authorizing the destruction of certain books, records and papers relating to closed banks).

SECT. 35B added, 1934, 241 (providing for semi-annual reports by the commissioner of banks as to progress of liquidation of certain banks).

SECT. 36 amended, 1939, 451 § 58.

SECT. 37, third sentence amended, 1949, 592 § 2.

SECT. 37A added, 1949, 640 (relative to the establishing of branches of financial institutions).

SECT. 45A amended, 1961, 493 § 14.

SECT. 46 amended, 1943, 110 § 2.

SECT. 47 amended, 1943, 110 § 3.

SECT. 48 added, 1939, 244 § 6 (relative to payments of moneys on deposit in the name of a minor); revised, 1961, 105; paragraph added, 1965, 197.

SECT. 48A added, 1961, 271 (relative to trust savings accounts in federal savings and loan associations); revised, 1964, 352; amended, 1965, 301; third sentence revised, 1975, 226.

SECTS. 48B added, 1972, 711 (removing requirement of notice by executors or administrators of deceased depositors of special notice accounts).

SECT. 49 added, 1941, 444 (relative to adverse claims to certain bank deposits and to certain securities held by banks for the account of others).

SECT. 50 added, 1945, 37 § 1 (making permanent the law authorizing certain banking institutions to take certain first mortgages on real estate). (See 1945, 37 § 2.) For prior temporary legislation see 1936, 191, 405 § 2; 1939, 98; 1941, 40.

SECT. 51 added, 1945, 66 § 1 (making permanent the law relative to the making by certain banking institutions of loans insured by the federal housing administrator); amended, 1948, 101; last sentence revised, 1947, 89; amended, 1950, 480 § 3; section revised, 1950, 598; clause (*b*) of the first sentence revised, 1960, 422; 1964, 220; 1965, 263 § 3, 705 § 1; sentence inserted after said sentence, 1963, 277; revised, 1965, 263 § 4, 705 § 2; second sentence (as appearing in 1950, 598) stricken out and two sentences inserted, 1962, 46; last sentence revised, 1955, 432 § 9; 1961, 493 § 15. (See 1943, 339; 1945, 66 § 2; 1950, 480 § 4; 1955, 432 § 4.) For prior temporary legislation see 1935, 162; 1937, 240; 1939, 241; 1941, 260; 1943, 126.

SECT. 51A added, 1956, 204 (authorizing certain banking institutions to sell or assign mortgages to the Federal National Mortgage Association and to purchase stock therein).

SECT. 51B added, 1962, 460 (authorizing banks to invest in corporations or associations formed for the purpose of furnishing information to them).

SECT. 51C added, 1964, 731 § 2 (authorizing certain banking institutions to make and acquire or participate in making and acquiring loans secured by first mortgages on condominium units); amended, 1973, 79; 1974, 74.

SECT. 52 added, 1946, 284 (permitting banks to close on Saturdays during June, July, August and September); amended, 1947, 9; revised, 1964, 93; 1970, 135.

SECT. 53 added, 1947, 169 (relative to the liability of banks to their depositors for non-payment of checks); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 53A added, 1958, 213 § 1 (declaring void exculpatory provisions contained in a pass book issued by a bank). (See 1958, 213 § 2.)

SECT. 54 added, 1949, 428 (relative to the registration of trust securities in the names of nominees by banks doing a trust business); amended, 1951, 76.

SECT. 54A added, 1970, 125 (authorizing the registration of securities of banks in the name of a nominee); second sentence amended, 1972, 378.

SECT. 54B added, 1971, 454 (authorizing certain associations and corporations acting as fiduciaries to file securities by issue); amended, 1974, 160.

SECT. 54C added, 1974, 97 (authorizing banks and other fiduciaries to deposit securities in security depositories or clearing corporations).

SECT. 54D added, 1974, 196 (authorizing certain banking fiduciaries to file securities of the United States government and its agencies with a federal reserve bank under its book entry system).

SECT. 55 added, 1950, 287 § 1 (relative to presentment of certain demand instruments payable by, at or through banks); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 56 added, 1957, 400 § 1 (relative to the insurance of loans in banks).

SECT. 56 added, 1962, 339 (authorizing banks to accept and disburse insurance premiums relating to educational savings programs).

SECT. 56B added, 1964, 236 § 1 (authorizing the purchase by a bank or group of banks of group accident and health insurance).

SECT. 57 added, 1961, 465 (authorizing certain banking institutions to provide certain group insurance and benefits for certain employees); first sentence revised, 1964, 237; 1972, 110.

SECT. 57A added, 1973, 80 (providing indemnification for bank directors, trustees, officers and employees).

SECT. 58 added, 1961, 533 (authorizing the inclusion in certain real estate notes of provisions for periodic payments of premiums for fire insurance or mortgage credit insurance); second sentence revised, 1967, 809; sentence added, 1967, 348.

SECT. 59 added, 1961, 607 (relative to the sale of negotiable checks, drafts and money orders).

SECT. 60 added, 1966, 245 (authorizing mobile branch banking).

SECT. 61 added, 1966, 348 (relative to the making by certain banking institutions of student loans insured by the federal commissioner of education).

SECT. 62 added, 1968, 357 (providing that certain contracts for financing education entered into by minor students not voidable); amended, 1973, 925 58. (See 1973, 925 § 84.)

SECT. 63 added, 1973, 297 (prohibiting banks from requiring a borrower to execute a payroll services contract).

SECT. 64 added, 1973, 1058 (authorizing deposits of retirement and pension payments in certain banks or credit unions upon the request of the recipients).

SECT. 64 added, 1973, 1147 (authorizing banks to utilize certain facilities of other banks for customer convenience); stricken out and renumbered section 65, 1974, 222.

SECT. 66 added, 1974, 222 (regulating common trust funds of corporate fudiciaries).

SECT. 67 added, 1975, 23 (requiring banks and credit unions to notify certain depositors relative to reduction or payment of certain debts); first sentence revised, 1975, 485.

Chapter 167A. — Bank Holding Companies.

New chapter inserted, 1957, 751 § 1. (See 1957, 751 §§ 2-5.)

SECT. 1, paragraph (d) revised, 1966, 633 § 1.

SECT. 2, clause (2) revised, 1966, 633 § 2; clause (5) revised, 1966, 633 § 3.

SECT. 4 amended, 1972, 684 § 101. (See 1972, 684 § 136.)

SECT. 4A added, 1969, 899 (relative to plans of acquisition in respect of stock of trust companies); paragraph 1 amended, 1973, 1149 § 5; paragraph 5 revised, 1971, 1087 § 1; paragraph 6 amended, 1971, 313 § 4. (See 1973, 1149 § 33.)

SECT. 5, paragraph (*a*) amended, 1966, 633 § 4.

Chapter 168. — Savings Banks.

For temporary act, establishing the Mutual Savings Central Fund, Inc., for the term of five years, see 1932, 44; term extended to ten years, 1936, 149 § 1; term extended to twenty-five years, 1939, 149 § 1; act amended, 1941, 78 § 1; 1956, 324.

For temporary act, providing that the Mutual Savings Central Fund, Inc., establish a fund for the insurance of deposits in certain savings banks, see 1934, 43; amended, 1936, 149 §§ 2-4; 1938, 125 §§ 1, 2; 1939, 149 §§ 2, 3; 1941, 78 § 2; 1952, 31, 534; 1955, 432 § 18-22; 1956, 324; 1957, 528; 1958, 134; 1960, 477; 1961, 175.

For temporary act modifying the requirements for making certain railroad bonds legal investments for savings banks, institutions for savings and trust companies in their savings departments, see 1939, 87; 1941, 115; temporary act repealed, 1941, 413 § 11.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For an act creating the Savings Bank Investment Fund as an additional means of investment for savings banks, see 1945, 283 § 1-11; 1955, 432 § 23, see 1955, 432 §§ 2-4, 624; 1957, 663; 1960, 219.

Chapter stricken out and new chapter 168 inserted, 1955, 432 § 1. (See 1955, 432 §§ 2-4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1954.

The following references are to chapter 168, as so inserted:

SECT. 1, definition of "deposit book" revised, 1962, 169 § 1.

SECT. 4 amended, 1973, 1149 § 6. (See 1973, 1149 § 33.)

SECT. 5, first two paragraphs revised, 1957, 1 § 1; first paragraph revised, 1966, 341 § 1; amended, 1972, 684 § 102; 1973, 1149 §§ 7, 8; revised, 1975, 743. (See 1957, 1 § 7; 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 8, first paragraph amended, 1973, 997; 1974, 140 § 1; second paragraph, first sentence stricken out, 1975, 549 § 1.

SECT. 10, first paragraph, provision 2 revised, 1962, 163 § 1; 1966, 225; 1975, 549 § 2; sentence added, 1975, 561 § 1; provision 3 amended, 1965, 852; 1972, 520 § 1; 1974, 75 § 1, 140 § 2; second paragraph, first sentence revised, 1962, 163 § 2. (See 1962, 163 § 3.)

SECT. 11, fourth sentence revised, 1959, 61.

SECT. 12, first sentence revised, 1962, 74.

SECT. 15, first paragraph revised, 1958, 83.

SECT. 21, paragraph 1 revised, 1959, 177 § 1; 1963, 253 § 1; amended, 1969, 337 § 1; 1970, 305 § 1; revised, 1972, 84 § 1; amended, 1974, 346 § 1; first

sentence revised, 1975, 571 § 1; paragraph 2 amended, 1956, 175; 1963, 253 § 2; 1969, 751 § 13; first sentence revised, 1975, 685 § 1.

SECT. 22, first paragraph revised, 1959, 177 § 2; 1963, 253 § 3; amended, 1969, 337 § 2; 1970, 305 § 2; revised, 1972, 84 § 2; 1974, 346 § 2; 1975, 571 § 2; second paragraph amended, 1963, 253 § 4.

SECTS. 22A and 22B added, 1962, 169 § 2 (authorizing the establishment of new types of deposit accounts).

SECT. 22A amended, 1966, 206 § 1.

SECT. 22C added, 1971, 354 § 1 (authorizing co-operative and savings banks to pay supplemental or variable rates of dividends or interest on certain share and deposit accounts); subsection 1 revised, 1974, 73 § 1; amended, 1974, 125.

SECT. 23 revised, 1956, 244 § 1; 1975, 348 § 1.

SECT. 25, last sentence of paragraph 1 revised, 1960, 232.

SECT. 26, first sentence revised, 1962, 169 § 3; amended 1971, 354 § 2; paragraph 1 amended, 1962, 169 § 4.

SECT. 27 amended, 1962, 169 § 5; 1974, 91 § 1.

SECT. 31, first paragraph, sentence added, 1972, 541.

SECT. 34, paragraph 3, first sentence revised, 1958, 131; amended, 1962, 50 § 1; revised, 1971, 455 § 1; 1973, 48; third paragraph revised, 1960, 804 § 2; 1971, 92 § 1; sentence added, 1967, 312; stricken out, 1971, 455 § 2;paragraph amended, 1974, 843 § 1.

SECT. 35, first paragraph, first sentence amended, 1960, 804 § 3; 1964, 206 § 1; 1971, 352 § 1; paragraph 3, first sentence amended, 1962, 50 § 2; 1973, 42 § 1; paragraph 4 amended, 1956, 194 § 1; first two sentences revised, 1962, 50 § 3; first sentence amended, 1964, 206 § 2; 1971, 352 § 2; revised, 1973, 42 § 2; fourth sentence revised, 1975, 64 § 1; paragraph 5 amended, 1956, 194 § 2; third sentence amended, 1962, 50 § 4; 1966, 218 § 1; paragraph 6, fifth sentence amended, 1962, 50 § 5; 1966, 218 § 2; paragraphs 4, 5 and 6 stricken out and one paragraph inserted, 1969, 278 § 1; amended, 1973, 1144 § 1; paragraph 6A inserted, 1964, 219; first sentence revised, 1966, 218 § 3; amended, 1973, 78 § 1; fifth sentence revised, 1969, 278 § 2; 1971, 52 § 1; 1973, 78 § 2; paragraph 6B inserted, 1972, 336; amended, 1973, 78 § 3; paragraph 7 revised, 1961, 327; first two sentences revised, 1966, 218 § 4; second sentence revised, 1973, 40; third sentence revised, 1969, 278 § 3; paragraph 8, first sentence revised, 1963, 341 § 1; 1965, 263 § 1; 1972, 129 § 1; second sentence amended, 1972, 1929 § 2; third sentence amended, 1960, 256; revised, 1969, 278 § 4; amended, 1971, 455 § 3; revised, 1975, 64 § 2; paragraph 9 revised, 1969, 278 § 5; paragraph 10, second and third sentences revised, 1963, 269; second sentence amended, 1968, 182; 1970, 303; fifth sentence revised, 1969, 322; paragraph 10A added, 1974, 110 § 1; clause (*b*) revised, 1975, 33 § 1; paragraph 11 revised, 1960, 289; amended, 1963, 301; paragraph 13 added, 1960, 804 § 3; paragraph 14 added, 1971, 352 § 3.

SECT. 36, paragraph 3A added, 1975, 635 § 1; paragraph 4, first two sentences revised; 1962, 50 § 6; paragraph 6, clause (*a*) amended, 1974, 129 § 1; clause (*b*) amended, 1963, 273; 1974, 129 § 2; paragraph 8 revised, 1965, 265; amended, 1969, 278 § 6; first sentence revised, 1975, 64 § 3.

SECT. 37, first sentence revised, 1956, 689 § 7; section revised, 1960, 272; 1965, 810 § 1; fourth sentence revised, 1969, 169; first four sentences stricken out and four sentences inserted, 1970, 877; fourth sentence amended, 1973, 332 § 1; revised, 1974, 266; sentence inserted after fourth sentence, 1971, 505. (See 1956, 689 § 9.)

SECT. 37A added, 1962, 67 (authorizing savings banks to make certain loans guaranteed by the Massachusetts Higher Education Assistance Corporation).

SECT. 37B added, under caption, 1972, 381 § 1 (authorizing savings banks to issue credit cards).

SECT. 38, paragraph 3 amended, 1961, 493 § 16; 1962, 169 § 6; 1969, 321; paragraph 6, first two paragraphs revised, 1963, 272; first paragraph amended, 1966, 218 § 5; 1973, 42 § 3; third paragraph amended, 1966, 218 § 6; first sentence revised, 1975, 64 § 4; paragraph 7 added, 1960, 257; first sentence revised, 1963, 341 § 2; 1965, 263 § 2; 1972, 129 § 3; second paragraph, first sentence amended, 1972, 129 § 4; second sentence revised, 1975, 64 § 5; third sentence revised, 1968, 183; paragraph 8 added, 1963, 353; paragraph 9 added, 1970, 126.

SECT. 40, first sentence amended, 1962, 169 § 7; stricken out and two sentences inserted, 1963, 268; second sentence (as appearing in 1955, 432 § 1) revised, 1956, 88; 1966, 206 § 2; paragraph added, 1962, 169 § 8.

SECT. 41, first paragraph amended, 1972, 381 § 2; paragraph 1 revised, 1962, 44; paragraph 2 revised, 1965, 42; first sentence revised, 1975, 64 § 6; paragraph 3 amended, 1972, 381 § 3; paragraph 4 added, 1975, 635 § 2.

SECT. 42, paragraph 4 revised, 1975, 547; paragraph 5 revised, 1961, 174; 1972, 204; 1968, 465 § 2; paragraph 6 added, 1966, 295 § 1; clause(*a*) revised, 1967, 271 § 1; clause (*f*) added, 1967, 271 § 2; clause (*g*) added, 1969, 338 § 3; clause (*h*) added, 1971, 155.

SECT. 44 subdivision B, paragraph 5 revised, 1964, 280.

SECT. 47, caption preceding said section revised, 1964, 232 § 1; first sentence revised, 1964, 232 § 2; paragraph 2 revised, 1968, 430 § 1; 1973, 336 § 1; paragraph 3, clause (*a*) revised, 1965, 268 § 2; amended, 1969, 218 § 1; paragraph 3 amended, 1966, 227 § 1, 288 § 1; paragraph 4 added at end, 1964, 232 § 3; revised, 1966, 227 § 2; subdivision (*b*) revised, 1968, 204; paragraph revised, 1973, 336 § 2; paragraph 5 added, 1969, 824; revised, 1973, 336 § 3.

SECT. 48, paragraph 1 revised, 1958, 100 § 1; paragraphs 3-5 revised, 1958, 100 § 2; section revised, 1964, 98; paragraph 7, clause (*b*) revised, 1965, 268 § 3; amended, 1969, 218 § 2.

SECT. 49, paragraph 1 revised, 1965, 268 § 4; amended, 1969, 218 § 3; revised, 1974, 362 § 7; paragraph 1A inserted, 1965, 268 § 5; revised, 1969, 218 § 4; amended, 1971, 857; 1973, 41; 1974, 362 § 8; paragraphs 3 and 4 stricken out, 1966, 295 § 2; paragraphs 6 and 7 inserted, 1966, 288 § 2; paragraph 6 revised, 1968, 430 § 2; 1969, 338 § 1; clause (*a*) revised, 1972, 698 § 1; 1973, 165 § 1; paragraph 7 revised, 1967, 433 § 1; 1968, 430 § 3; amended, 1973, 735 § 1; revised, 1974, 202 § 1; paragraph 8 added, 1969, 338 § 2.

SECT. 50, paragraph 1 revised, 1969, 218 § 5; amended, 1974, 136; paragraph 2 amended, 1969, 218 § 6; paragraph 3 amended, 1969, 218 § 7; paragraph 7 revised, 1969, 218 § 8.

SECT. 51 amended, 1961, 493 § 17; first paragraph amended, 1966, 288 § 3; first sentence revised, 1969, 130; paragraph added, 1975, 52 § 1.

SECT. 51A added, 1970, 363 (relative to savings banks investments not otherwise authorized).

SECT. 53, paragraph 2, first sentence revised, 1972, 94; sentence added, 1962, 80 § 1.

SECT. 56A added, 1969, 99 (authorizing savings banks to execute and deliver guaranties incidental to investment securities transfers).

SECT. 58, paragraph 1, amended, 1965, 74.

SECT. 59 revised, 1968, 224 § 1; amended, 1973, 59.

SECT. 60, paragraph 1 amended, 1962, 169 § 9; third sentence revised, 1968, 224 § 2; paragraph 2 revised, 1959, 89; 1967, 283; 1970, 124 § 1; paragraph 4, last sentence revised, 1968, 224 § 3.

SECT. 60A added, 1962, 169 § 10 (relative to the payment of dividends on special notice account deposits and on systematic savings account deposits); paragraph 1, second sentence amended, 1968, 224 § 4; paragraph 2, two sentences added, 1970, 124 § 2.

SECT. 60B added, 1971, 354 § 3 (providing for the manner of payment of dividends on term deposits).

SECT. 61, paragraph 3 revised, 1967, 301; 1968, 224 § 5.

SECT. 65, first sentence amended, 1960, 58 § 1; paragraph added, 1974, 152.

SECT. 65A added, 1974, 390 § 1 (regulating borrowing by officers, directors, trustees, corporators and majority shareholders).

SECT. 66, second sentence stricken out and two sentences inserted, 1972, 418; second, third and fourth sentences stricken out and one sentence inserted, 1974, 843 § 2.

SECT. 66A added, 1971, 92 § 2 (authorizing the issuance by savings and co-operative banks of certain mortgage-backed securities).

SECT. 66B added, 1972, 116 (authorizing savings banks to act as trustees under certain retirement plans); revised, 1975, 685 § 2.

SECT. 66C added, 1974, 843 § 3 (increasing the funds available for investment by savings banks).

SECT. 67A added, under caption, 1956, 324 § 1 (relative to membership in the Federal Deposit Insurance Corporation). (See 1956, 324 §§ 2-12.)

SECT. 68, paragraph 2, second sentence revised, 1975, 548 § 1; paragraph 3, clause (*a*) revised, 1975, 548 § 2; paragraph 4 revised, 1958, 66.

SECT. 71, subparagraph 1 revised, 1957, 1 § 2. (See 1957, 1 § 7.)

SECT. 72 amended, 1957, 1 § 3; 1958, 106; 1973, 1149 § 9. (See 1973, 1149 § 33.)

SECT. 73, first sentence revised, 1957, 1 § 4; amended, 1961, 493 § 18; first paragraph amended, 1961, 493 § 18A; 1973, 1149 § 10; second paragraph amended, 1961, 493 § 18B. (See 1973, 1149 § 33.)

SECT. 73A added, 1959, 202 § 1 (relative to the conversion of savings banks or savings and loan associations).

SECTS. 73B and 73C added, 1974, 417 (relative to the conversion of savings banks to federal savings and loan associtions and the conversion of federal savings and loan associations to savings banks).

SECT. 74 revised, 1959, 197 § 1; first paragraph amended, 1963, 155; third paragraph, second sentence revised, 1971, 401 § 1; fourth sentence amended, 1971, 401 § 2; 1974, 251 § 1; sixth paragraph revised, 1971, 401 § 3; amended, 1975, 620 § 1; paragraph added, 1969, 235.

SECT. 78 amended, 1973, 1149 § 11. (See 1973, 1149 § 33.)

SECT. 80 amended, 1957, 698 § 8; 1972, 684 § 103. (See 1972, 684 § 136.)

Chapter 169. — Deposits with Others than Banks.

SECT. 1 amended, 1949, 64 § 1; 1950, 95.

SECT. 3 amended, 1961, 493 § 19; last sentence revised, 1949, 64 § 2.

SECT. 6 amended, 1949, 64 § 3; 592 § 3.

SECT. 7 amended, 1949, 64 § 4.

SECT. 8 revised, 1949, 64 § 5.

Chapter 170. — Co-operative Banks.

For temporary act, establishing the Co-operative Central Bank for the term of five years, see 1932, 45; term extended to ten years, 1935, 82; amount which a member bank may borrow without collateral further regulated 1935, 136; 1941, 86; term further extended to twenty-five years, 1938, 244 § 1; refunds to member banks regulated, 1939, 227 § 1; act further amended, 1943, 219.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73; amended, 1935, 76, 80; 1936, 155; 1938, 244 § 2-5; 1939, 227 §§ 2-5; 1945, 116.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For temporary act to enable certain co-operative banks to invest funds in certain securities, see 1948, 50.

Chapter stricken out, and new chapter 170 inserted, 1933, 144.

Chapter stricken out, and new chapter 170 inserted, 1950, 371 § 1. (See 1950, 371 §§ 2-4; 1952, 148.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 170, as so inserted:

SECT. 1, definition of "Share capital" or "share liability" revised, 1952, 168 § 1; definition of "Shareholder" or "member" revised, 1952, 168 § 1A; "Net profits" defined, 1953, 87 § 1.

SECT. 2A added, 1974, 50 (establishing a procedure for the change of name of co-operative banks).

SECT. 3 amended, 1973, 1149 § 12. (See 1973, 1149 § 33.)

SECT. 5 amended, 1962, 750 § 46; 1957, 698 § 9; 1972, 684 § 104. (See 1972, 684 § 136.)

SECT. 7, first paragraph revised, 1952, 168 § 2.

SECT. 8, second sentence revised, 1969, 178 § 1; fifth sentence stricken out and three sentences inserted, 1964, 225 § 1; last paragraph revised, 1964, 225 § 2.

SECT. 8A added, 1957, 102 (prohibiting directors and officers of co-operative banks from serving as officers in certain other banks and savings and loan associations); revised, 1972, 520 § 2; second sentence amended, 1974, 75 § 2; sentence added, 1974, 140 § 3.

SECT. 9, first paragraph amended, 1965, 308 § 1; paragraph added, 1964, 611 § 1.

SECT. 11, third sentence stricken out, 1967, 179.

SECT. 12, first paragraph, second sentence revised, 1957, 1 § 5; 195, 326; 1967, 157 § 1; amended, 1972, 684 § 105; 1973, 1149 §§ 13, 14; sentence added, 1974, 11; paragraph revised, 1975, 755; paragraph added, 1967, 157 § 2. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 12A added, 1956, 244 § 2 (relative to the collection and receipt of deposits by payroll deduction by savings and co-operative banks); revised, 1975, 348 § 2.

SECT. 12B added, 1958, 264 (relative to the collection by cooperative banks of utility company bills).

SECT. 13, first sentence revised, 1952, 168 § 3; second sentence revised, 1961, 333 § 1; subsection 1, paragraph (*a*) amended, 1961, 333 § 2; paragraph (*c*) amended, 1961, 333 § 3; paragraph (*d*) amended, 1952, 257 § 1; subsection 2 amended, 1957, 204; 1961, 333 § 4; subsection 3, paragraph (*b*) amended, 1961, 333 § 5; revised, 1973 § 1012; paragraph (*c*) revised, 1959, 195; amended, 1965, 373 § 2; stricken out and paragraph (*c*) revised, 1959, 195; amended, 1965, 373 § 2; stricken out and paragraphs (*c*) and (*d*) inserted, 1968, 267; paragraph (*c*) amended, 1971, 354 § 5; paragraph (*d*), amended, 1970, 123; paragraph (*e*) added, 1971, 501; subsection 3A added, 1968, 184 § 1; subsection 3B added, 1971, 354 § 4; revised, 1974, 73 § 2; amended, 1974, 126; subsection 4, paragraph (*a*) amended, 1965, 373 § 3. (See 1952, 257 § 3.) See 1950, 480 § 2.

SECT. 16, first two paragraphs revised, 1954, 108; 1959, 181; first sentence revised, 1961, 333 § 6; first paragraph revised, 1963, 255; first two paragraphs revised, 1964, 210; first paragraph, first sentence revised, 1970, 304 § 1; 1972, 41; second paragraph amended, 1970, 304 § 2; third paragraph amended, 1961, 333 § 7; section revised, 1974, 346 § 3; first paragraph revised, 1975, 571 § 3; second paragraph, first sentence revised, 1975, 685; § 3.

SECT. 17 revised, 1952, 257 § 2; last paragraph amended, 1968, 184 § 2; 1971, 354 § 6. (See 1952, 257 § 3.)

SECT. 19 revised, 1963, 327; amended, 1968, 184 § 3; 1974, 91 § 2.

SECT. 23, first paragraph amended, 1974, 100; subsection 3, first sentence revised, 1975, 797; subsection 4 revised, 1963, 126; 1964, 221; first sentence revised, 1973, 96 § 1; last sentence revised, 1968, 186; 1970, 122; 1973, 96 § 2; 1975, 550 § 1; subsection 5 added 1957, 198 § 1; revised, 1963, 91; amended, 1972, 27.

SECT. 24, subsection 1 stricken out, 1959, 179; subsection 1A inserted, 1960, 122; subsection 2 amended, 1955, 118 § 1; 1965, 308 § 2; 1970, 308 § 1;

subsection 3 amended, 1955, 118 § 2; revised, 1959, 108 § 1; 1963, 101; 1967, 227 § 1; 1970, 308 § 2; 1973, 77 § 1; 1975, 550 § 2; subsection 3A inserted, 1959, 174; revised, 1963, 146; amended, 1965, 306; first sentence, clause (*a*) revised, 1968, 185; 1971, 52 § 2; 1973, 78 § 4; clause (*b*) revised, 1973, 78 § 5; clause (*e*) revised, 1973, 78 § 6; third sentence stricken out, 1973, 260 § 1; last sentence revised, 1966, 169; subsection 3B inserted, 1972, 315; first sentence amended, 1973, 78 § 7; third sentence stricken out, 1973, 260 § 2; subsection 3C inserted, 1973, 260 § 3; subsection 4 revised, 1955, 146; 1958, 96; 1959, 108 § 2; 1960, 54; 1962, 125 § 1; amended, 1964, 227; revised, 1967, 227 § 2; amended, 1970, 223 § 1; revised, 1973, 77 § 2; subsection 4A inserted, 1965, 307; revised, 1967, 227 § 3; subsection 5 amended, 1956, 34; 1962, 125 § 2; revised, 1963, 124; 1965, 266; amended, 1970, 223 § 2; subsection 7A inserted, 1975, 635 § 3; subsection 8, sentence inserted after first sentence, 1952, 137; stricken out, 1957, 198 § 2; first paragraph amended 1961, 333 § 8; subsection 10 amended, 1961, 333 § 9; subsection 14 added, 1973, 96 § 3.

SECT. 24A added, 1959, 342 (authorizing co-operative banks to make or acquire loans guaranteed by the Federal Housing Administrator); revised 1962, 124.

SECT. 25 amended, 1968, 184 § 4.

SECT. 25A added, 1960, 24 § 1 (authorizing co-operative banks to make loans to depositors in anticipation of dividends); amended, 1968, 184 § 5; sentence inserted after first sentence, 1970, 159; paragraph added, 1968, 184 § 6.

SECT. 26, first paragraph revised, 1966, 167 § 1; 1968, 163; 1970, 158; subsections 1 and 2 revised, 1955, 432 § 10; subsection 1A inserted, 1973, 350 § 1; subsection 2, first sentence revised, 1962, 218; subsection 2A inserted, 1971, 389; subsection 2B inserted, 1971, 446; subsection 3 revised, 1960, 111; 1967, 280 § 1; subsection 3A added, 1967, 280 § 2; subsection 4A inserted, 1971, 461 § 1; paragraph (*e*) amended, 1972, 698 § 2; 1973, 165 § 2; clause (*ii*) amended, 1975, 78; paragraph (*f*) amended, 1973, 735 § 2; revised 1974, 202 § 2; subsection 5 amended, 1961, 493 § 20; subsection 6 revised, 1963, 100; amended, 1968, 187; 1970, 311; subsection 6A inserted, 1974, 110 § 2; clause (*b*) revised, 1975, 33 § 2; subsection 7, first sentence revised, 1972, 206; 1973, 350 § 2; subsection 8 added, 1963, 279; second sentence amended, 1970, 302 § 1; fourth sentence revised, 1965, 814; 1968, 236; amended, 1970, 302 § 2; subsection 8 revised, 1971, 400; amended, 1973, 332 § 2; subsection 9 and 10 added, 1969, 220; subsection 11 added, 1971, 404; subsection 12 added, 1971, 436; subsection 13 added, 1973, 96 § 4; subsection 14 added, 1975, 635 § 4. (See 1955, 432 § 4.)

SECT. 26A added, 1975, 52 § 2 (relative to investments of co-operative banks).

SECT. 27A added, 1971, 92 § 3 (authorizing certain corporations to issue certain mortgage-backed securities).

SECT. 27B added, 1974, 843 § 4 (increasing the funds available for investment by co-operative banks.)

SECT. 30, first paragraph amended, 1957, 197 § 1; 1964, 209; second paragraph amended, 1957, 197 § 2; sentence added, 1962, 80 § 2; first two paragraphs revised, 1972, 345; 1973, 82.

SECT. 31, first paragraph amended, 1956, 38; 1962, 110; revised, 1964, 211.

SECT. 32A added, 1967, 228 (authorizing co-operative banks to rent safe deposit boxes).

SECT. 32B added, 1972, 214 (authorizing co-operative banks to execute and deliver certain guarantees in the transfer of investment securities.)

SECT. 32C added, 1974, 258 (authorizing co-operative banks to issue credit cards).

SECT. 32D added, 1974, 258 (authorizing co-operative banks to act as trustees under certain retirement plans); revised, 1975, 685 § 4.

SECT. 33 revised, 1974, 51.

SECT. 34A added, under caption, 1956, 323 § 1 (relative to membership in the Federal Savings and Loan Insurance Corporation). (See 1956, 323 §§ 2-11.)

SECT. 35 revised, 1957, 348.

SECT. 37 revised, 1953, 87 § 2; amended, 1963, 122; paragraph (*b*) amended, 1965, 373 § 1; paragraph (*c*) amended, 1964, 212.

SECT. 37A added, under caption, 1973, 270 (relative to the computation of dividends and interest by co-operative banks).

SECT. 38, second paragraph amended, 1955, 257 § 2. (See 1952, 149; 1953, 72; 1954, 463 §; 1955, 257 § 1.)

SECT. 40., first sentence stricken out and two sentences inserted, 1957, 98; first two sentences stricken out and one sentence inserted, 1960, 195; first sentence amended, 1969, 752; second sentence amended, 1966, 167 § 2; section revised, 1970, 290; amended, 1971, 461 § 2; 1974, 52; second sentence, clause (*f*) revised, 1975, 25.

SECT. 41, second paragraph amended, 1956, 10; stricken out, 1958, 654 § 2; section revised, 1964, 611 § 2. (See 1954, 658 § 4.)

SECT. 42, second paragraph stricken out, 1962, 109; paragraph added, 1974, 150.

SECT. 42A added, 1974, 390 § 2 (regulating borrowing by officers, directors, trustees, corporators and majority shareholders).

SECT. 47 amended, 1973, 1149 § 15. (See 1973, 1149 § 33.)

SECT. 48, first paragraph amended, 1973, 1149 § 16; last paragraph revised, 1958, 105. (See 1973, 1149 § 33.)

SECT. 49, first and second paragraphs revised, 1956, 246; first three paragraphs stricken out and subsection (A) and (B) inserted, 1965, 430 § 1; fourth paragraph stricken out and subsection (C) inserted, 1965, 430 § 2; fifth paragraph amended (changed to subsection (D), 1965, 430 § 3. (See 1965, 430 § 5.)

SECT. 50, fourth and fifth paragraphs revised, 1962, 750 § 47.

SECT. 51, third paragraph amended, 1954, 109 § 1; last paragraph amended, 1954, 109 § 2; section revised, 1959, 196 § 1; first paragraph amended, 1963, 156; third paragraph, second sentence revised, 1971, 401 § 4; fourth sentence amended, 1971, 401 § 5; revised, 1974, 251 § 2; sixth paragraph revised, 1971, 401 § 6; amended, 1975, 620 § 2; paragraph added, 1970, 121

Chapter 171. — Credit Unions.

For temporary act, establishing the Central Credit Union Fund, Inc., for the term of five years, see 1932, 216; amended, 1934, 221; 112 § 2; 1950, 266;

1961, 227 § 1. Term extended to ten years, 1936, 70. Term extended to twenty years, 1941, 177. Term extended to thirty years, 1950, 464. Made permanent, 1961, 227 § 2.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

For act establishing the Massachusetts Credit Union Share Insurance Coporation and providing for the establishment of a fund for the insurance of shares in credit unions, see 1961, 294.

SECT. 2, first two sentences revised, 1964, 258 § 1; paragraph added, 1965, 321.

SECT. 3, first sentence amended, 1957, 698 § 10; revised, 1961, 493 § 21; 1962, 536; stricken out and two sentences inserted, 1964, 258 § 2; second sentence amended, 1972, 684 § 106; second paragraph revised, 1936, 323; 1948, 527 § 4; 1957, 328; stricken out, 1958, 654 § 3. (See 1948, 527 § 5; 1958, 654 § 4; 1972, 684 § 136.)

SECT. 5 amended, 1939, 112 § 1; revised, 1965, 251; 1973, 18.

SECT. 6, paragraph added, 1952, 162.

SECT. 6A added, 1946, 184 (to authorize deductions from wages of employees of districts and municipalities for making certain payments to credit unions of such employees); repealed, 1947, 189 § 2. (See G.L. chapter 149 § 178B, inserted by 1947, 189 § 1.)

SECT. 8 revised, 1946, 49 § 1.

SECT. 9 revised, 1946, 49 § 2.

SECT. 10, two sentences inserted after fifth sentence, 1945, 81; section revised, 1947, 87; third sentence revised, 1971, 122; 1974, 57; fourth sentence revised, 1949, 287; 1957, 192; 1963, 416; sentence inserted after fourth sentence, 1960, 162; revised, 1963, 416; two sentences inserted after fourth sentence, 1964, 226; fifth sentence revised, 1968, 173; 1970, 196; 1972, 85; 1974, 55; seventh sentence revised, 1965, 313; sentence inserted after fifth sentence 1971, 420 § 1; ninth, tenth and eleventh sentences stricken out and four sentences inserted, 1970, 103.

SECT. 10A added, 1970, 200 § 1 (authorizing the establishment of special notice accounts and further regulating payments of dividends in credit unions); amended, 1971, 420 § 2.

SECT. 10B added, 1973, 909 (authorizing credit unions to accept term share and deposit accounts); amended, 1974, 95.

SECT. 10C added, 1975, 15 (authorizing credit unions to act as trustees under certain retriement plans); revised, 1975, 687.

SECT. 11A added, 1958, 45 (authorizing certain officers of credit unions to pay certain deposits or shares to the surviving spouse or next of kin upon the death of a depositor or shareholder).

SECT. 13, third paragraph revised, 1962, 268 § 1.

SECT. 15, first paragraph, first sentence revised, 1952, 94; last sentence stricken out, 1933, 163 § 1; sentence added, 1958, 63; paragraph added, 1933, 163 § 1; second paragraph amended, 1955, 432 § 11; revised, 1970, 95; paragraph added, 1935, 272; revised, 1936, 329. (See 1955, 432 § 4.)

SECT. 15A added, 1974, 75 § 3 (regulating the service of directors or officers of credit unions).

SECT. 16, two sentences inserted after first sentence, 1963, 104; second sentence amended, 1949, 286 § 1; revised, 1962, 268 § 2; third sentence revised, 1963, 227; sentence inserted after fourth sentence, 1960, 60; amended, 1965, 312; revised, 1972, 314; two sentences added, 1956, 126; sentence added, 1963, 227.

SECT. 17, second sentence revised, 1956, 33; sentence added, 1952, 95; section revised, 1960, 55; amended, 1974, 16. (See 1943, 30.)

SECT. 18 revised, 1955, 147; last sentence revised, 1965, 311.

SECT. 19, first sentence revised, 1972, 68; sentence inserted after first sentence, 1963, 324; revised, 1964, 208 § 1; amended, 1971, 420 § 3.

SECT. 19A added, 1938, 239 (relative to the liability of certain endorsers upon notes held by credit unions and authorizing the establishment of contingent funds by credit unions); revised, 1941, 79.

SECT. 20 amended, 1969, 319; 1974, 47.

SECT. 20A added, 1936, 119 (relative to the impairment of the capital of credit unions); sentence added at end, 1961, 294 § 2; revised, 1971, 420 § 4.

SECT. 21, amended, 1933, 163 § 2; 1937, 228; revised, 1943, 118; sentence added, 1946, 76; section revised, 1949, 341; first sentence revised, 1951, 246; amended, 1951, 654; section revised, 1953, 121, 210; amended, 1954, 179 § 1; revised, 1957, 151 § 1; first sentence revised, 1964, 222; amended, 1967, 433 § 2, 641; sentence inserted after first sentence, 1962, 73; last sentence stricken out and two sentences inserted, 1960, 25; sentence added, 1969, 395; section revised, 1971, 525; first sentence revised, 1972, 205; 1973, 25; amended, 1974, 48; revised, 1974, 351; third sentence revised, 1974, 69; two sentences inserted after fourth sentence, 1973, 98. (See 1957, 151 § 2.)

SECT. 21A added, 1960, 26 (authorizing a credit union to change the location of its banking office).

SECT. 21B added, 1975, 642 (authorizing credit unions to establish and maintain safe deposit vaults and rent boxes).

SECT. 22, paragraph added, 1952, 88; section revised, 1962, 344; third paragraph revised, 1968, 144; amended, 1971, 420 § 5; revised, 1974, 58.

SECT. 24, paragraph added at end of subdivision (A), 1933, 163 § 3; first four paragraphs and subdivision (A) revised, 1941, 102; first paragraph amended, 1960, 57; 1963, 318 § 1; same paragraph, clause (*b*) revised, 1967, 334 § 1; clause (*d*) added, 1967, 231 § 1; clause (*e*) added, 1970, 275 § 1; paragraph 4 of subdivision (A) revised, 1947, 85; paragraph 5 of subdivision (A) amended, 1946, 47; paragraph 7 of subdivision (A) added, 1948, 65; subdivision (A) revised, 1950, 84; 1951, 117; first paragraph of subdivision (A) amended, 1959, 158 § 1; revised, 1963, 318 § 2; first sentence revised, 1967, 208; second paragraph of subdivision (A) revised, 1958, 133; 1959, 158 § 2; 275 § 1; paragraph 1 of subdivision (A) revised, 1954, 122 § 1; amended, 1960, 151 § 1; revised, 1965, 241; amended, 1968, 411 § 1; paragraph 2 of subdivision (A) revised, 1954, 122 § 2; 1960, 151 § 2; 1964, 223; amended, 1968, 411 § 2; paragraph 3 of subdivision (A) revised, 1962, 275 § 2; paragraph 3A of subdivision (A) inserted, 1965, 784; amended, 1968, 411 § 3; paragraph 5 of subdivision (A) amended, 1952, 91; 1953, 159 § 1; 1961, 493 § 22; 1964, 242; 1966, 194; paragraph 6 of subdivision (A) amended, 1953, 159 § 2; revised, 1954, 122 § 3; amended, 1956, 91; 1966, 203; 1969, 236;

paragraph 7 of subdivision (A) added, 1960, 24 § 2; paragraph 8 of subdivision (A) added, 1970, 200 § 2; subdivision (B) revised, 1945, 82; 1947, 178; second sentence revised, 1952, 163; sentence inserted after second sentence, 1955, 122; revised, 1959, 92; 1964, 213 § 1; paragraph 3 of subdivision (B) revised, 1952, 105 § 1; first sentence revised, 1954, 213 § 2; sentence added at end, 1959, 102; paragraph 3A of subdivision (B) added, 1953, 159 § 3; paragraph 3B of subdivision (B) added, 1965, 333; stricken out, 1967, 231 § 2; paragraph 4 of subdivision (B) stricken out, 1952, 105 § 2; subdivision (B) revised, 1967, 334 § 2; subsection (*b*) paragraph (7) revised, 1970, 306; subdivision (C) added, 1963, 318 § 3; subdivision (D) added, 1967, 231 § 3; revised, 1970, 197; subdivision (E) added, 1970, 275 § 2; section revised, 1971, 420 § 6; first paragraph, clause (*f*) added, 1974, 56 § 1; clause (*g*) added, 1974, 339 § 1; subdivision (A), fourth paragraph, paragraph 1 revised, 1974, 72 § 1; 1975, 244 § 1; paragraph 2 revised, 1974, 72 § 1; 1975, 244 § 2; paragraph 3A revised, 1974, 72 § 2; 1975, 244 § 3; paragraph 5 revised, 1972, 232; paragraph 6, first paragraph revised, 1975, 14; subdivision (B), subsection (*a*), paragraph 4 amended, 1972, 146; 1973, 95; 1974, 340; subsection (*b*), paragraph 8 amended, 1972, 356; 1974, 54; paragraph 12 added, 1971, 522; paragraph 13 added, 1972, 156; paragraph 14 added, 1974, 12; paragraph 15 added, 1974, 338; subdivision (D), fifth sentence revised, 1971, 573; sixth sentence revised, 1974, 173; subdivision (F) added, 1974, 56 § 2; subdivision (G) added, 1974, 339 § 2.

SECT. 25, first paragraph revised, 1949, 286 § 2; 1962, 268 § 3; section revised, 1965, 331; 1970, 200 § 3; fifth paragraph amended, 1971, 420 § 7.

SECT. 26A added, 1962, 127 (requiring the preservation of credit union records for a period of six years); sentence added, 1975, 19.

SECT. 27, first sentence amended, 1949, 592 § 5; revised, 1960, 53; amended, 1970, 94 § 2; 1973, 17 § 2; last sentence stricken out, 1961, 223; paragraph added, 1974, 151.

SECT. 27A added, 1974, 390 § 3 (requiring certain annual reports by credit unions to the commissioner of banks).

SECT. 29, first paragraph revised, 1936, 139; amended, 1973, 101; second paragraph amended, 1950, 162 § 7; 1954, 179 § 2; paragraph added, 1961, 294 § 3; revised, 1971, 420 § 8.

SECT. 30 added, 1946, 90 (relative to the consolidation of credit unions and the conversion of foreign credit unions); first two paragraphs revised, 1973, 26; last paragraph amended, 1964, 258 § 3.

SECTS. 31-33 added, 1948, 509 § 1 (providing for the establishment of a contributory credit union employees retirement association). (See 1948, 509 § 2.)

SECT. 31, second paragraph amended, 1961, 294 § 4; fifth paragraph revised, 1954, 121 § 1; paragraph added, 1954, 121 § 2; section revised, 1965, 449; third paragraph amended, 1969, 324; 1970, 293 § 1; revised, 1972, 327 § 1; sixth paragraph revised, 1972, 327 § 2; amended, 1975, 620 § 3; paragraph added, 1970, 293 § 2.

SECT. 32, third sentence revised, 1973, 334.

SECTS. 34-35 added, 1971, 420 § 9 (further regulating credit unions).

Chapter 172. — Trust Companies.

For temporary act providing for the liquidation of certain trust companies, see 1939, 515; 1941, 143; 1943, 122.

Chapter stricken out, and new chapter 172 (with same title) inserted, 1961, 493 § 1.

For prior changes see Table of Changes contained in Acts and Resolves of 1960.

The following references are to chapter 172, as so inserted:

SECT. 1, definition of "Deposit book" or "pass book" revised, 1962, 151.

SECT. 7 amended, 1966, 200 § 1; 1973, 1149 § 17. (See 1973, 1149 § 33.)

SECT. 9 amended, 1962, 750 § 48; 1972, 684 § 107. (See 1972, 684 § 136.)

SECT. 10A added, 1975, 175 (authorizing the establishment of certain trust companies).

SECT. 11, paragraph (*a*) revised, 1966, 200 § 2; amended, 1972, 684 § 108; revised, 1973, 1149 § 18. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 12A amended, 1966, 173 § 1 (relative to voting rights of a stockholder of a trust company).

SECT. 13, first paragraph, third sentence revised, 1967, 233.

SECT. 16, second sentence revised, 1972, 520 § 3; amended, 1974, 75 § 4; sentence added, 1974, 140 § 4.

SECT. 17 revised, 1964, 300; amended, 1966, 177 § 1; paragraph added, 1966, 177 § 2.

SECT. 18 revised, 1966, 186.

SECT. 21, subsection A revised, 1974, 44 § 1; subsection D amended, 1965, 279; subsection F stricken out, 1974, 44 § 2.

SECT. 22A added, 1966, 173 § 2 (relative to the date for determining stockholders having right to notice of meetings).

SECT. 23, sentence inserted after first sentence, 1965, 41.

SECT. 24, paragraph D amended, 1970, 648 § 3. (See 1970, 648 § 8.)

SECT. 25A added, 1965, 299 (authorizing trust companies to issue and sell capital notes and debentures).

SECT. 26, paragraph added, 1974, 149.

SECT. 26A added, 1974, 390 § 4 (requiring certain annual reports from trust companies to the commissioner of banks).

SECT. 27, subsection B amended, 1963, 225; 1971, 362; clause 2 revised, 1973, 68; clause 3 revised, 1972, 40.

SECT. 30, first sentence amended, 1970, 648 § 4; revised, 1971, 316. (See 1970, 648 § 8.)

SECT. 38, subsection A, clause (1) amended, 1968, 610 § 1; revised, 1973, 1149 § 19; clause (2) amended, 1968, 610 § 2; revised, 1973, 1149 § 20; subsection C revised, 1968, 610 § 3; subsection F added, 1968, 610 § 4. (See 1973, 1149 § 33.)

SECT. 48, clause 8 amended, 1962, 238; 1971, 313 § 1; revised, 1972, 526; clause 16 revised, 1972, 337; clause 18 added, 1963, 143; 1971, 313 § 2; clause 19 added, 1971, 386; clause 20 added, 1972, 238.

SECT. 48A added, 1972, 437 (authorizing trust companies to take second mortgages as collateral securities for loans); revised, 1975, 657 § 1.

SECT. 48B added, 1974, 352 (authorizing trust companies to take second mortgages on real estate as security for certain loans); repealed, 1975, 657 § 2.

SECT. 48C added, 1975, 686 § 1 (authorizing trust companies to act as trustees or custodians under certain retirement plans).

SECT. 50 revised, 1968, 350; amended, 1974, 94; paragraph inserted after third paragraph, 1975, 24.

SECT. 51 revised, 1963, 376; first paragraph revised, 1969, 337 § 3; 1970, 305 § 3; amended, 1972, 84 § 3; clause 3 added, 1975, 686 § 2; second paragraph revised, 1964, 279.

SECT. 54 revised, 1970, 648 § 5; subsection C added, 1971, 519. (See 1970, 648 § 8.)

SECT. 55, subsection A, paragraph (4) revised, 1965, 262 § 1; paragraph added, 1965, 262 § 2; amended, 1966, 220 § 1; subsection C revised, 1966, 220 § 2; 1969, 100; amended, 1970, 648 § 6. (See 1970, 648 § 8.)

SECT. 56 revised. 1974, 99.

SECT. 58, first paragraph amended, 1971, 313 § 3; paragraph added, 1966, 633 § 5.

SECT. 59, first paragraph revised, 1974, 45; second paragraph revised, 1971, 1087 § 2.

SECT. 61 revised, 1962, 105; first paragraph revised, 1970, 832.

SECT. 64, first paragraph amended, 1964, 304; section revised, 1970, 648 § 2. (See 1970, 648 § 8.)

SECT. 76 revised, 1966, 168; 1968, 441.

Chapter 172A. — Banking Companies.

New chapter inserted, 1935, 452 § 4.

For temporary act to enable certain banking institutions to co-operate in the distribution of United States Defense Savings Bonds and Defense Postal Savings Stamps, see 1941, 221, 575.

SECT. 1 revised, 1938, 266 § 2; amended, 1941, 391 § 1. (See 1941, 391 §§ 2, 3.)

SECT. 1A added, 1938, 266 § 3 (authorizing certain existing corporations to vote to carry on the business of a banking company on certain conditions).

SECT. 2 amended, 1938, 266 § 4; 1973, 1149 § 21. (See 1973, 1149 § 33.)

SECT. 3 revised, 1938, 266 § 5; fifth sentence amended, 1952, 97; sentence added, 1948, 285.

SECT. 4 amended, 1938, 266 § 6; 1949, 268 § 1.

SECT. 5, first paragraph revised, 1938, 266 § 7; section revised, 1948, 148 § 1; fourth sentence amended, 1953, 122; last paragraph revised, 1950, 92 § 1.

SECT. 5A added, 1948, 148 § 2 (relative to the limitations on the amount of deposits on certificate funds in banking companies).

SECT. 6 revised, 1938, 266 § 9.

SECT. 6A added, 1946, 115 § 1 (authorizing certain banking companies to receive deposits subject to withdrawal by check); first sentence revised, 1961, 493 § 23; second sentence amended, 1948, 150; 1953, 123; 1955, last sentence revised, 1950, 92 § 2.

SECT. 7, preliminary sentence revised, 1946, 115 § 2; clause First, last sentence stricken out, 1945, 192 § 1; clause Second revised, 1943, 208; 1948, 35; amended, 1952, 96; revised, 1955, 432 § 16; clause Fourth added, 1945, 192 § 2; revised, 1948, 100.

SECT. 7A added, 1938, 266 § 8 (relative to the carrying and disposition by certain existing corporations of certain assets not authorized as investments after they become subject to this chapter).

SECT. 7B added, 1948, 36 (prohibiting the making of loans by banking companies on the security of their own shares and regulating the acquisition or holding by them of such shares).

SECT. 8 amended, 1947, 39.

SECT. 8A added, 1948, 34 (prohibiting the making of loans or extensions of credit by banking companies to their own executive officers).

SECT. 10, first sentence amended, 1946, 115 § 3; second sentence revised, 1961, 41; two sentences added, 1949, 268 § 2.

SECT. 12 amended, 1948, § 37; revised, 1957, 1 § 6; 1973, 1149 § 22. (See 1973, 1149 § 33.)

SECT. 12A added, 1948, 281 (relative to the merger, consolidation or purchase and sale of assets of banking companies); revised, 1955, 275 § 2; amended, 1961, 493 § 24; 1973, 1149 § 23. (See 1973, 1149 § 33.)

SECT. 15 added, 1941, 438 (authorizing banking companies to sell certain negotiable checks).

Chapter 173. — Mortgage Loan Investment Companies.

SECT. 15 amended, 1949, 592 § 6.

SECT. 16 revised, 1949, 592 § 7.

Chapter repealed, 1975, 126.

Chapter 174. — Bond and Investment Companies.

Chapter stricken out, 1950, 822 § 1.

For prior changes see Table of Changes Contained in Acts and Resolves of 1952.

Chapter 174A. — Regulation of Rates for Fire, Marine and Inland Marine Insurance, and Rating Organizations.

New chapter inserted, 1947, 614 § 1. (See 1947, 614 § 3.)

SECT. 4, first paragraph revised, 1955, 384 § 1.

SECT. 6, subsection (*a*) amended, 1974, 53 § 1; subsection (*f*) added, 1955, 384 § 2.

SECT. 7, subsection (*c*) added, 1974, 53 § 2.

SECT. 11, paragraph added at end, 1969, 424 § 1.

SECT. 14A added, 1975, 826 (allowing the commission to hold hearings for fire insurance ratings).

SECT. 18, paragraph (*c*) amended, 1954, 681 § 17. (See 1954, 681 §§ 20, 22.)

Chapter 174 B. — Regulation of Automobile Clubs.

New chapter inserted, 1972, 754.

SECT. 2 amended, 1974, 850 § 1.

SECT. 4 revised, 1973, 713.

SECT. 6 revised, 1974, 850 § 2.

SECTS. 7-11 added, 1974, 850 § 3.

Chapter 175. — Insurance.

For legislation authorizing domestic insurance companies to invest in real estate mortgages insured under the National Housing Act, see 1939, 359. (See also 1943, 339.) [For other legislation, see 1935, 162; 1937, 240; 1939, 241; 1941, 260; 1943, 126; 1946, 125.]

For temporary act, modifying the requirements for investments in real estate mortgages, see 1936, 191; amended, 1936, 405 § 2; extended, 1939, 98; 1941, 40.

For temporary legislation authorizing insurance companies to make loans to veterans of World War II guaranteed or insured by the administrator of veterans' affairs, see 1945, 46; 1946, 126; 1947, 110.

For temporary legislation confirming the power and authority of domestic insurance companies, their officers, directors, employees and agents, to pay certain taxes and fees, and relating to liability therefor, see 1945, 57; 1947, 80.

SECT. 1, definition of "Company" revised, 1947, 488 § 10; amended, 1963, 848 § 1; 1968, 391 § 1; paragraph added (after definition of "Foreign company") defining "Industrial life insurance policy" or "policy of industrial life insurance", 1943, 227 § 11; paragraph added after word "law" in the fifty-second line, 1938, 306 (defining "resident with respect to the incorporators, officers and directors of insurance companies); paragraph added, 1963, 848 § 2; revised, 1968, 391 § 2; 1970, 642 § 1. (See 1943, 227 §§ 13, 14.)

SECT. 3 amended, 1963, 848 § 3; revised, 1958, 391 § 3; amended, 1970, 642 § 2.

SECT. 3A, first sentence revised, 1970, 876 § 1. (See 1970, 876 § 28.)

SECT. 3B added, 1956, 325 (relative to the powers and duties of the commissioner of insurance).

SECT. 4, first paragraph revised, 1938, 357 § 1; fourth paragraph amended, 1939, 472 § 4; revised, 1941, 324.

SECT. 5 amended, 1933, 107 § 2.

SECT. 6, first paragraph amended, 1933, 107 § 3; section amended, 1939, 472 § 1; first paragraph amended, 1939, 488 § 2; last sentence of same paragraph revised, 1949, 242 § 1. (See 1939, 488 § 9.)

SECT. 9, clause Second revised, 1941, 326 § 1; clause Fourth revised, 1941, 326 § 2; section revised, 1943, 227 § 1; subdivision 1, paragraph Third

paragraph amended, 1961, 368 § 1; paragraph Fourth revised, 1973, 1145 § 1; paragraph Sixth added, 1961, 368 § 2; subdivision 2, paragraph First revised, 1960, 323 § 1; paragraph Second revised, 1963, 130 § 1; amended, 1973, 1145 § 2; paragraphs Third, Fourth, Fifth and Sixth stricken out and five paragraphs inserted, 1961, 368 § 3; paragraph added, 1973, 1145 § 3; subdivision 3, Second paragraph revised, 1961, 368 § 4; subdivision 4, last paragraph stricken out, 1961, 368 § 5; subdivisions 5-11, inclusive, stricken out and subdivisions 5-13, inclusive, inserted, 1961, 368 § 6. (See 1943, 227 §§ 13, 14; 1963, 130 § 3.)

SECT. 9A added, 1963, 249 (requiring life insurance companies to establish claim fluctuation reserves).

SECT. 10 revised, 1947, 217; second sentence revised, 1968, 327.

SECT. 11, first paragraph amended, 1934, 92 § 1; revised, 1943, 207 § 3; 1945, 605 § 2; 1947, 539; 1959, 447; third paragraph amended, 1933, 5. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 12 amended, 1943, 183 § 1. (See 1943, 183 § 2.)

SECT. 12A added, 1943, 183 § 2 (relating to the computation of reserves required of certain domestic liability insurance companies with respect to certain policies of liability insurance).

SECT. 14 amended, 1939, 395 § 2; revised, 1941, 635 § 3, third paragraph revised, 1956, 522; paragraph inserted after paragraph contained in line 14, 1943, 54 § 1; revised, 1945, 593 § 1; paragraph contained in lines 22-26 revised, 1943, 288; seventeenth paragraph revised, 1943, 54 § 2, 227 § 2; twenty-first and twenty-second paragraphs revised, 1971, 968 § 1; section revised, 1975, 684 § 79. (See 1945, 593 § 2; 1971, 968 § 8; 1975, 684 § 97.)

SECT. 14A added, 1949, 735 § 2 (relative to contributions to the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners, and the assessment upon domestic life insurance companies therefor).

SECT. 15 revised, 1960, 202.

SECT. 16, second paragraph amended, 1939, 395 § 3.

SECT. 17, second paragraph revised, 1956, 285.

SECT. 18, first paragraph amended, 1957, 453 § 1; revised, 1962, 392 § 2; amended, 1963, 259 § 2; revised, 1964, 154.

SECT. 19A amended, 1934, 137 § 2; revised, 1941, 364 § 1; sentence inserted after third sentence, 1966, 95 § 1; fourth sentence revised, 1968, 252; sentence inserted after sixth sentence, 1970, 876 § 2. (See 1970, 876 § 28.)

SECT. 19B added, 1939, 375 (authorizing domestic insurance companies to merge or consolidate with foreign insurance companies in certain cases); revised, 1941, 364 § 2; second paragraph, sentence added, 1970, 876 § 3. (See 1970, 876 § 28.)

SECT. 19C added, 1941, 364 § 3 (relative to rights of stockholders of merging or consolidating corporations); revised, 1970, 876 § 4. (See 1970, 876 § 28.)

SECT. 19D added, 1961, 606 (providing that domestic stock life insurance companies and certain other domestic stock insurance companies may be converted into mutual companies); subparagraph (3) revised, 1970, 876 § 5; subparagraph (7) revised, 1970, 876 § 6. (See 1970, 876 § 28.)

SECTS. 20, second paragraph, first sentence amended, 1946, 508; second sentence revised, 1948, 571; paragraph inserted after fifth paragraph, 1941, 343.

SECT. 22, paragraph added, 1960, 339; two sentences added, 1975, 542.

SECT. 22A revised, 1935, 234; first paragraph amended, 1946, 158; last paragraph amended, 1938, 181; section revised, 1951, 327; second paragraph stricken out, 1955, 384 § 3; section revised, 1965, 383.

SECTS. 22C and 22D added, 1968, 640 § 1 (regulating the cancellation of certain insurance policies). (See 1968, 640 § 2.)

SECT. 22C revised, 1970, 387; first paragraph amended, 1973, 408; revised, 1973, 551 § 1. (See 1973, 551 § 7.)

SECT. 22F added, 1970, 670 § 8 (relative to automatic renewal of motor vehicle insurance policies).

SECT. 22E stricken out and sections 22E-22H added, 1970, 744 § 1 (providing for renewal of certain motor vehicle insurance policies and for penalties for refusals to issue or renew same by insurance companies).

SECT. 22E revised, 1973, 551 § 2. (See 1973, 551 § 7.)

SECTS. 22F-22G repealed, 1973, 551 § 3. (See 1973, 551 § 7.)

SECT. 22H, first paragraph revised, 1975, 707 § 8; 750 § 1. (See 1975, 707 § 9.)

SECT. 24, first paragraph, sentence added, 1946, 244.

SECT. 24A added, 1974, 668 (prohibiting discrimination on the basis of sex in the insurance of certain insurance policies).

SECT. 25, first paragraph revised, 1950, 396 § 1; second paragraph revised, 1945, 159; amended, 1950, 396 § 2; third paragraph amended, 1950, 225; last paragraph of Form A stricken out, 1934, 12; Forms B and C revised, 1947, 488 § 2; first paragraph following line 42, as appearing in Tercentenary Edition, revised, 1958, 177; last paragraph of section amended, 1934, 92 § 2; section revised, 1970, 787.

SECT. 29 revised, 1939, 167; 1955, 636.

SECT. 30 revised, 1970, 876 § 7. (See 1970, 876 § 28.)

SECT. 32 revised, 1938, 357 § 2; amended, 1941, 342 § 1.

SECT. 33 revised, 1946, 186.

SECT. 34 revised, 1970, 876 § 8. (See 1970, 876 § 28.)

SECT. 35 revised, 1950, 63; first sentence revised, 1961, 126; 1973, 549; second sentence revised, 1964, 31.

SECT. 36, second paragraph revised, 1935, 140; 1936, 61; first two paragraphs revised, 1951, 125; two paragraphs added, 1938, 218 § 1; third paragraph revised, 1954, 75; amended, 1966, 337; second, third and fourth paragraphs revised, 1969, 311 § 1.

SECT. 36A added, 1948, 496 (relative to payment of retirement or insurance benefits to agents and agency employees of certain domestic insurance corporations); first sentence revised, 1959, 261; amended, 1969, 311 § 2.

SECT. 36B added, 1954, 247 (to permit accident and health insurance companies to cover their employees for accident and health insurance); amended, 1969, 311 § 3.

SECT. 37A added, 1970, 876 § 9 (authorizing contributions by domestic insurance companies). (See 1970, 876 § 28.)

SECT. 44, three paragraphs added, 1965, 499 § 1. (See 1965, 499 § 2.)

SECT. 47, clause First revised, 1938, 176; clause Fourth revised, 1938, 307; clause Fifth revised, 1954, 266; clause Sixth amended, 1941, 243; 1945, 436; 1951, 73; clause Seventh amended, 1937, 261; clause Twelfth revised, 1935, 204; clause Seventeenth added, 1946, 471 § 1; clause Eighteenth added, 1963, 848 § 4; stricken out, 1968, 391 § 4.

SECT. 47A added, 1970, 484 § 1 (relative to certain permissible direct businesses in which domestic insurance companies may engage).

SECT. 47B added, 1973, 1174 §§ 1, 2 (providing for certain insurance coverage for mental illness). (See 1973, 1174 § 7.)

SECT. 47C added, 1974, 785 § 1 (extending the coverage of certain accident and sickness insurance); revised, 1975, 196 § 1. (See 1974, 785 § 4; 1975, 196 § 4.)

SECT. 48, first paragraph revised, 1946, 471 § 2; amended, 1965, 260 § 2; revised, 1968, 391 § 5; lines 15-17, inclusive, stricken out and two paragraphs inserted, 1961, 168 § 1; lines 22 and 23 stricken out and paragraph inserted, 1946, 471 § 3; paragraph in lines 37-41, inclusive, revised, 1961, 168 § 2; 1962, 202 § 1; paragraph added, 1963, 848 § 5; stricken out, 1968, 391 § 6; three paragraphs added, 1966, 95 § 2; eleventh paragraph, first sentence stricken out and two sentences inserted, 1970, 876 § 10. (See 1970, 876 § 28.)

SECT. 48A revised, 1946, 471 § 4.

SECTS. 48B and 48C added, 1963, 848 § 6 (relative to the investment of the assets of domestic variable annuity contracts).

SECT. 48B, paragraph inserted after first paragraph, 1966, 84.

SECTS. 48B and 48C stricken out, 1968, 391 § 7.

SECT. 49, first paragraph revised, 1954, 320 § 1; 1970, 876 § 11; second paragraph amended, 1963, 848 § 7; 1968, 391 § 8; paragraph inserted after second paragraph, 1939, 15 § 2; stricken out, 1954, 320 § 2; paragraph contained in the twenty-second to the twenty-eighth lines revised, 1941, 342 § 2; revised, 1966, 95 § 3; 1970, 876 § 12; last paragraph stricken out, 1941, 342 § 3; sixth and seventh paragraphs stricken out and one paragraph inserted, 1970, 876 § 13; sixth paragraph amended, 1972, 684 § 109. (See 1970, 876 § 28; 1972, 684 § 136.)

SECT. 50, first sentence revised, 1045, 609 § 1; 1954, 320 § 3; third sentence amended, 1932, 180 § 33; 1957, 698 § 12.

SECT. 50 stricken out and sections 50-50B added, 1970, 876 § 14 (relative to articles of amendment of stock and mutual companies). (See 1970, 876 § 28.)

SECT. 51, clause (*a*) revised, 1946, 471 § 5; clause (*d*) revised, 1961, 168 § 3; 1962, 202 § 2; clause (*h*) added, 1965, 260 § 3; revised, 1967, 676 § 1; stricken out, 1968, 391 § 9.

SECT. 54, clause (*a*) added, 1946, 471 § 6; clause (*c*) revised, 1961, 168 § 4; 1962, 202 § 5; clause (*e*) revised, 1939, 488 § 3. (See 1939, 488 § 9.)

SECT. 54A added, 1932, 165 (permitting certain insurance companies to make outside the commonwealth contracts insuring personal property against all risks or hazards); amended, 1938, 198.

SECTS. 54B-54D added, 1945, 384 § 2 (authorizing multiple line underwriting, so called, by certain domestic and foreign stock and mutual insurance companies). (See 1945, 384 § 3.)

SECT. 54B revised, 1946, 285; 1950, 475 § 1.

SECT. 54C revised, 1961, 168 § 5.

SECT. 54E added, 1951, 510 (to afford more complete insurance coverage for dwelling houses); revised, 1955, 339.

SECT. 54F added, 1957, 170 (extending the authorization of insurance companies to include other coverage of commercial property in a fire insurance policy).

SECT. 54G added, 1973, 600 § 1 (further regulating reinsurances by life companies).

SECT. 57 revised, 1970, 876 § 15. (See 1970, 876 § 28.)

SECT. 58, second paragraph stricken out, 1970, 876 § 16. (See 1970, 876 § 28.)

SECT. 59, sentence added, 1948, 286; revised, 1970, 876 § 17. (See 1970, 876 § 28.)

SECT. 60, third paragraph, sentence added, 1970, 876 § 18. (See 1970, 876 § 28.)

SECT. 61, sentence inserted after first sentence, 1965, 260 § 1; stricken out, 1968, 391 § 10; section repealed, 1970, 876 § 19. (See 1970, 876 § 28.)

SECT. 63, paragraph 1 revised, 1959, 128; paragraph 2 amended, 1968, 391 § 11; clause (*d*) added, 1947, 266 § 1; paragraph 3 amended, 1947, 266 § 2; paragraph 3A added, 1948, 70; revised, 1961, 129; 1968, 465 § 1; paragraph 4 revised, 1947, 266 § 3; paragraph 5A added, 1947, 266 § 4; paragraph 6 revised, 1947, 266 § 5; 1968, 246 § 1; paragraph 7 revised, 1945, 188; first sentence amended, 1951, 129; second sentence revised, 1969, 459 § 1; fifth sentence revised, 1954, 65; sentence added, 1946, 438 § 2; paragraph 7 revised, 1957, 183; amended, 1960, 294; 1964, 95; paragraph 7A added, 1950, 207; revised, 1956, 137; paragraph 9 revised, 1947, 266 § 6; paragraph 11 revised, 1947, 266 § 7; paragraph 14A added, 1947, 266 § 8; revised, 1954, 111 § 1; amended, 1965, 269 § 1; first two sentences revised, 1967, 201; paragraph 14B added, 1951, 154; revised, 1970, 580; paragraph 14C added, 1956, 373; clause (*b*) revised, 1965, 269 § 2; 1968, 384 § 1; paragraph revised, 1969, 266; paragraphs 14D and 14E added, 1958, 296; paragraph 14F added, 1965, 300; clause (*a*), subdivision (2) revised, 1968, 384 § 2; section amended, 1967, 676 § 2.

SECT. 64, first paragraph revised, 1953, 110; first sentence revised, 1969, 279; second paragraph amended, 1936, 213; second paragraph revised, 1969, 459 § 2; third paragraph revised, 1943, 207 § 2; 1947, 269 § 2; 1952, 395; last sentence revised, 1967, 583 § 1; fourth paragraph revised, 1967, 583 § 2; paragraph added, 1941, 548. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 65 amended, 1946, 125; 1947, 41; revised, 1954, 176; 1955, 208; amended, 1967, 254 § 1; 1968, 246 § 2.

SECT. 66, first paragraph amended, 1963, 848 § 8; 1966, 451; first two sentences revised, 1967, 419 § 1; second sentence revised, 1967, 530 § 3; amended, 1968, 391 § 12; revised, 1970, 484 § 2; sentence added, 1967, 254 § 2; third sentence revised, 1968, 246 § 3; second paragraph amended, 1947, 650; second paragraph stricken out and two paragraphs inserted, 1954, 111 § 2.

SECT. 66A added, 1943, 207 § 1 (relative to the construction, operation and maintenance of low rental housing projects by domestic life insurance

SECT. 93B revised, 1939, 488 § 4. (See 1939, 488 § 9.)

SECT. 93C revised, 1939, 488 § 5. (See 1939, 488 § 9.)

SECT. 93D revised, 1939, 488 § 6. (See 1939, 488 § 9.)

SECT. 93E, first sentence revised, 1962, 202 § 3.

SECT. 93F added, 1941, 716 § 3 (permitting certain domestic mutual insurance companies to issue non-assessable policies); sentence added, 1943, 247 § 2; sentence added, 1947, 197 § 2. (See 1941, 723; 1943, 247 § 4.)

SECT. 94, first two paragraphs stricken out, and two new paragraphs inserted 1933, 81; first paragraph amended, 1938, 218 § 2; 1943, 532 § 2; revised, 1945, 313 § 2; amended, 1968, 391 § 15; revised, 1970, 642 § 3; third paragraph revised, 1952, 51; 1970, 876 § 24; fourth paragraph revised, 1970, 876 § 25. (See 1945, 313 § 5; 1970, 876 § 28.)

SECTS. 94A-94M added, under caption, 1947, 488 § 1 (authorizing and regulating the exchange of reciprocal or inter-insurance contracts in the commonwealth).

SECT. 94B revised, 1955, 384 § 5; 1957, 177.

SECT. 94E, clause (*a*) revised, 1955, 384 § 6.

SECT. 95A added, 1973, 316 (prohibiting insurance companies from requiring owners of residential property to renew or continue fire insurance policies in excess of outstanding mortgage amount).

SECT. 96A added, 1946, 471 § 7 (providing that insurance against expenses actually incurred in repairing or replacing property damaged or destroyed by fire or other causes shall not be subject to certain limitations as to value).

SECT. 97 amended, 1933, 31; two sentences added, 1945, 399 § 1. (See 1945, 399 § 2.)

SECT. 99, clause Ninth revised, 1934, 95; paragraph of the standard form appearing in lines 14-23 revised, 1943, 462; clause Tenth added, 1947, 488 § 3; section revised, 1951, 478 § 1; clause Twelfth amended, 1969, 425 § 1; 1973, 378 § 1, 349 § 1, 1064 § 1; clause Thirteenth added, 1974, 498 § 1. (See 1951, 478 § 2; 1969, 425 § 2; 1973, 349 § 2; 1064 § 2; 1974, 498 § 2.)

SECT. 99A added, 1962, 418 (relating to fire insurance policies).

SECT. 102 amended, 1932, 174 § 1; revised, 1934, 110 § 1. (See 1932, 174 § 2; 1934, 110 § 2.)

SECT. 102A, first paragraph amended, 1966, 80.

SECT. 102C added, 1957, 453 § 3 (relative to the issuance of insurance policies against loss by radioactive contamination).

SECT. 102D added, 1970, 598 (authorizing certain insurance companies to issue "association" policies).

SECT. 104 repealed, 1947, 614 § 2. (See 1947, 614 § 3.)

SECT. 105 amended, 1955, 432 § 17. (See 1955, 432 § 4.)

SECT. 106 revised, 1932, 150 § 1; amended, 1939, 400 § 1. (See 1932, 150 § 4.)

SECT. 108, paragraph added, 1945, 341; paragraphs A-C added, 1947, 607; section revised, 1954, 275 § 1; subdivision 2, paragraph (*a*) amended, 1962, 634 § 1; 1965, 112; subdivision 3, paragraph (*a*), provision (2) amended, 1958, 277; provision (2A) inserted, 1972, 714; provision (3) amended, 1958, 294 § 1; paragraph (*b*), provision (8) stricken out, 1958, 294 § 2; provision

companies); revised, 1945, 605 § 1; 1947, 504; first sentence revised, 1968, 133 § 1; fourth sentence revised, 1968, 561 § 1. (See 1943, 207 § 4; 1945, 605 § 3.)

SECT. 66B added, 1947, 269 § 1 (authorizing domestic life insurance companies to invest in certain land and buildings); first sentence revised, 1963, 128; fourth sentence amended, 1953, 94; 1967, 254 § 3; fifth sentence stricken out and two sentences inserted, 1954, 68; sixth sentence revised, 1957, 152; section revised, 1968, 133 § 2; first sentence revised, 1970, 538; third sentence revised, 1968, 561 § 2.

SECT. 66C added, 1967, 419 § 2 (regulating investments of life insurance companies); first paragraph amended, 1968, 391 § 13; fourth paragraph revised, 1973, 1026; fifth paragraph amended, 1968, 391 § 14.

SECT. 66D added, 1967, 530 § 2 (regulating the acquisition of capital stock by life insurance companies).

SECT. 66E added, 1971, 218 (authorizing a domestic life company to invest in a limited partnership).

SECT. 70, second sentence revised, 1954, 320 § 4; section amended, 1957, 698 § 13; revised, 1958, 155; 1970, 876 § 20. (See 1970, 876 § 28.)

SECT. 71, first sentence stricken out and four sentences inserted, 1954, 320 § 5; section revised, 1970, 876 § 21. (See 1970, 876 § 28.)

SECT. 72 amended, 1936, 212.

SECT. 73, first paragraph revised, 1939, 300 § 1.

SECT. 77, first paragraph amended, 1941, 365 § 1; second paragraph amended, 1962, 57; section revised, 1970, 876 § 22. (See 1941, 365 § 2; 1970, 876 § 28.)

SECT. 78 revised, 1970, 876 § 23. (See 1970, 876 § 28.)

SECT. 79 revised, 1933, 23 § 1; 1953, 220 § 1.

SECT. 80, first sentence revised, 1947, 196; paragraph inserted after the word "classified" in the twenty-third line, 1936, 315; section revised, 1947, 317; first sentence amended, 1951, 297; first paragraph revised, 1955, 384 § 4; paragraph inserted after first paragraph, 1962, 397; paragraph inserted after first paragraph, 1956, 315; revised, 1957, 453 § 2; amended, 1962, 392 § 3; next to last paragraph amended, 1962, 493 § 25.

SECT. 81, first sentence amended, 1952, 34.

SECT. 83, paragraph added, 1941, 716 § 5. (See 1941, 723.)

SECT. 85A added, 1941, 716 § 1 (providing that the commissioner of insurance may authorize certain domestic mutual insurance companies to issue non-assessable policies); sentence added, 1943, 247 § 1; sentence added, 1947, 197 § 1. (See 1941, 723; 1943, 247 § 4.)

SECT. 87 repealed, 1934, 22.

SECT. 90, first paragraph amended, 1941, 716 § 2; 1945, 403 § 2. (See 1941, 723.)

SECT. 90A amended, 1939, 300 § 2.

SECT. 90B revised, 1933, 23 § 2; 1945, 726.

SECT. 90C, first paragraph revised, 1953, 220 § 2.

SECT. 93, first paragraph revised, 1939, 488 § 1; 1941, 654 § 1; amended, 1961, 168 § 6. (See 1939, 488 § 9.)

(11) stricken out, 1971, 1076 § 15; paragraph (*b*½) inserted, 1958, 294 § 3; subdivision 4 amended, 1973, 344 § 1; subdivision 8, second paragraph revised, 1966, 96; paragraph C amended, 1954, 681 § 18; paragraph D added, 1966, 386 § 1; subdivision 9 added, 1975, 85. (See 1954, 275 §§ 4, 5, 681 §§ 20, 22.)

SECT. 108A added, 1974, 490 (prohibiting the refusal of insurance companies to issue certain policies to blind persons as individuals); revised, 1975, 595 § 1.

SECT. 108B added, 1975, 127 § 1 (including services of dentists within certain coverage in insurance policies). (See 1975, 127 § 2.)

SECT. 109, repealed, 1954, 275 § 2. (See 1954, 275 §§ 4, 5.)

SECT. 110, sentence added, 1939, 133; section amended, 1941, 118; revised, 1943, 424 § 3, 532 § 1; subdivision (1) of second paragraph amended, 1945, 403 § 1; section revised, 1949, 676 § 3; amended, 1950, 392; subdivisions (A) and (B) revised, 1952, 532 § 1; subdivision (A) amended, 1954, 275 § 3, 327; 1953, 229 § 1; 1964, 236 § 2; 1965, 309 § 1; 1968, 264; subdivision (B) revised, 1963, 254 § 1; amended, 1964, 236 § 3; 1965, 309 § 2; subdivision (C) amended, 1952, 532 § 1A; subdivision (D) revised, 1952, 532 § 2; amended, 1955, 207; 1962, 634 § 2; subdivision (D) stricken out and subdivisions (D) and (E) inserted, 1963, 254 § 2; subdivision (F) added, 1966, 386 § 2; subdivision (G) added, 1973, 344 § 2; subdivision (H) added, 1973, 1221 §§ 1, 2; subdivision (I) added, 1975, 302. (See 1954, 275 §§ 4, 5; 1973, 1221 § 7.)

SECT. 110A added, 1938, 401 (relative to exemption of the benefits of disability insurance from attachment and execution); amended, 1973, 550; 1974, 470 § 1.

SECT. 110B added, 1939, 209 (relative to the termination or lapsing of certain accident and health policies for non-payment of premiums); revised, 1955, 263.

SECT. 110C added, 1962, 392 § 1 (authorizing joint action by insurance companies in underwriting a single group policy of health insurance insuring persons sixty-five years of age and over and their spouses).

SECT. 110D added, 1967, 593 (providing for extension of coverage in accident and health policies after insured leaves group).

SECT. 110E added, 1973, 1081 (further regulating the advertising and contents of accident and sickness policies).

SECT. 110F added, 1974, 470 § 2 (regulating the payment of disability insurance benefits).

SECT. 111A, first paragraph revised, 1973, 828 § 1; second paragraph amended, 1973, 828 § 2; paragraph inserted after provision (4), 1957, 453 § 4.

SECT. 111C added, 1943, 375 § 1 (providing for the inclusion of accident benefits in certain liability insurance policies); revised, 1948, 287; 1959, 438 § 1.

SECT. 111D added, 1959, 438 § 2 (authorizing the inclusion in motor vehicle liability policies of death and disability benefits and coverage for damages caused by the operation of uninsured motor vehicles).

SECT. 111E added, 1963, 760 (authorizing the issuance of certain liability policies to certain organizations); amended, 1971, 849.

SECT. 111F added, 1965, 369 (requiring certain insurance companies to furnish copies of medical reports of persons injured in an accident).

SECT. 111G added, 1969, 143 (authorizing the inclusion of the spouse and certain dependent children in certain policies providing medical expense benefits).

SECT. 113 amended, 1973, 1114 § 19. (See 1973, 1114 § 351.)

SECT. 113A, first paragraph, provision (2) amended, 1933, 119 § 1; revised, 1933, 145 § 1; 1949, 570; amended, 1951, 648 § 2; revised, 1956, 191 § 1; amended, 1971, 939 § 3; 1973, 341 § 1, 405; provision (2)A added, 1933, 145 § 2; amended, 1935, 296 § 1; provision (5) amended, 1973, 1114 § 20; provision (6) revised, 1936, 272; 1949, 693 § 1; amended, 1955, 283 § 2; paragraph inserted after said provision, 1961, 568 § 2; revised, 1969, 147; stricken out and two paragraphs inserted, 1973, 905 § 2. (See 1933, 145 § 3; 1935, 296 § 2; 1949, 693 § 2; 1951, 648 § 3; 1955, 283 § 3; 1961, 568 § 3; 1971, 939 § 7; 1973, 341 § 3; 1114 § 351.)

SECT. 113B, first paragraph amended, 1964, 391; first two paragraphs revised, 1968, 643 § 2; first paragraph amended, 1972, 366; 1973, 341 § 2; paragraph inserted after first paragraph, 1972, 451; stricken out, 1973, 599 § 1; paragraph inserted after first paragraph, 1935, 459 § 4; second paragraph, sentence added, 1970, 785; paragraph inserted after first paragraph, 1970, 670 § 7; amended, 1974, 472 § 1; revised, 1975, 707 § 1B; paragraph inserted after first paragraph, 1971, 977 § 1A; stricken out, 1975, 707 § 1A; paragraph inserted, 1972, 423; 1975, 707 § 2; third paragraph amended, 1951, 251; 1962, 509; 1963, 430; revised, 1963, 828; 1964, 292; amended, 1971, 977 § 1; fourth paragraph amended, 1973, 338; paragraph added, 1968, 660. (See 1935, 459 § 5; 1970, 670 § 10; 1973, 341 § 3; 599 § 3; 1974, 472 § 2; 1975, 707 § 9.)

SECT. 113C, paragraph added, 1968, 643 § 3; revised, 1970, 670 § 9; first sentence amended, 1971, 520 § 1; revised 1975, 707 § 3; second sentence revised, 1971, 896 § 1. (See 1970, 670 § 10; 1971, 520 § 2; 1975, 707 § 9.)

SECT. 113D, first paragraph revised, 1933, 119 § 2; first sentence revised, 1962, 178 § 1; third paragraph revised, 1971, 939 § 4; fourth paragraph revised, 1933, 146 § 1; amended, 1960, 264; fifth paragraph revised, 1971, 939 § 5; sixth paragraph revised, 1933, 146 § 2; amended, 1934, 46; first sentence of sixth paragraph amended, 1938, 311; paragraph revised, 1971, 939 § 6; paragraph added, 1933, 119 § 3; paragraph added, 1934, 379; revised, 1951, 648 § 1; stricken out, 1956, 191 § 2; paragraph added, 1955, 412 § 1. (See 1933, 119 § 6, 146 § 3; 1951, 648 § 3; 1955, 412 § 2; 1962, 178 § 2; 1971, 939 § 7.)

SECT. 113E added, 1934, 61 (prohibiting certain discrimination in the issuance or execution of motor vehicle liability policies or bonds); amended, 1941, 401; revised, 1973, 551 § 4. (See 1973, 551 § 7.)

SECT. 113F added, 1937, 390 (relative to the renewal of motor vehicle liability policies or bonds, so called, in certain cases); first paragraph amended, 1938, 351; section revised, 1970, 545; fourth paragraph revised, 1973, 333.

SECT. 113G added, 1939, 406 § 1 (relative to the relations of officers, directors and employees of certain domestic insurance companies with certain insurance agencies and finance companies). (See 1939, 406 § 2.)

SECT. 113H added, 1953, 570 § 5 (relative to co-operation by insurance companies in the apportionment of certain motor vehicle liability risks); first paragraph revised, 1968, 643 § 4; amended, 1971, 656; 1972, 264; section revised, 1973, 551 § 5; first paragraph, second sentence revised, 1975, 707 § 4. (See 1973, 551 § 7; 1975, 707 § 9.

SECT. 113I added, 1954, 274 (relative to the service charges for securing motor vehicle liability insurance for certain persons); revised, 1973, 551 § 6. (See 1973, 551 § 7.)

SECT. 113J added, 1954, 334 (requiring insurers under compulsory motor vehicle insurance law to furnish reports of medical examinations).

SECT. 113K added, 1965, 403 (providing that certain minors shall be competent to contract for motor vehicle liability insurance); amended, 1973, 925 § 59. (See 1973, 925 § 84.)

SECT. 113L added, 1968, 643 § 5 (requiring compulsory insurance coverage for damages caused by uninsured motorists); paragraph (1) amended, 1973, 380.

SECT. 113M added, 1971, 1078 § 1 (requiring the licensing of motor vehicle damage appraisers); amended, 1973, 712. (See 1971, 1078 § 3.)

SECT. 113N added, 1972, 299 (prohibiting insurance companies from requiring a physical examination of an applicant for motor vehicle liability insurance).

SECT. 113O added, 1973, 630 § 1 (regulating lessor damage payments under certain motor vehicle insurance policies); revised, 1975, 707 § 5. (See 1973, 630 § 2; 1975, 707 § 9.)

SECT. 114 amended, 1932, 180 § 34; 1939, 225.

SECT. 116A amended, 1932, 180 § 35.

SECT. 117, sentence added, 1955, 384 § 7.

SECT. 117A, first paragraph amended, 1938, 216 § 1; heading revised, 1938, 216 § 2.

SECT. 117B added, under caption, 1963, 259 § 1 (authorizing the issuance of combination policies of credit insurance).

SECT. 118, paragraph added, 1968, 391 § 16.

SECT. 119B added, 1975, 771 § 1 (relative to refunds of premiums of certain life insurance policies upon the death of the insured). (See 1975, 771 § 3.)

SECT. 120A added, 1972, 804 § 1 (relative to the issuance of life insurance policies for certain mentally retarded persons); first sentence amended, 1975, 693. (See 1972, 804 § 2.)

SECT. 120B added, 1974, 374 § 1 (prohibiting the refusal of the issuance of life insurance policies for the sole reason of blindness). (See 1974, 374 § 5.)

SECT. 123 revised, 1943, 186; first paragraph revised, 1958, 114; second paragraph stricken out, 1952, 14.

SECT. 125. (See 1933, 42.)

SECT. 126 amended, 1943, 227 § 5. (See 1933, 42; 1943, 227 §§ 13, 14.)

SECT. 128 revised, 1953, 97.

SECT. 128A added, 1958, 410 (making a minor who has attained the age of eighteen competent to give a valid discharge for certain payments made to him under certain insurance policies); repealed, 1975, 111 § 1. (See 1975, 111 § 2.)

SECT. 130 revised, 1954, 66.

SECT. 132, first paragraph revised, 1933, 101 § 1; first paragraph amended, 1943, 227 § 6; provisions numbered 6, 7, 8, 9, revised, 1943, 227 § 7; provision numbered 10 revised, 1951, 131; provision numbered 12 added, 1955, 119; four paragraphs added 1943, 227 § 6; paragraph added, 1970, 642 § 4. (See 1943, 227 §§ 13, 14.)

SECTS. 132A-132E added, 1945, 313 § 1 (relative to group annuity contracts). (See 1945, 313 § 5; 1947, 188 §§ 1, 2.)

SECT. 132A, clause (*a*) amended, 1967, 769 § 5; clause (*b*) stricken out and clauses (*b*), (*c*) and (*d*) inserted, 1951, 249 § 1; second paragraph revised, 1951, 249 § 2; last paragraph revised, 1951, 249 § 3.

SECT. 132B, provision 4, sentence added, 1968, 391 § 17; revised, 1970, 642 § 5.

SECT. 132F added, 1960, 562 (authorizing life insurance companies to assign certain life policies and annuity contracts to a separate account, for the purpose of allocating thereto investment returns and asset gains and losses); revised, 1965, 296; second and third paragraphs revised, 1967, 161 § 1; sixth paragraph revised, 1967, 161 § 2; amended, 1970, 642 § 6; three paragraphs added after ninth paragraph, 1967, 161 § 3; seventh and eleventh paragraphs stricken out, 1968, 391 § 18.

SECTS. 132G and 132H added, 1968, 391 § 21 (permitting life insurance companies to do variable annuity business and to grant life company powers to variable annuity companies).

SECT. 132G, first paragraph amended, 1970, 642 § 7; second paragraph amended, 1970, 642 § 8; paragraph inserted after seventh paragraph, 1970, 642 § 9; paragraph inserted after eighth paragraph, 1970, 642 § 10.

SECT. 133, clause (*a*) amended, 1946, 346; 1948, 54; revised, 1951, 404 § 1; amended, 1955, 171; 1962, 119 § 1; clause (*b*) amended, 1938, 362 § 2; 1943, 424 § 1; revised, 1951, 404 § 2; clause (*c*) added, 1938, 362 § 1; revised, 1957, 400 § 2; amended, 1958, 188; revised, 1959, 209 § 1; amended, 1961, 350; clause (*d*) added, 1943, 424 § 2; amended, 1962, 119 § 2; clause (*e*) added, 1949, 676 § 1; amended, 1951, 195; revised, 1951, 404 § 3; amended, 1953, 229 § 2; clause (*f*) added, 1956, 533 § 1; paragraph inserted after fifth paragraph, 1961, 193.

SECT. 134, provision 4, sentence added, 1938, 362 § 3; provision revised, 1939, 170; 456; last paragraph stricken out and three new paragraphs inserted, 1938, 362 § 4; first paragraphs revised, 1949, 676 § 2; amended, 1950, 463 § 1; paragraph inserted after second of said paragraphs, 1950, 463 § 2; section revised, 1951, 404 § 4; provision 1 revised, 1954, 285; provision 4 amended, 1956, 533 § 2; provision 4A inserted, 1955, 169; revised, 1959, 209 § 2; provision 7 amended, 1956, 533 § 3; third paragraph revised, 1956, 533 § 4; fifth paragraph amended, 1960, 361; last paragraph revised, 1958, 574; stricken out, 1968, 164 § 2.

SECT. 134A added, 1949, 676 § 4 (relative to the time of notice required in the conversion of group life insurance policies).

SECT. 134B added, 1963, 848 § 9 (relative to the form of variable annuity contracts); paragraph added, 1966, 604; section repealed, 1968, 391 § 19.

SECT. 134C added, 1969, 156 § 1 (providing for assignment of interests under group life insurance).

SECT. 138A added, 1943, 424 § 4 (relative to deductions from salaries of state, county and municipal employees for payment of premiums on certain group life insurance policies).

SECT. 139, two sentences added, 1945, 335; section revised, 1946, 313; 1960, 657; second sentence amended, 1963, 135.

SECT. 140, first two sentences revised, 1960, 568 § 1; third sentence revised, 1963, 211; second paragraph revised, 1943, 227 § 12; 1960, 708; 1965, 567 § 1; third paragraph amended, 1933, 101 § 2; first sentence revised, 1970, 642 § 11. (See 1943, 227 §§ 13, 14; 1965, 567 § 2.)

SECT. 141 revised, 1960, 568 § 2; 1970, 484 § 3.

SECT. 142 revised, 1943, 227 § 8; first sentence revised, 1950, 345 § 1; amended, 1969, 747 § 1; second paragraph revised, 1970, 642 § 12. (See 1943, 227 §§ 13, 14; 1950, 345 § 2.)

SECT. 143 revised, 1943, 227 § 9. (See 1943, 227 §§ 13, 14.)

SECT. 144, last paragraph revised, 1933, 101 § 3; first three paragraphs stricken out and four paragraphs inserted, 1938, 209 § 1; section revised, 1943, 227 § 3; subdivision 5 revised, 1961, 368 § 7; subdivision 6 revised, 1960, 323 § 2; amended, 1973, 1145 § 4; subdivision 7 revised, 1961, 368 § 8; subdivision 11 added, 1945, 313 § 3; amended, 1968, 391 § 20; revised, 1970, 642 § 13. (See 1938, 209 § 3; 1943, 227 §§ 13, 14; 1945, 313 §§ 4, 5; 1960, 323 § 3.)

SECT. 146 revised, 1943, 227 § 4; third paragraph revised, 1963, 130 § 2. (See 1943, 227 §§ 13, 14; 1963, 130 § 3.)

SECT. 146A added, 1945, 298 (providing for giving notice to holders of lapsed industrial life insurance policies of non-forfeiture benefits).

SECT. 147 amended, 1938, 209 § 2; repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 147A repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 147B added, 1935, 232 (requiring foreign life insurance companies to provide for paid-up and extended term insurance and case surrender values on policies of industrial life insurance issued in the commonwealth); repealed, 1943, 227 § 10. (See 1943, 227 §§ 13, 14.)

SECT. 149, first paragraph amended, 1954, 318; section revised, 1960, 568 § 3; fourth paragraph revised, 1966, 83.

SECTS. 149A-149D added, 1946, 455 (providing that certain unclaimed funds held by domestic life insurance companies be paid into the state treasury).

SECT. 149A revised, 1950, 523 § 1.

SECT. 149B amended, 1950, 523 § 2; sentence inserted after first sentence, 1962, 474 § 1.

SECT. 149C amended, 1950, 523 § 3.

SECT. 149D, last sentence revised, 1949, 694 § 1; stricken out and two sentences inserted, 1950, 523 § 4; section revised, 1957, 372 § 4; two sentences added, 1962, 474 § 2. (See 1949, 694 § 2; 1957, 372 § 5.)

SECT. 150 revised, 1945, 609 § 2; amended, 1946, 250.

SECT. 151, clause Second amended, 1933, 107 § 1; clause Second, subdivision (3) (*c*) revised, 1939, 488 § 7; 1950, 475 § 2; 1961, 168 § 7; clause Second, subdivision (3) (*f*) revised, 1939, 488 § 8; 1950, 475 § 3. (See 1939, 488 § 9.)

SECT. 152, fourth sentence revised, 1973, 600 § 2.

SECT. 152A added, 1941, 716 § 4 (relative to the issue by certain foreign mutual insurance companies of non-assessable policies); sentence added, 1943, 247 § 3; amended, 1947, 257; sentence added, 1947, 197 § 3. (See 1941, 723; 1943, 247 § 4.)

SECT. 153 revised, 1962, 202 § 4. (See 1962, 202 § 6.)

SECT. 155, clause First revised, 1932, 150 § 2; amended, 1939, 400 § 2. (See 1932, 150 § 4.)

SECT. 156A amended, 1933, 30.

SECT. 157, paragraph added, 1939, 315; section revised, 1941, 451; first paragraph amended, 1952, 146; revised, 1961, 134.

SECT. 160 amended, 1973, 683 § 1.

SECT. 160A added, 1933, 25 § 1 (prohibiting the printing or publication of certain advertisements for or on behalf of unlicensed insurance companies).

SECT. 160B added, 1934, 14 § 1 (authorizing the commissioner of insurance to publish certain information relative to unlicensed foreign insurance companies or societies).

SECTS. 160C and 160D added, 1967, 560 (authorizing insurance companies and agents to do business with companies authorized to do business in Mexico).

SECT. 160A-160E added, under caption, 1968, 129 (providing for domestication of certain foreign insurance companies); amended, 1968, 696 §§ 1-5; section numbers corrected, 1968, 696 § 6, so as to read "Sects. 161A to 161E added, under caption, 1968, 129." (See 1968, 696 §§ 6, 7.)

SECT. 162, third paragraph revised, 1941, 286.

SECT. 162A added, 1947, 629 (authorizing insurance companies and their agents to compensate duly licensed insurance brokers for certain services); revised, 1971, 968 § 2. (See 1971, 968 § 8.)

SECT. 162B added, 1954, 464 (authorizing agents and brokers to accept payment of insurance premiums in installments and to finance insurance payments).

SECT. 162C added, 1975, 759 (further regulating certain agreements between certain insurers and their agents).

SECT. 163, first paragraph, first sentence revised, 1971, 968 § 3; paragraph added, 1941, 502; revised, 1943, 85; six paragraphs added, 1971, 961; seven paragraphs added, 1973, 1056. (See 1971, 968 § 8.)

SECT. 163A added, 1971, 968 § 4 (relative to educational requirements for certain appointed insurance agents and brokers); first paragraph revised, 1972, 162 § 1. (See 1971, 968 § 8.)

SECT. 164A added, 1938, 225 (providing that no insurance agent shall be charged with a decrease or deduction from his commission or salary on account of industrial life insurance policies lapsed or surrendered after being paid on for three years); revised, 1943, 226.

SECT. 166, fifth sentence revised, 1971, 968 § 5. (See 1971, 968 § 8.)

SECT. 166A added, 1971, 968 § 6 (relative to educational requirements for an insurance agent or broker license); first paragraph revised, 1972, 162 § 2. (See 1971, 968 § 8.)

SECT. 166B added, 1971, 968 § 7 (relative to revocation of insurance agent or broker licenses); paragraph added, 1974, 486. (See 1971, 968 § 8.)

SECT. 167A amended, 1934, 137 § 3; 1937, 260; 1945, 368; revised, 1954, 627 § 33. (See 1954, 627 §§ 65, 67.)

SECT. 168, first sentence revised, 1950, 347 § 1; fourth sentence stricken out and two sentences inserted, 1950, 347 § 2; fourth sentence amended, 1951, 130; fourth sentence stricken out and two sentences inserted, 1960, 597; fourth sentence stricken out and three sentences inserted, 1961, 413 § 1.)

SECT. 172, last sentence revised, 1941, 703.

SECT. 173 revised, 1946, 299; paragraph added, 1968, 108.

SECT. 174, first paragraph amended, 1965, 125; fourth paragraph amended, 1954, 294.

SECT. 174C added, 1941, 493 (relative to the qualifications and licensing of insurance agents, insurance brokers and special insurance brokers).

SECT. 174D added, 1955, 155 (authorizing the continuance of the business of an insurance agency by the widow of the owner under certain circumstances); revised, 1957, 161.

SECT. 174E added, 1972, 718 § 1 (further regulating the licensing of insurance brokers and agents).

SECT. 176A added, 1966, 423 § 1 (relative to return premiums received by or credited to insurance agents and brokers).

SECT. 177, sentence inserted after first sentence, 1961, 413 § 2; sentence inserted after third sentence, 1964, 236 § 4.

SECTS. 177A-177D added, under caption, 1939, 395 § 1 (defining and providing for the licensing of insurance advisers).

SECT. 177B, first paragraph amended, 1973, 925 § 61; second and third paragraphs stricken out and new paragraph inserted, 1941, 635 § 1; paragraph inserted after first paragraph, 1969, 144; paragraph added, 1941, 635 § 2. (See 1973, 925 § 84.)

SECT. 178 amended, 1941, 450 § 2.

SECT. 179, sentence added, 1939, 472 § 2; section revised, 1941, 452.

SECT. 180A stricken out, and new sections 180A-180L inserted, under caption, 1939, 472 § 3 (relative to the rehabilitation, conservation and liquidation of certain domestic and foreign insurers).

SECT. 180B, first sentence revised, 1949, 242 § 2.

SECTS. 180M-180Q added, under caption, 1963, 521 § 1 (relative to facilitating the continued operation of domestic insurance companies and fraternal benefit societies in the event of certain national emergencies).

SECT. 181 revised, 1934, 160; amended, 1939, 395 § 4.

SECT. 184 amended, 1937, 103; first sentence revised, 1947, 531; second sentence amended, 1948, 98; revised, 1961, 206; amended, 1964, 236 § 5.

SECT. 185, first paragraph amended, 1939, 400 § 3; second paragraph revised, 1932, 150 § 3; first and second paragraphs revised, 1941, 654 § 2; section revised, 1943, 238 § 2.

SECT. 186A added, 1949, 237 (relative to certain presumptions created by the delivery of endowment policies or annuity contracts).

SECT. 186B added, 1959, 168 § 1 (providing that the effect of the lack of a sworn statement of loss shall be the same under all policies of insurance as it is under fire insurance policies). (See 1959, 168 § 2.)

SECT. 187B, four sentences added, 1970, 504.

SECT. 187C, firt paragraph amended, 1934, 34; 1936, 215 § 1. (See 1936, 215 § 2.)

SECT. 187E added, 1947, 104 (to facilitate payment by insurance companies of amounts not exceeding five hundred dollars due to estates of deceased persons); amended, 1973, 925 § 60. (See 1973, 925 § 84.)

SECT. 187F adde3d, 1963, 796 (regulating the cancellation of certain insurance during a period of strike of insurance agents).

SECT. 187G added, 1973, 454 (providing for reinstatement of certain life insurance policies lapsing during insurance agents' authorized strike).

SECT. 187H added, 1975, 771 § 2 (relative to refunds of premiums of certain life insurance policies upon cancellation thereof). (See 1975, 771 § 3.)

SECT. 191A added, 1960, 793 (providing for an arbitration provision in policies insuring against physical damage to motor vehicles of the assured); revised, 1961, 92 § 1; 1964, 171. (See 1961, 92 § 2.)

SECT. 192, sentence added, 1943, 375 § 2.

SECT. 192A added, 1960, 259 (relative to the filing of loose leaf insurance policies).

SECT. 193B added, 1937, 314 (authorizing the payment of motor vehicle insurance premiums in installments).

SECT. 193C added, 1948, 617 (authorizing interlocking directorates of domestic insurance companies).

SECT. 193D added, 1948, 621 (regulating the acquisition by domestic insurance companies of stock guaranty capital or other share capital of insurance companies).

SECT. 193E added, 1950, 520 (prohibiting coercion in the placing of insurance on real or personal property); first paragraph, sentence added, 1969, 248 § 1; second paragraph amended, 1969, 248 § 2.

SECTS. 193F-193H added, 1962, 426 (relative to the filing of policy forms for the approval of the commissioner of insurance).

SECTS. 193I and 193J added, 1965, 354 (relative to disclosure of investments of officers, directors and principal stockholders of domestic stock insurance companies and regulating the solicitation of proxies of shareholders of certain domestic stock insurance companies).

SECT. 193J, paragraph (*d*) added, 1966, 98.

SECT. 193K added, 1968, 314 (prohibiting discrimination under provisions of any policy of insurance, certificate or service contract).

SECTS. 193L-193N added, 1970, 484 § 4 (relative to insurance companies and regulating insurance holding companies).

SECT. 193O added, 1971, 1077 § 1 (prohibiting certain unfair claim settlement practices by insurers); first paragraph amended, 1972, 420 § 1; second paragraph amended, 1972, 420 § 2; repealed, 1972, 543 § 2.

SECT. 193P added, 1973, 378 § 2 (requiring certain notice of an insurer's intent not to renew or reissue a fire protection policy).

SECT. 193P added, 1973, 553 (providing for acquisition of minority interests in subsidiary domestic insurance companies); stricken out, 1973, 1098.

SECTS. 193Q-193R added, 1973, 1098 (authorizing the acquisition of minority interests in subsidiary domestic insurance companies and the group marketing of automobile and homeowner insurance).

SECT. 193S added, 1975, 242 (authorizing mergers of members of insurance holding company systems into their domestic insurance company subsidiaries).

SECT. 195 added, 1973, 966 (requiring contributions from the fire insurance companies to certain fire protection costs).

Chapter 175A. — Regulation of Rates for Certain Casualty Insurance, including Fidelity, Surety and Guaranty Bonds, and for all other Forms of Motor Vehicle Insurance, and Regulation of Rating Organizations.

New chapter inserted, 1947, 641 § 1. (See 1947, 641 § 3.)

SECT. 4, first paragraph amended, 1951, 138; revised, 1955, 384 § 8; second sentence revised, 1971, 896 § 2.

SECT. 5 subdivision (*a*), paragraph (1) revised, 1970, 784.

SECT. 5A added, 1975, 362 § 4 (authorizing the commissioner to fix and establish classifications and charges for medical malpractice insurance). (See 1975, 362 § 13.)

SECT. 6, subsection (*a*) amended, 1974, 53 § 3; subsection (*f*) added, 1955, 384 § 9.

SECT. 7, subsection (*1c*) added, 1974, 53 § 4.

SECT. 11, paragraph added, 1969, 424 § 2.

SECT. 19, paragraph (*c*) amended, 1954, 681 § 19. (See 1954, 681 §§ 20-22.)

Chapter 175B. — Unauthorized Insurer's Process Act.

New chapter inserted, 1950, 781.

SECT. 3A amended, 1973, 683 § 2.

Chapter 175C. — Urban Area Insurance Placement Facility.

New chapter inserted, 1968, 731 § 1.

SECT. 1, definition of "Basic property insurance" revised, 1969, 528 § 1.

SECT. 2, subsection (1) revised, 1969, 528 § 2.

SECT. 3, paragraph added, 1969, 528 § 3. (See 1969, 528 § 6.)

SECT. 4, second paragraph amended, 1969, 528 § 4. (See 1969, 528 § 7.)

SECT. 8 added, 1969, 528 § 5 (authorizing the commissioner to make certain assessments).

Chapter 175D. — Massachusetts Insurers Insolvency Fund.

New chapter inserted, 1970, 261 § 1. (See 1970, 261 § 2.)

SECT. 1, first paragraph, definition of "Covered claim", amended, 1975, 570 § 1; second paragraph revised, 1975, 341 § 1. (See 1975, 570 § 2.)
SECT. 4 revised, 1975, 341 § 2.
SECT. 5, subsection (1), clause (*b*) amended, 1975, 341 § 3; clause (*c*) revised, 1975, 341 § 4.

SECT. 6, subsection (1), clause (*a*) amended, 1975, 341 § 5; subsection (2) clause (*c*) revised, 1975, 341 § 6.
SECT. 7, subsection (1), clause (*a*) amended, 1975, 341 § 7.
SECT. 15 revised, 1975, 341 § 8.

Chapter 175E. — Regulation of Rates for Optional Motor Vehicle Insurance.

New chapter inserted, 1975, 707 § 6. (See 1975, 707 § 9.)
SECT. 7 revised, 1975, 707 § 6A. (See 1975, 707 § 9.)

Chapter 176. — Fraternal Benefit Societies.

Chapter stricken out and new chapter inserted, 1958, 540 § 1. (See 1958, 540 §§ 2, 3.)

For prior changes see Table of Changes contained in Acts and Resolves of 1956.

The following references are to chapter 176, as so inserted:
SECT. 9, second paragraph amended, 1973, 925 § 62; paragraph added, 1974, 374 § 2. (See 1973, 925 § 84; 1974, 374 § 5.)
SECT. 18, first paragraph amended, 1973, 925 § 63; second paragraph stricken out, 1960, 321 § 1. (See 1973, 925 § 84.)
SECT. 20 revised, 1960, 321 § 2.
SECT. 22A added, 1959, 256 § 1 (further regulating fraternal benefit societies and cemetery corporations). (See 1959, 256 § 3.)
SECT. 24, subsection (1), paragraph (*j*) revised, 1960, 321 § 3.
SECT. 31, sentence added, 1974, 374 § 3. (See 1974, 374 § 5.)
SECT. 35, subsection (1) amended, 1971, 538.
SECT. 40, first sentence amended, 1960, 238; 1961, 493 § 26; 1968, 328 § 1; 1970, 466 § 1; two sentences added, 1966, 229.
SECT. 41, subsection (6), paragraph (*a*) revised, 1960, 321 § 4.
SECT. 44, last sentence stricken out, 1960, 468.
SECT. 50 amended, 1963, 521 § 2.

Chapter 176A. — Non-Profit Hospital Service Corporations.

New chapter inserted, 1936, 409.

Chapter stricken out and new chapter 176A (with new title) inserted, 1950, 766 § 1. (See 1950, 766 §§ 2, 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

The following references are to chapter 176A, as so inserted:

SECT. 1, paragraph added, 1951, 687; section revised, 1953, 287 § 1; second paragraph revised, 1972, 703; paragraph inserted after third paragraph, 1955, 499; revised, 1967, 53; last paragraph stricken out, 1968, 432 § 1.

§ 2, second paragraph revised, 1956, 147 § 1; first sentence revised, 1972, 309. (See 1956, 147 § 2.)

SECT. 3, first sentence revised, 1953, 287 § 2.

SECT. 5, first paragraph revised, 1953, 287 § 3; amended, 1954, 513; paragraph inserted after first paragraph, 1968, 432 § 10; fourth paragraph amended, 1953, 636 § 4; stricken out and two paragraphs inserted, 1956, 406; six paragraphs added, 1968, 432 § 2; fifth and sixth paragraphs revised, 1968, 492 § 19; section amended, striking out all after the third paragraph and twelve paragraphs added, 1969, 874 § 1; fourth paragraph amended, 1974, 812 § 2; sixth paragraph amended, 1974, 812 § 3. (See 1953, 636 § 9.)

SECT. 6, first two sentences revised, 1953, 287 § 4.

SECT. 8, first paragraph, sentence inserted before first sentence, 1969, 874 § 2; paragraph (*c*), clause (2) revised, 1953, 287 § 5; clause (5) added, 1955, 404; revised, 1956, 192 § 1; clause (6) added, 1974, 732 § 1. (See 1956, 192 § 2.)

SECT. 8A added, 1973, 1174 §§ 3, 4. (See 1973, 1174 § 7.)

SECT. 8B added, 1974, 785 § 2 (extending the coverage of certain accident and sickness insurance to certain newborn infants); revised, 1975, 196 § 2. (See 1974, 785 § 4; 1975, 196 § 4.)

SECT. 8C added, 1975, 595 § 2 (prohibiting the refusal of companies to insure blind and deaf persons as individuals).

SECT. 10, first paragraph revised, 1953, 287 § 6; paragraph inserted after first paragraph, 1973, 1221 §§ 3, 4. (See 1973, 1221 § 7.)

SECT. 11, fourth paragraph amended, 1968, 432 § 3.

SECT. 13 revised, 1953, 287 § 7.

SECT. 16, first paragraph stricken out and three paragraphs inserted, 1968, 432 § 4; stricken out and paragraph inserted, 1972, 663 § 1.

SECT. 17 revised, 1953, 636 § 5; amended, 1968, 492 § 20. (See 1953, 636 § 9.)

SECT. 18A added, 1973, 455 § 1 (regulating the assets includable in a nonprofit hospital's financing accounting).

SECT. 26 revised, 1968, 432 § 5.

SECT. 27A added, 1951, 516 (relative to a system of general accident, hospitalization, medical and surgical insurance for state employees); repealed, 1955, 628 § 3.

Chapter 176B. — Medical Service Corporations.

New chapter inserted, 1941, 306.

For legislation relative to payments to certain soldiers' homes for certain services rendered to subscribers, see 1952, 296.

SECT. 1, definition of "Non-profit medical service plan" revised, 1968, 432 § 8; 1971, 543 § 1; definition of "Participating optometrist" inserted, 1965, 442 § 1; definition of "Participating physician" amended, 1969, 880 § 1; definition of "Visual service" inserted, 1965, 442 § 1.

SECT. 2, second paragraph amended, 1957, 698 § 14.

SECT. 3, paragraph added, 1948, 359; amended, 1953, 143; paragraph added, 1953, 142; 1955, 186; revised, 1971, 543 § 2; third paragraph amended, 1968, 432 § 11.

SECT. 4, revised, 1950, 472; 1959, 130; 1960, 307 § 1; first paragraph revised, 1965, 442 § 2; amended, 1968, 432 § 9; first sentence amended, 1970, 443 § 33; second sentence amended, 1970, 443 § 34; first paragraph revised, 1971, 543 § 3.

SECT. 4A added, 1973, 1174 §§ 5, 6 (providing for the inclusion of expenses arising from nervous and mental conditions in certain medical service agreements). (See 1973, 1174 § 7.)

SECT. 4A added, 1973, 1221 §§ 5, 6 (providing for the inclusion of alcoholism treatment in certain medical service agreements). (See 1973, 1221 § 7.)

SECT. 4B added, 1974, 785 § 3 (extending the coverage of certain accident and sickness insurance to certain newborn infants); revised, 1975, 196 § 3. (See 1974, 785 § 4; 1975, 196 § 4.)

SECT. 4C added, 1975, 595 § 3 (prohibiting the refusal of companies to insure blind and deaf persons as individuals).

SECT. 6, first sentence revised, 1960, 307 § 2; paragraph (*d*) added, 1957, 115 § 1; paragraph (*e*) added, 1974, 732 § 2. (See 1957, 115 § 2.)

SECT. 7 amended, 1971, 434 § 1.

SECT. 8A added, 1973, 455 § 2 (regulating the assets includable in medical service corporation's account of financial condition).

SECT. 10 revised, 1950, 394 § 1; first sentence amended, 1954, 276 § 1; revised, 1961, 493 § 27; section revised, 1968, 432 § 6; second, third, and fourth paragraphs stricken out and paragraph inserted, 1972, 663 § 2.

SECT. 11 revised, 1968, 432 § 7.

SECT. 13, second sentence stricken out and two paragraphs inserted, 1971, 434 § 2.

SECT. 15 repealed, 1951, 797.

SECT. 16A added, 1943, 424 § 6 (relative to deductions from salaries of state, county and municipal employees of amounts payable under certificates issued by certain medical service corporations).

SECT. 17 amended, 1971, 434 § 3.

Chapter 176C. — Non-Profit Medical Service Plans.

New chapter inserted, 1941, 334.

For legislation relative to payments to certain soldiers' homes for certain services rendered to subscribers, see 1952, 296.

SECT. 1, definition of "Associated physician" amended, 1969, 880 § 2.

SECT. 11 revised, 1950, 394 § 2; amended, 1954, 276 § 2.

SECT. 16A added, 1943, 424 § 7 (relative to deductions from salaries of state, county and municipal employees of amounts payable under contracts issued by certain medical service corporations).

Chapter 176D. — Unfair Methods of Competition and Unfair and Deceptive Acts and Practices in the Business of Insurance.

New chapter inserted, 1947, 659.

Chapter stricken out and new chapter 176D inserted, 1972, 543 § 1.

SECT. 1, clause (*a*) amended, 1974, 473.

Chapter 176E. — Dental Service Corporations.

New chapter inserted, 1962, 714.

SECT. 4, first paragraph revised, 1968, 241.

SECT. 7, fifth sentence stricken out, two sentences inserted, 1975, 892 § 1; paragraph added, 1975, 892 § 2. (See 1975, 892 § 3.)

SECT. 8A added, 1973, 455 § 3 (regulating assets includable in dental service corporation's account of financial condition).

Chapter 176F. — Optometric Service Corporations.

New chapter inserted, 1962, 774.

SECT. 4A added, 1970, 327 (authorizing optometric service corporations to enter into certain contracts).

Chapter 178. — Savings Bank Life Insurance.

For legislation relative to the computation of the reserve liability with respect to life insurance policies issued by savings and insurance banks and to the non-forfeiture benefits under such policies, see 1943, 227.

SECT. 6 amended, 1974, 374 § 4. (See 1974, 374 § 5.)

SECT. 9 amended, 1965, 810 § 2.

SECT. 10 amended, 1935, 330 § 1; 1946, 112 § 1; revised, 1951, 264; 1958, 117. (See 1946, 112 § 2.)

SECT. 11 amended, 1935, 330 § 2.

SECT. 11A added, 1935, 330 § 3 (relative to non-payment of premiums on annuity and certain other contracts).

SECT. 14 amended, 1947, 260 § 3.

SECT. 15 amended, 1935, 330 § 4; 1936, 285 § 1; first sentence amended, 1972, 421 § 4. (See 1972, 421 § 8.)

SECT. 16 revised, 1947, 260 § 4; amended, 1972, 421 § 5. (See 1972, 421 § 8.)

SECT. 17 revised, 1935, 330 § 5; 1939, 391 § 1; 1972, 421 § 6; first sentence amended, 1975, 185. (See 1939, 391 § 2; 1972, 421 § 8.)

SECT. 18 amended, 1943, 210 § 1.

SECT. 18A added, 1943, 210 § 2 (relative to payments to the general insurance guaranty fund).

SECT. 19 amended, 1935, 330 § 6.
SECT. 21 revised, 1935, 330 § 7; amended, 1936, 285 § 2; 1961, 341 § 1.
SECT. 25, last sentence revised, 1961, 341 § 2.
SECT. 26 revised, 1932, 103.
SECT. 29 amended, 1936, 285 § 3; revised, 1941, 108 § 1.
SECT. 30 amended, 1936, 285 § 4.
SECT. 31 revised, 1941, 108 § 2.
SECTS. 32 and 33 added, 1947, 143 (creating the savings bank life insurance council and defining its powers and the powers of savings and insurance banks relative thereto).

Chapter 179. — Proprietors of Wharves, Real Estate lying in Common, and General Fields.

SECT. 3 revised, 1943, 130 § 1; amended, 1962, 750 § 49. (See 1943, 130 § 2.)
SECT. 15 revised, 1948, 550 § 38.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 2 amended, 1969, 421 § 2.
SECTS. 2A-2B added, 1969, 421 § 3 (providing for the establishment of credit counseling corporations).
SECT. 3 amended, 1943, 549 § 5; revised, 1947, 559 § 1. (See 1947, 559 § 7.)
SECT. 5 amended, 1934, 328 § 21; second sentence revised, 1947, 559 § 2; section revised, 1964, 432.
SECT. 6 revised, 1947, 461; 1949, 692 § 1; 1952, 602 § 13; amended, 1962, 750 § 50; 1969, 421 § 4.
SECT. 6A added, 1949, 692 § 2 (relative to the approval of certain proposed corporations organized for the purpose of caring for minors and aged persons); repealed, 1952, 602 § 14.
SECTS. 1-6 stricken out and sections 1-6A inserted, 1971, 819 § 3. (See 1971, 819 § 12.)
SECT. 6 amended, 1973, 658 § 1.
SECT. 6A amended, 1973, 658 § 2. (See 1973, 658 § 5.)
SECT. 7 amended, 1955, 170; revised, 1960, 19; sentence inserted after first sentence, 1962, 77; sentence added, 1969, 421 § 5; section stricken out and sections 7 and 7A inserted, 1971, 819 § 4. (See 1971, 819 § 12.)
SECT. 8 repealed, 1947, 559 § 3.
SECT. 10 amended, 1932, 180 § 37; revised, 1937, 151 § 1; 1943, 549 § 6; 1947, 559 § 4; amended, 1962, 750 § 51; last sentence revised, 1957, 698 § 15; section revised, 1964, 435.
SECT. 10A revised, 1973, 658 § 3.
SECT. 11 revised, 1937, 151 § 2; 1. 7, 559 § 5; amended, 1962, 750 § 52; seventh sentence revised, 1957, 698 § 16; amended, 1962, 750 § 52; section revised, 1964, 433.
SECTS. 11A and 11B added, 1962, 472 (providing for the dissolution of corporations constituting public charities).
SECTS. 9-11B stricken out and sections 9-11C inserted, 1971, 819 § 5. (See 1971, 819 § 12.)

SECT. 11C, paragraph (*a*) amended, 1972, 684 § 110; paragraph (*b*) amended, 1972, 684 § 111; paragraph (*c*) amended, 1972, 684 § 112; paragraph (*d*) revised, 1972, 316 § 4, 684 § 113; paragraph (*e*) amended, 1972, 684 § 114; paragraph (*f*) amended, 1972, 684 § 115; paragraph (*g*) amended, 1972, 684 § 116. (See 1972, 684 § 136.)

SECT. 12 amended, 1946, 24; last sentence revised, 1948, 354 § 2; section repealed, 1954, 529 § 4.

SECT. 12A amended, 1935, 246; 1946, 25; repealed, 1954, 529 § 5.

SECT. 16 amended, 1962, 750 § 53.

SECT. 17, first sentence revised, 1947, 559 § 6; amended, 1971, 819 § 6; sentence inserted after first sentence, 1971, 819 § 7; second sentence amended, 1962, 750 § 54. (See 1971, 819 § 12.)

SECT. 17A added, 1950, 740 § 1 (authorizing pay-roll deductions for union dues in cases of certain governmental employees); revised, 1954, 678; 1964, 343 § 1; first two paragraphs revised, 1964, 431; first paragraph amended, 1966, 39 § 1; second paragraph amended, 1966, 39 § 2; 1969, 472; revised, 1973, 1078 § 2C. (See 1973, 1078 § 8.)

SECT. 17B added, 1956, 489 § 1 (authorizing pay-roll deductions on account of contributions to community chests or united funds in the case of certain town employees); revised, 1959, 452. (See 1956, 489 § 2.)

SECT. 17C added, 1962, 175 (authorizing pay-roll deductions on account of dues to associations of public school teachers); first two sentences stricken out, three sentences inserted, 1973, 113; first sentence amended, 1975, 346; fourth sentence revised, 1975, 307.

SECT. 17D added, 1967, 324 (authorizing payroll duductions for income protection insurance for teachers).

SECT. 17E added, 1968, 180 (authorizing certain payroll deductions for school nurses).

SECT. 17F added, 1968, 433 (authorizing certain payroll deductions for state employees).

SECT. 17G added, 1970, 463 § 2 (authorizing certain cities and towns to make and pay over payroll deductions to collective bargaining agencies); third paragraph amended, 1971, 281; section revised, 1973, 1078 § 3. (See 1973, 1078 § 8.)

SECT. 17H added, 1973, 1140 § 17 (providing for certain payroll deductions for public transportation). (See 1973, 1140 § 30.)

SECT. 20, paragraph added, 1961, 301 § 2.

SECT. 26 revised, 1963, 711.

SECT. 26A added, 1933, 236 § 1 (requiring the filing of annual returns by certain incorporated clubs and other corporations); amended, 1945, 225; revised, 1955, 290; 1956, 390; first paragraph amended, 1957, 245; 1963, 832 § 1; 1971, 819 § 8; paragraph inserted after first paragraph, 1963, 832 § 2; second paragraph amended, 1957, 698 § 17; 1972, 684 § 117; last paragraph revised, 1964, 434. (See 1933, 236 § 2; 1971, 819 § 12; 1972, 684 § 136.)

SECT. 27 amended, 1934, 328 § 22; 1971, 819 § 9. (See 1971, 819 § 12.)

SECT. 28 amended, 1971, 819 § 10. (See 1971, 819 § 12.)

Chapter 180A. — Management of Instituional Funds.

New chapter inserted, 1975, 886.

Chapter 181. — Foreign Corporations.

Chapter stricken out and new chapter inserted 1973, 844 § 1. (See 1973, 844 § 4.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972.

The following references are to chapter 181, as so inserted:

SECT. 3 revised, 1973, 1209 § 1. (See 1973, 1209 § 2.)

SECT. 4, fourth paragraph, clause (5) amended, 1975, 824 § 1; fifth paragraph, second sentence revised, 1975, 824 § 2; sixth paragraph, first sentence revised, 1975, 824 § 3.

SECT. 8 amended, 1973, 1114 § 21. (See 1973, 1114 § 351.)

Chapter 182. — Voluntary Associations and Certain Trusts.

SECT. 1 amended, 1954, 254 § 1; 1962, 750 § 67.

SECT. 2 revised, 1948, 550 § 39; amended, 1962, 750 § 68; second sentence amended, 1972, 684 § 119. (See 1972, 684 § 136.)

SECT. 2A amended, 1962, 750 § 69.

SECT. 3 amended, 1945, 649 § 1.

SECT. 4 amended, 1945, 649 § 2; 1962, 750 § 70.

SECT. 7 amended, 1945, 649 § 3.

SECT. 8 amended, 1945, 649 § 4.

SECT. 9 amended, 1945, 649 § 5.

SECTS. 12-14 added, 1954, 254 § 2 (relative to filing reports by voluntary associations and certain trusts).

SECT. 12 amended, 1963, 420 § 1.

SECT. 13 revised, 1963, 420 § 2; amended, 1972, 684 § 120. (See 1972, 684 § 136.)

SECT. 14 amended, 1963, 420 § 3.

Chapter 183. — Alienation of Land.

SECT. 4 revised, 1941, 85; 1973, 205.

SECT. 5B added, 1966, 574 (providing for the recording of certain affidavits relating to the titles to real estate).

SECT. 6 revised, 1967, 381; 1969, 497.

SECT. 6A added, 1970, 222 (requiring plans to be filed with certain deeds).

SECT. 28A added, 1946, 438 § 1 (extending the security of real estate mortgages to cover expenses of repairs or replacements of mortgaged property and taxes and other assessments); revised, 1956, 92.

SECT. 43 amended, 1937, 101 § 1.

SECT. 44 amended, 1937, 101 § 2.

SECT. 54, first two sentences stricken out and one sentence inserted, 1951, 698; sentence added, 1959, 580 § 18.

SECT. 54A added, 1961, 275 § 1 (protecting land titles from defective discharges of mortgages held by the entirety). (See 1961, 275 § 2.)

SECT. 56 added, 1962, 551 § 1 (relative to the anticipatory repayment of certain notes secured by a mortgages of real estate); revised, 1966, 664; amended, 1967, 210. (See 1962, 551 § 2.)

SECT. 57 added, 1970, 294 § 1 (prohibiting mortgagees from imposing a penalty for prepayment of a mortgage due to an eminent domain taking). (See 1970, 294 § 2.)

SECT. 58 added, 1971, 684 § 1 (further regulating the construction of instruments passing title to real estate bounded on a way, watercourse or monument); amended, 1973, 185 § 1. (See 1971, 684 § 2; 1973, 185 § 2.)

SECT. 59 added, 1972, 412 § 1 (regulating the imposition of late charges in mortgage transactions). (See 1972, 412 § 2.)

SECT. 60 added, 1973, 115 (regulating interest rate increases on certain mortgage loans.)

SECT. 61 added, 1973, 299 § 1 (requiring mortgagees to pay interest on certain real estate tax deposits). (See 1973, 299 § 2.)

SECT. 62 added, 1974, 104 (further regulating payment of taxes to cities and towns by mortgagees).

Chapter 183A. — Condominiums.

New chapter inserted, 1963, 493 § 1.

SECT. 1, definition of "Bank or insurance company" stricken out, 1927, 709 § 2; definition of "Building" revised, 1967, 868; 1969, 564; 1970, 139 § 1; 1972, 595, 709 § 1.

SECT. 3 amended, 1970, 139 § 2.

SECT. 6, paragraph (*c*) amended, 1964, 731 § 1.

SECT. 8, clause (*c*) amended, 1970, 139 § 3; clause (*f*) amended, 1965, 56 § 1.

SECT. 9, last paragraph amended, 1965, 56 § 2.

SECT. 16 revised, 1970, 139 § 4; 1973, 554.

SECTS. 20-21 added, 1972, 709 § 3 (authorizing cities and towns to participate in the ownership of condominiums).

Chapter 184. — General Provisions relative to Real Property.

SECT. 6A added, 1964, 307 § 1 (relative to the construction of the words "heirs" and "next of kin" as used in certain instruments). (See 1964, 307 §§ 2, 3.)

SECT. 7, sentence added, 1954, 395 § 1; paragraph added, 1973, 210 § 1. (See 1973, 210 § 2.)

SECT. 8 revised, 1954, 395 § 2; amended, 1975, 558 § 1.

SECT. 8A added, 1967 611 (providing that grantee of real estate notify assessor of name and address of purchaser).

SECT. 13 amended, 1937, 112; revised, 1937, 245 § 1; first paragraph amended, 1943, 52 § 1; revised, 1956, 160; section repealed, 1957, 765 § 2. (See 1937, 245 § 2; 1943, 52 § 2; 1957, 765 § 21.)

SECT. 15 amended, 1941, 88 § 1. (See 1941, 88 § 2.)

SECT. 17A added, 1939, 270 (relative to the effect of agreements for the purchase and sale of real estate).

SECT. 17B added, 1969, 423 (further regulating the hiring of attorneys in certain mortgage transactions); paragraph inserted after first paragraph, 1970, 313; section revised, 1970, 824 § 1; 1972, 547 § 2. (See 1970, 824 § 3.)

SECT. 18, paragraph added, 1973, 778 § 1.

SECT. 19 amended, 1956, 258 § 1; three paragraphs added, 1956, 305.

SECT. 23, second sentence revised, 1969, 666 § 1.

SECT. 23A added, 1963, 523 § 1 (establishing limitations on proceedings related to building restrictions). (See 1963, 523 § 2.)

SECT. 23B added, 1969, 523 § 2 (invalidating exclusive provisions in real property instruments based on race, creed, color, religion or national origin).

SECT. 24 added, 1956, 348 § 1 (protecting certain titles to land against certain defects in deeds or instruments after ten years from the recording thereof); revised, 1964, 311 § 1. (See 1956, 348 §§ 2, 3; 1964, 311 §§ 2, 3.)

SECT. 25 added, 1959, 294 § 1 (protecting land titles against the effects of indefinite references). (See 1959, 294 § 2.)

SECTS. 26-30 added, 1961, 448 § 1 (protecting land titles from uncertain and obsolete restrictions and providing proceedings in equity with respect thereto).

SECT. 26, first paragraph revised, 1969, 666 § 2; second paragraph amended, 1969, 666 § 3.

SECT. 27 amended, 1969, 666 § 4; paragraph added, 1974, 527 § 2; stricken out, 1975, 356 § 1.

SECT. 28, paragraph added, 1974, 527 § 3; stricken out, 1975, 356 § 2.

SECTS. 31-33 added, 1969, 666 § 5 (protecting conservation and preservation restrictions and providing for public restriction tract indexes at the registries).

SECT. 31, second paragraph amended, 1973, 1155 § 11.

SECT. 32 amended, 1975, 706 § 292; second paragraph, third sentence amended, 1975, 706 § 293; third paragraph amended, 1975, 706 § 294. (See 1975, 706 § 312.)

SECT. 33, third paragraph revised, 1975, 706 § 295; fifth paragraph amended, 1973, 602 § 2; second sentence revised, 1975, 706 § 296. (See 1973, 602 § 3; 1975, 706 § 312.)

SECTS. 33A-33B added, 1973, 226 (abolishing the doctrine of worthier title to property).

SECT. 34 added, 1973, 199 (protecting purchasers of real estate from trustees).

Chapter 184A. — The Rule against Perpetuities.

New chapter inserted, 1954, 641 § 1. (See 1954, 641 § 2.)

SECT. 3, third and fourth sentences stricken out, 1961, 448 § 2. (See 1961, 448 § 4.)

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 1, first paragraph, clause (*b*) revised, 1935, 318 § 3; clause (*c*) revised, 1935, 318 § 4; 1973, 1114 § 22; clause (*j½*) added, 1934, 263 § 1

(granting to land court exclusive original jurisdiction to determine by declaratory judgment the validity and extent of municipal zoning ordinances, by-laws and regulations); clause (*k*) revised, 1934, 67 § 1; 1973, 1114 § 23; clauses (*l*) and (*m*) added, 1935, 318 § 5 (granting to said court original jurisdiction concurrent with supreme judicial and superior courts of certain suits in equity); revised, 1973, 1114 § 24; clause (*n*) added, 1962, 722 § 1 (relative to the causes and matters transferred from the supreme judicial court); clause (*o*) added, 1975, 405 (extending the jurisdiction of the land court to civil actions of trespass involving title to real estate); paragraph in lines 44-50, inclusive, revised, 1937, 183 § 1; paragraph in lines 51-55 revised, 1947, 449 § 3. (See 1934, 67 § 2; 1935, 318 § 8; 1937, 183 § 2; 1947, 449 § 7; 1973, 1114 § 351.)

SECT. 2 amended, 1937, 409 § 3. (See 1937, 409 § 7.)

SECT. 2A repealed, 1937, 409 § 4. (See 1937, 409 § 7.)

SECT. 6, first sentence stricken out and two sentences inserted, 1953, 449 § 1; last sentence amended, 1949, 447. (See 1953, 449 § 2.)

SECT. 7 amended, 1973, 705 § 1.

SECT. 10A revised, 1948, 664 § 3; 1953, 601.

SECT. 11 amended, 1954, 308; 1956, 519.

SECT. 12, sentence added, 1941, 27; section revised, 1943, 29; 1949, 47.

SECT. 13 revised, 1956, 553.

SECT. 14, sentence in lines 10-12 stricken out, 1946, 427 § 2; section revised, 1946, 544 § 3; first sentence amended, 1949, 696; section revised, 1951, 742 § 3; 1955, 733 § 3; 1963, 742 § 1; first sentence revised, 1966, 699 § 1; 1969, 845 § 1; 1973, 428 § 2, 856 § 1; 1974, 558 § 1. (See 1946, 427 § 3, 554 § 5; 1951, 742 §§ 4, 5; 1953, 567; 1955, 733 §§ 4, 5; 1963, 742 § 2; 1966, 699 § 1; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 15 revised, 1973, 1114 § 25; paragraph added, 1975, 417. (See 1973, 1114 § 351.)

SECT. 15A added, 1963, 74 § 1 (relative to equity practice in the land court); repealed, 1973, 1114 § 26. (See 1973, 1114 § 351.)

SECTS. 18-19 repealed, 1973, 1114 § 27. (See 1973, 1114 § 351.)

SECT. 21 revised, 1973, 1114 § 28. (See 1973, 1114 § 351.)

SECT. 23 revised, 1973, 1114 § 29. (See 1973, 1114 § 351.)

SECT. 25 revised, 1973, 1114 § 30. (See 1973, 1114 § 351.)

SECT. 25A added, 1933, 55 (relative to the power of the land court to enforce its orders and decrees, and relative to service of its processes); amended, 1973, 1114 § 31. (See 1973, 1114 § 351.)

SECT. 26 amended, 1971, 423 § 2.

SECT. 28, second sentence revised, 1971, 423 § 3.

SECT. 40 amended, 1937, 118.

SECT. 46, clause Sixth added, 1963, 242 § 2.

SECT. 47, second and third sentences stricken out and sentence inserted, 1971, 423 § 4.

SECT. 48, paragraph added, 1949, 48.

SECT. 59 revised, 1962, 389; 1970, 336.

SECT. 61, first sentence revised, 1971, 423 § 5.

SECT. 71 revised, 1965, 37.

SECT. 78 amended, 1937, 144 § 1; revised, 1955, 306 § 1; amended, 1963, 242 § 3. (See 1937, 144 § 2; 1963, 242 § 6.)
SECT. 80 amended, 1963, 242 § 4. (See 1963, 242 § 6.)
SECT. 86 amended, 1973, 1114 § 32. (See 1973, 1114 § 351.)
SECT. 89 revised, 1973, 1114 § 33. (See 1973, 1114 § 351.)
SECT. 97 revised, 1973, 1114 § 34. (See 1973, 1114 § 351.)
SECT. 99 amended, 1973, 137.

Chapter 185A. — Housing Court of the City of Boston, Jurisdiction and Powers.

New chapter inserted, 1971, 843 § 1. (See 1971, 843 § 27.)
SECT. 2, amended, 1974, 700 § 4.
SECT. 3, first paragraph amended, 1974, 669 § 3; revised, 1974, 700 § 1; second paragraph revised, 1973, 1114 § 35; amended, 1974, 700 § 2. (See 1973, 1114 § 351.)
SECT. 4 amended, 1974, 700 § 5.
SECT. 5 amended, 1974, 700 § 6.
SECT. 8 revised, 1974, 700 § 3.
SECT. 10 amended, 1974, 700 § 7.
SECT. 11 amended, 1974, 700 § 8.
SECT. 12 amended, 1974, 700 § 9.
SECT. 13 amended, 1974, 700 § 10.
SECT. 14 amended, 1974, 700 § 11.
SECT. 15 amended, 1974, 700 § 12.
SECT. 16 amended, 1974, 700 § 13.
SECT. 18 amended, 1974, 700 § 14.
SECT. 19 amended, 1974, 700 § 15.
SECT. 20 revised, 1973, 1114 § 36; first paragraph, first sentence revised, 1975, 667 § 1. (See 1973, 1114 § 351.)
SECT. 21 repealed, 1973, 1114 § 37. (See 1973, 1114 § 351.)
SECT. 22, first paragraph amended, 1973, 1114 § 38. (See 1973, 1114 § 351.)
SECTS. 23-24 revised, 1973, 1114 § 39. (See 1973, 1114 § 351.)
SECT. 24 revised, 1974, 700 § 16; 1975, 667 § 2.
SECT. 25 repealed, 1973, 1114 § 40. (See 1973, 1114 § 351.)
SECT. 26 revised, 1973, 1114 § 41; repealed, 1974, 700 § 17. (See 1973, 1114 § 351.)
SECT. 27 repealed, 1973, 1114 § 42. (See 1973, 1114 § 351.)
SECT. 28-29 revised, 1973, 1114 § 43; repealed, 1974, 700 § 17. (See 1973, 1114 § 351.)

Chapter 185B. — Housing Court of the County of Hampden, Jurisdiction and Powers.

New chapter inserted, 1973, 591 § 1. (See 1973, 591 § 22.)
SECT. 3, first paragraph amended, 1974, 78 § 2; second paragraph revised, 1975, 609 § 1.
SECT. 9 amended, 1974, 726 § 1A. (See 1974, 726 § 2.)

SECT. 20 revised, 1975, 609 § 2.
SECT. 21 repealed, 1975, 609 § 3.
SECT. 22, first paragraph amended, 1975, 609 § 4.
SECT. 23 revised, 1975, 609 § 5.
SECT. 24 revised, 1975, 609 § 6.
SECT. 25 repealed, 1975, 609 § 7.
SECTS. 26-29 repealed, 1975, 609 § 8.

Chapter 186. — Estates for Years and at Will.

SECT. 11, sentence added, 1974, 320 § 1.

SECT. 12 revised, 1946, 202; amended, 1973, 256 § 1; amended, 1974, 320 § 2.

SECT. 13 amended, 1973, 256 § 2, 416.

SECT. 14 revised, 1950, 495; amended, 1957, 114; revised, 1973, 778 § 2; amended, 1974, 192 § 1. (See 1974, 192 § 5.)

SECT. 15 added, 1945, 445 § 1 (making void certain provisions of leases and rental agreements pertaining to real property); amended, 1974, 575 § 1. (See 1945, 445 § 2.)

SECT. 15A added, 1969, 115 § 1 (invalidating waiver of notice provisions in leases and agreements pertaining to residential properties).

SECT. 15B added, 1969, 244 § 1 (invalidating certain provisions in leases of residential properties); paragraph inserted after first paragraph, 1970, 666 § 1; stricken out and three paragraphs inserted, 1972, 639 § 1; second paragraph amended, 1973, 430 § 11; fourth paragraph, fourth sentence stricken out, 1975, 154. (See 1970, 666 § 2; 1972, 639 § 2.)

SECT. 15C added, 1971, 445 § 1 (regulating the inclusion of tax excalation provisions in leases of residential property); paragraph added, 1975, 215. (See 1971, 445 § 2.)

SECT. 15D added, 1971, 658 (requiring a lessor to execute and deliver a copy of a lease to lessee within a specified period of time); amended, 1974, 192, § 2. (See 1974, 192 § 2. (See 1974, 192 § 5.)

SECT. 15E added, 1972, 157 (precluding a certain defense in actions by lessees, tenants or occupants against property owners); amended, 1974, 192 § 3. (See 1974, 192 § 5.)

SECT. 15F added, 1974, 575 § 2 (providing that certain provisions of rental agreements shall be deemed against public policy and void).

SECT. 16 added, 1947, 118 § 1 (making void so much of any real estate or renl estate or rental agreement as provides for its termination in the event tenants have children). (See 1947, 118 § 2.)

SECT. 17 added, 1967, 420 § 2 (further regulating the recovery of possession of leased premises in cases of violation of standards of fitness for human habitation).

SECT. 18 added, 1969, 701 § 1 (prohibiting retaliatory action against tenants for reporting suspected sanitary violations); revised, 1972, 99 § 1; amended, 1973, 858 § 3; 1974, 192 § 4. (See 1974, 192 § 5.)

SECT. 19 added, 1972, 665 (requiring landlords to correct an unsafe condition following receipt of notice thereof from a tenant).

Chapter 187. — Easements.

SECT. 5 added, 1973, 918 (providing for public utility services in certain easements); revised, 1975, 610.

Chapter 188. — Homesteads.

SECT. 1 amended, 1939, 32 § 1; 1970, 119 § 1; 1973, 487 § 1; 1974, 750 § 1; 1975, 407 § 1. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5.)

SECT. 4 amended, 1973, 925 § 64. (See 1973, 925 § 84.)

SECT. 7 revised, 1971, 423 § 6.

SECT. 7A repealed, 1971, 423 § 7.

SECT. 9 amended, 1939, 32 § 2; 1970, 119 § 2; 1973, 487 § 2; 1974, 750 § 2; 1975, 407 § 2. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975, 407 § 5.)

Chapter 189. — Dower and Curtesy.

SECT. 1, paragraph (1) amended, 1945, 238 § 1; revised, 1956, 316 § 1; amended, 1970, 637 § 1. (See 1970, 637 § 2.)

SECTS. 1A and 2 repealed, 1971, 423 § 8.

SECT. 3 revised, 1936, 91 § 1; 1971, 423 § 9. (See 1936, 91 § 2.)

SECT. 4 revised, 1971, 423 § 10.

SECT. 5 repealed, 1971, 423 § 1.

SECT. 6 revised, 1973, 925 § 65. (See 1973, 925 § 84.)

SECT. 14 amended, 1973, 925 § 66. (See 1973, 925 § 84.)

SECT. 16 added, 1959, 68 § 1 (protecting land titles from certain claims for dower and curtesy). (See 1959, 68 § 2.)

Chapter 190. — Descent and Distribution of Real and Personal Property.

SECT. 1, paragraph (1) amended, 1945, 238 § 1; revised, 1956, 316 § 1; amended, 1970, 637 § 1. (See 1945, 238 § 2; 1956, 316 § 3; 1970, 637 § 2.)

SECT. 3, clause (7) amended, 1959, 149.

SECT. 7 amended, 1943, 72 § 1.

Chapter 190A. — Effect of Apparently Simultaneous Deaths upon Devolution and Disposition of Property, including Proceeds of Insurance.

New chapter inserted in 1941, 549 § 1. (See 1941, 549 § 2.)

SECT. 2 revised, 1961, 253 § 1.

SECT. 5 amended, 1961, 253 § 2.

Chapter 191. — Wills.

SECT. 1 amended, 1971, 291.

SECT. 10 amended, 1960, 118.

SECT. 15 revised, 1956, 316 § 2; 1964, 288 § 1. (See 1956, 316 § 3; 1964, 288 § 2.)

SECT. 20 amended, 1969, 479 § 2. (See 1969, 479 § 3.)
SECT. 22, sentence added, 1962, 273; revised, 1970, 462; 1971, 411.

Chapter 191A. — Disclaimer of Certain Property Interest Act.

New Chapter inserted, 1975, 573 § 1.

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 1A added, 1934, 113 (requiring that the attorney general be made a party in certain proceedings relative to the probate of wills).
SECT. 1B added, 1945, 338 § 1 (providing for a guardian ad litem when the surviving spouse of the deceased is under disability).
SECTS. 1C-1D added, 1969, 479 § 1 (exempting real estate from operation of the omitted child statute and providing for certain safeguards pertaining thereto). (See 1969, 479 § 3.)
SECT. 1D repealed, 1972, 574.
SECT. 7. See 1937, 408 § 3.
SECT. 9 amended, 1950, 390.
SECT. 12 added, 1954, 465 § 1 (requiring executors to notify devisees and legatees of devises and bequests). (See 1954, 465 § 4.)

Chapter 193. — Appointment of Administrators.

SECT. 3 amended, 1938, 328; first sentence revised, 1975, 684 § 80. (See 1975, 684 § 97.)
SECT. 4 amended, 1951, 163 § 1, 684 § 1. (See 1951, 684 § 2.)
SECT. 5 amended, 1951, 163 § 2.
SECT. 8 revised, 1973, 925 § 67. (See 1973, 925 § 84.)
SECT. 12 amended, 1945, 349 § 1.

Chapter 194. — Public Administrators.

SECT. 5 amended, 1961, 493 § 28.
SECT. 5A added, 1953, 333 (relative to the granting of administration to public administrators).
SECT. 7 revised, 1933, 100.
SECT. 9, last sentence amended, 1932, 180 § 38; section affected, 1932, 180 § 45.
SECT. 10. See 1936, 428.
SECT. 17 revised, 1973, 495; first sentence revised, 1975, 526.

Chapter 195. — General Provisions relative to Executors and Administrators.

SECTS. 1-4 repealed, 1933, 221 § 1. (See 1933, 221 § 8.)
SECT. 6 revised, 1970, 317 § 1.
SECT. 7 revised, 1945, 349 § 2.
SECT. 8 amended, 1933, 221 § 2. (See 1933, 221 § 8.)
SECT. 11, sentence added, 1954, 478 § 1.
SECT. 16 added, 1954, 562 § 1 (providing for the informal administration of certain small estates of deceased persons); first paragraph revised, 1956,

317 § 1; amended, 1958, 163 § 1; revised, 1966, 325; amended, 1970, 111; revised, 1970, 888 § 12A; amended, 1972, 405; 1973, 1210 § 30; revised, 1975, 263; first sentence amended, 1975, 433; paragraph revised 1975, 605; paragraph added, 1955, 413 § 1. (See 1955, 413 § 2; 1956, 317 § 3; 1958, 163 § 2; 1970, 888 § 31; 1973, 1210 § 39.)

Chapter 196. — Allowances to Widows and Children, and Advancements.

SECT. 2 amended, 1933, 36; revised, 1936, 214.

Chapter 197. — Payment of Debts, Legacies and Distributive Shares.

SECT. 1 revised, 1969, 493 § 1. (See 1969, 493 § 2.)

SECT. 2 amended, 1933, 221 § 3. (See 1933, 221 § 8.)

SECT. 2A added, 1939, 298 (establishing limitations applicable to suits against, and regulating the payments of debts by administrators de bonis non).

SECT. 9 amended, 1933, 221 § 4; 1954, 552 § 1; revised, 1971, 548 § 1; 1972, 256. (See 1933, 221 § 8; 1971, 548 § 2.)

SECT. 9A added, 1972, 298 (further regulating the limitation of actions against executors and administrators); amended, 1973, 430 § 11A; 1974, 234. (See 1973, 430 § 14.)

SECT. 10 revised, 1954, 552 § 2.

SECT. 19 revised, 1954, 465 § 2; amended, 1972, 750 § 1. (See 1954, 465 §§ 3, 4; 1972, 750 § 2.)

SECT. 20 revised, 1971, 448 § 1. (See 1971, 448 § 2.)

Chapter 200. — Settlement of Estates of Absentees.

SECT. 8 amended, 1961, 493 § 29.

SECT. 12 revised, 1941, 399 § 1.

SECTS. 13 and 14 stricken out and new section 13 inserted, 1941, 399 § 2.

SECT. 13 revised, 1946, 395; third sentence revised, 1975, 684 § 81. (See 1975, 684 § 97.)

Chapter 200A. — Abandoned Property.
New chapter inserted, 1950, 801.

SECT. 1, definition of "Abandoned property" revised, 1975, 277 § 1; definition of "Commissioner" stricken out, 1969, 377 § 1; definition of "Date prescribed for payment or delivery" added, 1959, 470 § 2; definition of "Department" stricken out, 1969, 377 § 1; definition of "Person" revised, 1959, 470 § 1; 1975, 277 § 2. (See 1969, 377 § 19.)

SECT. 2 revised, 1975, 608 § 1.

SECT. 3 amended, 1975, 608 § 2.

SECT. 4 amended, 1975, 608 § 3.

SECT. 5 revised, 1958, 283; 1959, 470 § 3; amended, 1962, 248 § 1; 1975, 608 § 4.

SECT. 6 amended, 1975, 608 § 5.

SECT. 6A added, 1962, 248 § 2 (providing that certain unclaimed dividends or distributions due in liquidations shall be presumed abandoned).

SECT. 6B added, 1975, 889 § 1 (regulating the abandonment of travelers checks issued or sold in the commonwealth).

SECT. 7, paragraph (*b*) amended, 1957, 359 § 1; section revised, 1969, 377 § 2; paragraph (*a*) revised, 1975, 277 § 3; paragraph (*c*) stricken out, 1975, 277 § 4. (See 1969, 377 § 19.)

SECT. 8, paragraph (*b*) revised, 1957, 359 § 2; amended, 1969, 377 § 3; paragraph (*c*) amended, 1969, 377 § 4; paragraph (*c*) (1) revised, 1957, 359 § 3; 1959, 470 § 4; amended, 1969, 377 § 5; paragraph (*d*) amended, 1969, 377 § 6. (See 1969, 377 § 19.)

SECT. 9 paragraph (*a*) amended, 1969, 377 § 7; paragraph (*b*) amended, 1969, 377 § 8; paragraph (*c*) revised, 1957, 359 § 4; amended, 1969, 377 § 9; paragraph (*d*) revised, 1969, 377 § 10; paragraph (*e*) revised, 1957, 554 § 1; paragraph (*f*) amended, 1969, 377 § 11. (See 1957, 554 § 2; 1969, 377 § 19.)

SECT. 10 amended, 1953, 654 § 98; paragraph (*e*) revised, 1957, 359 § 5; paragraph (*f*) added, 1966, 555; section revised, 1969, 377 § 12. (See 1969, 377 § 19.)

SECT. 11, paragraph (*a*) amended, 1969, 377 § 13; paragraph (*c*) added, 1975, 889 § 2. (See 1969, 377 § 19.)

SECT. 12, paragraph (*a*) amended, 1969, 377 § 14; paragraph (*b*) amended, 1969, 377 § 15. (See 1969, 377 § 19.)

SECT. 13, first sentence stricken out, 1953, 654 § 99; section revised, 1969, 377 § 16. (See 1969, 377 § 19.)

SECT. 14 amended, 1959, 236 § 2; 1970, 888 § 22. (See 1970, 888 § 31.)

SECT. 15 amended, 1969, 377 § 17. (See 1969, 377 § 19.)

Chapter 201. — Guardians and Conservators.

SECT. 1 amended, 1945, 728 § 1; revised, 1956, 314 § 1; amended, 1974, 845 § 2. (See 1945, 728 § 4.)

SECT. 2 revised, 1958, 120 § 1. (See 1958, 120 § 2.)

SECT. 4 revised, 1973, 925 § 68. (See 1973, 925 § 84.)

SECT. 5, last sentence stricken out, 1961, 171.

SECT. 6 amended, 1941, 194 § 13; revised, 1956, 314 § 2; amended, 1974, 845 § 3.

SECT. 6A added, 1974, 845 § 4 (providing for the appointment of guardians for certain mentally retarded persons).

SECT. 7 amended, 1941, 914 § 14; revised, 1956, 314 § 3; amended, 1974, 845 § 5.

SECT. 8 amended, 1974, 260 § 27.

SECT. 12 revised, 1956, 314 § 4; amended, 1974, 845 § 6.

SECT. 13, sentence added, 1934, 204 § 1; section amended, 1941, 194 § 15; revised, 1956, 314 § 5; amended, 1974, 845 § 7.

SECT. 13A added, 1941, 325 (providing for the removal of a permanent guardian of an insane person); revised, 1956, 314 § 6; 1974, 845 § 8.

SECT. 14 amended, 1941, 194 § 16; revised, 1956, 314 § 7; amended, 1974, 260 § 28.

SECT. 16 revised, 1945, 728 § 2. (See 1945, 728 § 4.)

SECT. 16A added, 1972, 269 (authorizing the appointment of conservators of property of persons declared missing in action or prisoners of war).

SECT. 16B added, 1974, 845 § 9 (providing for the appointment of conservators for certain mentally retarded persons).

SECT. 18, sentence added, 1934, 204 § 2.

SECT. 19 revised, 1974, 845 § 10.

SECT. 20, see 1945, 338 § 3; section revised, 1956, 314 § 8; 1974, 845 § 11.

SECT. 21 revised, 1945, 728 § 3; amended, 1953, 571 § 3; second sentence revised, 1954, 330; first sentence amended, 1974, 260 § 29. (See 1945, 728 § 4.)

SECT. 22 revised, 1956, 314 § 9; amended, 1974, 845 § 12.

SECT. 24 revised, 1956, 314 § 10; 1963, 350.

SECT. 25 amended, 1970, 888 § 23. (See 1970, 888 § 31.)

SECT. 26 revised, 1956, 314 § 11; amended, 1971, 423 § 12.

SECT. 30 amended, 1939, 57.

SECT. 32 repealed, 1970n 120 § 3.

SECT. 33 amended, 1950, 420; sentence inserted after first sentence, 1954, 478 § 2; section revised, 1956, 314 § 12.

SECT. 38, three paragraphs added, 1969, 422.

SECT. 38A added, 1958, 44 (authorizing a guardian or conservator to expend funds from his ward's estate for or towards the funeral and burial expenses of a deceased member of the ward's family).

SECT. 39A added, 1936, 270 (authorizing payments from estates of minors under guardianship for expenses for the funerals of the parents in certain cases); revised, 1971, 263.

SECT. 42 revised, 1956, 314 § 13; amended, 1974, 845 § 13.

SECT. 43 revised, 1956, 314 § 14; amended, 1974, 845 § 14.

SECT. 43A revised, 1956, 314 § 15; amended, 1974, 845 § 15.

SECT. 44 amended, 1971, 423 § 13.

SECT. 45, sentence added, 1945, 338 § 2; section revised, 1956, 314 § 16; amended, 1974, 845 § 16.

SECT. 47A added, 1937, 312 § 1 (permitting guardians and conservators to invest funds in certain insurance policies and annuity contracts).

SECT. 48A revised, 1941, 241; 1949, 14; 1950, 66 § 1; first sentence amended, 1952, 174 § 1; revised, 1954, 311 § 1; sentence added, 1952, 174 § 2; section revised, 1956, 314 § 17; first sentence amended, 1961, 493 § 30; section revised, 1972, 442; first sentence amended, 1974, 845 § 17; revised 1975, 339.

Chapter 201A. — Uniform Gifts to Minors Act.

New chapter inserted, 1957, 724.

SECT. 1, clause (*a*) revised, 1959, 22; 1964, 324; clause (*c*) amended, 1962, 271 § 1; clause (*l*) added, 1962, 271 § 2.

SECT. 2, subsection (*a*) amended, 1962, 271 § 3.

SECT. 3 amended, 1962, 271 § 4.

SECT. 4, subsection (*d*) revised, 1973, 925 § 69; subsection (*e*) amended, 1962, 271 § 5; subsection (*h*) amended, 1973, 925 § 70; subsection (*j*) added, 1962, 271 § 6; revised, 1974, 779. (See 1973, 925 § 84.)

SECT. 7, subsection (*d*) amended, 1973, 925 § 71. (See 1973, 925 § 84.)

SECT. 8, subsection (*a*) revised, 1973, 925 § 72. (See 1973, 925 § 84.)

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof).

SECT. 12 amended, 1941, 194 § 17; 1974, 260 § 30.

SECT. 14 amended, 1934, 157 § 1.

SECT. 19 amended, 1941, 341 § 1. (See 1941, 341 § 2.)

SECT. 20 revised, 1933, 221 § 5. (See 1933, 221 § 8.)

SECT. 20A added, 1972, 491 § 1 (limiting the time for taking or selling interests in real estate of a deceased person to pay expenses or charges of administration). (See 1972, 491 § 2.)

SECT. 32, first sentence amended, 1952, 445 § 2.

SECT. 36 added, under caption, 1945, 418 § 1 (relative to sales, mortgages and leases by guardians and conservators of wards holding real estate under tenancies by the entirety); section and caption revised, 1959, 125 § 1. (See 1945, 418 § 2; 1959, 125 § 2.)

SECT. 37 added, 1973, 677 (providing that a probate court decree to sell real or personal property also authorizes other action).

Chapter 203. — Trusts.

SECT. 3A added, 1946, 287 § 1 (exempting trusts created by employers in connection with stock bonus, pension, disability, death benefit or profit sharing plans from the rule against perpetuities). (See 1946, 287 §§ 2, 3.)

SECT. 3B added, 1963, 418 § 1 (relative to testamentary addition to trusts). (See 1963, 418 § 2.)

SECTS. 4A-4B added, 1973, 652 (regulating fiduciaries in the conduct of their trust business).

SECT. 12, sentence added, 1954, 478 § 3.

SECT. 13 revised, 1943, 201 § 1. (See 1943, 201 § 3.)

SECT. 16 amended, 1934, 157 § 2.

SECT. 17A added, 1932, 50 (relative to the sale of real estate by foreign testamentary trustees).

SECT. 21A added, 1962, 481 § 1 (further defining trust income); revised, 1966, 465; amended, 1967, 442. (See 1962, 481 §§ 2, 3.)

SECT. 22 amended, 1936, 184 § 1. (See 1936, 184 § 2.)

SECTS. 24A and 24B added, under caption, 1943, 389 § 1. (See 1943, 389 § 2.)

SECT. 25A added, under caption, 1937, 312 § 2 (permitting trustees to invest funds in certain insurance policies and annuity contracts).

SECT. 41 revised, 1948, 550 § 40; two paragraphs added, 1962, 52.

Chapter 203A. — Uniform Common Trust Fund Act (former title, Collective Investment of Small Trust Funds).

Chapter stricken out and new chapter 203A inserted, 1969, 417 § 1. (See 1969, 417 § 2.)

For prior changes see Table of Changes contained in Acts and Resolves of 1968.

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

SECT. 3 amended, 1970, 120 § 2.

SECT. 3A added, 1970, 120 § 1 (facilitating distributions to foreign fiduciaries).

SECT. 26 amended, 1933, 221 § 6. (See 1933, 221 § 8.)

SECTS. 27-36 added, 1943, 152 (authorizing releases and disclaimers of powers of appointment and providing for the methods of releasing and disclaiming the same).

SECT. 30 amended, 1975, 573 § 4.

SECT. 34 repealed, 1975, 573 § 3.

SECT. 37 added, 1943, 201 § 2 (authorizing the resignation of fiduciaries by their guardians, conservators or committees, or other like officers, acting in their behalf).

Chapter 205. — Bonds of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 4 amended, 1941, 45 § 1.

SECT. 5 amended, 1941, 45 § 2.

SECT. 19A revised, 1950, 65; 1945, 309; amended, 1970, 172.

Chapter 206. — Accounts and Settlements of Executors, Administrators, Guardians, Conservators, Trustees and Receivers.

SECT. 2 revised, 1973, 669 § 1. (See 1973, 669 § 3.)

SECTS. 5-6 revised, 1973, 669 § 2. (See 1973, 669 § 3.)

SECT. 7 amended, 1941, 194 § 18; revised, 1956, 314 § 18; 1974, 845 § 18.

SECT. 16 amended, 1941, 36; revised, 1949, 140.

SECT. 17 amended, 1936, 208.

SECT. 19 repealed, 1938, 154 § 2.

SECT. 23 repealed, 1938, 154 § 2.

SECT. 24 revised, 1938, 154 § 1; 1950, 413; second paragraph amended, 1961, 254; paragraph added, 1963, 356.

SECT. 25 revised, 1950, 64 § 1; first sentence revised, 1954, 312 § 1; 1963, 168 § 1.

SECT. 27 revised, 1950, 66 § 2; 1954, 311 § 2; first sentence revised, 1963, 168 § 2.

SECT. 27A added, 1950, 265 (relative to the disposition of certain legacies or distributive shares of estates to persons entitled thereto but unavailable); first sentence revised, 1963, 168 § 3.

SECT. 27B added, 1956, 257 (relative to the disposition of certain legacies or distributive shares of estates of deceased persons wherein the legatees or distributees reside in countries under Communist control).

Chapter 207. — Marriage.

SECT. 5 amended, 1941, 194 § 18A.

SECT. 7 revised, 1941, 270 § 1; amended, 1972, 255 § 1.

SECT. 8 amended, 1975, 400 § 1. (See 1975, 400 § 79.)

SECT. 9 amended, 1975, 400 § 2. (See 1975, 400 § 79.)

SECT. 14, paragraph added, 1951, 469; section revised, 1975, 460 § 3. (See 1975, 400 § 79.)

SECT. 17 amended, 1945, 185; 1975, 400 § 4. (See 1975, 400 § 79.)

SECT. 18 amended, 1975, 400 § 5. (See 1975, 400 § 79.)

SECT. 19 revised, 1948, 550 41; 1959, 118 § 1; 1969, 80.

SECT. 20 amended, 1933, 127; sentence inserted after the word "residence" in line 18, 1943, 561 § 3.

SECT. 20A added, 1939, 269 § 3 (relative to the duties of city and town clerks in the case of the filing of notices of intention of marriage of pregnant females).

SECT. 20B added, 1941, 601 § 1 (requiring pre-marital physical examination); first paragraph amended, 1941, 697 § 1; second paragraph stricken out and three paragraphs inserted, 1941, 697 § 2; repealed, 1943, 561 § 2. (See 1941, 697 § 3.)

SECT. 21, first paragraph amended, 1956, 9; paragraph added, 1943, 168 § 2; stricken out, 1970, 127; paragraph added, 1970, 157.

SECT. 22 revised, 1956, 7 § 1.

SECT. 28 amended, 1941, 601 § 2; 1959, 118 § 2. (See 1941, 601 § 4.)

SECT. 28A added, 1943, 561 § 1 (further regulating pre-marital examinations); revised, 1950, 113; first paragraph, last sentence revised, 1970, 152; paragraph inserted after first paragraph, 1974, 134.

SECT. 30 amended, 1937, 11 § 1; 1945, 214 § 1; 1946, 197 § 1; 1968, 81 § 1. (See 1937, 11 § 2; 1945, 214 § 2.)

SECT. 33 amended, 1941, 270 § 2; 1971, 255 § 2.

SECT. 33A amended, 1971, 255 § 3.

SECT. 36 revised, 1946, 273 § 1; second paragraph revised, 1965, 12 § 4.

SECT. 38 revised, 1932, 162; amended, 1946, 197 § 2; 1949, 249; revised, 1965, 11 § 1; amended, 1968, 81 § 2; revised, 1970, 668; amended, 1972, 186 § 5; 1973, 1201; first paragraph amended, 1975, 464 § 1.

SECT. 39 revised, 1958, 438; third and fourth sentences stricken out and sentence inserted, 1965, 54; third sentence amended, 1968, 81 § 3; section revised, 1975, 464 § 2.

SECT. 40 revised, 1946, 197 § 3; amended, 1965, 11 § 2; revised, 1968, 81 § 4.

SECT. 42 amended, 1946, 197 § 4; revised, 1965, 11 § 3; amended, 1968, 81 § 5.

SECT. 47A added, under caption, 1938, 350 § 1 (abolishing causes of action for breach of contract to marry). (See 1938, 350 § 3.)

SECT. 52 revised, 1943, 312 § 1. (See 1943, 312 § 2.)

SECT. 55 repealed, 1946, 273 § 2.

SECT. 57 amended, 1941, 601 § 3. (See 1941, 601 § 4.)

Chapter 208. — Divorce.

For temporary act establishing conciliation divisions in the probate courts for Norfolk and Worcester counties, see 1961, 620.

SECT. 1 amended, 1967, 585 § 1; 1973, 740; revised, 1974, 358 § 1; 1975, 400 § 6; 698 § 1. (See 1967, 585 § 2; 1974, 358 § 3; 1975, 400 § 79; 698 § 4.)

SECTS. 1A-1B added, 1975, 698 § 2 (providing for an irretrievable breakdown of the marriage as a ground for an action for divorce). (See 1975, 698 § 4.)

SECT. 2 revised, 1937, 76 § 1; amended, 1975, 400 § 7. (See 1937, 76 § 2; 1975, 400 § 79.)

SECT. 3 amended, 1975, 400 § 8; revised, 1975, 698 § 3. (See 1975, 400 § 79; 698 § 4.)

SECT. 4 amended, 1975, 400 § 9. (See 1975, 400 § 79.)

SECT. 5 revised, 1964, 344; 1969, 162; 1975, 400 § 10. (See 1975, 400 § 79.)

SECT. 6 revised, 1973, 415; 1975, 400 § 11. (See 1975, 400 § 79.)

SECT. 6B added, 1958, 162 § 1 (prohibiting the filing of a libel for divorce unless the parties have been living apart for at least three months); revised, 1967, 674 § 1; 1975, 400 § 12. (See 1958, 162 § 2; 1967, 674 § 2; 1975, 400 § 79.)

SECT. 7 repealed, 1975, 400 § 13. (See 1975, 400 § 79.)

SECT. 8 revised, 1975, 400 § 14. (See 1975, 400 § 79.)

SECT. 8A added, 1971, 290 (permitting the entry of a new libel for divorce during a contested hearing upon a libel); repealed, 1975, 400 § 15. (See 1975, 400 § 79.)

SECTS. 9-11 revised, 196 § 1. (See 1943, 196 § 2.)

SECT. 9 repealed, 1975, 400 § 16. (See 1975, 400 § 79.)

SECT. 10 repealed, 1975, 400 § 17. (See 1975, 400 § 79.)

SECT. 12 amended, 1975, 400 § 18. (See 1975, 400 § 79.)

SECT. 15 revised, 1975, 400 § 19. (See 1975, 400 § 79.)

SECT. 16 revised, 1975, 400 § 20. (See 1975, 400 § 79.)

SECT. 17 revised, 1975, 400 § 21. (See 1975, 400 § 79.)

SECT. 18, first sentence revised, 1974, 313; amended, 1975, 400 § 22; sentence added, 1974, 231. (See 1975, 400 § 79.)

SECT. 19 revised, 1932, 3; amended, 1975, 400 § 23. (See 1975, 400 § 79.)

SECT. 20 revised, 1975, 400 § 24. (See 1975, 400 § 79.)

SECT. 20A added, 1953, 213 § 1 (authorizing a decree for living apart for justifiable cause in certain cases where a divorce decree has been denied); revised, 1975, 400 § 25. (See 1953, 213 § 2; 1975, 400 § 79.)

SECT. 21, sentence added, 1934, 181 § 1; section revised, 1975, 400 § 26. (See 1934, 181 § 2; 1975, 400 § 79.)

SECT. 22, sentence added, 1962, 433; section revised, 1974, 358 § 2; 1975, 400 § 27. (See 1974, 358 § 3; 1975, 400 § 79.)

SECT. 23 revised, 1973, 379.
SECT. 24 amended, 1943, 168 § 1; revised, 1965, 640; amended, 1975, 400 § 28. (See 1965, 809 §§ 1, 2; 1975, 400 § 79.)
SECT. 24A added, 1948, 66 (providing that copies of or certificates relating to decrees of divorce shall contain certain information relative to decrees nisi and to rights to remarry).
SECT. 26 repealed, 1949, 76 § 1.
SECT. 27 revised, 1949, 76 § 2.
SECT. 28 revised, 1975, 400 § 29; sentence added, 1975, 661 § 1. (See 1975, 400 § 79.)
SECT. 29 revised, 1975, 400 § 30. (See 1975, 400 § 79.)
SECT. 32 amended, 1975, 400 § 31; revised, 1975, 400 § 32. (See 1975, 400 § 79.)
SECT. 33 revised, 1936, 221 § 1. (See 1936, 221 § 2.)
SECT. 34 revised, 1974, 565; 1975, 400 § 33. (See 1975, 400 § 79.)
SECT. 34A added, 1963, 415 (providing that a decree for alimony ordering a conveyance of real property shall, under certain circumstances, constitute a conveyance); revised, 1975, 400 § 34. (See 1975, 400 § 79.)
SECT. 34B added, 1970, 472 (permitting a judge of probate to order a husband or wife to vacate the marital home); revised, 1975, 321; 400 § 35. (See 1975, 400 § 79.)
SECT. 35 amended, 1950, 57; 1975, 400 § 36. (See 1975, 400 § 79.)
SECT. 36 revised, 1975, 400 § 37. (See 1975, 400 § 79.)
SECT. 37 revised, 1975, 400 § 38. (See 1975, 400 § 79.)
SECT. 38 revised, 1933, 288.
SECT. 39 amended, 1975, 400 § 39. (See 1975, 400 § 79.)
SECT. 41 amended, 1975, 400 § 40. (See 1975, 400 § 79.)
SECT. 42 amended, 1975, 400 § 41. (See 1975, 400 § 79.)
SECT. 44 amended, 1955, 770 § 77. (See 1955, 770 §§ 117, 123.)
SECT. 45 amended, 1948, 279.
SECT. 46 amended, 1952, 86; revised, 1975, 400 § 42. (See 1975, 400 § 79.)
SECT. 47 revised, 1971, 544 § 2.

Chapter 209. — Husband and Wife.

SECT. 1, second sentence stricken out, 1971, 423 § 14.
SECT. 2 revised, 1963, 765 § 1.
SECT. 3 revised, 1975, 558 § 2.
SECT. 7 amended, 1974, 147 § 1.
SECT. 8 amended, 1974, 147 § 2.
SECT. 9 amended, 1974, 147 § 3.
SECT. 10 revised, 1948, 550 § 42; repealed, 1974, 147 § 4.
SECT. 11 repealed, 1974, 147 § 4.
SECT. 13 revised, 1974, 147 § 5.
SECT. 14 amended, 1971, 423 § 15.
SECT. 16 amended, 1971, 423 § 16.
SECT. 18 revised, 1971, 423 § 17.
SECTS. 19-20 repealed, 1971, 423 § 18.

SECT. 21 amended, 1939, 32 § 3; 1970, 119 § 3; 1973, 487 § 3; 1974, 750 § 3; 1975, 407 § 3. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5.)

SECTS. 22-23 repealed, 1971, 423 § 18.

SECT. 24 revised, 1971, 423 § 19.

SECT. 30 revised, 400 § 43. (See 1975, 400 § 79.)

SECT. 32, sentence added, 1938, 136; section revised, 1968, 370; 1974, 230; 1975, 400 § 44. (See 1975, 400 § 79.)

SECTS. 32A-32C repealed, 1975, 400 § 45. (See 1975, 400 § 79.)

SECT. 32D added, 1970, 450 (providing that a decree for separate support may require one of the parties to convey real property); revised, 1975, 400 § 46. (See 1975, 400 § 79.)

SECT. 33 revised, 1933, 360; 1975, 400 § 47. (See 1975, 400 § 79.)

SECT. 34 revised, 1975, 400 § 48. (See 1975, 400 § 79.)

SECT. 35 amended, 1975, 400 § 49. (See 1975, 400 § 79.)

SECT. 36 revised, 1975, 400 § 50. (See 1975, 400 § 79.)

SECT. 37 revised, 1975, 400 § 51; sentence added, 1975, 661 § 2. (See 1975, 400 § 79.)

Chapter 210. — Adoption of Children and Change of Names.

SECT. 1, sentence inserted after first sentence, 1941, 44; revised, 1966, 370.

SECT. 2 revised, 1950, 737 § 1; (affected, 1951, 148); fourth sentence amended, 1970, 216; section revised, 1972, 800 § 1; paragraph added, 1974, 397; (affected, 1973, 560).

SECT. 2A added, 1954, 649 § 1 (providing certain requirements relative to petitions for adoption); paragraph (E) revised, 1957, 184. Affected, 1955, 117.

SECT. 3 amended, 1941, 61; 1945, 239; revised, 1945, 300; amended, 1951, 674; revised, 1952, 352; 1953, 61; amended, 1955, 89; second sentence revised, 1963, 71 § 1; section revised, 1972, 800 § 2. (See 1963, 71 § 2.)

SECT. 3A added, 1953, 593 § 1 (relative to consent to the adoption of children in certain cases); revised, 1964, 425; repealed, 1972, 800 § 3.

SECT. 4 revised, 1953, 593 § 2; 1972, 800 § 4.

SECT. 5A revised, 1950, 737 § 2; first paragraph, first sentence revised, 1970, 404 § 2; second sentence stricken out, two sentences added, 1975, 579; fifth sentence amended, 1972, 800 § 5; sixth sentence amended, 1972, 800 § 5A; paragraph added, 1954, 649 § 2; 1962, 83.

SECT. 5B added, 1950, 737 § 3 (providing that adoptive parents shall be of the same religion as the child when practicable); revised, 1970, 404 § 3.

SECT. 5C added, 1951, 173 (relative to the segregation and inspection of adoption papers); amended, 1957, 187 § 1; revised, 1958, 59; first sentence revised, 1972, 800 § 6; last sentence revised, 1960, 44. (See 1957, 187 § 2.)

SECT. 6, paragraph added, 1943, 155 § 1; same paragraph revised, 1955, 107 § 1; paragraph added, 1950, 737 § 4; first sentence stricken out and two sentences inserted, 1971, 388.

SECT. 6A added, 1955, 107 § 2 (providing for the issuance of certificates of adoption and the correction of birth records to conform to such certificates); paragraph added, 1957, 274.

SECT. 6B added, 1969, 249 (permitting a decree of adoption nunc pro tunc under certain circumstances).

SECT. 7, first sentence revised, 1965, 252; sentence added, 1950, 737 § 5; section revised, 1967, 114; fourth sentence amended, 1975, 769 § 1. (See 1975, 769 § 2.)

SECT. 8 revised, 1958, 121 § 1; 1969, 27 § 1. (See 1958, 121 §§ 2, 3; 1969, 27 § 3.)

SECT. 9 revised, 1967, 113; 1972, 592.

SECT. 11 revised, 1972, 800 § 7.

SECT. 11A revised, 1950, 737 § 6; first sentence amended, 1974, 260 § 31; 1975, 58 § 5A; second sentence amended, 1975, 858 § 5B.

SECT. 13, first paragraph amended, 1948, 247; revised, 1966, 342 § 1; paragraph added, 1943, 155 § 2.

SECT. 14 revised, 1966, 342 § 2.

Chapter 211. — The Supreme Judicial Court.

SECT. 3, first paragraph revised, 1973, 1114 § 44; paragraph added, 1956, 707 § 1. (See 1973, 1114 § 351.)

SECTS. 3A-3F added, 1956, 707 § 2 (providing for an executive secretary to the justices of the supreme judicial court).

SECT. 3A, second sentence revised, 1963, 755 § 1A; 1967, 650.

SECT. 3B revised, 1960, 424; first sentence revised, 1970, 567.

SECT. 4 amended, 1945, 465; 1973, 1114 § 45. (See 1973, 1114 § 351.)

SECT. 4A added, 1962, 722 § 2 (relative to the transfer of causes and matters between the supreme judicial and other courts); revised, 1972, 740 § 2; first paragraph revised, 1973, 1114 § 46. (See 1973, 1114 § 351.)

SECT. 5 revised, 1973, 1114 § 47. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 48. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 49. (See 1973, 1114 § 351.)

SECT. 11 revised, 1933, 300 § 1; 1960, 207 § 1; repealed, 1973, 1114 § 50. (See 1933, 300 § 4; 1973, 1114 § 351.)

SECT. 12 revised, 1958, 165 § 1; 1961, 106 § 1.

SECT. 13 revised, 1952, 416; 1958, 165 § 2; repealed, 1961, 106 § 2.

SECT. 17 revised, 1958, 65 § 1.

SECT. 19 revised, 1938, 115 § 1.

SECT. 22 revised, 1946, 544 § 1; 1951, 742 § 1; 1955, 733 § 1; 1963, 755 § 1; 1966, 699 § 2; 1969, 845 § 2; 1973, 428 § 3, 856 § 2; amended, 1974, 558 § 2. (See 1946, 544 § 5; 1951, 742 §§ 4, 5; 1955, 733 §§ 4, 5; 1956, 333; 1957, 246 §§ 1, 2, 755 § 2; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19; 856 § 17; 1974, 558 § 20.)

Chapter 211A. — Appeals Court.

New Chapter inserted, 1972, 740 § 1.

SECT. 2, first sentence revised, 1973, 428 § 4, 856 § 3; 1974, 558 § 3. (See 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 6 revised, 1974, 784.

Chapter 212. — The Superior Court.

For act further extending to June 30, 1949, the operation of certain provisions of law (1923, 469, as amended) relative to the more prompt disposition of criminal cases in the superior court, see 1948, 230. (See 1949, 210 § 2.)

SECT. 1 amended, 1958, 370; 1962, 721; revised, 1967, 850.

SECT. 3 amended, 1973, 1114 § 51. (See 1973, 1114 § 351.)

SECT. 6 amended, 1953, 319 § 24. (See 1953, 319 §§ 39, 40.)

SECT. 8 revised, 1973, 1114 § 52; third sentence revised, 1975, 599 § 3. (See 1973, 1114 § 351.)

SECT. 10 repealed, 1973, 1114 § 53. (See 1973, 1114 § 351.)

SECT. 14 revised, 1932, 144 § 1. (For prior temporary legislation, see 1927, 306; 1948, 230.)

SECT. 14A added, 1932, 144 § 2 (regulating the establishment of sessions and sittings of the superior court); amended, 1973, 1114 § 54. (For prior temporary legislation, see 1927, 306; 1928, 228.) (See 1973, 1114 § 351.)

SECTS. 14B-14E added, 1949, 210 § 1 (making permanent the operation of certain provisions of law relative to the more prompt disposition of criminal cases by district court judges sitting in the superior court). (See 1949, 210 § 3.)

SECT. 14B revised, 1954, 668 § 1; 1956, 472 § 1; 1961, 535 § 1; second paragraph amended, 1963, 810 § 18; section revised, 1966, 695 § 1; amended, 1970, 452; first paragraph revised, 1971, 897; third paragraph revised, 1973, 1114 § 55. (See 1954, 668 § 2; 1956, 472 § 2; 1961, 535 §§ 2-6; 1966, 695 § 2; 1973, 1114 § 351.)

SECT. 14C repealed, 1973, 1114 § 56. (See 1973, 1114 § 351.)

SECT. 14E, first sentence amended, 1952, 477; revised, 1963, 772 § 1; amended, 1970, 728; 1973, 428 § 5, 856 § 4; 1974, 558 § 4. (See 1963, 772 § 3; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 14F added, 1975, 861 § 2 (providing for temporary service by certain retired justices of the Superior Court). (See 1975, 861 § 4.)

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 20A added, 1949, 139 (relative to central pools of jurors summoned for attendance upon the superior court); second paragraph amended, 1967, 541.

SECT. 22 amended, 1934, 287; 1943, 135 § 1; sentence added, 1943, 244 § 3. (See 1943, 145 § 2.)

SECT. 24 amended, 1943, 244 § 4.

SECT. 25 amended, 1932, 144 § 4.

SECT. 26A added, 1935, 229 § 1 (providing for the transfer from the superior court to the land court of certain actions at law and suits in equity where any right, title or interest in land is involved); revised, 1973, 1114 § 57. (See 1935, 229 § 2; 1973, 1114 § 351.)

SECT. 27 revised, 1946, 544 § 2; 1951, 742 § 2; 1955, 733 § 2; 1963, 741 § 1; 1966, 699 § 3; 1969, 845 § 3; 1973, 428 § 6, 856 § 5; amended, 1974, 558 § 5. (See 1946, 544 § 5; 1951, 742 §§ 4, 5; 1953, 567; 1954, 651; 1955, 475, 733 §§ 4, 5; 1956, 423 §§ 1, 3; 1957, 246 § 3; 1963, 741 § 2; 1964, 360 § 1; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 28 revised, 1963, 787.

SECT. 28A repealed, 1949, 654 § 2.

SECT. 30 added, 1959, 600 (providing for a panel of three associate justices of the superior court to act upon labor dispute cases); revised, 1973, 1114 § 58. (See 1973, 1114 § 351.)

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

SECTS. 1A and 1B added, 1939, 257 § 1 (granting to the superior court jurisdiction of certain extraordinary writs and certain other matters, concurrently with the supreme judicial court). (See 1939, 257 § 2.)

SECT. 1A amended, 1941, 28, 180; revised, 1962, 722 § 3.

SECT. 1B amended, 1962, 722 § 4; revised, 1973, 1114 § 59. (See 1973, 1114 § 351.)

SECTS. 1C and 1D added, 1943, 374 § 4 (providing for changing a petition for certiorari into a petition for mandamus and vice versa and providing for appeals from judgments upon such petitions).

SECT. 1D, first sentence amended, 1957, 155.

SECTS. 1C-1D repealed, 1973, 1114 § 60. (See 1973, 1114 § 351.)

SECT. 3, clause Tenth A revised, 1945, 582 § 2 (see 1945, 582 §§ 4, 5); clause Tenth B added, 1943, 374 § 3 (providing for the presentation at hearings upon petitions for certiorari of evidence at proceedings complained of in such petitions); stricken out, 1973, 1114 § 61. (See 1973, 1114 § 351.)

SECT. 3A added, 1949, 654 § 1 (relative to the printing of rules of the supreme judicial and superior courts); last sentence revised, 1959, 302 § 1. (See 1959, 302 § 2.)

SECT. 4 revised, 1947, 449 § 5. (See 1947, 449 § 7.)

SECT. 6 amended, 1932, 144 § 5.

Chapter 214. — Equity Jurisdiction (former title, Equity Jurisdition and Procedure in the Supreme Judicial and Superior Courts).

Chapter stricken out, and new chapter 214 (with new title) inserted, 1973, 1114 § 62. (See 1973, 1114 § 351.)

For prior changes see Table of Changes contained in Acts and Resolves of 1972 and in 1973, 591 §§ 3, 4, 941.

The following references are to Chapter 214, as so inserted:

SECT. 1B added, 1974, 193 § 1 (establishing the right of privacy and the remedy to enforce that right). (See 1974, 193 § 2.)

SECT. 3B added, 1975, 776 § 3 (regulating public and quasi-public departments, boards, authorities and commissions relative to records containing personal data and creating responsibilities relative thereto). (See 1975, 776 § 5.)

SECT. 10B added, 1974, 562 § 2 (regulating the requirements of notice to heirs, next of kin and residuary devisees and legatees in proceedings for application of charitable gifts cy pres and permitting deviation from the terms of a charitable gift). (See 1974, 562 § 3.)

Chapter 215. — Probate Courts.

SECT. 2 amended, 1975, 400 § 52. (See 1975, 400 § 79.)

SECT. 3, first sentence amended, 1962, 567 § 2, 722 § 6; sentence added, 1949, 56; section revised, 1975, 400 § 53. (See 1975, 400 § 79.)

SECT. 4 revised, 1975, 400 § 54. (See 1975, 400 § 79.)

SECT. 6 amended, 1933, 237 § 1; revised, 1937, 257; first sentence amended, 1939, 194 § 2; sentence inserted after second sentence, 1958, 223; sentence inserted before last sentence, 1950, 485 § 3; 1951, 657 § 2; stricken out, 1954, 556 § 2; section revised, 1963, 820 § 1; second paragraph, last sentence amended, 1970, 888 § 24; section revised, 1973, 1114 § 63; 1975, 400 § 55. (See 1954, 556 § 10; 1963, 820 § 2; 1970, 888 § 31; 1973, 1114 § 351; 1975, 400 § 79.)

SECT. 6A revised, 1973, 1114 § 64. (See 1973, 1114 § 351.)

SECT. 6B added, 1935, 247 § 1 (providing for interpretive judgments in the probate courts as to the meaning of written instruments); repealed, 1945, 582 § 3. (See 1935, 247 § 2; 1945, 582 § 5.)

SECT. 8A amended, 1975, 400 § 56. (See 1975, 400 § 79.)

SECT. 9, sentence added, 1945, 469 § 1; stricken out, 1947, 360; section revised, 1973, 1114 § 65; 1975, 400 § 57. (See 1945, 469 § 2; 1946, 88, 610 § 1; 1947, 97 § 1; 1973, 1114 § 351; 1975, 400 § 79.)

SECT. 9A added, 1960, 179 (permitting certain fiduciaries to act during the appeal period); revised, 1973, 473.

SECT. 10 revised, 1973, 1114 § 66. (See 1973, 1114 § 351.)

SECT. 11 amended, 1947, 365 § 3; revised, 1975, 400 § 58. (See 1975, 400 § 79.)

SECT. 12 repealed, 1973, 1114 § 67. (See 1973, 1114 § 351.)

SECT. 13 amended, 1973, 1114 § 68; 1975, 400 § 59. (See 1973, 1114 § 351; 1975, 400 § 79.)

SECT. 14 revised, 1975, 400 § 60. (See 1975, 400 § 79.)

SECT. 15 revised, 1960, 207 § 3; repealed, 1975, 400 § 61 (See 1975, 400 § 79.)

SECT. 16 amended, 1973, 1114 § 69. (See 1973, 1114 § 351.)

SECT. 18, two sentences added, 1964, 631 § 1. (See 1964, 631 § 2.)

SECT. 21 repealed, 1973, 1114 § 70. (See 1973, 1114 § 351.)

SECT. 22 revised, 1975, 400 § 62. (See 1975, 400 § 79.)

SECT. 24 revised, 1975, 400 § 63. (See 1975, 400 § 79.)

SECT. 28 revised, 1975, 400 § 64. (See 1975, 400 § 79.)

SECT. 29 repealed, 1975, 400 § 65. (See 1975, 400 § 79.)

SECT. 30A amended, 1934, 330; revised, 1956, 664; 1963, 819 § 1.

SECT. 32 revised, 1975, 400 § 66. (See 1975, 400 § 79.)

SECT. 34, sentence added, 1971, 275; section amended, 1973, 1114 § 71; revised, 1975, 400 § 67. (See 1973, 1114 § 351; 1975, 400 § 79.)

SECT. 34A added, 1967, 439 (providing for service of contempt citations for non support be served by certified mail); second and third sentences

revised, 1968, 562; two sentences added, 1970, 602; section revised, 1975, 400 § 68. (See 1975, 400 § 79.)

SECT. 36 revised, 1956, 187; 1957, 32; amended, 1958, 498; 1960, 331; revised, 1975, 400 § 69. (See 1975, 400 § 79.)

SECT. 39A added, 1947, 536 (relative to counsel fees in the probate courts); paragraph added, 1951, 80.

SECT. 39B added, 1951, 312 (relative to counsel fees and certain other expenses in probate courts); revised, 1975, 400 § 70. (See 1975, 400 § 79.)

SECT. 41 revised, 1950, 66 § 3; amended, 1954, 311 § 3; 1970, 105; revised, 1973, 728.

SECT. 41A added, 1974, 232 (permitting executors or administrators to distribute certain funds of estates to parents of minors).

SECT. 42, sentence added, 1952, 184 § 2. (See 1952, 184 § 4.)

SECT. 44, last sentence revised, 1941, 323 § 1; section amended, 1943, 91. (See 1941, 323 § 2.)

SECT. 46 revised, 1975, 400 § 71. (See 1975, 400 § 79.)

SECT. 48 repealed, 1970, 317 § 2,

SECT. 51 repealed, 1955, 418 § 2. (See 1955, 418 § 3.)

SECT. 56A revised, 1975, 400 § 72. (See 1975, 400 § 79.)

SECT. 56B added, 1971, 947 (authorizing the appointment of a guardian ad litem to institute contempt proceedings involving minors); revised, 1975, 400 § 73. (See 1975, 400 § 79.)

SECT. 58 revised, 1947, 449 § 4; 1975, 400 § 74. (See 1947, 449 § 7; 1975, 400 § 79.)

SECT. 60 revised, 1975, 400 § 75. (See 1975, 400 § 79.)

SECT. 61 repealed, 1939, 65 § 1. (See 1939, 65 § 2.)

SECT. 62, paragraph in lines 4-6 revised, 1972, 489; 1975, 243; paragraph in lines 11-16 revised, 1950, 108 § 1; 1969, 773; paragraph in lines 17-20 revised, 1932, 107; 1936, 241; 1956, 159; 1966, 300; sixth paragraph revised, 1967, 120; 1975, 381; paragraph in lines 21-25 revised, 1964, 453; paragraph in lines 26-28 revised, 1951, 514; 1960, 388; paragraph in lines 29-33 revised, 1934, 24; paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; 1949, 444; paragraph in lines 38-42 revised, 1950, 416; 1968, 484; paragraph in lines 45-51 revised, 1935, 132; 1973, 719; paragraph in lines 52 and 53 revised, 1965, 103; 1975, 382; paragraph in lines 56 and 57 revised, 1933, 274; 1964, 370. (See 1934, 175 § 2; 1950, 108 § 2.)

Chapter 216. — Courts of Insolvency.

SECT. 14 amended, 1973, 705 § 2.

Chapter 217. — Judges and Registers of Probate and Insolvency

For legislation relative to abolition of office of special judge of probate and insolvency on the death, resignation or removal of the incumbent, see 1937, 408 § 8;

For legislation providing special retirement rights for the judges of probate for the counties of Dukes and Natucket, see 1951, 760.

SECT. 1 amended, 1935, 434 § 1; revised, 1949, 716 § 1, 738 § 1.

SECT. 2 amended, 1934, 290; 1935, 434 § 2; first sentence revised, 1949, 716 § 2, 717, 738 § 2; 1960, 817 § 1; 1964, 675; 1973, 1129.

SECT. 2A added, 1963, 819 § 2 (providing for the designation of a judge of probate as the chief judge); second sentence stricken out, 1967, 841 § 1. (See 1967, 841 § 3.)

SECT. 3, sentence added, 1949, 436 § 1; revised, 1951, 517; section revised, 1963, 756 § 1B; 1975, 862 § 1. (See 1975, 862 § 12.)

SECT. 3A added, 1975, 820 § 2 (providing for temporary service by retired judges of probate and insolvency). (See 1975, 820 § 5.)

SECTS. 5 and 6 stricken out and new sections 5, 5A, 6, 6A inserted, 1937, 408 § 3. (See 1937, 408 § 9.)

SECT. 6 revised, 1960, 97; 1963, 756 § 1A; 1971, 680 § 1; 1975, 862 § 2. (See 1975, 862 § 12.)

SECT. 7, sentence added, 1937, 408 § 4. (See 1937, 408 §§ 3, 9.)

SECT. 8 revised, 1937, 408 § 5; 1963, 819 § 3. (See 1937, 408 § 9; 1963, 819 § 7.)

SECT. 8A added, 1967, 708 (providing for an executive clerk to chief judge of probate courts); revised, 1973, 812.

SECT. 9 revised, 1975, 400 § 76. (See 1975, 400 § 79.)

SECT. 15A added, 1952, 184 § 3 (relative to printing or typing names of persons whose signatures appear on certain instruments filed in probate courts). (See 1952, 184 § 4.)

SECT. 15B added, 1975, 651 (providing for the recording of inventory information in all estates which involve interest in real property within a registry district other than the one in which any estate is probated).

SECT. 16 amended, 1975, 684 § 82, (See 1975, 684 § 97.)

SECT. 19 amended, 1948, 354 § 1; 1954, 529 § 2.

SECT. 21 revised, 1975, 400 § 77. (See 1975, 400 § 79.)

SECT. 22 revised, 1975, 400 § 78. (See 1975, 400 § 79.)

SECT. 24 amended, 1943, 464 § 1; revised, 1963, 387; 1971, 435 § 1; amended, 1974, 435. (See 1943, 464 § 2.)

SECT. 24A revised, 1939, 392; 1947, 348; amended, 1968, 669 § 1.

SECT. 24B added, 1971, 851 (providing a third assistant register of probate for Plymouth county); revised, 1973, 895.

SECT. 25 amended, 1947, 347; revised, 1957, 511; 1971, 852 § 1.

SECT. 25A added, 1945, 475 § 1 (providing for a permanent third assistant register of probate for the county of Essex); revised, 1946, 482; 1956, 440 § 1; 1961, 395; 1967, 820; 1968, 669 § 2; 1971, 792; 1974, 646. (See 1945, 475 § 2.)

SECT. 29, sentence added, 1958, 539.

SECTS. 29A and 29B added, 1974, 597 (providing for the appointment of a deputy assistant register and clerk for the probate courts for Dukes county and Nantucket county).

SECT. 30 revised, 1935, 143 § 1;* 1935, 313 § 1; 1936, 252 § 1; 1941, 226 § 1; paragraph added, 1951, 611 § 1; section revised, 1951, 700, 793 § 1; first sentence revised, 1955, 378; section revised, 1960, 575 § 1; first four sentences stricken out and three sentences inserted, 1965, 605; first sentence revised, 1965, 729; amended, 1962, 304; last sentence stricken out, 1970, 526 § 2; section revised, 1971, 1092; 1972, 642. (See 1935, 313 § 3; 1936, 252 § 2; 1941, 226 § 2; 1960, 575 § 2.)

SECT. 31 amended, 1951, 793 § 2.

SECT. 31A added,* 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

SECT. 32A revised, 1952, 229 § 1; 1964, 630.

SECT. 32B added, 1971, 511 (providing for the appointment of two messengers for the probate court of Norfolk county); amended, 1974, 446.

SECT. 32C added, 1973, 904 (authorizing the appointment of a messenger in the probate court of Bristol county).

SECT. 34 revised, 1937, 408 § 1; 1946, 544 § 4; 1951, 745 § 1; 1955, 733 § 7; 1960, 736 § 1; 1963, 756 § 1; 1966, 699 § 4; amended, 1967, 841 § 2; revised, 1969, 845 § 4; 1971, 680 § 2; 1973, 428 § 7, 856 § 6; 1974, 558 § 6; 1975, 862 § 3. (See 1937, 408 § 9; 1946, 544 § 5; 1951, 745 §§ 1A, 1B; 1955, 395, 733 §§ 4, 5, 749 §§ 1, 2; 1956, 423 §§ 2, 3; 1963, 756 § 2; 1966, 699 § 11; 1967, 841 § 3; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20; 1975, 862 § 12.)

SECTS. 35A and 35B added, 1947, 678 § 2 (establishing the salaries of registers of probate and assistant registers). (See 1947, 678 § 3.)

SECT. 35A amended, 1949, 714; revised, 1951, 713 § 1; 1955, 638 § 1; 1956, 671 § 1; 1960, 736 § 2; second sentence revised, 1963, 756 § 1C; 1966, 699 § 5; 1969, 845 § 5; 1971, 435 § 2; 1973, 428 § 8, 856 § 7; 1974, 558 § 6A. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 35B revised, 1951, 713 § 2; amended, 1953, 564; revised, 1955, 638 § 2; amended, 1956, 440 § 2; revised, 1956, 671 § 2; amended, 1957, 508; revised, 1960, 736 § 3; last paragraph revised, 1971, 852 § 2. (See 1951, 713 § 3; 1955, 638 § 3; 1956, 671 § 3.)

SECT. 38 repealed, 1937, 408 § 2.

SECT. 40 revised, 1937, 408 § 6; 1963, 819 § 4; 1967, 644; 1971, 680 § 3; repealed, 1975, 862 § 4. (See 1937, 408 § 9; 1975, 862 § 12.)

SECT. 41 amended, 1937, 408 § 7; 1941, 503; revised, 1959, 286; section stricken out, 1963, 819 § 5. (See 1937, 408 §§ 8, 9.)

SECT. 42 amended, 1957, 575; sentence added, 1963, 819 § 6.

Chapter 218 — District Courts.

For act further extending to June 30, 1949, the ope5ation of certain provisions of law (1923, 469, as amended) authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1948, 230.

For legislation limiting the number of special justices of certain district courts, see 1941, 664.

SECT. 1, first paragraph under caption *"Franklin"* revised, 1932, 87 § 1; section amended, 1939, 451 § 59; first paragraph under caption *"Hampden"* revised, 1965, 440 § 1; 1971, 577 § 1; last paragraph under caption *"Hampden"* revised, 1965, 440 § 2; 1971, 577 § 2; second paragraph under caption *"Middlesex"* revised, 1965, 624 § 1; eighth paragraph under caption *"Middlesex"* revised, 1965, 624 § 2; third paragraph under caption *"Norfolk"* revised, 1949, 590 § 1; paragraphs under said caption revised, 1960, 715 § 4; first paragraph under caption *"Plymouth"* revised, 1963, 198; first paragraph under caption *"Worcester"* revised, 1969, 859 § 13; second paragraph under caption *"Barnstable"* revised, 1969, 277 § 1; third

*Void for non-acceptance.

paragraph under caption *"Berkshire"* revised, 1969, 181 § 1; fifth paragraph under caption *"Berkshire"* revised, 1969, 181 § 2; fifth paragraph under caption *"Hampden"* revised, 1969, 859 § 14; fifth paragraph under caption *"Suffolk"* revised, 1949, 273 § 1; first paragraph under caption *"Worcester"* revised, 1970, 713 § 1; 1971, 821 § 1; third paragraph under caption *"Worcester"* revised, 1971, 821 § 2; sixth paragraph under caption *"Worcester* revised, 1968, 342 § 1; 1970, 713 § 2; seventh paragraph under caption *"Suffolk"* revised, 1965, 659 § 4; paragraph added under caption *"Bristol"*, 1972, 731 § 13; first paragraph under caption *"Plymouth"* revised, 1972, 728 § 1; second paragraph under caption *"Plymouth"* amended, 1972, 728 § 2; fourth paragraph under caption *"Plymouth"* amended, 1972, 728 § 3; second paragraph under caption *"Worcester"* revised, 1972, 446 § 1. (See 1949, 590 §§ 2-4, 739; 1951, 758; 1965, 659 § 7; 1972, 446 § 7.)

SECT. 2A added, 1951, 325 (providing for the transfer of certain actions brought in district courts).

SECT. 6, first paragraph revised, 1941, 664 § 1; second paragraph revised, 1945, 611; section revised, 1947, 588 § 1; first and second paragraphs revised, 1949, 731; 1951, 762 § 1; 1952, 560; last sentence of third paragraph stricken out and two sentences inserted, 1949, 768; third paragraph revised, 1950, 575; section revised, 1956, 738 § 1; first sentence revised, 1963, 422, 552 § 1; second paragraph amended, 1963, 552 § 2; third paragraph revised, 1956, 744 § 1; section revised, 1963, 810 § 1; first paragraph revised, 1964, 638; 1965, 561; first sentence revised, 1967, 703 § 1; 1971, 1090 § 1; 1972, 728 § 4; amended, 1973, 356 § 1; revised, 1973, 959 § 1; two sentences added after first sentence, 1975, 587 § 1; second paragraph amended, 1966, 699 § 6; second sentence revised, 1969, 845 § 6; 1973, 428 § 9, 856 § 8; 1974, 558 § 7; fourth paragraph revised, 1971, 688; amended, 1972, 702; first sentence revised, 1973, 428 § 10, 856 § 9; 1974, 558 § 8; 1975, 862 § 5; second sentence revised, two sentences added after second sentence, 1975, 587 § 2. (See 1941, 664 §§ 2, 3; 1947, 588 §§ 2, 3; 1951, 762 § 4; 1956, 738 §§ 1A, 13, 14, 744 §§ 2, 3; 1963, 810 § 23; 1959, 845 § 12; 1973, 356 § 3, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 6A added 1975, 862 § 6 (providing for temporary service by certain retired justices of the superior court).

SECT. 8 revised, 1936, 282 § 1; paragraph added, 1975, 587 § 3. (See 1936, 282 § 3; 1966, 699 § 11.)

SECT. 9, sentence added, 1934, 217 § 1; section revised, 1951, 604 § 1; first sentence amended, 1952, 156 § 1; revised, 1971, 717 § 1; second sentence revised, 1961, 526 § 1; 1975, 587 § 4; third sentence revised, 1970, 594 § 1. (See 1961, 526 § 3.)

SECT. 10 amended, 1932, 160 § 1; 1937, 297 § 1; 1938, 193 § 1; first paragraph amended, 1946, 182; 1947, 335 § 1; 1949, 443; 1959, 559 § 1; second sentence revised, 1959, 596; 1960 § 1; 1965, 813; amended, 1968, 192; revised, 1968, 578; third sentence revised, 1950, 444; amended, 1955, 723; revised, 1960, 504 § 1; amended, 1963, 286; revised, 1963, 567; 1965, 813; amended, 1966, 534, 597 710 § 1; 1967, 812 § 1; 1968, 103, 130; revised, 1969, 901; second paragraph revised, 1938, 222 § 1; amended, 1949, 800; 1951, 541 § 1; revised, 1957, 601 § 2; 1964, 474; 1967, 548 § 1; 812 § 2; 1969, 860 § 1; paragraph inserted after second paragraph, 1963, 778; amended, 1965, 470; 1966, 533; revised, 1967, 548 § 2, 812 § 3; amended, 1968, 667; revised, 1969,

860 § 2; first three paragraphs stricken out and four paragraphs inserted, 1970, 585 § 1; first paragraph, second sentence revised, 1971, 18; amended, 1971, 56, 883; 1972, 446 § 2; 1973, 219; third sentence amended, 1971, 93; second paragraph revised, 1971, 765 § 1; fourth paragraph revised, 1971, 101, 765 § 2; paragraph inserted after third paragraph, 1964, 692; revised, 1965, 896; paragraph added, 1941, 309 § 1; revised, 1960, 772; 1962, 595; 1966, 241; 1968, 481; revised, 1969, 860 § 2A; paragraph added, 1948, 642 § 1; two paragraphs added, 1967, 548 § 3; eighth paragraph revised, 1969, 860 § 3; 1970, 585 § 2; 1971, 765 § 3; paragraph added, 1969, 398 § 1; second sentence amended, 1969, 725; paragraph added, 1971, 100; section revised, 1973, 75 § 1; amended, 1973, 75 § 2; first paragraph amended, 1973, 1001 §§ 1, 1A; second paragraph amended, 1973, 796 § 1, 994 § 1, 1001 § 2; third paragraph amended, 1973, 796 § 2, 994 § 3, 1001 § 3; fourth paragraph amended, 1973, 796 § 3, 994 § 2, 1001 § 4; fifth paragraph amended, 1973, 796 § 4; revised, 1973, 1001 § 5; sixth paragraph amended, 1973, 796 § 5, 1001 § 6; seventh paragraph amended, 1973, 796 § 6; eighth paragraph stricken out, 1973, 1001 § 7; ninth paragraph amended, 1973, 1001 § 8; paragraph inserted after ninth paragraph, 1973, 1001 § 9; tenth paragraph amended, 1973, 436, section revised, 1973, 1223; 1974, 148 § 1; first paragraph; first sentence revised, two sentences added, 1975, 318 § 1; last paragraph revised, 1975, 318 § 2; paragraph added, 1975, 587 § 5.

SECT. 10A added, 1956, 353 (authorizing the designation of deputy assistant clerks of the district courts).

SECT. 11 revised, 1951, 604 § 2; first sentence amended, 1952, 156 § 2; revised, 1971, 717 § 2; 1973, 1125; second sentence revised, 1961, 526 § 2; 1975, 587 § 6; third sentence revised, 1970, 594 § 2. (See 1961, 526 § 3.)

SECT. 13 revised, 1937, 59; first paragraph stricken out, 1939, 157 § 1. (See 1939, 157 § 4.)

SECT. 14, paragraph added, 1965, 867.

SECT. 15 revised, 1939, 230 § 1, 347 § 1; first paragraph amended, 1947, 460 § 1; paragraph inserted after first paragraph, 1956, 738 § 5, section revised, 1963, 810 § 2. (See 1939, 230 § 2; 1947, 460 § 2; 1956, 738 §§ 13, 14.)

SECT. 16 revised, 1937, 219 § 3; 1939, 214 § 5.

SECT. 17, sentence added, 1956, 738 § 12. (See 1956, 738 §§ 13, 14.)

SECT. 19 amended, 1934, 387 § 1; 1943, 296 § 1; sentence added, 1954, 556 § 3; section revised, 1954, 616 § 1; 1958, 369 § 1; first sentence revised, sentence added after first sentence, 1975, 377 § 4; sentence added, 1962, 722 § 7. (See 1934, 387 § 5; 1943, 296 § 6, 437; 1954, 556 § 10, 616 § 5; 1956, 426; 1958, 369 § 4; 1975, 377 § 164.)

SECT. 19A added, 1967, 549 § 1 (increasing number of assistant clerks in certain district courts); fifth sentence revised, 1975, 377 § 5. (See 1975, 377 § 164.)

SECT. 19B added, 1969, 419 § 1 (providing for trial by jury of six in the Central District Court of Northern Essex of any civil actions entered in any district court in Essex County); second paragraph, first sentence revised, 1975, 377 § 6. (See 1969, 419 § 2; 1975, 377 § 164.)

SECT. 19C added, 1970, 582 (providing certain equity powers to district courts).

SECT. 20, first sentence, revised, 1973, 1114 § 72; section revised, 1975, 377 § 7. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 21 amended, 1953, 168; revised, 1960, 160; 1963, 810 § 3; 1964, 496 § 1; amended, 1967, 21 § 1; revised, 1970, 106 § 1; first sentence amended, 1971, 271 § 1; second sentence amended, 1975, 337 § 8; third sentence revised, 1973, 577; amended, 1973, 748 § 1; revised, 1975, 626; sentence inserted after third sentence, 1973, 577; sentence added, 1972, 452. (See 1964, 496 § 2; 1967, 21 § 2; 1970, 106 § 2; 1971, 271 § 2; 1975, 377 § 164.)

SECT. 22 amended, 1937, 310; first sentence revised, 1954, 328 § 1; 1971, 858 § 2; 1975, 377 § 9; fifth sentence amended, 1975, 377 § 10. (See 1954, 328 § 4; 1975, 377 § 164.)

SECT. 23 amended, 1950, 500 § 1; revised, 1973, 748 § 2; first paragraph amended, 1974, 166 § 1; second paragraph, first sentence revised, 1974, 377 § 11; fourth paragraph amended, 1974, 166 § 2. (See 1975, 377 § 164.)

SECT. 24 amended, 1975, 377 § 12. (See 1975, 377 § 164.)

SECT. 25 amended, 1975, 377 § 13. (See 1975, 377 § 164.)

SECT. 26 revised, 1937, 301 § 1; 1938, 365 § 1; amended, 1958, 138; 1964, 140; sentence added at end, 1962, 722 § 8; section revised, 1969, 496; amended, 1973, 585. (See 1937, 301 § 2; 1938, 365 § 2.)

SECT. 27A added, 1972, 620 § 1 (providing for trial by a jury of six of certain criminal cases in certain district courts). (See 1972, 620 § 2.)

SECT. 29 amended, 1932, 55; repealed, 1964, 308 § 10.

SECT. 30 amended, 1941, 194 § 19; 1970, 888 § 25. (See 1970, 888 § 31.)

SECT. 32 amended, 1958, 48 § 1.

SECT. 35, sentence added, 1964, 201; paragraph added, 1975, 552.

SECT. 35A added, 1943, 349 § 1 (providing that certain persons against whom complaints are made in district courts may be given an opportunity to be heard before issuance of process); revised, 1945, 293, (See 1943, 349 § 2.)

SECT. 36 revised, 1967, 350 § 1.

SECT. 37 amended, 1945, 250 § 1; 1958, 48 § 2; revised, 1967, 225.

SECT. 38, second sentence revised, 1939, 347 § 2.

SECT. 39 revised, 1963, 810 § 4.

SECT. 40, fourth sentence revised, 1948, 398 § 1; section revised, 1963, 810 § 5; 1975, 862 § 7.

SECT. 43 amended, 1939, 347 § 3; revised, 1963, 810 § 6; 1975, 377 § 14. (See 1975, 377 § 164.)

SECT. 43A, first paragraph amended, 1938, 324; section revised, 1941, 682 § 1; first paragraph amended, 1943, 101; 1956, 738 § 4; section revised, 1963, 810 § 7. (See 1941, 682 §§ 1A, 2; 1956, 738 §§ 13, 14.)

SECT. 43B added, 1950, 210 (prescribing the use of uniform official blanks in certain district courts); stricken out, 1963, 810 § 8.

SECT. 43B stricken out and new sections 43B and 43C inserted, 1963, 810 § 8 (relative to the powers and duties of the chief justice of the district courts and the administrative committee of the district courts).

SECT. 43C, first sentence amended, 1971, 867 § 1.

SECT. 43D added, 1967, 852 § 3 (providing that the chief justice of the district courts make rules relative to claims for compensation of victims of violent crimes). (See 1967, 852 § 4.)

SECTS. 45-46 repealed, 1975, 377 § 15. (See 1975, 377 § 164.)

SECT. 50 revised, 1963, 810 § 9; first paragraph, two sentences added, 1975, 587 § 7. (See 1963, 810 § 20.)

SECT. 52, third sentence amended, 1948, 398 § 2, sixth sentence revised, 1949, 462; 1961, 534; 1970, 623; 1975, 587 § 8.

SECT. 53, first sentence revised, 1950, 245; 1966, 697 § 1; first paragraph amended, 1948, 642 § 2; two sentences inserted after second sentence, 1975, 587 § 9; paragraph added after the first paragraph, 1936, 230; second paragraph (as appearing in the Tercentenary Edition) revised, 1961, 187 § 1.

SECT. 53A added, 1951, 604 § 3 (relative to the appointment salaries to temporary assistant clerks in the Boston Municipal Court); second sentence revised, 1975, 587 § 10.

SECT. 54 revised, 1975, 377 § 16; 836 § 1. (See 1975, 377 § 164.)

SECT. 55 amended, 1964, 533 § 1. (See 1964, 533 § 2.)

SECT. 57 revised, 1965, 659 § 5; caption preceding section revised, 1969, 859 § 14A; 1972, 731 § 14; two sentences added, 1969, 859 § 15; third sentence revised, 1972, 572; sentence added, 1972, 731 § 15. (See 1965, 659 § 7.)

SECT. 58 revised, 1936, 282 § 2; sentence added, 1955, 343; section revised, 1963, 810 § 10; 1969, 859 § 16; first paragraph, last sentence revised, 1969, 860 § 4; last sentence stricken out and two sentences inserted, 1971, 252; section revised, 1972, 731 § 16; first paragraph amended, 1974, 148 § 2; first sentence revised, 1975, 715; sentence added, 1975, 506; second paragraph revised, 1974, 534. (See 1936, 282 § 3; 1963, 810 § 21.)

SECT. 58A added, 1974, 146 § 1 (creating the position of administrative assistant for intergovernmental relations for the Boston juvenile court). (See 1974, 146 § 2.)

SECT. 58B added, 1975, 862 § 8 (further regulating the duties of certain judges of probate and making special justices of the district courts and of the Boston Juvenile Court full time).

SECT. 59, paragraph added, 1948, 248 § 1; section revised, 1969, 859 § 16A.

SECT. 60, first sentence amended, 1962, 722 § 9; section revised, 1964, 308 § 11; 1965, 659 § 6; 1969, 859 § 17. (See 1964, 308 § 13.)

SECT. 61, first sentence revised, 1971, 82 § 1; second sentence revised, 1971, 704.

SECT. 62 amended, * 1932, 235 § 1; revised,* 1932, 247 § 1; amended, 1935, 71 § 1; 1937, 298; revised, 1939, 305; amended, 1941, 309 § 3, 348; 1945, 294; 1946, 264 § 1, 300 1949, 668; 1953, 138 § 1; 1955, 633 § 1; revised, 1957, 601 § 1; 1962, 455; revised, 1963, 564; 1964, 639, 699; 1965, 550, 802; amended, 1967, 441; revised, 1967, 604, 834; sentence added at end, 1968, 366; section amended, 1968, 475; revised, 1968, 585, 677, 764; 1969, 38, 841; amended, 1969, 881; 1970, 93 § 1; first sentence amended, 1971, 10, 58, revised, 1971, 114, 153, amended, 1971, 566 § 1; second sentence revised, 1971, 44, 82 § 2; section revised, 1971, 774; first sentence revised, 1971, 898; amended, 1971, 916; revised, 1972, 56; second sentence revised, 1971, 834; section revised and section 62A added, 1972, 211; clause (1) revised, 1972, 649 § 1; clause (3) amended, 1973, 1027 § 1; clause (4) stricken out, 1973, 1027 § 2; clause (5) amended, 1972, 443 § 1; 1973, 1027 § 3; clause (6) amended, 1972, 649 § 2; 1973, 1027 § 4; clause (7) amended, 1972, 443 § 2, 649 § 3; 1973, 1027 § 5;

*Void for non-acceptance.

clause (8) amended, 1972, 649 § 4; 1973, 1027 § 6; second paragraph amended, 1972, 605 § 1; section revised, 1974, 731. (See 1935, 71 § 2; 1946, 264 § 2; 1953, 138 § 2; 1955, 633 § 2; 1970, 93 § 2; 1971, 566 § 2; 1972, 605 § 2.)

SECT. 62A added, 1972, 211 (providing for additional court officers in the municipal court of the city of Boston); revised, 1974, 509.

SECT. 63, revised, 1935, 341; 1969, 81.

SECT. 65, last sentence stricken out, 1949, 621.

SECT. 70, sentence added, 1969, 859 § 18; revised, 1972, 731 § 17.

SECT. 74 revised, 1963, 810 § 11.

SECT. 75 revised, 1946, 609 § 1; 1951, 749 § 1; 1955, 748 § 1; 1962, 680 § 1; 1963, 810 § 12; 1966, 699 § 7; 1969, 845 § 7; 1973, 428 § 11, 856 § 10; revised, 1974, 558 § 9. (See 1946, 609 § 3; 1951, 749 § 2A; 1954, 347, 527; 1955, 748 §§ 1A, 1B, 2; 1962, 680 §§ 2, 3; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 75A added, 1946, 512 § 2 (relative to the compensation of clerks and assistant clerks of the municipal court of the city of Boston); revised, 1946, 609 § 2; 1949, 261; 1951, 749 § 2; 1963, 774 § 1; 1966, 539 § 1; 1969, 854 § 1; second and third sentences stricken out, 1970, 245 § 1; section revised, 1971, 844 § 1; 1973, 887 § 1; 1974, 558 § 9A. (See 1946, 512 § 3, 609 § 3; 1963, 774 §§ 2, 3; 1964, 479 § 1; 1966, 539 § 2; 1969, 854 § 2; 1970, 245 § 4; 1971, 884 § 3; 1973, 887 § 2; 1974, 558 § 20.)

SECT. 76 amended, 1932, 269 § 1; 1935, 366 § 1; 1937, 378 § 1; revised, 1939, 451 § 60; amended, 1945, 476 § 1; 1946, 453, 498 § 1; revised, 1946, 530, 578; amended, 1946, 600; revised, 1947, 576; 1948, 667 § 1; 1949, 461 § 1; 1951, 768 § 1A; 1959, 609 § 6; 1963, 810 § 13; 1964, 694 § 1; 1966, 699 § 8; revised, 1969, 845 § 8; 1973, 428 § 12, 856 § 11; 1974, 558 § 10. (See 1935, 366 § 3; 1945, 476 § 2; 1948, 667 §§ 6, 7; 1949, 461 § 2; 1951, 768 § 3B; 1952, 114 § 1; 1963, 810 § 22; 1964, 694 § 2; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 76A added, 1969, 859 § 19 (relative to the compensation of the justices of the Worcester and Springfield juvenile courts); revised, 1972, 731 § 18; 1973, 428 § 13, 856 § 12; 1974, 558 § 11, 741 § 1. (See 1973, 428 § 19, 856 § 17; 1974, 558 § 20, 741 § 3.)

SECT. 77 revised, 1937, 294; 1948, 667 § 2; 1951, 768 § 1; repealed, 1955, 741 § 1A. (See 1948, 667 § 5A; 1949, 312 § 2; 1951, 768 § 3B; 1952, 114 § 1; 1955, 741 §§ 2, 3.)

SECT. 77A added, 1948, 656 § 1 (relative to the salaries and retirement of justices and clerks in the district court of Springfield, the central district court of Worcester and the first and third district courts of eastern Middlesex); sentence inserted after first sentence, 1949, 805 § 1; amended, 1951, 762 § 2; revised, 1951, 768 § 2; amended, 1952, 603 § 1; 1955, 334; section revised, 1956, 738 § 2; 1958, 675 § 1; first paragraph amended, 1963, 538 § 1, 768 § 1; 1959, 568 § 1, 586 § 1; 1960, 745 § 1, 796 § 1, 705 § 1, 746 § 1; 1961, 379 § 1, 483 § 1, 612 § 1; 1963, 707 § 1; third paragraph amended, 1959, 77; section revised, 1963, 810 § 14; first paragraph amended, 1965, 900 § 1; 1966, 699 § 9, 703 § 1; 1967, 725 § 1, 782 § 1; 1969, 845 § 9; 1971, 863 § 1; 1972, 446 § 3; 1973, 219; revised, 1973, 428 § 14, 856 § 13; 1974, 558 § 12; amended, 1974, 760 § 1; 1975, 782 § 1; second paragraph, second sentence revised, 1970, 247; third paragraph revised, 1975, 862 § 9; section revised, 1975, 863

§ 1, § 3, § 5. (See 1948, 656 §§ 2, 3; 1949, 805 § 3; 1951, 768 § 3B; 1952, 114; 1953, 298, 380; 1956, 738 §§ 13, 14; 1957, 125; 1958, 675 §§ 3, 4; 1960, 745 § 3; 746 § 3, 796 § 3; 1961, 379 §§ 2,3, 612 § 5; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1972, 446 § 7; 1973, 428 § 19, 856 § 17; 1974, 558 § 20, 760 § 3; 1975, 782 § 3; 863 § 7.)

SECT. 77B added, 1963, 810 § 15 (relative to the salaries of certain justices of district courts when sitting by order of the chief justice of the dristict courts in another court); second paragraph revised, 1969, 845 § 11; 1973, 428 § 15, 856 § 14; 1974, 558 § 13; 1975, 862 § 10. (See 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20.)

SECT. 78 revised, 1948, 667 § 3; sentence inserted before first sentence, 1949, 710; section amended, 1949, 312 § 1, 805 § 2, 611, 482; 1951, 762 § 3; revised, 1951, 768 § 3; amended, 1953, 603 § 2; 1953, 453; revised, 1955, 741 § 1; 1956, 738 § 3; 1958, 675 § 2; amended, 1959, 568 § 2; 1963, 768 § 2; 1959, 586 § 2; 1963, 538 § 2, 683, 707 § 2; 1960, 745 2, 746 § 2, 796 § 2, 705 § 2; 1961, 483 § 2, 612 § 2; paragraph added, 1959, 583; section revised, 1963, 810 § 16; first paragraph amended, 1965, 900 § 2; revised, 1966, 699 § 10; amended, 1966, 703 § 2; 1967, 725 § 2, 782 § 2; revised, 1969, 845 § 10; first paragraph amended, 1971, 863 § 2; revised, 1973, 428 § 16, 856 § 15; 1974, 558 § 14; amended, 1974, 760 § 2; 1975, 782 § 2; section revised, 1975, 863 § 2, § 4; repealed, 1975, 863 § 6. (See 1948, 667 §§ 6, 7; 1949, 312 § 2, 805 § 3; 1951, 768 § 3B; 1952, 114 § 1; 1955, 741 §§ 2, 3; 1956, 738 §§ 13, 14; 1958, 675 §§ 3, 4; 1960, 745 § 3, 746 § 3, 796 § 3; 1963, 810 § 22; 1966, 699 § 11; 1969, 845 § 12; 1973, 428 § 19, 856 § 17; 1974, 558 § 20, 760 § 3; 1975, 782 § 3; 863 § 7.)

SECT. 79 amended, 1941, 309 § 2; revised, 1941, 447 § 2; amended, 1943, 136 § 2; revised, 1948, 667 § 4; 1956, 738 § 6; amended, 1957, 735; revised, 1959, 609 § 1; 1963, 841 § 1A; definition of "Court class" revised, 1969, 859 § 20; 1971, 142 § 2; paragraph (1) amended, 1960, 801 § 1; 816; 1961, 362 § 1, 479, 480 § 1, 532, 612 § 3, 613 § 1; revised, 1962, 725; amended, 1962, 761 § 1; 1963, 549, 841 §§ 2, 3; 1964, 654, 664, 667, 676, 677, 678, 695 §§ 1, 2, 700, 701; 1965, 686, 781, 782, 789, 870, 900 § 3; 1966, 718 §§ 1, 2; 1967, 818 §§ 1, 2, 3, 833; 1968, 199 §§ 1, 2, 229 §§ 1, 2, 273 § 1, 613; 1969, 860 §§ 5, 6; 859 § 21, 902 §§ 1, 2; 1970, 675 §§ 1, 2, 815 §§ 1, 2; 1971, 5, §§ 1, 2, 17, 102 §§ 1, 2, 105 §§ 1, 2, 142 § 3; paragraph (2) salary schedule revised, 1962, 423 § 1; paragraph (2) amended, 1960, 801 § 2; revised, 1963, 841 § 4; salary schedule revised, 1966, 536 § 1; 1969, 853 § 1; section revised, 1971, 668 § 1; paragraph (1) amended, 1972, 446 § 4, 731 § 19, 332 §§ 1, 2; 1973, 219; section revised, 1973, 540 § 1; paragraph (1) amended, 1973, 813 §§ 1, 2, 894 §§ 1, 2; 1974, 161 §§ 1, 2; revised, 1974, 634. (See 1941, 447 §§ 4, 5; 1943, 136 § 3; 1948, 667 §§ 6, 7; 1953, 421; 1956, 738 §§ 11, 13, 14; 1959, 609 §§ 4, 5, 8, 9; 1961, 362 § 2, 612 § 4, 613 § 2; 1962, 423 §§ 4, 5, 761 § 2; 1963, 841 §§ 5, 6, 7; 1966, 536 § 2; 1969, 853 § 2; 1972, 332 § 3, 446 § 7.)

SECT. 80, sentence added, 1935, 366 § 2; section amended, 1936, 229 § 1; 1937, 378 § 2; revised, 1941, 447 § 3; amended, 1946, 498 § 2; revised, 1948, 667 § 5; 1949, 799; 1951, 768 § 3A; amended, 1957, 559 § 1; revised, 1959, 609 § 2; amended, 1960, 801 § 3; revised, 1963, 306 § 1; amended, 1963, 841 § 4A; two paragraphs added, 1969, 753 § 1; third paragraph revised, 1970, 115 § 2; section revised, 1971, 668 § 2. (See 1935, 366 § 3; 1936, 229 § 2; 1941, 447 §§ 4,

5; 1948, 667 §§ 6, 7; 1951, 768 § 3B; 1952, 114 § 1; 1957, 559 § 2; 1959, 609 §§ 4, 5, 8, 9; 1970, 115 § 3.)

SECT. 80A added, 1947, 400 § 2 (relative to the salaries of the secretary and assistant secretary to the justices of the municipal court of the city of Boston); revised, 1951, 288 § 1. (See 1947, 400 §§ 3, 4; 1951, 288 § 2.)

SECT. 81 revised, 1939, 296 § 1; amended, 1956, 738 § 7; revised, 1963, 810 § 17. (See 1939, 296 § 3; 1956, 738 §§ 13, 14.)

SECT. 82 repealed, 1956, 738 § 8. (See 1956, 738 §§ 13, 14.)

SECT. 82A added, 1945, 486 § 1 (relative to the salaries of court officers of the municipal court of the city of Boston); revised, 1949, 381; 1951, 788 § 1; 1969, 867 § 2. (See 1945, 486 § 3; 1951, 788 § 2; 1969, 867 § 3.)

Chapter 219. — Trial Justices.

Chapter repealed, 1953, 319 § 1. (See 1953, 319 §§ 39, 40.)

For prior changes see Table of Changes contained in Acts and Resolves of 1952.

Chapter 220. — Courts and Naturalization.

SECT. 1 revised, 1968, 223.

SECT. 2 amended, 1953, 319 § 25. (See 1953, 319 §§ 39, 40.)

SECT. 6 revised, 1947, 449 § 6. (See 1947, 449 § 7.)

SECT. 13 amended, 1953, 319 § 26. (See 1953, 319 § 39, 40.)

SECTS. 13A and 13B added, 1935, 407 § 5 (regulating procedure in trials for contempt arising out of disobedience to decrees or process of courts in labor dispute cases). (See 1935, 407 § 6; 1937, 436 § 10; G. L. 150A § 6 (*h*) inserted by 1938, 345 § 2.)

SECT. 13A revised, 1973, 1114 § 73. (See 1973, 1114 § 351.)

SECT. 14A added, 1936, 206 § 1 (relative to the time within which certain justices shall render their decisions). (See 1936, 206 § 2.)

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Court.

SECT. 4 amended, 1935, 89 § 1; 1937, 158 § 1; 1943, 336 § 1; revised, 1946, 248 § 1; amended, 1955, 354 § 1; revised, 1957, 634; 1961, 355 § 1; 1968, 459; 1972, 308 § 1; 1973, 1010. (See 1935, 89 § 2; 1937, 158 § 2; 1943, 336 § 3; 1955, 354 § 2; 1961, 355 § 2.)

SECT. 5 amended, 1932, 51; 1943, 336 § 2; second paragraph revised, 1958, 327 § 1; 1963, 746 § 1; fourth paragraph revised, 1957, 585 § 1; fifth paragraph revised, 1951, 228; 1959, 557; paragraph inserted after fifth paragraph, 1956, 432 § 1; revised, 1963, 502 § 1; sixth paragraph revised, 1949, 379; 1950, 324; section revised, 1965, 535; second paragraph revised, 1971, 99; third paragraph revised, 1966, 532 § 1; 1970, 511 § 1; 1972, 308 § 2; fourth paragraph revised, 1971, 78; 1973, 1094; fifth paragraph revised, 1971, 293; 1974, 612; sixth paragraph revised, 1969, 31; paragraph inserted

after sixth paragraph, 1967, 764 § 1; revised, 1973, 1055. (See 1943, 336 § 3; 1958, 327 § 2; 1963, 502 § 2, 746 § 2; 1966, 532 § 2; 1970, 511 § 2.)

SECT. 6 amended, 1954, 342 § 1; 1957, 555 § 1; 1964, 710 § 1; revised, 1973, 1114 § 74. (See 1964, 710 § 2; 1973, 1114 § 351.)

SECT. 6A added, 1947, 443 (providing for the appointment of an equity clerk of the superior court for the county of Middlesex); revised, 1949, 774 § 3; 1973, 1114 § 75. (See 1949, 774 § 5; 1973, 1114 § 351.)

SECT. 6B added, 1953, 300 (providing for the designation of an assistant clerk to perform duties of equity clerk in the superior court for the county of Essex); revised, 1973, 1114 § 76. (See 1973, 1114 § 351.)

SECT. 6C added, 1970, 593 (providing for the designation of an assistant clerk for criminal business in the Essex Superior Court).

SECT. 6D added, 1971, 31 § 1 (providing for the designation of an assistant clerk of Norfolk county to perform the duties of criminal clerk in the superior court for Norfolk county). (See 1971, 31 § 2.)

SECTS. 6E-6G added, 1971, 118 (providing for the designation of assistant clerks to perform certain duties of clerks in the superior court for Worcester and Middlesex counties).

SECT. 6H added, 1972, 635 (providing for the designation of a certain assistant clerk of courts for Bristol county); revised, 1974, 538; repealed, 1975, 50.

SECT. 6I added, 1973, 384 (providing for the designation of a certain assistant clerk of courts for the county of Plymouth to perform certain equity duties).

SECT. 6J added, 1973, 710 (providing for the designation of a certain assistant clerk of courts for the county of Plymouth to perform certain criminal duties).

SECT. 6K added, 1974, 130 (providing for the designation of an assistant clerk of the courts for the county of Hampden to perform the duties of clerk pertaining to equity proceedings in the superior court of said county).

SECT. 6L added, 1974, 165 (providing for the designation of an assistant clerk of the courts to perform certain duties of the clerk in the superior court for the county of Hampden).

SECT. 12 revised, 1937, 219 § 4; 1939, 214 § 6.

SECT. 19 revised, 1973, 1114 § 77. (See 1973, 1114 § 351.)

SECT. 21 repealed, 1973, 1114 § 78. (See 1973, 1114 § 351.)

SECT. 22 revised, 1973, 1114 § 79. (See 1973, 1114 § 351.)

SECT. 24 revised, 1936, 31 § 3; repealed, 1956, 707 § 3.

SECT. 25 stricken out, 1953, 319 § 27. (See 1953, 319 §§ 39, 40.)

SECT. 27 revised, 1939, 157 § 2. (See 1939, 157 § 4.)

SECT. 27A added, 1939, 157 § 3 (relative to the disposal of certain obsolete and useless papers of courts); revised, 1945, 323 § 1; amended, 1946, 150; subdivision (1) of first paragraph revised, 1952, 276 § 1; paragraph added, 1973, 705 § 3. (See 1939, 157 § 4; 1945, 323 § 2.)

SECT. 34C amended, 1947, 601; last sentence revised, 1970, 755.

SECT. 34D added, under caption, 1960, 565 § 1 (establishing the Massachusetts defenders committee); revised, 1962, 366 § 1; second paragraph, sentence added, 1970, 369. (See 1960, 565 § 2; 1962, 366 § 2.)

SECT. 34E added, 1973, 893 (providing for legal assistance to the indigent mentally ill).

SECT. 35 amended, 1949, 574 § 1.

SECT. 36 amended, 1945, 157; last sentence revised, 1957, 748 § 1.

SECT. 36A added, 1945, 261 (relative to educational requirements for admission to the bar of persons serving in the armed forces in World War II).

SECT. 37, first sentence revised, 1973, 925 § 73; third sentence stricken out and two sentences inserted, 1957, 748 § 2; third sentence amended, 1972, 684 § 121; fourth sentence amended, 1972, 684 § 122. (See 1972, 684 § 136; 1973, 925 § 84.)

SECT. 43 revised, 1939, 197 § 1.

SECTS. 44A and 44B added, 1939, 197 § 2 (prohibiting employees and other persons connected with hospitals from furnishing certain information about certain personal injury cases to attorneys at law).

SECT. 44A amended, 1943, 293.

SECT. 46 revised, 1935, 346 § 1; paragraph added, 1963, 654 § 4.

SECTS. 46A and 46B added, 1935, 346 § 2 (prohibiting individuals not members of the bar from practicing law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 46B amended, 1947, 75; 1955, 697 § 2.

SECT. 46C added, 1955, 697 § 1 (relative to debt pooling plans).

SECT. 46D added, 1969, 421 § 1 (providing that credit counseling corporations shall not be deemed to be illegally practicing law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 50 stricken out, and sections 50, 50A, 50B inserted, 1945, 397 § 1. (See 1945, 397 § 3.)

SECT. 53 amended, 1939, 151; 1954, 385 § 1. (See 1954, 385 § 2.)

SECT. 56, first sentence revised, 1973, 1114 § 80; repealed, 1975, 377 § 17. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 58 amended, 1932, 40 § 1; first sentence amended, 1973, 1114 § 81; 1975, 377 § 18. (See 1975, 377 § 164.)

SECT. 60 repealed, 1932, 40 § 2.

SECTS. 61-62 revised, 1973, 1114 § 82; 1975, 377 § 19. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 62A revised, 1973, 1114 § 82. (See 1973, 1114 § 351.)

SECT. 63 amended, 1939, 6 § 1. (See 1939, 6 §§ 2, 3.)

SECT. 68 amended, 1946, 591 § 46A; 1952, 588.

SECT. 69, sentence added, 1972, 740 § 7; paragraph added, 1973, 363 § 1. (See 1973, 363 § 3.)

SECT. 70, first paragraph amended, 1954, 172 § 1; revised, 1957, 228 § 1; paragraph inserted after second paragraph, 1954, 172 § 1; paragraph inserted after paragraph so inserted, 1957, 228 § 1; section revised, 1957, 697; first paragraph amended, 1964, 570 § 1; second paragraph revised, 1970, 752 § 1; third paragraph revised, 1960, 719; fourth paragraph revised, 1968, 482; amended, 1972, 518; fifth paragraph revised, 1958, 676; paragraph inserted after fifth paragraph, 1964, 570 § 2; revised, 1971, 830; section revised, 1972, 740 § 8; 1973, 1057. (See 1970, 752 § 2.)

SECT. 71, second sentence amended, 1957, 228 § 2; revised 1964, 570 § 3; sentence inserted after first sentence, 1972, 740 § 9.

SECT. 71A added, 1949, 177 (establishing the office of assistant chief deputy sheriff for attendance upon the superior court in Suffolk county); revised, 1971, 707 § 1; 1972, 152 § 1; sentence inserted after second sentence, 1972, 740 § 9A. (See 1971, 707 § 2; 1972, 152 § 2.)

SECT. 72, first sentence amended, 1957, 228 § 3; revised, 1964, 570 § 4; section revised, 1972, 740 § 10.

SECT. 73 revised, 1935, 182 § 2; 1938, 347 § 2; 1941, 448 § 1; 1945, 388 § 1; 1946, 427 § 1; amended, 1946, 593 § 1; revised, 1949, 718; first sentence revised, 1951, 792; 1961, 596; section revised, 1963, 766 § 1; sentence added, 1966, 463 § 3; amended, 1969, 525 § 1; stricken out, 1970, 20 § 2; section amended, 1972, 740 § 11; revised, 1973, 363 § 2. (See 1935, 182 §§ 5, 6; 1938, 347 § 3; 1941, 448 § 3; 1945, 388 § 3; 1946, 593 § 2; 1963, 766 §§ 2, 3; 1966, 463 § 5; 1970, 20 § 3; 1973, 363 § 3.)

SECT. 73A added, 1938, 347 § 2; amended, 1941, 448 § 2; repealed, 1945, 388 § 2. (See 1938, 347 § 3; 1941, 448 § 3.)

SECT. 75 revised, 1972, 740 § 12.

SECT. 76 revised, 1935, 182 § 3; first sentence stricken out and two sentences added, 1939, 258 § 1; second and third sentences revised, 1939, 165 § 2; first two sentences revised, 1972, 466; two sentences inserted after second sentence, 1972, 740 § 13. (See 1935, 182 §§ 5, 6; 1939, 165 § 3, 258 § 2.)

SECT. 76A added, 1945, 179 § 1 (providing for the appointment of an assistant messenger of the superior court in Suffolk county).

SECT. 77 revised, 1951, 120; amended, 1954, 172 § 2; revised, 1957, 228 § 4; 1964, 570 § 5; amended, 1972, 740 § 14.

SECT. 80 amended, 1935, 182 § 4; 1954, 172 § 3; revised, 1957, 228 § 5; 1964, 570 § 6; 1972, 740 § 15. (See 1935, 182 § 6.)

SECT. 82, sentence added, 1973, 562.

SECT. 86 revised, 1967, 316.

SECT. 88 amended, 1947, 179; 1957, 85; revised, 1958, 56; 1969, 261.

SECT. 90A, last sentence revised, 1951, 82; 1962, 312.

SECT. 91 revised, 1947, 469 § 2; 1972, 492 § 2. (See 1947, 468 §§ 4, 5.)

SECT. 91A added, 1947, 469 § 3 (relative to establishing salaries of official stenographers and compensation of additional stenographers and temporary stenographers of the superior court in the county of Suffolk); repealed, 1972, 492 § 3. (See 1947, 469 §§ 4, 5.)

SECT. 91B added, 1965, 585 (authorizing defendants to employ a stenographer at certain hearings); second sentence revised, sentence added after second sentence, 1975, 457 § 1.

SECT. 91C added, 1967, 138 (relative to appointment of stenographer for auditors and masters' hearings).

SECT. 92A added, 1971, 459 (providing interpreters for the deaf in court proceedings).

SECT. 93 amended, 1945, 515; revised, 1951, 559; 1955, 733 § 6; amended, 1960, 743 § 1.

SECT. 94, first sentence amended, 1932, 180 § 39; section revised, 1946, 262 § 2; amended, 1947, 290 § 2; revised, 1948, 183 § 2; fourth sentence revised, 1949, 221; section revised, 1949, 774 § 2; amended, 1960, 743 § 2;

1962, 781 § 1; 1963, 790 § 1; 1962, 781 § 2; 1963, 790 § 2; 1966, 429, 653 § 1; 1967, 675, 879; section amended, 1968, 666 § 5, 692; 1969, 888 §§ 1, 2; 1970, 570; last paragraph revised, 1968, 209 § 1; 1970, 394 § 1; section revised, 1972, 503 § 1; first paragraph amended, 1973, 988 § 1; 1974, 631, 726 § 1; second paragraph amended, 1973, 988 § 2. (See 1946, 262 §§ 4, 5; 1949, 774 § 5; 1962, 781 § 3; 1963, 790 §§ 3, 4; 1968, 209 § 2; 1969, 888 § 3; 1970, 394 § 2; 1972, 503 § 2; 1973, 988 § 3; 1974, 726 § 2.)

SECT. 94A added, 1946, 262 § 3 (relative to the salaries of the clerk and assistant clerks of the superior court for civil business in the county of Suffolk); repealed, 1949, 774 § 4. (See 1946, 262 §§ 4, 5; 1949, 774 § 5.)

Chapter 222. — Justices of the Peace, Notaries Public and Commissioners.

SECT. 3 amended, 1961, 18 § 2.

SECT. 8 amended, 1947, 256 § 1.

SECT. 8A added, 1952, 184 § 1 (relative to printing or typing names of persons whose signatures appear on certain instruments filed in probate courts). (See 1952, 184 § 4.)

SECT. 11 added, 1953, 191 (relative to the acknowledgment of written instruments by persons serving in or with the armed forces of the United States); revised, 1961, 207.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 1 revised, 1973, 1114 § 83. (See 1973, 1114 § 351.)

SECT. 2 revised, 1934, 387 § 2; last sentence of first paragraph revised, 1943, 296 § 2; 1954, 616 § 2; amended, 1955, 158; 1958, 369 § 1A; section revised, 1960, 210; first paragraph revised, 1965, 454, 752 § 1; 1975, 377 § 20; 836 § 2. (See 1934, 387 § 5; 1943, 296 § 6, 437; 1954, 616 § 5; 1958, 369 § 4; 1965, 752 § 2; 1975, 377 § 164.)

SECT. 2A added, 1935, 483 § 1 (providing for trial together of two or more actions arising out of the same motor vehicle accident pending in districts courts). (See 1935, 483 §§ 2, 3.) Section stricken out and new sections 2A-2C inserted, 1943, 369 § 1 (relative to the trial and disposition of certain actions and proceedings pending at different courts). (See 1943, 369 § 2.)

SECT. 2A revised, 1952, 460; amended, 1967, 767 § 1; 1975, 377 § 21. (See 1967, 767 § 4; 1975, 377 § 164.)

SECT. 2B amended, 1945, 373 § 1. (See 1945, 373 § 2.)

SECT. 4 revised, 1973, 1114 § 84; 1975, 377 § 22. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 8A added, 1947, 488 § 6 (relative to transitory actions by or against subscribers to a reciprocal or inter-insurance exchange).

SECT. 12 revised, 1975, 377 § 23. (See 1975, 377 § 164.)

SECT. 15 revised, 1973, 1114 § 85. (See 1973, 1114 § 351.)

SECT. 16A added, 1969, 346 (requiring certain information to appear on certain summonses commencing actions at law).

SECT. 19A added, 1947, 488 § 7 (providing that actions by or against subscribers to a reciprocal or inter-insurance exchange shall be brought in the name under which the contracts are issued).

SECTS. 16-20, inclusive, stricken out and sections 16, 16A, 17, 18, 19, 20 inserted, 1973, 1114 § 86. (See 1973, 1114 § 351.)

SECTS. 16-18, repealed, 1975, 377 § 24. (See 1975, 377 § 164.)

SECT. 19 revised, 1975, 377 § 25. (See 1975, 377 § 164.)

SECTS. 21-22 repealed, 1973, 1114 § 87. (See 1973, 1114 § 351.)

SECT. 23 repealed, 1975, 377 § 26. (See 1975, 377 § 164.)

SECT. 24 amended, 1938, 115 § 2; sentence inserted after second sentence, 1957, 312 § 1; repealed, 1973, 1114 § 87. (See 1973, 1114 § 351.)

SECT. 25, sentence inserted after first sentence, 1957, 312 § 2; section revised, 1961, 375 § 1. (See 1961, 375 § 2.)

SECTS. 26-27 revised, 1973, 1114 § 88. (See 1973, 1114 § 351.)

SECT. 28 amended, 1973, 1114 § 89. (See 1973, 1114 § 351.)

SECT. 31A added, 1973, 467 (prohibiting service of a writ or summons upon a defendant while he is exercising his right to vote).

SECTS. 29-32, inclusive, stricken out and sections 29, 30, 31, 31A, 32 inserted, 1973, 1114 § 90. (See 1973, 1114 § 351.)

SECTS. 25-30 repealed, 1975, 377 § 26. (See 1975, 377 § 164.)

SECT. 31 amended, 1974, 748; revised, 1975, 377 § 27. (See 1975, 377 § 164.)

SECT. 32 repealed, 1975, 377 § 28. (See 1975, 377 § 164.)

SECT. 33 repealed, 1973, 1114 § 91. (See 1973, 1114 § 351.)

SECTS. 35-36 revised, 1973, 1114 § 92. (See 1973, 1114 § 351.)

SECT. 36 repealed, 1975, 377 § 28. (See 1975, 377 § 164.)

SECT. 37, last sentence stricken out and paragraph added, 1945, 306 § 1; fourth sentence of last paragraph amended, 1948, 308; revised, 1955, 611 § 7; last paragraph revised, 1962, 750 § 71; amended, 1965, 685 § 56. (See 1945, 306 § 2; 1962, 750 § 74; 1965, 685 § 57.)

SECT. 38 amended, 1939, 451 § 61.

SECT. 39B added, 1947, 488 § 8 (providing that, in actions against subscribers of a domestic reciprocal or inter-insurance exchange, service may be made upon the attorney in fact if a domestic exchange).

SECT. 41 repealed, 1973, 1114 § 93. (See 1973, 1114 § 351.)

SECT. 42 amended, 1937, 295 § 1; 1973, 1114 § 94; revised 1975; 377 § 29; 501 § 1. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 42A added, 1943, 234 § 1 (relative to the amount for which attachments may be made on liquidated claims). (See 1943, 234 § 3.)

SECT. 43 amended, 1973, 1114 § 95; first sentence revised, 1975, 377 § 30. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 44 revised, 1973, 1114 § 96; 1975, 377 § 31. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 44A added, 1937, 295 § 2 (further regulating the attachment of motor vehicles on mesne process in actions of contract); revised, 1973, 1114 § 97; amended, 1975, 501 § 2. (See 1973, 1114 § 351.)

SECT. 45 amended, 1973, 1114 § 98; first sentence revised, 1975, 377 § 32. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 45A, sentence added, 1954, 181.

SECT. 46 revised, 1973, 1114 § 99; repealed, 1975, 377 § 33. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 48 revised, 1937, 308; amended, 1938, 348 § 1; sentence inserted after first sentence, 1959, 229. (See 1938, 348 § 2.)

SECT. 50 amended, 1957, 765 § 8; revised, 1973, 1114 § 100. (See 1957, 765 §§ 18, 21; 1973, 1114 § 351.)

SECT. 51 revised, 1948, 550 § 43.

SECT. 56 revised, 1973, 1114 § 101. (See 1973, 1114 § 351.)

SECT. 59 revised, 1973, 1114 § 102; 1975, 377 § 34. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 60-61 repealed, 1973, 1114 § 103. (See 1973, 1114 § 351.)

SECT. 62, sentence added, 1947, 105; amended, 1975, 377 § 35. (See 1975, 377 § 164.)

SECT. 63 revised, 1973, 1114 § 104. (See 1973, 1114 § 351.)

SECT. 65 revised, 1953, 338 § 1; second sentence revised, 1961, 501. (See 1953, 338 § 5.)

SECT. 67 amended, 1973, 673.

SECT. 68 revised, 1973, 1114 § 105. (See 1973, 1114 § 351.)

SECT. 71 revised, 1973, 1114 § 106. (See 1973, 1114 § 351.)

SECT. 74 revised, 1943, 298 § 1. (See 1943, 298 § 10.)

SECT. 75 revised, 1943, 298 § 2; 1959, 580 § 19. (See 1943, 298 § 10.)

SECT. 76 revised, 1943, 298 § 3; 1973, 1114 § 107. (See 1943, 298 § 10; 1973, 1114 § 351.)

SECT. 78 revised, 1943, 298 § 4. (See 1943, 298 § 10.)

SECT. 79 revised, 1943, 298 § 5. (See 1943, 298 § 10.)

SECT. 80 revised, 1943, 298 § 6. (See 1943, 298 § 10.)

SECT. 82 revised, 1943, 298 § 8. (See 1943, 298 § 10.)

SECT. 82 revisd, 1943, 298 § 8. (See 1943, 298 § 10.)

SECT. 83A added, 1943, 298 § 9 (providing that sections 74-83 shall not apply to conditional sales, notices of which are recordable under G.L. 184 § 13); revised, 1957, 765 § 9. (See 1943, 298 § 10; 1957, 765 §§ 18, 21.)

SECTS. 84-85 revised, 1973, 1114 § 108. (See 1973, 1114 § 351.)

SECT. 84 revised, 1975, 377 § 36. (See 1975, 377 § 164.)

SECTS. 85-86 repealed, 1975, 377 § 37. (See 1975, 377 § 164.)

SECT. 86A amended, 1971, 843 § 5; 1973, 591 § 4; revised, 1973, 1114 § 109. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)

SECTS. 94-95 revised, 1973, 1114 § 110. (See 1973, 1114 § 351.)

SECT. 96 repealed, 1973, 1114 § 111. (See 1973, 1114 § 351.)

SECT. 97 amended, 1973, 1114 § 112. (See 1973, 1114 § 351.)

SECTS. 99-100 revised, 1973, 1114 § 113. (See 1973, 1114 § 351.)

SECT. 109 amended, 1973, 1114 § 114. (See 1973, 1114 § 351.)

SECT. 113A added, 1975, 572 § 1 (facilitating the discharge of attachments of land).

SECT. 114 amended, 1938, 325 § 1; revised, 1943, 234 § 2; amended, 1973, 1114 § 115; second and third sentences stricken out, sentence inserted, 1975, 377 § 38. (See 1938, 325 § 2; 1943, 234 § 3; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 114A added, 1945, 339 § 1 (relative to the dissolution of certain real estate attachments by operation of law); last sentence revised, 1953, 338 § 2. (See 1945, 339 § 2; 1952, 246; 1953, 338 § 5.)

SECT. 115 revised, 1973, 1114 § 116; 1975, 377 § 39. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 115A revised, 1972, 179 § 1; 1973, 1114 § 116. (See 1972, 179 § 3; 1973, 1114 § 351.)

SECT. 115B added, 1972, 179 § 2 (further regulating the dissolution of attachments); amended, 1973, 1114 § 116A; repealed, 1975, 377 § 40. (See 1972, 179 § 3; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 117 amended, 1973, 1114 § 117. (See 1973, 1114 § 351.)

SECT. 118 amended, 1973, 1114 § 118. (See 1973, 1114 § 351.)

SECTS. 119-121 revised, 1973, 1114 § 118. (See 1973, 1114 § 351.)

SECT. 119 amended, 1975, 377 § 41. (See 1975, 377 § 164.)

SECT. 120 revised, 1975, 377 § 42. (See 1975, 377 § 164.)

SECT. 121, second sentence revised, 1975, 377 § 43. (See 1975, 377 § 164.)

SECT. 125 revised, 1973, 1114 § 120; first sentence revised, 1975, 377 § 44. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 127-128 revised, 1973, 1114 § 121. (See 1973, 1114 § 351.)

SECT. 128 amended, 1975, 377 § 45. (See 1975, 377 § 164.)

SECT. 130 revised, 1973, 1114 § 122. (See 1973, 1114 § 351.)

SECT. 132 revised, 1953, 338 § 3. (See 1953, 338 § 5.)

Chapter 223A. — Jurisdiction of Courts of the Commonwealth over Persons in Other States and Countries.

New chapter inserted, 1968, 760.

SECT. 3 amended, 1969, 623.

Chapter 224. — Arrest on Mesne Process and Supplementary Proceedings in Civil Actions.

SECT. 1, paragraph added, 1973, 567.

SECTS. 2-5, repealed, 1975, 377 § 46. (See 1975, 377 § 164.)

SECT. 6, first sentence amended, 1971, 843 § 6; 1973, 591 § 5; fifth sentence amended, 1972, 255; section revised, 1975, 377 § 47. (See 1971, 843 § 27; 1973, 591 § 22; 1975, 377 § 164.)

SECTS. 9-11, repealed, 1975, 377 § 48. (See 1975, 377 § 164.)

SECT. 12 amended, 1945, 101 § 1; 1975, 377 § 49. (See 1975, 377 § 164.)

SECT. 13 repealed, 1975, 377 § 50. (See 1975, 377 § 164.)

SECT. 14 revised, 1974, 414 § 1; eighth sentence revised, 1975, 377 § 51. (See 1975, 377 § 164.)

SECT. 15 amended, 1974, 414 § 2.

SECT. 16 amended, 1943, 292 § 1; revised, 1974, 414 § 3; second sentence revised, sentence inserted after second sentence, 1975, 501 § 3. (See 1943, 292 § 2.)

SECT. 18, first paragraph amended, 1974, 414 § 4; paragraph inserted after first paragraph, 1946, 177.

SECTS. 19-22 revised, 1974, 414 § 5.

SECT. 27 repealed, 1970, 888 § 26. (See 1970, 888 § 31.)

SECT. 29 amended, 1975, 377 § 52. (See 1975, 377 § 164.)

Chapter 226. — Bail.

SECT. 18 repealed, 1973, 1114 § 123. (See 1973, 1114 § 351.)

SECT. 23 amended, 1945, 101 § 2.

Chapter repealed, 1975, 377 § 53. (See 1975, 377 § 164.)

Chapter 227. — Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1 amended, 1949, 612 § 1; revised, 1973, 1114 § 124; amended, 1975, 377 § 54. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 2 revised, 1975, 377 § 55. (See 1975, 377 § 164.)

SECT. 3 revised, 1973, 1114 § 125. (See 1973, 1114 § 351.)

SECTS. 3-4 repealed, 1975, 377 § 56. (See 1975, 377 § 164.)

SECT. 5, last sentence stricken out and two sentences inserted, 1955, 360; same sentences revised, 1958, 444.

SECT. 5A added, 1949, 612 § 2 (relative to the service of process on certain non-residents doing business in the commonwealth); revised, 1964, 413; amended, 1973, 1114 § 126; fourth sentence revised, 1975, 377 § 57. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 6 amended, 1973, 1114 § 127. (See 1973, 1114 § 351.)

SECT. 7 amended, 1971, 843 § 7; 1973, 591 § 6, 1114 § 128; first sentence amended, 1975, 377 § 58. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351; 1975, 377 § 164.)

SECT. 8 amended, 1971, 843 § 8; 1973, 591 § 7; revised, 1971, 1114 § 129. (See 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)

SECT. 9 amended, 1973, 1114 § 130; 1975, 377 § 59. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 10 repealed, 1975, 377 § 60. (See 1975, 377 § 164.)

SECTS. 11-13 revised, 1973, 1114 § 131. (See 1973, 1114 § 351.)

SECT. 11 revised, 1975, 377 § 61. (See 1975, 377 § 164.)

SECTS. 16-17 revised, 1973, 1114 § 132. (See 1973, 1114 § 351.)

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

SECT. 1 revised, 1934, 300 § 1; amended, 1975, 377 § 62. (See 1934, 300 § 2; 1975, 377 § 164.)

SECT. 4 amended, 1973, 1114 § 133. (See 1973, 1114 § 351.)

SECT. 4A added, 1973, 1114 § 134 (regulating the substitution of executors and administrators by certain courts); revised, 1975, 377 § 63. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 5 amended, 1933, 221 § 7; revised, 1937, 406 § 1; amended, 1950, 391; revised, 1973, 1114 § 135; amended, 1975, 377 § 64. Affected, 1938, 16. (See 1933, 221 § 8; 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 5A-5C added, 1973, 1114 § 136 (further regulating civil actions against executors and administrators of estates). (See 1973, 1114 § 351.)

SECT. 5A amended, 1975, 337 § 65. (See 1975, 377 § 164.)

SECT. 5C amended, 1975, 377 § 66. (See 1975, 377 § 164.)

SECT. 8 amended, 1973, 1114 § 137. (See 1973, 1114 § 351.)

SECT. 9 amended, 1973, 1114 § 138. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 139. (See 1973, 1114 § 351.)

SECTS. 11-12 revised, 1973, 1114 § 140. (See 1973, 1114 § 351.)

SECT. 12 repealed, 1975, 377 § 67. (See 1975, 377 § 164.)

Chapter 229. — Actions for Death and Injuries Resulting in Death.

SECT. 1 revised, 1943, 444 § 1.

SECT. 2 amended, 1941, 460 § 1; 504 § 1; 1946, 614 § 1; 1947, 506 § 1A; 1949, 427 § 2; 1958, 238 § 1; 1965, 683 § 1; 1967, 666 § 1; 1971, 801 § 1; 1972, 440 § 1. (See 1971, 801 § 2; 1972, 440 § 2.)

SECT. 3, first sentence revised, 1941, 460 § 2; section amended, 1941, 504 § 2.

SECT. 5 amended, 1937, 406 § 3; 1941, 504 § 3.

SECTS. 1-5 stricken out and sections 1 and 2 inserted, 1946, 614 § 1. (See 1946, 614 § 7.)

SECT. 1 amended, 1947, 506 § 1; revised, 1949, 427 § 1; amended, 1961, 166. (See 1947, 506 §§ 3, 3A; 1949, 427 § 11.)

SECT. 2 revised, 1947, 506 § 1A; 1949, 427 § 2; 1958, 238 § 1; first paragraph amended, 1962, 306 § 1; first sentence revised, 1965, 683 § 1; last sentence revised, 1967, 666 § 1; section revised, 1973, 699 § 1; amended, 1973, 957 § 1. (See 1947, 506 §§ 3, 3A; 1949, 427 § 11; 1958, 238 § 10; 1962, 306 § 2; 1965, 683 § 2; 1967, 662 § 2; 1973, 699 § 2, 957 § 2.)

SECTS. 2A-2C added, 1949, 427 § 3 (relative to actions against certain corporations and others for death and injuries resulting in death). (See 1949, 427 § 11.)

SECT. 2A repealed, 1948, 238 § 2. (See 1958, 238 § 10.)

SECT. 2C amended, 1951, 250; repealed, 1958, 238 § 3. (See 1948, 238 § 10.)

SECT. 5A added, 1938, 278 § 1 (to permit recovery in certain death cases notwithstanding that the death of the tortfeasor occurred before that of the person whose death he caused); amended, 1946, 614 § 2; revised 1949, 427 § 4; 1958, 238 § 4. (See 1938, 278 § 2; 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECT. 6 amended, 1939, 451 § 62; revised, 1946, 614 § 3; 1947, 506 § 2; 1949, 427 § 5; 1958, 238 § 5; 1973, 1114 § 141. (See 1946, 614 § 7; 1947, 506 §§ 3, 3A; 1949, 427 § 11; 1958, 238 § 10; 1973, 1114 § 351.)

SECTS. 6A and 6B added, 1943, 444 § 2 (relative to the disposition of money recovered in certain actions for death).

SECT. 6A revised, 1946, 614 § 4; 1949, 427 § 6; 1958, 238 § 6; 1962, 370. (See 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECT. 6B amended, 1946, 614 § 5; revised, 1949, 427 § 6; 1958, 238 § 6; 1963, 357. (See 1946, 614 § 7; 1949, 427 § 11; 1958, 238 § 10.)

SECTS. 6C-6F added, 1949, 427 § 7 (relative to actions against certain employers for death and injuries resulting in death). (See 1949, 427 § 11.)

SECT. 6E, second paragraph revised, 1948, 238 § 7. (See 1948, 238 § 10.)

SECT. 6F revised, 1958, 238 § 8. (See 1958, 238 § 10.)

SECTS. 7 and 8 repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 9 amended, 1941, 504 § 4; repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 10 repealed, 1946, 614 § 6. (See 1946, 614 § 7.)

SECT. 11 amended, 1960, 298 § 2; revised, 1973, 1114 § 142; amended, 1975, 377 § 68. (See 1973, 1114 § 351; 1975, 377 § 164.)

Chapter 230. — Actions By and Against Executors and Administrators.

SECT. 3 amended, 1973, 1114 § 143. (See 1973, 1114 § 351.)

SECT. 4 amended, 1973, 1114 § 144. (See 1973, 1114 § 351.)

SECT. 5 amended, 1934, 116; revised, 1973, 1114 § 145. (See 1973, 1114 § 351.)

SECTS. 10-13 revised, 1973, 1114 § 146. (See 1973, 1114 § 351.)

SECT. 10, first paragraph stricken out, 1975, 377 § 69; second paragraph amended, 1975, 377 § 70. (See 1975, 377 § 164.)

SECT. 11 amended, 1975, 377 § 71. (See 1975, 377 § 164.)

SECT. 12 revised, 1975, 377 § 72. (See 1975, 377 § 164.)

Chapter 231. — Pleading and Practice.

Notice (in brackets) following title revised, 1973, 1114 § 146A. (See 1973, 1114 § 351.)

SECT. 1 revised, 1973, 1114 § 147. (See 1973, 1114 § 351.)

SECT. 1A added, 1951, 403 (relative to the commencement of actions arising out of tort and contract); revised, 1973, 1114 § 148. (See 1973, 1114 § 351.)

SECTS. 2-4 revised, 1973, 1114 § 149. (See 1973, 1114 § 351.)

SECT. 4A added, 1943, 350 § 1 (providing for the joinder of parties in one action in certain cases); first sentence revised, 1973, 1114 § 150; sentence inserted after first sentence, 1947, 408 § 1. (See 1943, 350 §§ 3, 4; 1947, 408 § 2; 1973, 1114 § 351.)

SECT. 4B added, 1964, 696 (permitting impleader in civil cases); amended, 1968, 324; revised, 1973, 494; amended, 1973, 1114 § 151. (See 1973, 1114 § 351.)

SECT. 5 amended, 1945, 141 § 2; revised, 1973, 1114 § 152. (See 1973, 1114 § 351.)

SECTS. 1-5, repealed, 1975, 377 § 73. (See 1975, 377 § 164.)

SECT. 6 revised, 1973, 1114 § 153; second sentence revised, sentence inserted after second sentence, 1975, 377 § 74. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 6A added, 1939, 372 § 1 (relative to the recovery of certain medical expenses by the husband of a married woman or the parent or guardian of a minor in actions to recover for personal injuries by married women and minors); revised, 1973, 1114 § 154; repealed, 1975, 377 § 75. (See 1939, 372 § 2; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 6B added, 1946, 212 § 1 (providing for interest from the date of hhe writ in certain civil actions); amended, 1951, 244; 1960, 298 § 3; revised, 1973, 1114 § 155; amended, 1974, 224 § 1. (See 1946, 212 § 3; 1973, 1114 § 351.)

SECT. 6C added, 1968, 763 (providing for the computation and addition of interest by the clerks of court to damages recovered in actions of contract); revised, 1973, 1114 § 156; amended, 1974, 224 § 2. (See 1973, 1114 § 351.)

SECT. 6D added, 1970, 670 § 5 (defining the right to recover damages for pain and suffering in certain tort actions). (See 1970, 670 § 10.)

SECT. 7, amended, 1939, 67 § 1; 1973, 1114 § 157; repealed, 1975, 377 § 75. (See 1939, 67 § 2; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 8 repealed, 1973, 1114 § 158. (See 1973, 1114 § 351.)

SECTS. 9-17 revised, 1973, 1114 § 159. (See 1973, 1114 § 351.)

SECT. 18 amended, 1973, 1114 § 160; (See 1973, 1114 § 351.)

SECTS. 19-28 revised, 1973, 1114 § 161. (See 1973, 1114 § 351.)
SECTS. 10-20, repealed, 1975, 377 § 75. (See 1975, 377 § 164.)
SECTS. 21-22 revised, 1975, 377 § 76. (See 1975, 377 § 164.)
SECT. 29 revised, 1960, 263; 1973, 1114 § 162. (See 1973, 1114 § 351.)
SECT. 30 amended, 1949, 179; revised, 1973, 1114 § 163. (See 1973, 1114 § 351.)
SECTS. 23-30, repealed, 1975, 377 § 77. (See 1975, 377 § 164.)
SECTS. 31-39 revised, 1973, 1114 § 164. (See 1973, 1114 § 351.)
SECTS. 32-34 repealed, 1975, 377 § 78. (See 1975, 377 § 164.)
SECT. 35 amended, 1975, 377 § 79. (See 1975, 377 § 164.)
SECTS. 36-38 repealed, 1975, 377 § 80. (See 1975, 377 § 164.)
SECT. 39, first sentence stricken out, 1975, 377 § 81. (See 1975, 377 § 164.)
SECT. 40 amended, 1973, 1114 § 165. (See 1973, 1114 § 351.)
SECT. 41 amended, 1973, 1114 § 166. (See 1973, 1114 § 351.)
SECTS. 40-41 repealed, 1975, 377 § 82. (See 1975, 377 § 164.)
SECTS. 42-43 revised, 1973, 1114 § 167; 1975, 377 § 83. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 46 repealed, 1973, 1114 § 168. (See 1973, 1114 § 351.)
SECTS. 49-54 revised, 1973, 1114 § 169. (See 1973, 1114 § 351.)
SECTS. 49-50 repealed, 1975, 377 § 84. (See 1975, 377 § 164.)
SECT. 51 revised, 1975, 377 § 85. (See 1975, 377 § 164.)
SECT. 52 revised, 1975, 377 § 86. (See 1975, 377 § 164.)
SECTS. 53-54 repealed, 1975, 377 § 87. (See 1975, 377 § 164.)
SECT. 55 amended, 1935, 318 § 6; 1971, 843 § 9; 1973, 591 § 8; repealed, 1973, 1114 § 170. (See 1935, 318 § 8; 1971, 843 § 27; 1973, 591 § 22, 1114 § 351.)
SECTS. 56-58 revised, 1973, 1114 § 171. (See 1973, 1114 § 351.)
SECT. 58A amended, 1973, 1114 § 172. (See 1973, 1114 § 351.)
SECT. 59, sentence inserted after fourth sentence, 1955, 359; section and caption preceding it stricken out and section under new caption inserted, 1955, 674 § 1; paragraph added, 1965, 491 § 1; section revised, 1973, 1114 § 173. (See 1973, 1114 § 351.)
SECTS. 56-59 repealed, 1975, 377 § 87. (See 1975, 377 § 164.)
SECT. 59A stricken out and section under new caption inserted, 1955, 674 § 2; revised, 1973, 1114 § 174. (See 1973, 1114 § 351.)
SECT. 59B, first sentence revised, 1973, 1114 § 175; section repealed, 1975, 377 § 187. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 59C added, under caption, 1935, 1118 § 1 (relative to the advancement for speedy trial in the superior court of actions against physicians and others for malpractice, error or mistake); revised, 1960, 69; 1973, 1114 § 176. (See 1935, 118 § 2; 1114 § 351.)
SECT. 59D added, 1952, 139 (providing speedy trials of certain actions under election laws); amended, 1973, 1114 § 177. (See 1973, 1114 § 351.)
SECT. 59E added, 1961, 96 (providing for the speedy trial of proceedings contesting the validity of action taken by a housing or redevelopment authority).
SECT. 60 amended, 1971, 843 § 10; 1973, 591 § 9; repealed, 1973, 1114 § 178. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)
SECT. 60A amended, 1971, 843 § 11; 1973, 591 § 10; repealed, 1973, 1114 § 178. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 60B-60E added, 1975, 362 § 5 (relative to medical malpractice). (See 1975, 362 § 13.)

SECT. 60D revised, 1975, 634 § 1. (See 1975, 634 § 2.)

SECT. 61, first sentence revised, 1973, 1114 § 179; 1975, 377 § 88; sentence inserted after first sentence, 1975, 377 § 88. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 62, sentence added, 1958, 270.

SECT. 63 amended, 1932, 84 § 1.

SECT. 64 amended, 1966, 432.

SECT. 68 amended, 1973, 1114 § 180; 1975, 377 § 89. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 69 amended, 1932, 177 § 1; revised, 1946, 450; first sentence revised, 1973, 1114 § 181; amended, 1975, 377 § 90. (See 1932, 177 § 2; 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 70 and 71 revisd, 1973, 1114 § 182. (See 1973, 1114 § 351.)

SECT. 70 repealed, 1975, 377 § 91. (See 1975, 377 § 164.)

SECT. 71 revised, 1975, 377 § 92. (See 1975, 377 § 164.)

SECT. 72 amended, 1958, 50; revised, 1973, 1114 § 183; 1975, 377 § 93. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 73 repealed, 1932, 180 § 40.

SECTS. 74-76 revised, 1973, 1114 § 184; repealed, 1975, 377 § 94. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 77 repealed, 1973, 1114 § 185. (See 1973, 1114 § 351.)

SECT. 78 repealed, 1932, 180 § 40.

SECT. 79 amended, 1973, 1114 § 186; repealed, 1975, 377 § 94. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 80 repealed, 1973, 1114 § 187. (See 1973, 1114 § 351.)

SECT. 82 revised, 1973, 1114 § 188. (See 1973, 1114 § 351.)

SECT. 84 repealed, 1973, 1114 § 189. (See 1973, 1114 § 351.)

SECT. 84A added, 1933, 247 § 1 (relative to the joint trial in the superior court of actions involving the same subject matter). (See 1933, 247 § 2.)

SECT. 85 revised, 1947, 386 § 1; 1952, 533 § 1; 1969, 761 § 1; 1973, 1123 § 1. (See 1947, 386 § 2; 1952, 533 § 2; 1969, 761 § 2; 1973, 1123 § 2.)

SECTS. 85B and 85C added, 1937, 439 § 1 (relative to procedure in certain actions to recover damages arising out of motor vehicle accidents and in suits by judgment creditors in actions to reach and apply the proceeds of motor vehicle liability policies and in actions to recover on motor vehicle liability bonds). (See 1937, 439 § 2.)

SECT. 85C amended, 1975, 377 § 95. (See 1975, 377 § 164.)

SECT. 85D added, 1945, 352 § 1 (providing that negligence of parent or custodian shall not be imputed to an infant because of such parenthood or custodianship). (See 1945, 352 §§ 3, 4.)

SECT. 85E added, 1959, 300 (relative to subrogated automobile property damage claims).

SECT. 85F added, 1966, 450 (providing that the negligence of an operator of a motor vehicle shall not be imputed to the owner for the sole reason that he was a passenger).

SECT. 85G added, 1969, 453 (providing civil liability of parents for injuries or damages resulting from wilful acts of their minor children

between seven and sixteen years of age); revised, 1972, 552 § 1; third sentence amended, 1975, 189.

SECT. 85H added, 1969, 467 (providing that failure to return leased property creates presumption of conversion by lessee).

SECT. 85I added, 1970, 349 (exempting certain ski patrol members from civil liability for providing emergency care, treatment or transportation of certain injured persons).

SECT. 85J added, 1971, 450 (providing treble damages in certain fraud or deceit cases in personal property sales).

SECT. 85K added, 1971, 785 § 1 (limiting the liability of certain charitable organizations).

SECT. 85L added, 1971, 865 § 1 (providing for the recovery of damages against the operator of a motor vehicle by a guest on proof of ordinary negligence). (See 1971, 865 § 2.)

SECT. 85M added, 1972, 165 (providing that certain disclaimers of liability appearing on signs, tickets or receipts shall not constitute legal defenses in civil actions of contract or tort).

SECT. 85N added, 1972, 242 (granting immunity from damages to members of certain professional societies under certain circumstances).

SECT. 85O added, 1973, 925 § 74 (authorizing persons eighteen years of age or older to enter into contracts). (See 1973, 925 § 84.)

SECT. 85P added, 1975, 315 § 1 (clarifying the law with respect to the age of majority for certain legal purposes). (See 1975, 315 § 2.)

SECTS. 86-88 revised, 1973, 1114 § 190. (See 1973, 1114 § 351.)

SECT. 86 repealed, 1975, 377 § 96. (See 1975, 377 § 164.)

SECT. 88 amended, 1975, 377 § 97. (See 1975, 377 § 164.)

SECT. 90 amended, 1973, 1114 § 191; repealed, 1975, 377 § 98. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 91 revised, 1943, 365 § 1; 1973, 1114 § 192. (See 1943, 365 § 2; 1973, 1114 § 351.)

SECT. 91A added, 1957, 378 (exempting radio and television stations from liability for damages on account of the utterance of defamatory matter by persons over whom such stations have no right of censorship or control).

SECT. 93 revised, 1943, 360.

SECT. 94 amended, 1943, 361.

SECT. 94A added, 1953, 169 (relative to defenses in actions for false arrest or imprisonment).

SECT. 94B added, 1958, 337 (relative to defenses in actions for false arrest brought by persons suspected of shop lifting); amended, 1971, 447.

SECTS. 95 and 96 revised, 1973, 1114 § 193. (See 1973, 1114 § 351.)

SECT. 95 amended, 1975, 377 § 99. (See 1975, 377 § 164.)

SECT. 96 amended, 1975, 377 § 100. (See 1975, 377 § 164.)

SECT. 96A added, 1945, 530 § 1 (relative to the filing of bills of exceptions in suits in equity); repealed, 1947, 361. (See 1945, 530 § 2; 1946, 94, 610 § 2; 1947, 97 § 2.)

SECT. 97 amended, 1973, 313; revised, 1973, 1114 § 193. (See 1973, 1114 § 351.)

SECT. 101 amended, 1975, 377 § 101. (See 1975, 377 § 164.)

SECT. 102A added, 1934, 387 § 3 (relative to the removal to the superior court of an action of tort arising out of the operation of a motor vehicle); amended, 1937, 133 § 1; revised, 1938, 338 § 1; first paragraph amended, 1941, 203 § 1; second paragraph amended, 1941, 203 § 2; section repealed, 1943, 296 § 3. (See 1934, 387 § 5; 1937, 133 § 2; 1938, 338 § 2; 1941, 203 § 3; 1943, 296 § 6.)

SECT. 102B added, 1954, 616 § 3 (relative to the removal to the superior court of an action fo tort arising out of the operation of a motor vehicle); repealed, 1958, 369 § 2. (See 1954, 616 § 5; 1958, 369 § 4.)

SECT. 102C added, 1958, 369 § 3 (authorizing the transfer of certain actions at law from the superior court to a district court); first paragraph amended, 1962, 305; 1973, 1114 § 194; 1974, 437 § 1; third and fourth paragraphs stricken out and two paragraphs inserted, 1960, 303; third paragraph, first sentence revised, 1967, 778; third, fourth and fifth sentences stricken out and four sentences inserted, 1967, 767 § 2; paragraph amended, 1973, 1114 § 195; second sentence revised, 1975, 377 § 102; eighth sentence stricken out, 1975, 377 § 102A; fourth paragraph, sentence inserted after first sentence, 1967, 767 § 3. (See 1958, 369 § 4; 1967, 767 § 4; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 103 revised, 1975, 377 § 103. (See 1975, 377 § 164.)

SECT. 104 amended, 1950, 500 § 2; revised, 1956, 302 § 1; 1960, 352 § 1; 1965, 377; amended, 1974, 437 § 2; second and third paragraphs revised, 1975, 123 § 1; section revised, 1975, 377 § 104. (See 1975, 123 § 2; 377 § 164.)

SECT. 104A added, 1960, 352 § 2 (relative to the removal of certain actions from the district courts to the superior court); amended, 1975, 377 § 105. (See 1975, 377 § 164.)

SECT. 105 repealed, 1956, 302 § 2.

SECT. 107 revised, 1943, 296 § 4; amended, 1965, 275; first sentence revised, 1970, 99; 1973, 472. (See 1943, 296 § 6.)

SECT. 108, first paragraph, first sentence revised, 1967, 852 § 2; third sentence amended, 1971, 867 § 2; revised, 1973, 568; sentence inserted after fifth sentence, 1958, 300; amended, 1971, 867 § 2; second paragraph revised, 1939, 382; amended, 1948, 322; revised, 1949, 683; 1973, 940; third paragraph, first sentence amended, 1973, 1114 § 196; revised, 1975, 377 § 106; second sentence revised, 1933, 255 § 1; 1962, 287; stricken out, 1975, 377 § 107; third sentence stricken out, 1975, 377 § 107A; ninth sentence amended, 1975, 377 § 107B. (See 1933, 255 § 2; 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 109 amended, 1973, 1114 § 197; third sentence amended, 1975, 377 § 108; seventh sentence stricken out, 1975, 377 § 108A. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 110 revised, 1973, 1114 § 198. (See 1973, 1114 § 351.)

SECT. 111 amended, 1971, 843 § 12; 1973, 591 § 11; revised, 1973, 1114 § 199. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 112 revised, 1973, 1114 § 200. (See 1973, 1114 § 351.)

SECTS. 112A and 112B added, 1973, 1114 § 201 (relative to proceedings before the appeals or supreme judicial court). (See 1973, 1114 § 351.)

SECT. 113, two sentences added, 1945, 328; section amended, 1971, 843 § 13; 1973, 591 § 12; revised, 1973, 1114 § 202. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 114 revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 115 amended, 1939, 451 § 63; revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 116 revised, 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 117 revised, 1960, 207 § 4; 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 118 revised, 1960, 207 § 5; 1973, 1114 § 202. (See 1973, 1114 § 351.)

SECT. 119 amended, 1971, 843 § 14; 1973, 591 § 13; revised, 1973, 1114 § 202. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 120-123 repealed, 1973, 1114 § 203. (See 1973, 1114 § 351.)

SECTS. 124 and 125 revised, 1973, 1114 § 204. (See 1973, 1114 § 351.)

SECT. 125A added, 1949, 171 § 1 (relative to the further report of material facts in equity and probate appeals when evidence is not reported); revised, 1963, 74 § 2.

SECT. 126 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 127, sentence added, 1945, 578 § 1; revised, 1967, 139; section repealed, 1975, 377 § 109. (See 1945, 578 § 3; 1975, 377 § 164.)

SECT. 128 amended, 1945, 578 § 2; repealed, 1973, 1114 § 205. (See 1945, 578 § 3; 1973, 1114 § 351.)

SECT. 129 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 131 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 132 amended, 1973, 1114 § 206. (See 1973, 1114 § 351.)

SECT. 133 amended, 1933, 300 § 2; 1971, 843 § 15; 1973, 591 § 14; repealed, 1973, 1114 § 205. (See 1933, 300 § 4; 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 134 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECT. 135, first paragraph amended, 1971, 843 § 16; 1973, 591 § 15; two paragraphs inserted after first paragraph, 1941, 187 § 1; last paragraph amended, 1959, 109; 1960, 171; section repealed, 1973, 1114 § 205. (See 1941, 187 § 2; 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 136 and 137 repealed, 1973, 1114 § 205. (See 1973, 1114 § 351.)

SECTS. 138-140 revised, 1973, 1114 § 207. (See 1973, 1114 § 351.)

SECT. 140 repealed, 1975, 377 § 110. (See 1975, 377 § 164.)

SECT. 140A added, 1932, 130 § 1 (relative to the effect of a settlement by agreement of an action of tort growing out of a motor vehicle accident upon the right of a defendant in such action to maintain a cross action); revised, 1947, 431 § 1. (See 1947, 431 § 2.)

SECTS. 140B-140C added, 1967, 259 (providing that payments by insurance companies be inadmissible at trial on issue of liability).

SECT. 140B, two paragraphs added, 1971, 141.

SECT. 141 amended, 1932, 130 § 2; 1933, 300 § 3; 1934, 387 § 4; 1943, 296 § 5, 350 § 2; 1945, 352 § 2; 1946, 212 § 2; 1954, 616 § 4; 1958, 369 § 3A; 1960, 352 § 3; 1956, 302 § 3; 1966, 88; 1967, 743; 1971, 785 § 1A; revised, 1973, 1114 § 208. (See 1933, 300 § 4; 1934, 387 § 5; 1943, 296 § 6, 350 §§ 3, 4; 1946, 212 § 3; 1954, 606 § 5; 1958, 369 § 4; 1973, 1114 § 351.)

SECT. 142 amended, 1935, 318 § 7; revised, 1973, 1114 § 208. (See 1935, 318 § 8; 1973, 1114 § 351.)

SECT. 143 revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 144 amended, 1965, 123; 1971, 785 § 1B; revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 145 amended, 1939, 451 § 64; 1953, 104; revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 146, paragraph added, 1965, 491 § 2; section revised, 1973, 1114 § 208. (See 1973, 1114 § 351.)

SECT. 146A added, 1971, 843 § 17 (establishing those sections which apply to civil actions before the Boston housing court); amended, 1973, 591 § 16; revised, 1973, 1114 § 208. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECT. 147, form 8 repealed, 1938, 350 § 2; first paragraph revised, 1956, 313; form 32 revised, 1973, 925 § 75. (See 1973, 925 § 84.)

SECTS. 141-147 repealed, 1975, 377 § 110. (See 1975, 377 § 164.)

Chapter 231A. — Procedure for Declaratory Judgments.

New chapter inserted, 1945, 582 § 1. (See 1945, 582 § 5.)

SECT. 2, first paragraph amended, 1974, 630 § 1.

SECT. 3 amended, 1974, 630 § 2.

SECT. 5, paragraph added, 1974, 630 § 3.

SECTS. 6 and 7 revised, 1973, 1114 § 209. (See 1973, 1114 § 351.)

SECT. 8, two paragraphs added, 1974, 630 § 4.

Chapter 231B. — Contribution among Joint Tortfeasors.

New chapter inserted, 1962, 730 § 1. (See 1962, 730 §§ 2, 3.)

Chapter 232. — Set-off and Tender.

SECT. 1 revised, 1973, 1114 § 210. (See 1973, 1114 § 351.)

SECT. 9 amended, 1971, 843 § 18; 1973, 591 § 17; revised, 1973, 1114 § 211. (See 1971, 843 § 27; 1973, 591 § 22; 1114 § 351.)

SECTS. 12-14 repealed, 1973, 1114 § 212. (See 1973, 1114 § 351.)

Chapter repealed, 1975, 377 § 111. (See 1975, 377 § 164.)

Chapter 232A. — Tender.

New chapter inserted, 1973, 1114 § 213. (See 1973, 1114 § 351.)

Chapter 233. — Witnesses and Evidence.

SECT. 1 revised, 1945, 250 § 2; 1975, 377 § 112. (See 1975, 377 § 164.)

SECT. 2 revised, 1975, 377 § 112. (See 1975, 377 § 164.)

SECT. 3A added, 1933, 262 (authorizing the commissioner of banks to respond to summonses or subpoenas by an employee or other assistant in his department).

SECT. 8 amended, 1933, 269 § 3, 376 § 3; 1949, 292; 1975, 466.

SECTS. 13A-13D added, 1937, 210 § 1 (making uniform the law securing the attendance of witnesses from without a state in criminal proceedings). (See 1937, 210 § 2.)

SECT. 19 revised, 1973, 964.

SECT. 20, second paragraph revised, 1951, 657 § 3; 1963, 765 § 3.

SECT. 20A added, 1962, 372 (providing that certain communications to priests, rabbis, ministers and Christian Science practitioners be privileged).

SECT. 20B added, 1968, 418 (protecting confidential communications between patients and psychotherapists); clause (*e*) revised, 1974, 240.

SECTS. 20C-20I added, 1970, 408 (authorizing the granting of immunity to witnesses under certain conditions).

SECT. 21, paragraph Second revised, 1950, 426; paragraph Fourth added, 1974, 502.

SECT. 21A added, 1947, 410 § 1 (making admissible evidence relating to the reputation of a person in a group with whom he habitually associates). (See 1947, 410 § 2.)

SECT. 22 amended, 1932, 97 § 1.

SECT. 23A added, 1945, 424 § 1 (relative to the admissibility in evidence of written statements obtained from persons sustaining personal injuries in accidents); amended, 1953, 242, revised, 1964, 537. (See 1945, 424 § 2.)

SECT. 23B added, 1958, 256 (relative to the admissibility in evidence against a defendant in a criminal trial of statements made by him while undergoing a psychiatric examination); amended, 1970, 888 § 27. (See 1970, 888 § 31.)

SECT. 24 revised, 1973, 1114 § 214; 1975, 377 § 113. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 26 amended, 1932, 71 § 1.

SECT. 29 amended, 1932, 71 § 2.

SECT. 30 amended, 1932, 71 § 3.

SECT. 32 amended, 1932, 71 § 4.

SECT. 33 amended, 1932, 71 § 5.

SECT. 34 amended, 1932, 71 § 6.

SECT. 45 amended, 1932, 71 § 7.

SECT. 46 amended, 1932, 71 § 8.

SECT. 47 amended, 1932, 71 § 9.

SECT. 48 amended, 1932, 71 § 10.

SECT. 49 amended, 1932, 71 § 11.

SECT. 65 amended, 1941, 363 § 1; 1943, 105 § 1; revised, 1943, 232 § 1. (See 1941, 363 § 2; 1943, 105 § 2, 232 § 2.)

SECT. 65A revised, 1973, 1114 § 215. (See 1973, 1114 § 351.)

SECT. 67 revised, 1973, 1114 § 216. (See 1973, 1114 § 351.)

SECT. 75, sentence added, 1943, 190 § 1. (See 1943, 190 § 2.)

SECT. 76A added, 1938, 213 § 1 (relative to the use of authenticated copies of certain papers and documents filed with the federal securities and exchange commission); revised, 1967, 194. (See 1938, 213 § 2.)

SECT. 76B added, 1954, 292 (relative to the use of printed copies of schedules on file with the interstate commerce commission as evidence).

SECT. 77 amended, 1957, 205.

SECT. 78 revised, 1954, 442 § 1. (See 1954, 442 § 2.)

SECT. 79 revised, 1941, 389 § 2; amended, 1943, 233 § 1; 1946, 473 § 1; 1948, 74; paragraph added at end, 1957, 206 § 1; section revised, 1959, 200; second paragraph amended, 1974, 225. (See 1943, 233 § 2; 1946, 473 § 2; 1957, 206 § 2.)

SECT. 79A added, 1941, 662 § 2 (relative to the use in evidence of photographic and microphotographic records and copies); amended, 1948, 154.

SECT. 79B added, 1947, 385 § 1 (making admissible in evidence in civil cases certain publicly issued compilations of facts and statistics). (See 1947, 385 § 2.)

SECT. 79C added, 1949, 183 § 1 (making admissible in evidence in cases of contract or tort for malpractice certain statements of recognized experts contained in certain publications); revised, 1965, 425. (See 1949, 183 § 2.)

SECT. 79D added, 1949, 240 (making admissible in evidence certain copies of newspapers and documents made by the photographic or microphotographic process).

SECT. 79E added, 1952, 120 (relative to the admissibility in evidence of business and public records); amended, 1955, 125; first sentence revised, 1962, 90; section revised, 1965, 661; first sentence revised, 1968, 372.

SECT. 79F added, 1952, 476 (relating to proof of the existence of a public way); revised, 1965, 303; 1967, 266.

SECT. 79G added, 1958, 323 (making certain bills for services of physicians, dentists and certain hospitals admissible in evidence in actions of tort for personal injuries); first sentence revised, 1974, 442.

SECT. 79H added, 1967, 265 § 1 (providing for admissibility of medical reports of deceased attending and examining physician in actions of tort for injury or death). (See 1967, 265 § 2.)

SECT. 79I added, 1971, 532 (making certain evidence in an action to recover from an insurer for theft of personal property from a motor vehicle or trailer prima facie evidence of forcible entry).

SECT. 80 revised, 1975, 457 § 2.

Chapter 234. — Juries.

SECT. 1 amended, 1935, 257 § 11; 1936, 25; revised, 1949, 347 § 1; 1969, 148 § 1; 1973, 582 §§ 1, 2, 925 § 76. (See 1935, 257 § 12; 1949, 347 § 5; 1973, 925 § 84.)

SECT. 1A added, 1949, 347 § 2 (relative to excusing certain persons from jury service). (See 1949, 347 § 5.)

SECT. 1B added, 1963, 172 (relative to the compensation of municipal employees while serving as jurors).

SECT. 3 revised, 1969, 683.

SECT. 4, first paragraph revised, 1949, 347 § 3; second sentence amended, 1969, 148 § 2; sentence inserted after third sentence, 1969, 283; amended, 1975, 713; eighth sentence revised, sentence added, 1955, 38 § 1; revised, 1973, 1059. (See 1949, 347 § 5.)

SECT. 5 amended, 1955, 38 § 2.

SECT. 11 amended, 1934, 150.

SECT. 15 repealed, 1936, 161 § 1. (See 1936, 161 § 3.)

SECT. 24 amended, 1941, 90; sentence added at end, 1956, 278.

SECTS. 24A-24B added, 1972, 367 (authorizing the use of certified mail as an alternative method of summonsing jurors).

SECT. 24A amended, 1973, 397 § 1.

SECTS. 25 and 26 stricken out, and sections 25, 26, 26A, 26B inserted, 1945, 428 § 1 (providing for emergency jurors and for the waiver of a full jury). (See 1945, 428 § 3.)

SECT. 25, first sentence amended, 1955, 38 § 3; 1973, 397 § 2; third sentence amended, 1949, 347 § 4. (See 1949, 347 § 5.)

SECT. 26B amended, 1965, 355 § 1; 1967, 285. (See 1965, 355 § 2.)

SECT. 28 amended, 1973, 919; second paragraph revised, 1975, 335.

SECT. 29 revised, 1945, 428 § 2; 1955, 485 § 1; first sentence amended, 1957, 335; 1972, 285; third sentence revised, 1963, 187. (See 1945, 428 § 3; 1955, 485 § 2.)

SECTS. 34A-34B added, 1972, 460 (further regulating the number of jurors required in civil actions).

Chapter 235. — Judgment and Execution.

SECT. 1 repealed, 1973, 1114 § 217. (See 1973, 1114 § 351.)

SECT. 2 repealed, 1975, 377 § 114. (See 1975, 377 § 164.)

SECTS. 4 and 5 revised, 1973, 1114 § 218. (See 1973, 1114 § 351.)

SECT. 5 repealed, 1975, 377 § 115. (See 1975, 377 § 164.)

SECT. 8 revised, 1973, 1114 § 219. (See 1973, 1114 § 351.)

SECT. 11 revised, 1973, 1114 § 220; 1975, 377 § 116. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 14 revised, 1965, 328.

SECT. 16 revised, 1973, 1114 § 221; 1975, 377 § 117. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 17, paragraph added, 1948, 113.

SECTS. 19-21 revised, 1973, 1114 § 222. (See 1973, 1114 § 351.)

SECT. 19 revised, 1975, 377 § 118. (See 1975, 377 § 164.)

SECT. 20 amended, 1975, 377 § 119. (See 1975, 377 § 164.)

SECT. 21 revised, 1975, 377 § 120. (See 1975, 377 § 164.)

SECT. 23A added, under caption, 1966, 638 (providing for the recognition by the courts of Massachusetts of money judgments of foreign states).

SECT. 24 revised, 1973, 1114 § 223; third sentence revised, 1975, 377 § 121. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 34, clause Second amended, 1951, 35; section revised, 1970, 616; clause First revised, 1975, 501 § 4; clause Seventh revised, 1975, 501 § 5; clause Fourteenth amended, 1975, 501 § 6; clause Fifteenth added, 1971, 349; revised, 1975, 501 § 7; clause Sixteenth added, 1975, 501 § 8.

Chapter 236. — Levy of Executions on Land.

SECT. 5 revised, 1953, 338 § 4. (See 1953, 338 § 5.)

SECT. 18 revised, 1939, 32 § 4; amended, 1970, 119 § 4; revised, 1973, 487 § 4; 1974, 750 § 4; 1975, 407 § 4. (See 1939, 32 § 5; 1970, 119 § 5; 1973, 487 § 5; 1974, 750 § 5; 1975 407 § 5.)

SECTS. 38-40 revised, 1973, 1114 § 224. (See 1973, 1114 § 351.)

SECT. 41, second sentence revised, 1973, 1114 § 225. (See 1973, 1114 § 351.)

SECT. 49A added, 1953, 455 § 1 (relative to the dissolution of certain levies on execution on real estate by operation of law). (See 1953, 455 § 2.)

SECT. 51 revised, 1973, 1114 § 226; 1975, 377 § 122. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 55 repealed, 1971, 423 § 20.

Chapter 237. — Writs of Entry.

SECTS. 1-18 revised, 1973, 1114 § 227. (See 1973, 1114 § 351.)

SECT. 19 repealed, 1973, 1114 § 228. (See 1973, 1114 § 351.)

SECTS. 20-22 revised, 1973, 1114 § 229. (See 1973, 1114 § 351.)

SECT. 23 amended, 1973, 1114 § 230. (See 1973, 1114 § 351.)

SECT. 24 amended, 1973, 1114 § 231. (See 1973, 1114 § 351.)

SECTS. 25-31 revised, 1973, 1114 § 232. (See 1973, 1114 § 351.)

SECT. 32 amended, 1973, 1114 § 233. (See 1973, 1114 § 351.)

SECTS. 33-38 revised, 1973, 1114 § 234. (See 1973, 1114 § 351.)

SECT. 39 amended, 1973, 1114 § 235. (See 1973, 1114 § 351.)

SECT. 41 revised, 1973, 1114 § 236. (See 1973, 1114 § 351.)

SECTS. 43 and 44 revised, 1973, 1114 § 237. (See 1973, 1114 § 351.)

Chapter 238. — Writs of Dower.

SECT. 1 amended, 1973, 1114 § 238. (See 1973, 1114 § 351.)

SECT. 8 revised, 1973, 1114 § 239. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 240. (See 1973, 1114 § 351.)

Chapter 239. — Summary Process for Possession of Land.

SECT. 1 amended, 1941, 242 § 1; first sentence amended, 1952, 151 § 1; 1953, 106.

SECT. 1A added, 1973, 778 § 3 (regulating evictions by lessors of residential land or tenements).

SECT. 2 amended, 1973, 488; revised, 1975, 377 § 123. (See 1975, 377 § 164.)

SECT. 2A amended, 1973, 858 § 4.

SECT. 8A, first sentence amended, 1973, 1007 § 3; paragraph inserted after second paragraph, 1973, 471.

SECT. 2 revised, 1960, 463 § 1. (See 1960, 463 § 2.)

SECT. 2A added, 1969, 701 § 2 (providing a defense for certain tenants in summary process actions); revised, 1972, 99 § 2.

SECT. 3 revised, 1960, 463 § 1. (See 1960, 463 § 2.)

SECT. 5 revised, 1946, 175 § 1; paragraph added, 1969, 366; revised, 1971, 347 § 1; section revised, 1975, 667 § 3. (See 1946, 175 § 2.)

SECT. 6, two sentences added, 1952, 151 § 2.

SECT. 6A added, 1941, 242 § 2 (relative to conditions of bonds in actions of summary process for recovery of possession of land after tax title foreclosures).

SECT. 8A added, 1965, 888 (providing that violations of standards of fitness for human habitation shall constitute a defense in actions of summary process to recover possession of rented or leased premises); revised, 1967, 420 § 1; first paragraph amended, 1969, 355; 1973, 1007 § 3; 1974, 269 §§ 1, 2; paragraph inserted after second paragraph, 1973, 471; revised, paragraph added, 1975, 467 § 3.

SECTS. 9-13 affected, 1941, 700; 1946, 43; 1947, 78; 1948, 2; 1949, 87; 1950, 33, 301; 1951, 30; 1952, 25; 1954, 264; 1955, 226; 1956, 50; 1957, 51; 1958, 88; 1959, 72; 1960, 96; 1961, 241.

SECT. 9 amended, 1953, 485; revised, 1967, 26 § 1; 1972, 235 § 1. (See 1967, 26 § 2; 1972, 235 § 2.)

Chapter 240. — Proceedings for Settlement of Title to Land.

SECT. 6 revised, 1973, 1114 § 241. (See 1973, 1114 § 351.)

SECT. 7 amended, 1973, 1114 § 242. (See 1973, 1114 § 351.)

SECT. 8 amended, 1973, 1114 § 243. (See 1973, 1114 § 351.)

SECT. 10 revised, 1973, 1114 § 244. (See 1973, 1114 § 351.)

SECTS. 10A-10C added, 1961, 448 § 3 (providing proceedings in equity with respect to protecting land titles from uncertain and obsolete restrictions).

SECTS. 10A-10B revised, 1973, 1114 § 245. (See 1973, 1114 § 351.)

SECT. 14A added, 1934, 263 § 2 (providing for determination by the land court by declaratory judgment as to the validity and extent of municipal zoning ordinances, by-laws and regulations); first sentence revised, 1975, 808 § 5; paragraph added, 1975, 808 § 5. (See 1975, 808 § 7.)

SECT. 29 revised, 1973, 1114 § 246. (See 1973, 1114 § 351.)

Chapter 241. — Partition of Land.

SECT. 8, third sentence revised, 1974, 181.

SECT. 34 revised, 1950, 64 § 2; 1954, 312 § 2; 1963, 168 § 4.

Chapter 243. — Actions for Private Nuisances.

SECT. 5 revised, 1973, 1114 § 247. (See 1973, 1114 § 351.)

Chapter 244. — Foreclosure and Redemption of Mortgages.

For legislation concerning judicial determination of rights to foreclose real estate mortgages in which soldiers or sailors may be interested, see 1941, 25; 1943, 57; 1945, 120.

SECT. 4 amended, 1973, 1114 § 248. (See 1973, 1114 § 351.)

SECT. 8 amended, 1973, 1114 § 249. (See 1973, 1114 § 351.)

SECT. 13 amended, 1971, 423 § 21.

SECT. 14 first sentence revised, 1975, 342.

SECT. 15, sentence added, 1946, 204.

SECT. 16 repealed, 1971, 423 § 22.

SECTS. 17A-17C added, 1945, 604 § 1 (relative to actions for deficiencies on mortgage notes following foreclosures, etc.). (See 1945, 604 § 2.)

SECTS. 26-29 revised, 1973, 1114 § 250. (See 1973, 1114 § 351.)

SECT. 32 revised, 1973, 1114 § 251. (See 1973, 1114 § 351.)

SECT. 36 amended, 1973, 1114 § 252. (See 1973, 1114 § 351.)

SECT. 40 amended, 1973, 1114 § 253. (See 1973, 1114 § 351.)

Chapter 245. — Informations by the Commonwealth.

SECT. 1 revised, 1973, 1114 § 254. (See 1973, 1114 § 351.)
SECT. 3 repealed, 1973, 1114 § 255. (See 1973, 1114 § 351.)
SECT. 4 amended, 1973, 1114 § 256. (See 1973, 1114 § 351.)
SECT. 5 amended, 1973, 1114 § 257. (See 1973, 1114 § 351.)
SECTS. 8-11 revised, 1973, 1114 § 258. (See 1973, 1114 § 351.)

Chapter 246. — Trustee Process.

SECT. 1 revised, 1938, 303 § 1; amended, 1943, 17 § 1; first sentence revised, 1975, 377 § 124; sentence added, 1961, 158; amended, 1973, 1114 § 259. (See 1938, 303 § 2; 1943, 17 § 2; 1973, 1114 § 351; 1975, 377 § 164.)
SECTS. 2-3 revised, 1973, 1114 § 260. (See 1973, 1114 § 351.)
SECT. 4 amended, 1975, 377 § 125. (See 1975, 377 § 164.)
SECT. 4A amended, 1973, 1114 § 261; revised, 1975, 377 § 126. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 5 revised, 1973, 1114 § 262; 1975, 377 § 127. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 6 amended, 1973, 1114 § 263; revised, 1975, 377 § 128. (See 1973, 1114 § 352; 1975, 377 § 164.)
SECT. 7 revised, 1975, 377 § 129. (See 1975, 377 § 164.)
SECTS. 8-10 revised, 1973, 1114 § 264. (See 1973, 1114 § 353.)
SECT. 8 amended, 1975, 377 § 130. (See 1975, 377 § 164.)
SECT. 10 amended, 1975, 377 § 131. (See 1975, 377 § 164.)
SECT. 13 amended, 1975, 377 § 132. (See 1975, 377 § 164.)
SECT. 14 amended, 1973, 1114 § 265. (See 1973, 1114 § 354.)
SECT. 15 revised, 1970, 116.
SECT. 19 amended, 1973, 1114 § 266. (See 1973, 1114 § 351.)
SECT. 20 revised, 1971, 378; 1972, 392.
SECT. 20A added, 1965, 356 (preventing the circumvention of the laws relative to attachment of wages by attachments outside the commonwealth); amended, 1973, 1114 § 267. (See 1973, 1114 § 351.)
SECT. 26 revised, 1973, 1114 § 268. (See 1973, 1114 § 351.)
SECT. 27 amended, 1973, 1114 § 269. (See 1973, 1114 § 351.)
SECT. 28 revised, 1935, 410 § 1; 1941, 338 § 1; amended, 1947, 264 § 1; 1951, 78; first two sentences revised, 1956, 155; first sentence revised, 1959, 187 § 1; amended, 1969, 276 § 1; first two sentences revised, 1971, 475 § 1; 1972, 174 § 1. (See 1935, 410 §§ 2, 3; 1941, 338 § 2; 1947, 264 § 2; 1959, 187 § 3; 1969, 276 § 2; 1971, 475 § 2; 1972, 174 § 2.)
SECT. 28A added, 1972, 801 (exempting certain monies in certain bank accounts fom trustee process); amended, 1975, 377 § 133. (See 1975, 377 § 164.)
SECT. 29 revised, 1973, 1114 § 270; 1975, 377 § 134. (See 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 32, paragraph First revised, 1959, 187 § 2; 1973, 1114 § 271; amended, 1975, 377 § 135; paragraph Eighth added, 1938, 343; revised, 1950, 260, 558; 1954, 467; 1960, 235; amended, 1973, 1114 § 272; first sentence amended, 1975, 377 § 137; revised, 1975, 501 § 9. (See 1959, 187 § 3; 1973, 1114 § 351; 1975, 377 § 164.)
SECT. 34 amended, 1973, 1114 § 273. (See 1973, 1114 § 351.)

SECT. 38 revised, 1973, 1114 § 274; 1975, 377 § 138. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECTS. 45-50 revised, 1973, 1114 § 275. (See 1973, 1114 § 351.)

SECT. 45 revised, 1975, 377 § 139. (See 1975, 377 § 164.)

SECT. 46 amended, 1975, 377 § 140. (See 1975, 377 § 164.)

SECT. 47 amended, 1975, 377 § 141. (See 1975, 377 § 164.)

SECT. 49 amended, 1975, 377 § 142. (See 1975, 377 § 164.)

SECT. 50 amended, 1975, 377 § 143. (See 1975, 377 § 164.)

SECT. 52 amended, 1973, 1114 § 276. (See 1973, 1114 § 351.)

SECT. 53 amended, 1973, 1114 § 277. (See 1973, 1114 § 351.)

SECT. 56 amended, 1973, 1114 § 278. (See 1973, 1114 § 351.)

SECT. 58 amended, 1973, 1114 § 279; second sentence revised, 1975, 377 § 144. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 64 amended, 1973, 1114 § 280. (See 1973, 1114 § 351.)

SECT. 65 amended, 1973, 1114 § 281. (See 1973, 1114 § 351.)

SECTS. 71-73 revised, 1973, 1114 § 282. (See 1973, 1114 § 351.)

SECT. 71 revised, 1975, 377 § 145. (See 1975, 377 § 164.)

SECT. 77 revised, 1973, 1114 § 283. (See 1973, 114 § 351.)

SECT. 78 amended, 1973, 1114 § 284. (See 1973, 1114 § 351.)

SECT. 79 amended, 1973, 1114 § 285. (See 1973, 1114 § 351.)

SECT. 80 amended, 1973, 1114 § 286. (See 1973, 1114 § 351.)

SECT. 81 revised, 1973, 1114 § 287; first paragraph stricken out, 1975, 377 § 146. (See 1973, 1114 § 351; 1975, 377 § 164.)

Chapter 249. — Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 1 amended, 1973, 1114 § 288. (See 1973, 1114 § 351.)

SECTS. 1-3 repealed, 1975, 377 § 147. (See 1975, 377 § 164.)

SECT. 4 amended, 1943, 374 § 1; sentence added, 1953, 586 § 1; three sentences added, 1963, 661 § 1; section revised, 1973, 1114 § 289. (See 1939, 257; 1941, 28, 180; 1943, 374 §§ 3, 4; 1953, 586 § 2; 1973, 1114 § 351.)

SECT. 4A added, 1963, 661 § 2 (relative to the service of certain writs upon boards or commissions); amended, 1973, 1114 § 290. (See 1973, 1114 § 351.)

SECT. 5 amended, 1938, 202; 1943, 374 § 2; 1949, 176; revised, 1973, 1114 § 291. (See 1939, 257; 1941, 28; 180; 1943, 374 § 4; 1973, 1114 § 351.

SECTS. 6-9 revised, 1973, 1114 § 292. (See 1973, 1114 § 351.)

SECTS. 10-12 repealed, 1973, 1114 § 293. (See 1973, 1114 § 351.)

Chapter 250. — Writs of Error, Vacating Judgment, Writs of Review.

SECT. 1 revised, 1973, 1114 § 294. (See 1973, 1114 § 351.)

SECTS. 3-8 repealed, 1973, 1114 § 295. (See 1973, 1114 § 351.)

SECT. 14 revised, 1973, 1114 § 296. (See 1973, 1114 § 351.)

SECT. 15 revised, 1972, 434; 1973, 1114 § 296. (See 1973, 1114 § 351.)

SECT. 16 amended, 1933, 244 § 1. (See 1933, 244 § 2.)

SECT. 17, two sentences added, 1971, 347 § 2.

SECTS. 14-20 repealed, 1975, 377 § 148. (See 1975, 377 § 164.)

SECT. 20A added, 1970, 476 (requiring notice to cities and towns in certain actions of automobile tort where default or judgment has been entered).

SECTS. 21-22 revised, 1973, 1114 § 297. (See 1973, 1114 § 351.)

SECT. 24, sentence added, 1969, 290; stricken and two sentences inserted, 1971, 347 § 3.

SECTS. 21-36 repealed, 1975, 377 § 148. (See 1975, 377 § 164.)

Chapter 251. — Uniform Arbitration Act for Commercial Disputes (former title, Arbitration).

Chapter stricken out and new chapter 251 (with new title) inserted, 1960, 374 § 1. (See 1960, 374 § 3.)

SECT. 12, paragraph (*b*) revised, 1972, 200 § 1.

SECT. 13 amended, 1972, 200 § 2.

Chapter 252. — Improvement of Low Land and Swamps.

SECT. 1 revised, 1972, 36 § 1.

SECT. 2, first sentence revised, 1972, 36 § 2; 1975, 706 § 297; third sentence amended, 1975, 706 § 298. (See 1976, 706 § 312.)

SECT. 4, first sentence revised, 1972, 36 § 3.

SECT. 5, second paragraph amended, 1964, 550 § 1.

SECT. 5A, sentence added, 1960, 199.

SECT. 5B, first sentence revised, 1965, 699; fourth sentence revised, 1964, 550 § 2; section revised, 1974, 349 § 2.

SECT. 6A added, 1962, 283 (authorizing reclamation districts to provide insurance to indemnify its employees against liability for injuries or property damage); revised, 1971, 258.

SECT. 22 revised, 1948, 550 § 44.

SECT. 24 added, under caption, 1948, 391 § 1 (providing for the establishment of greenhead fly control projects); revised, 1954, 388 § 1; 1955, 433. (See 1948, 391 § 2; 1954, 388 § 2.)

Chapter 253. — Mills, Dams and Reservoirs.

SECT. 4 revised, 1973, 1114 § 298. (See 1973, 1114 § 351.)

SECTS. 5-6 repealed, 1973, 1114 § 299. (See 1973, 1114 § 351.)

SECTS. 7-9 revised, 1973, 1114 § 300. (See 1973, 1114 § 351.)

SECT. 10 amended, 1973, 1114 § 301. (See 1973, 1114 § 351.)

SECT. 11 revised, 1973, 1114 § 302. (See 1973, 1114 § 351.)

SECT. 12 amended, 1973, 1114 § 303. (See 1973, 1114 § 351.)

SECT. 13 amended, 1973, 1114 § 304. (See 1973, 1114 § 351.)

SECT. 14 amended, 1973, 1114 § 305. (See 1973, 1114 § 351.)

SECT. 18 revised, 1973, 1114 § 306. (See 1973, 1114 § 351.)

SECTS. 21-22 revised, 1973, 114 § 307. (See 1973, 1114 § 351.)

SECT. 23 amended, 1973, 1114 § 308. (See 1973, 1114 § 351.)

SECT. 24 amended, 1973, 1114 § 309. (See 1973, 1114 § 351.)

SECT. 26 amended, 1973, 1114 § 310. (See 1973, 1114 § 351.)

SECT. 27 amended, 1973, 1114 § 311. (See 1973, 1114 § 351.)

SECTS. 28-30 revised, 1973, 1114 § 312. (See 1973, 1114 § 351.)
SECT. 31 repealed, 1973, 1114 § 313. (See 1973, 1114 § 351.)
SECT. 32 revised, 1973, 1114 § 314. (See 1973, 1114 § 351.)
SECT. 33 amended, 1970, 595 § 1; revised, 1975, 706 § 299. (See 1975, 706 § 312.)
SECTS. 35-38 stricken out and sections 35-38 inserted, 1970, 595 § 2.
SECT. 43 amended, 1973, 1114 § 315. (See 1973, 1114 § 351.)
SECTS. 44-49 stricken out and sections 44-49 inserted, 1970, 595 § 3.
SECT. 50 revised, 1973, 1114 § 316. (See 1973, 1114 § 351.)
SECT. 61 amended, 1973, 1114 § 317. (See 1973, 1114 § 351.)

Chapter 254. — Liens on Buildings and Land.

SECT. 2 amended, 1972, 774 § 6; 1973, 801 § 1. (See 1972, 774 § 12.)
SECT. 3 revised, 1972, 774 § 7. (See 1972, 774 § 12.)
SECT. 4, first paragraph amended, 1972, 774 § 8; third paragraph amended, 1973, 801 § 2; paragraph added, 1959, 594 § 2. (See 1972, 774 § 12.)
SECT. 5 amended, 1954, 461 § 2; first sentence revised, 1963, 493 § 3; section revised, 1973, 1114 § 318. (See 1954, 461 §§ 3, 4; 1972, 774 § 12; 1973, 1114 § 351.)
SECT. 7 revised, 1973, 801 § 3.
SECT. 11 amended, 1973, 1114 § 319. (See 1973, 1114 § 351.)
SECT. 12 revised, 1972, 774 § 9; amended, 1973, 801 § 4. (See 1972, 774 § 12.)
SECT. 14 revised, 1972, 774 § 10; amended, 1973, 1114 § 320. (See 1972, 774 § 12; 1973, 1114 § 351.)
SECT. 15 amended, 1973, 1114 § 321. (See 1973, 1114 § 351.)
SECT. 16 repealed, 1973, 1114 § 322. (See 1973, 1114 § 351.)
SECT. 20 revised, 1959, 594 § 1.
SECTS. 23-24 revised, 1973, 1114 § 323. (See 1973, 1114 § 351.)
SECT. 26 revised, 1973, 1114 § 324. (See 1973, 1114 § 351.)
SECT. 30 added, 1953, 405 § 1 (providing for the recording of liens for labor and notices of contract by the registers of deeds).
SECT. 31 added, 1961, 530 (granting prior payment protection to subcontractors and suppliers on construction work); amended, 1973, 1114 § 325. (See 1973, 1114 § 351.)
SECT. 32 added, 1972, 774 § 11 (providing that certain agreements to bar the filing of certain notices of contract or enforcement of certain liens are void and unenforceable); amended, 1973, 801 § 5. (See 1972, 774 § 12.)

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens thereon.

SECT. 1. See 1933, 142 (recording of federal crop loans to farmers). (See also 1936, 264 subsection 20 (relative to trust receipt and pledge transactions); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECT. 2 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECT. 3 amended, 1935, 86 § 2; revised, 1948, 550 § 45; 1949, 404 § 4; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)
SECTS. 4-7 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7A-7E added, 1935, 86 § 1 (relative to the mortgaging of crops and certain other classes of personal property).

SECTS. 7A-7C repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 7E-10 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 11 revised, 1939, 509 § 1; repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 12 revised, 1939, 509 § 1; 1943, 410 § 1; 1956, 158; 1957, 765 § 10; sentence added, 1958, 674 § 2; 1959, 580 § 20; section stricken out, 1966, 284 § 4. (See 1943, 410 § 2; 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12A added, 1950, 81 (providing that notice relative to finance charges be printed in certain contracts of sale); revised, 1957, 765 § 11; sentence added, 1959, 580 § 21; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12B added, 1955, 455 (relative to prepayment of contracts of conditional sales of personal property); revised, 1957, 765 § 12; amended, 1958, 674 § 3; revised, 1959, 593; section stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 12C added, 1961, 595 (providing that promissory notes executed in connection with the sale of consumer goods on credit shall not be negotiable instruments).

SECT. 12D added, 1962, 309 (providing for rebates in certain installment payment transactions); stricken out, 1966, 284 § 4. (See 1966, 284 § 5.)

SECT. 12E added, 1968, 394 § 1 (limiting liability of owner of credit card or other like credit device); revised, 1970, 665; 1972, 712. (See 1968, 394 § 2.)

SECT. 12F added, 1970, 457 (subjecting creditors in consumer transactions to certain defenses of the borrower).

SECT. 12G added, 1975, 401 § 1 (limiting the charges for credit life and credit accident and health insurance for credit loans).

SECT. 13 revised, 1939, 509 § 1; amended, 1941, 285; revised, 1957, 765 § 13; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 13A added, 1935, 348 § 1 (regulating conditional sales of motor vehicles); revised, 1939, 509 § 1; repealed, 1957, 765 § 2. (See 1935, 348 § 2; 1957, 765 § 21.)

SECT. 13B added, 1935, 396 (relative to certain contracts of conditional sale of household or personal effects); amended, 1957, 765 § 14; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECTS. 13C and 13D added, 1937, 315 (relative to contracts of conditional sale of household furniture or other household or personal effects except jewelry).

SECT. 13C revised, 1938, 367.

SECTS. 13C and 13D stricken out, and new sections 13C-13G inserted, 1939, 509 § 2.

SECT. 13C revised, 1957, 765 § 15; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECTS. 13D-13F repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECT. 13G revised, 1957, 160, 765 § 16; stricken out, 1966, 284 § 4. (See 1957, 765 §§ 18, 21; 1966, 284 § 5.)

SECT. 13H added, 1941, 468 (relative to conditional sales of textile and other machinery, seats for theatres and other places of public assembly, and parts, accessories, appliances and equipment thereof); repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

SECTS. 13I-13J added, 1967, 822 (relative to procedure for repossession and disposition of consumer goods subject to security interest).

SECT. 13I revised, 1973, 629 § 1; paragraph (*d*) revised, 1973, 1114 § 326; third and fourth sentences stricken out, sentence added, 1975, 377 § 149. (See 1973, 629 § 6, 1114 § 351; 1975, 377 § 164.)

SECT. 13J revised, 1973, 629 § 1. (See 1973, 629 § 6.)

SECT. 13K added, 1974, 460 (regulating the termination of certain personal service contracts).

SECT. 14A added, 1975, 800 § 1 (regulating liens on certain vessels).

SECT. 15 revised, 1948, 550 § 46.

SECT. 17 revised, 1973, 1114 § 327; amended, 1975, 800 § 2. (See 1973, 1114 § 351.)

SECTS. 18 and 19 repealed, 1973, 1114 § 328. (See 1973, 1114 § 351.)

SECT. 20 amended, 1973, 1114 § 329; revised, 1975, 800 § 3. (See 1973, 1114 § 351.)

SECT. 25 revised, 1972, 767.

SECT. 25A added, 1950, 326 § 9 (relative to liens on trailer coaches for certain charges); revised, 1964, 592 § 15.

SECT. 26 amended, 1950, 326 § 10; 1973, 1114 § 330; clauses (*a*) and (*b*) stricken out, phrase added, 1975, 377 § 150. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 27 amended, 1950, 326 § 11; 1973, 1114 § 331; repealed, 1975, 377 § 151. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 28 revised, 1973, 1114 § 332; repealed, 1975, 377 § 151. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 29 revised, 1973, 1114 § 332; amended, 1975, 377 § 152. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 31 revised, 1950, 326 § 12.

SECT. 31A, first sentence revised, 1968, 330; 1975, 143.

SECT. 31B revised, 1970, 297.

SECT. 31D added, 1945, 607 (creating a lien in favor of certain persons performing work upon, or storing articles of clothing or household goods); revised, 1960, 285; third sentence revised, 1962, 642.

SECT. 31E added, 1948, 637 § 12 (creating a lien in favor of certain persons for proper charges due them for landing, parking, etc., of aircraft). (See 1948, 637 §§ 9, 13.)

SECT. 33 amended, 1973, 1114 § 333; first sentence revised, 1975, 377 § 153. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 35 amended, 1938, 83 § 1. (See 1938, 83 § 2.)

SECT. 39A added, 1954, 585 (providing for the sale by garage owners of certain motor vehicles placed for storage and not claimed within a certain period); first paragraph, first sentence amended, 1968, 60; fifth paragraph amended, 1968, 190; 1973, 133.

SECT. 39B added, 1963, 242 § 5 (further regulating the procedure for recording or filing federal tax liens on real and personal property).

SECTS. 40-47 added, under caption, 1945, 285 (providing for the creation of liens upon merchandise without the necessity of custody or possession in the lienee).

SECT. 40 amended, 1946, 514 § 1; revised, 1947, 273 § 1.

SECT. 41, first paragraph amended, 1946, 514 § 2; section revised, 1947, 273 § 2.

SECT. 42 revised, 1947, 273 § 3; last sentence revised, 1950, 454 § 1; 1957, 698 § 19.

SECT. 43 revised, 1947, 273 § 4.

SECT. 44 revised, 1947, 273 § 5; amended, 1950, 454 § 2; third sentence revised, 1957, 698 § 20.

SECT. 45 amended,1947, 273 § 6.

SECTS. 40-47 repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255A. — Trust Receipts and Pledges without Possession in the Pledgee.

New chapter inserted, 1936, 264.

SECT. 13, subsection 3 amended, 1951, 445; 1957, 698 § 21.

Chapter repealed, 1957, 765 § 2. (See 1957, 765 § 21.)

Chapter 255B. — Retail Instalment Sales of Motor Vehicles.

New chapter inserted, 1958, 674 § 1

SECT. 1, definition of "Annual finance charge formula", inserted, 1966, 284 § 1A; revised, 1968, 354 § 2; stricken out and definitions of "Amount financed" and "annual percentage rate" inserted, 1969, 517 § 3; definition of "Cash sale price" stricken out and definition of "Cash price" inserted, 1969, 517 § 4; definition of "Finance charge" revised, 1969, 517 § 5; definition of "Official fees" inserted, 1969, 517 § 7; definition of "Principal balance" inserted, 1966, 284 § 1B; stricken out, 1969, 517 § 6; definition of "motor vehicles" amended, 1967, 464 § 1; definition of "Recording Charges" stricken out, 1969, 517 § 7; definition of "Retail buyer" or "buyer" revised, 1970, 187; definition of "Retail instalment contract" or "Contract" amended, 1971, 340; definition of "Retail instalment sale" or "sale" revised, 1970, 96. (See 1966, 284 § 5; 1968, 354 § 5.)

SECT. 2, second sentence revised, 1973, 1149 § 24; sixth sentence revised, 1969, 792 § 1; two sentences added, 1975, 187 § 3. (See 1973, 1149 § 33.)

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 517 § 8; first sentence amended, 1969, 792 § 2; sentence inserted after second sentence, 1969, 792 § 3; revised, 1973, 1149 § 25; paragraph added, 1975, 170 § 3. (See 1973, 1149 § 33.)

SECT. 5 amended, 1973, 1149 § 26. (See 1973, 1149 § 33.)

SECT. 6, second paragraph, sentence added, 1975, 88 § 1.

SECT. 9, first paragraph amended, 1969, 517 § 9; third paragraph amended, 1966, 284 § 1C; clause (13) revised, 1967, 464 § 2; paragraph stricken out and three paragraphs inserted, 1969, 517 § 10. (See 1966, 284 § 5.)

SECT. 10 revised, 1967, 823; eighth sentence stricken out and two sentences inserted, 1968, 216.

SECT. 14, second paragraph revised, 1969, 517 § 11.

SECT. 14A added, 1966, 284 § 1D (prohibiting false, misleading or deceptive statements in any advertisement by a seller or sales franchise company of its finance charges); last sentence revised, 1966, 587 § 6; stricken out, 1969, 517 § 12. (See 1966, 284 § 5, 587 § 7.)

SECT. 16 amended, 284 § 2. (See 1966, 284 § 5.)

SECT. 17 revised, 1962, 293; amended, 1969, 517 § 13.

SECT. 19A added, 1971, 343 (providing that the holder of a motor vehicle retail installment contract shall be subject to all defenses which the retail buyer may have against the retail seller).

SECT. 20 amended, 1969, 517 § 14.

SECT. 20A added, 1960, 173 (requiring the filing of an affidavit executed by the purchaser of a repossessed motor vehicle in suits brought for a deficiency under a mortgage or conditional sale contract).

SECT. 20A stricken out and sections 20A and 20B inserted, 1966, 284 § 3. (See 1966, 284 § 5.)

SECT. 20A, subsection C amended, 1969, 517 § 15; subsection F added, 1967, 464 § 3; revised, 1973, 629 § 2. (See 1973, 629 § 6.)

SECT. 20B revised, 1973, 629 § 3. (See 1973, 629 § 6.)

SECT. 25 added, 1969, 517 § 16 (relative to conflicts between this chapter and chapter 140C).

Chapter 255C. — Insurance Premium Finance Agencies.

New chapter inserted, 1964, 727 § 1. (See 1964, 727 §§ 2, 3.)

SECT. 1, definition 6 added, 1066, 587 § 2; revised, 1968, 354 § 3; 1969, 517 § 17; definition of "Person" amended, 1973, 20 § 1. (See 1966, 587 § 7; 1968, 354 § 5.)

SECT. 2, first sentence amended, 1973, 20 § 2; two sentences inserted after second sentence, 1975, 187 § 4.

SECT. 3, first paragraph revised, 1969, 793 § 1; amended, 1973, 1149 § 27; fifth paragraph revised, 1969, 793 § 2. (See 1973, 1149 § 33.)

SECT. 5, paragraph inserted after second paragraph, 1966, 423 § 2.

SECT. 6, first paragraph, sentence added, 1969, 793 § 3; revised, 1972, 684 § 123; 1973, 1149 § 28; second paragraph, sentence added, 1975, 88 § 2. (See 1972, 684 § 136; 1973, 1149 § 33.)

SECT. 7 revised, 1969, 517 § 18.

SECT. 10, paragraph added, 1975, 170 § 4.

SECT. 11 amended, 1967, 612; revised, 1969, 793 § 4.

SECT. 13, paragraph added, 1966, 587 § 3; section revised, 1969, 517 § 19. (See 1966, 587 § 7.)

SECT. 14 revised, 1967, 256.

SECT. 14A added, 1971, 148 (limiting the charges for group credit life insurance issued in connection with insurance premium finance agreements).

SECT. 20, fourth sentence revised, 1967, 370.

SECT. 21, two sentences added, 1966, 133; section amended, 1969, 517 § 20.

SECT. 22, first paragraph amended, 1973, 512; 1974, 393.

SECT. 23 added, 1969, 517 § 21 (relative to conflicts between this chapter and chapter 140C).

Chapter 255D. — Retail Installment Sales and Services.

New chapter inserted, 1966, 284 § 1. (See 1966, 284 § 5.)

SECT. 1, definition of "Annual finance charge formula" revised, 1968, 354 § 4; stricken out and definitions of "Amount financed" and "annual percentage rate" inserted, 1969, 517 § 22; definition of "Cash sale price" stricken out and definition of "Cash price" inserted, 1969, 517 § 23; definition of "Deferred payment price" inserted after definition of "Commissioner" 1969, 517 § 24; definition of "Finance charge" revised, 1969, 517 § 25; definition of "Gift certificate" inserted, 1973, 924 § 1; definition of "foods" revised, 1973, 924 § 1; definition of "Installment buyer" or "buyer" revised, 1973, 924 § 2; definition of "Installment seller" or "seller" revised, 1973, 924 § 2; definition of "Merchandise certificate" or "coupon" inserted, 1973, 924 § 2; definition of "Official fees" revised, 1969, 517 § 26; definitions of "Principal balance" stricken out, 1969, 517 § 27; definition of "Retail installment sale agreement" amended, 1970, 91; revised, 1971, 341 § 1; 1973, 924 § 3; definition of "Revolving credit agreement" amended, 1971, 341 § 2; revised, 1973, 924 § 4; definition of "Services" revised, 1967, 775 § 1; definitions of "Time balance" and "Time sale price" stricken out, 1969, 517 § 27. (See 1938, 354 § 5.)

SECT. 2, sixth sentence stricken out and two sentences inserted, 1969, 794 § 1; sixth sentence revised, 1973, 1149 § 29; two sentences added, 1975, 187 § 5. (See 1973, 1149 § 33.)

SECT. 3, first sentence stricken out and two sentences inserted, 1969, 517 § 28; first sentence amended, 1969, 794 § 2; sentence inserted after second sentence 1969, 794 § 3; revised, 1973, 1149 § 30; paragraph added, 1975, 170 § 5. (See 1973, 1149 § 33.)

SECT. 5 amended, 1973, 114 § 31. (See 1973, 1149 § 33.)

SECT. 6, second paragraph, sentence added, 1975, 88 § 3.

SECT. 9, subsection A amended, 1969, 517 § 29; subsection B amended, 1969, 517 § 30; 1970, 163; subsection C, clause (11) revised, 1967, 775 § 2; paragraph added, 1968, 543 § 1; revised, 1969, 517 § 31; subsection D, first paragraph amended, 1969, 517 § 32; clause (6) revised, 1969, 517 § 32; stricken out, 1975, 90 § 4; last paragraph revised, 1967, 775 § 3; 1975, 90 § 5; subsection D½ inserted, 1975, 90 § 6; subsection E amended, 1969, 517 § 33; subsection F amended, 1967, 775 § 4.

SECT. 10, clause (1) amended, 1969, 517 § 34; clause (4) amended, 1969, 517 § 35; clause (9) revised, 1968, 543 § 2.

SECT. 11, subsection B amended, 1969, 517 § 36; subsection C revised, 1968, 543 § 3; amended, 1969, 517 § 37; subsection D added, 1974, 127.

SECTS. 11A and 11B added, 1973, 924 § 5 (regulating installments sales and services in connection with merchandise certificates and coupons).

SECT. 13, subsection B amended, 1969, 517 § 38; subsection C revised, 1967, 775 § 5; subsection D added, 1969, 378.

SECT. 14, subsection A, clause (2) revised, 517 § 39; subsection B revised, 1969, 517 § 40; amended, 1975, 90 § 7; subsection C revised, subsection D stricken out, 1975, 90 § 8.

SECT. 15, first paragraph revised, 1968, 543 § 4.

SECT. 16, subsection B, clause (6) revised, 1969, 517 § 41.

SECT. 17, subsection B, clause (1) amended, 1969, 517 § 42; clause (2) revised, 1967, 775 § 6; amended, 1969, 517 § 43; clause (3) amended, 1967, 775 § 7; clause (2) and (3) stricken out and clauses (2), (3) and (4) inserted, 1974, 137 § 1.

SECT. 18, subsection A amended, 1969, 517 § 44; subsection B revised, 1969, 517 § 45.

SECT. 18A added, 1974, 137 § 2 (further regulating the modification of retail installment sales agreements).

SECT. 21, subsection C, two sentences inserted after first sentence, 1967, 775 § 8; second sentence revised, 1968, 543 § 6; clause (3) amended, 1969, 517 § 46; section revised, 1973, 629 § 4. (See 1973, 629 § 6.)

SECT. 22 revised, 1973, 629 § 5. (See 1973, 629 § 6.)

SECT. 22A added, 1968, 715 (relating to loan transactions made in avoidance of laws pertaining to retail installment sales).

SECT. 23, second sentence stricken out, 1969, 517 § 47; last sentence revised, 1966, 587 § 4; amended, 1967, 775 § 9. (See 1966, 587 § 7.)

SECT. 25A added, 1970, 202 (providing that a holder of a retail installment sale agreement shall be subject to certain defenses).

SECT. 26, subsection A, second sentence revised, 1967, 416 § 1; subsection C, first sentence stricken out and two sentences inserted, 1967, 416 § 2; second sentence amended, 1969, 517 § 48.

SECT. 27, subsection A, last sentence revised, 1967, 775 § 10; subsection revised, 1969, 517 § 49; clause (2) revised, 1970, 822 § 1; subsection B amended, 1969, 517 § 50; clause (6), second paragraph revised, 1967, 775 § 11; clause revised, 1969, 517 § 51; subsection C, paragraph 1, sentence inserted after first sentence, 1970, 822 § 2; clause (e) revised, 1967, 775 § 12; paragraph 3 revised, 1970, 822 § 3; 1972, 783 § 3; amended, 1973, 273 § 4; subsection D revised, 1969, 517 § 52; clause (6), second sentence stricken out, 1970, 822 § 4; clause (7) revised, 1970, 822 § 5; subsection E added, 1966, 587 § 5; revised, 1969, 517 § 53; 1972, 229 § 10; subsection F added, 1969, 788; revised, 1972, 229 § 11; section revised, 1973, 802 § 5; subsection G amended, 1974, 116 § 2. (See 1966, 587 § 7; 1970, 822 § 6.)

SECT. 29 subsection A amended, 1969, 517 § 54; subsection B amended, 1967, 775 § 13; subsection C revised, 1967, 775 § 14; 1973, 1114 § 334. (See 1973, 1114 § 351.)

SECT. 31, paragraph added, 1968, 543 § 5; section revised, 1969, 517 § 55.

SECT. 32 added, 1968, 543 § 7 (clarifying notice requirements relating to retail installment sales and services).

Chapter 256. — Recognizances for Debts.

SECT. 6 revised, 1973, 1114 § 335; second sentence revised, 1975, 377 § 154. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 8 revised, 1973, 1114 § 336; 1975, 377 § 155. (See 1973, 1114 § 351; 1975, 377 § 164.)

SECT. 9 amended, 1975, 377 § 156. (See 1975, 377 § 164.)

Chapter 258. — Claims against the Commonwealth.

SECT. 1 revised, 1973, 1114 § 337. (See 1973, 1114 § 351.)

SECTS. 1A-1C added, 1956, 709 § 1 (providing for jurisdiction of certain claims against the commonwealth with relation to the General Edward Lawrence Logan Airport). (See 1956, 709 § 2.)

SECT. 1B, first sentence amended, 1973, 1114 § 338. (See 1973, 1114 § 351.)

SECT. 2 revised, 1973, 1114 § 339. (See 1973, 1114 § 351.)

SECT. 3 revised, 1932, 180 § 41; 1951, 518.

SECT. 3A added, 1964, 548 § 4 (providing for the payment of judgments against the commonwealth in eminent domain cases). (See 1964, 548 § 5.)

SECT. 4A added, 1945, 552 (to prevent the running of interest on claims against the commonwealth after an offer of judgment).

SECT. 5 repealed, 1943, 566 § 2.

Chapter 258A. — Compensation of Victims of Violent Crimes.

New chapter inserted, 1967, 852 § 1. (See 1967, 852 § 4.)

Chapter 259. — Prevention of Frauds and Perjuries.

SECT. 5 revised, 1965, 560 § 1. (See 1965, 560 § 3.)

SECT. 5A added, 1965, 560 § 2 (providing that agreements to revoke or not to revoke, not to make or to change or not to change, a will, codicil, bequest or devise shall be in writing). (See 1965, 560 § 3.)

Chapter 260. — Limitation of Actions.

SECT. 1, Fifth clause amended, 1970, 888 § 28. (See 1970, 888 § 31.)

SECT. 2 revised, 1948, 274 § 1. (See 1948, 274 § 3.)

SECT. 2A added, 1948, 274 § 2 (further limiting the time within which actions of replevin, and certain actions of contract and tort, may be commenced); amended, 1973, 777 § 1. (See 1948, 274 § 3; 1973, 777 § 4.)

SECT. 2B added, 1968, 612 (further limiting time within which certain tort actions may be commenced); amended, 1973, 777 § 2. (See 1973, 777 § 4.)

SECT. 3A added, 1943, 566 § 1 (limiting the time which petitions founded upon claims against the commonwealth may be brought).

SECT. 4 amended, 1933, 318 § 5; 291 § 4; 1937, 385 § 9; first paragraph amended, 1955, 235 § 1; revised, 1960, 271; 1965, 302; amended, 1968, 94 § 1; 1973, 777 § 3; paragraph added, 1943, 409 § 4. (See 1933, 318 § 9; 1934, 291 § 6; 1937, 385 § 10; 1955, 235 § 2; 1968, 94 § 2; 1973, 777 § 4.)

SECT. 4A added, 1947, 333 § 1 (limiting the time within which certain actions to recover back wages may be commenced). (See 1947, 333 § 2.)

SECT. 4B added, 1949, 531 (relative to the commencement of actions arising out of motor vehicle hit and run accidents, so called); amended, 1954, 107.

SECT. 5, sentence added, 1975, 432 § 1.

SECT. 5A added, 1975, 432 § 2 (limiting actions under the consumer protection laws).

SECT. 10, sentence added, 1937, 406 § 2.

SECT. 17 revised, 1975, 377 § 157. (See 1975, 377 § 164.)

SECT. 25 amended, 1959, 269 § 1. (See 1959, 269 § 3.)

SECT. 26 amended, 1959, 269 § 2. (See 1959, 269 § 3.)

SECT. 31A added, 1956, 258 § 2 (limiting the time for bringing proceedings to enforce certain possibilities of reverter to which a fee simple or fee simple determinable is subject); amended, 1961, 448 § 5; first paragraph amended, 1975, 377 § 158; third paragraph amended, 1968, 496. (See 1975, 377 § 164.)

SECT. 32 revised, 1973, 1114 § 340. (See 1973, 1114 § 351.)

SECTS. 33-35 added, 1957, 370 (providing for a limitation of mortgage foreclosures and to protect land titles against obsolete mortgages).

SECT. 33 amended, 1975, 377 § 159. (See 1975, 377 § 164.)

SECT. 35 amended, 1975, 377 § 160. (See 1975, 377 § 164.)

SECT. 36 added, 1973, 1114 § 341 (providing for limitation of counterclaims). (See 1973, 1114 § 351.)

Chapter 261. — Costs in Civil Actions.

SECT. 4 amended, 1937, 44 § 1; revised, 1973, 1114 § 342. (See 1937, 44 § 2; 1943, 296 §§ 3, 6; 1973, 1114 § 351.)

SECT. 8 amended, 1971, 843 § 19; 1973, 591 § 18. (See 1971, 843 § 27; 1973, 591 § 22.)

SECT. 9 amended, 1975, 377 § 161. (See 1975, 377 § 164.)

SECT. 10 amended, 1973, 1114 § 343. (See 1973, 1114 § 351.)

SECT. 12 repealed, 1973, 1114 § 344. (See 1973, 1114 § 351.)

SECT. 13 revised, 1973, 1114 § 345. (See 1973, 1114 § 351.)

SECT. 23 revised, 1973, 1114 § 346. (See 1973, 1114 § 351.)

SECT. 25 repealed, 1973, 1114 § 347. (See 1973, 1114 § 351.)

SECT. 25A revised, 1957, 497; amended, 1965, 410.

SECT. 26 revised, 1975, 377 § 162. (See 1975, 377 § 164.)

SECT. 27 repealed, 1975, 377 § 162. (See 1975, 377 § 164.)

SECTS. 27A-27G added, 1974, 694 § 3 (relative to fees and costs other than attorneys' fees incurred by certain indigent persons). (See 1974, 694 § 6.)

Chapter 262. — Fees of Certain Officers.

SECT. 1, sixth paragraph amended, 1948, 295; revised, 1949, 129; amended, 1951, 40; revised, 1961, 343 § 1; stricken out, 1967, 350 § 2.

SECT. 2 revised, 1939, 345 § 1; third paragraph amended, 1950, 119 § 1; section revised, 1954, 328 § 2; paragraph inserted after third paragraph, 1954. 556 § 5; paragraph added, 1961, 149; section revised, 1971, 858 § 1. (See 1939, 345 § 3; 1954, 328 § 4, 556 §§ 8, 10.)

SECT. 3 revised, 1961, 343 § 2.

SECT. 4 amended, 1954, 328 § 3; fifth paragraph amended, 1975, 377 § 163; sixth paragraph revised, 1950, 119 § 2; 1953, 632; amended, 1954, 582; revised, 1973, 342; amended, 1974, 694 § 4; seventh paragraph amended, 1937, 188; seventh to tenth paragraphs stricken out, 1939, 345 § 2; paragraph in lines 30-31 revised, 1954, 624. (See 1939, 345 § 3; 1954, 328 § 4; 1974, 694 § 6; 1975, 377 § 164.)

SECT. 5 amended, 1933, 201.

SECT. 8 revised, 1947, 135, paragraph added, 1954, 556 § 6; section revised, 1964, 594 § 1; subdivision A, clause (1) amended, 1973, 372; clause (17) amended, 1973, 195 § 1; clause (34) amended, 1973, 195 § 2; clause (36) amended, 1973, 195 § 3; clause (39) amended, 1973, 195 § 4.

SECT. 8A added, 1964, 594 § 2 (providing that each deputy sheriff file annually with the county treasurer an account of all fees and moneys received by him for the service of civil process); amended, 1966, 116.

SECT. 21 amended, 1959, 581.

SECT. 23 amended, 1953, 96.

SECT. 24 amended, 1953, 89; 1955, 244; revised, 1959, 307; 1970, 46.

SECT. 25 amended, 1933, 162; 1934, 141; 1945, 236 § 1; 1949, 335; 1955, 328; revised, 1960, 435; first sentence revised, 1966, 613; 1967, 678. (See 1945, 236 § 2.)

SECT. 28 repealed, 1971, 1076 § 14. (See 1971, 1076 § 22.)

SECT. 29 amended, 1949, 697; paragraph added, 1962, 514; revised, 1964, 458; first paragraph amended, 1973, 911.

SECT. 32 revised, 1935, 280.

SECT. 34 amended, 1933, 21; revised, 1948, 550 § 1; clauses (5)-(10), (26), (37)-(41), (70), (71), (73) and (77) stricken out, 1949, 297 § 1; clause (11), (12) revised, 1975, 497 § 1; clause (13) revised, 1957, 17 § 1; 1975, 497 § 1; clause (13A) added, 1961, 215 § 1; revised, 1975, 497 § 1; clause (14) revised; 1975, 497 § 1; clauses (17)-(19) stricken out, 1949, 404 § 3; clause (21) revised, 1952, 32 § 2; clause (24) amended, 1970, 443 § 35; clause (29) revised, 1975, 497 § 1; clause (30) revised, 1957, 17 § 2; 1975, 497 § 1; clause (30A) added, 1961, 215 § 2; revised, 1975, 497 § 1; clause (42) revised, 1960, 17; 1973, 76; clause (44) revised, 1957, 17 § 3; 1975, 497 § 1; clause (44A) added, 1961, 215 § 3; revised, 1975, 497 § 1; clause (45) revised, 1975, 497 § 1; clause (46) stricken out, 1974, 147 § 6; clauses (47) and (48) revised, 1949, 404 § 1; clauses (47)-(53) repealed, 1957, 765 § 2; clause (56) amended, 1951, 58; repealed, 1957, 765 § 2; clause (65) repealed, 1973, 1050 § 5; clause (66), (67) revised, 1975, 497 § 1; clause (69) revised, 1953, 164 § 3; clause (79) revised, 1949, 404 § 2. (See 1957, 765 § 21; 1973, 1050 § 7.)

SECT. 34A added, 1938, 380 (authorizing the charging of certain fees by city and town clerks or registrars for the expense of the examination or copying by them of records of births, marriages and deaths); revised, 1948, 550 § 47.

SECT. 35 revised, 1975, 464 § 3.

SECT. 36 revised, 1952, 301; amended, 1959, 357; revised, 1967, 297; amended, 1972, 684 § 131; third sentence revised, 1975, 497 § 2. (See 1972, 684 § 136.)

SECT. 38, second paragraph amended, 1937, 97; two paragraphs inserted after paragraph in line 23, 1945, 569 § 2; section revised, 1946, 353 § 1; second paragraph amended, 1951, 179; paragraph inserted after third paragraph, 1950, 539 § 2; section revised, 1953, 348 § 1; 1957, 332 § 1; 1960, 421 § 3; 1971, 880 § 1. (See 1971, 880 § 4.)

SECT. 39, paragraph in lines 15, 16 amended, 1945, 522; paragraph added at end, 1939, 13; section revised, 1946, 353 § 2; 1950, 589; 1953, 348 § 2; sixth paragraph amended, 1956, 568 § 1; eighth paragraph amended, 1956, 568 § 2; last paragraph amended, 1957, 332 § 2; section revised, 1960, 421 § 4; 1971, 880 § 2; 1972, 684 § 134; amended, 1973, 1105. (See 1971, 880 § 4; 1972, 684 § 136.)

SECT. 40 revised, 1934, 324 § 1; paragraph inserted after second paragraph, 1951, 657 § 4; stricken out, 1954, 556 § 4; two paragraphs added, 1954, 562 § 6; section revised, 1955, 418 § 1; second and third paragraphs revised, 1967, 651 § 1; second paragraph revised, 1971, 267; paragraph inserted after fourth paragraph, 1956, 7 § 2; eighth paragraph revised, 1955, 744 § 1; 1956, 632 § 1; 1958, 500; 1967, 651 § 2; eleventh paragraph stricken out, 1956, 632 § 2; section revised, 1971, 880 § 3; 1972, 684 § 135. (See 1934, 324 § 2; 1954, 556 § 10; 1955, 418 § 3, 744 § 2; 1971, 880 § 4; 1972, 684 § 136.

SECT. 43, sentence added, 1969, 294.

SECT. 44 revised, 1953, 308.

SECT. 46A added, 1938, 232 (to provide for furnishing without charge copies of records relating to soldiers, sailors and marines in certain cases); revised, 1943, 484; 1945, 218; 1954, 627 § 34. (See 1954, 627 §§ 65, 67.)

SECT. 47 amended, 1958, 48 § 3.

SECT. 50 amended, 1958, 48 § 4.

SECT. 51 revised, 1951, 605; amended, 1958, 48 § 5.

SECT. 53 amended, 1936, 251; fourth sentence revised, 1947, 181; amended, 1948, 340.

SECT. 53 stricken out and new sections 53 and 53A inserted, 1949, 455 (relative to the payment of witness fees to certain police officers in criminal cases).

SECT. 53 revised, 1952, 364; amended, 1958, 48 § 6; revised, 1958, 422.

SECT. 53A amended, 1958, 48 § 7; revised, 1961, 217; 1963, 753; first sentence revised, 1969, 859 § 22.

SECT. 53B added, 1952, 235 (providing for payment of witness fees to state police officers); revised, 1954, 393; 1957, 605; 1959, 567; first sentence revised, 1969, 859 § 23.

SECT. 53C added, 1955, 223 § 1 (granting compensatory time off to certain police officers in certain criminal cases); revised, 1967, 286; 1970, 664. (See 1955, 223 § 2.)

SECT. 54 repealed, 1970, 546.

SECT. 56 amended, 1958, 48 § 8.

SECT. 57 amended, 1958, 48 § 9.

SECT. 58 amended, 1958, 48 § 10.

SECT. 59 amended, 1958, 48 § 11.

SECT. 62 amended, 1958, 48 § 12.

Chapter 263. — Rights of Persons Accused of Crime.

SECT. 1A added, 1964, 443 (providing for the fingerprinting and photographing of persons arrested for the commission of a felony); sentence added, 1972, 217.

SECT. 4 amended, 1953, 319 § 28; 1971, 843 § 20; 1973, 591 § 19. (See 1953, 319 §§ 39, 40; 1971, 843 § 27; 1973, 591 § 22.)

SECT. 4A added, 1934, 358 (expediting the arraignment of persons charged with crimes not punishable by death by permitting them to waive indictment proceedings).

SECT. 5A added, 1958, 401 (providing that a person held in custody, charged with operating a motor vehicle while under the influence of intoxicating liquor, shall have the right to an immediate medical examination); revised, 1960, 237.

SECT. 6 amended, 1933, 246 § 1; 1971, 843 § 21; 1973, 591 § 20. (See 1933, 24 § 2; 1971, 843 § 27; 1973, 591 § 22.)

SECT. 8A amended, 1953, 319 § 29; revised, 1971, 843 § 22; amended, 1973, 591 § 21. (See 1953, 319 §§ 39, 40; 1971, 843 § 27; 1973, 591 § 22.)

Chapter 264. — Crimes against Governments.

SECT. 5 revised, 1932, 298; amended, 1933, 153 § 3; 1934, 56; revised, 1941, 117 § 1; first sentence revised, 1971, 74; third sentence revised, 1959, 59 § 4; sentence added, 1971, 655. (See 1941, 117 § 2.)

SECT. 10 repealed, 1962, 285 § 1.

SECT. 10A revised, 1933, 276.

SECT. 11 revised, 1948, 160 § 1; 1954, 584 § 1.

SECT. 12 repealed, 1954, 584 § 2.

SECTS. 13-15 added, 1949, 619 (barring certain persons from the public service and requiring an oath of allegiance by certain public employees).

SECT. 13 repealed, 1951, 805 § 1. (See 1951, 805 §§ 6, 7.)

SECT. 14, paragraph added, 1967, 89.

SECT. 14A added, 1954, 677 (enabling cities and towns to participate in the United States educational exchange program).

SECT. 15 amended, 1951, 805 § 2. (See 1951, 805 §§ 6, 7.)

SECTS. 16-23 added, 1951, 805 § 3 (relative to subversive organizations).

SECT. 18 amended, 1952, 380.

SECT. 19 revised, 1954, 584 § 4.

SECT. 21 revised, 1954, 584 § 3.

SECT. 23 revised, 1954, 584 § 5.

Chapter 265. — Crimes against the Person.

SECT. 2 revised, 1951, 203; last sentence revised, 1955, 770 § 78; 1956, 731 § 12. (See 1955, 770 §§ 117, 123.)

SECT. 6 repealed, 1962, 285 § 2.

SECT. 7 repealed, 1962, 285 § 2.

SECT. 8 repealed, 1962, 285 § 2.

SECT. 13 revised, 1971, 426.

SECT. 13A added, 1943, 259 § 1 (providing a penalty for the crimes of assault and assault and battery); paragraph added, 1945, 230. (See 1943, 259 § 2.)

SECT. 13B added, 1953, 299 (providing a separate penalty for indecent assault on a child); amended, 1958, 189.

SECT. 13C added, 1967, 226 (establishing penalty for committing an assault and battery to collect a loan).

SECT. 13D added, 1969, 359 (providing penalty for assault and battery on a police officer or firefighter on duty); revised, 1973, 839; 1975, 680.

SECT. 13E added, 1971, 531 (providing a penalty for assault and battery during an attempted larceny from an aged or infirm person and for stealing a handbag from the person of a female); repealed, 1971, 1011 § 2.

SECT. 13F added, 1973, 468 (providing a penalty for indecent assault and battery on a mentally retarded person.)

SECT. 13F added, 1973, 618 (providing a penalty for the commission of a felony for fire); stricken out and section 13G inserted, 1974, 302.

SECT. 15B added, 1955, 112 (providing a penalty for assault by means of a dangerous weapon).

SECT. 17 revised, 1943, 250 § 1; 1952, 406 § 1. (See 1943, 250 § 2; 1952, 406 § 2.)

SECT. 18A added, 1956, 408 (increasing the penalty for certain armed assaults in dwelling houses); revised, 1969, 473.

SECT. 18B added, 1974, 830 (imposing an additional penalty upon persons who use or possess a firearm while in the commission of a felony).

SECT. 21 revised, 1974, 462 § 1.

SECT. 22 revised, 1974, 474 § 1.

SECT. 22A added, 1955, 763 § 2 (providing a mandatory prison sentence for persons convicted of rape); amended, 1973, 925 § 77; revised, 1974, 474 § 2. (See 1973, 925 § 84.)

SECT. 23 revised, 1966, 291; 1974, 474 § 3.

SECT. 24 revised, 1974, 474 § 4.

SECT. 24A revised, 1974, 474 § 5.

SECT. 24B added, 1955, 763 § 3 (providing a mandatory prison sentence for persons convicted of assault with intent to commit rape); amended, 1973, 925 § 78; revised, 1974, 474 § 6. (See 1973, 925 § 84.)

SECT. 25 revised, 1932, 211; 1953, 294.

SECT. 26 amended, 1934, 1; revised, 1971, 900.

SECT. 31 repealed, 1962, 285 § 2.

SECT. 32 revised, 1975, 322.

SECT. 33 repealed, 1962, 285 § 2.

SECT. 34 added, 1957, 76 (prohibiting the marking of the body of a person under eighteen years of age by means of tattooing); revised, 1962, 214.

SECT. 35 added, 1968, 139 (imposing penalty for throwing or dropping objects from bridges or overpasses onto public ways and certain other places); amended, 1973, 432.

SECT. 36 added, 1975, 435 (imposing a penalty for throwing or dropping objects at sporting events).

Chapter 266. — Crimes against Property.

SECT. 1 revised, 1932, 192 § 1; amended, 1948, 43 § 1; 1974, 281.
SECT. 2 revised, 1932, 192 § 2; amended, 1948, 43 § 2.
SECTS. 3 and 4 repealed, 1932, 192 § 3.
SECT. 5 revised, 1932, 192 § 4.
SECT. 5A added, 1932, 192 § 5 (defining and providing penalties for attempts to commit arson).
SECT. 6 repealed, 1932, 192 § 3.
SECT. 7 revised, 1958, 526 § 1.
SECT. 8 revised, 1932, 192 § 6; 1948, 370 § 1; 1958, 526 § 2.
SECT. 10 revised, 1932, 192 § 7.
SECT. 13A added, 1963, 690 § 4 (requiring the manager of a hotel to notify the fire department forthwith of any fire therein); first paragraph amended, 1972, 802 § 61. (See 1963, 690 § 5; 1972, 802 § 77.)
SECT. 14, sentence added, 1966, 330.
SECT. 16 revised, 1943, 343 § 1; 1974, 462 § 2. (See 1943, 343 § 2.)
SECT. 16A added, 1945, 229 (providing a penalty for breaking and entering a building, ship or vessel with intent to commit a misdemeanor); revised, 1966, 408.
SECT. 22 amended, 1935, 365; revised, 1950, 30.
SECT. 25 amended, 1943, 518 § 1. (See 1943, 518 § 2.)
SECT. 26 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)
SECT. 27A revised, 1959, 160 § 1.
SECT. 28 revised, 1959, 160 § 2; first sentence revised, 1967, 849; 1972, 78; two sentences added, 1966, 191 § 2; second sentence amended, 1967, 662; last sentence revised, 1971, 123.
SECT. 29A added, 1971, 119 (requiring police to notify owners of stolen motor vehicles when recovered); revised, 1973, 213.
SECT. 30 revised, 1945, 282 § 2; paragraph (1) amended, 1968, 737 § 10; paragraph (2) revised, 1966, 153 § 1; paragraph (4) added, 1967, 817 § 1. (See 1945, 282 § 5.)
SECT. 33 revised, 1945, 282 § 3; amended, 1967, 236. (See 1945, 282 § 5.)
SECT. 36 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)
SECT. 37 revised, 1937, 99; amended, 1955, 133.
SECT. 37A added, 1960; 456 (providing that the use of a revoked or forged credit card or the unauthorized use of the credit card of another shall constitute larceny); revised, 1969, 51; revised and sections 37B-37C added, 1969, 832.
SECT. 37B, paragraph added, 1971, 90 § 1.
SECT. 37C, paragraph added, 1971, 90 § 2.
SECT. 37D added, 1973, 1156 (imposing penalties for publishing credit card numbering or coding systems).
SECTS. 44-46 repealed, 1945, 282 § 1. (See 1945, 282 § 5.)
SECT. 47 amended, 1945, 282 § 4; revised, 1966, 153 § 2. (See 1945, 282 § 5.)
SECT. 49 revised, 1966, 269 § 1.
SECT. 52 amended, 1934, 270 § 3.
SECT. 53A revised, 1956, 297.
SECT. 54 revised, 1958, 58. (See 1933, 59 § 3.)
SECT. 60 revised, 1971, 681; amended, 1973, 624.
SECT. 60A added, 1967, 817 § 2 (providing that the unlawful taking of a trade secret constitutes larceny).

SECT. 69A added, 1970, 128 (prohibiting the fraudulent use of a labor union seal, trademark or insignia).

SECT. 70 amended, 1933, 245 § 4; 1939, 144 § 2; 1941, 217 § 3; 1946, 209 § 3, 409 § 4; revised, 1947, 468 § 4; amended, 1948, 445 § 2; 1949, 118 § 4; revised, 1950, 27 § 3; amended, 1950, 240, 354 § 3, 492 § 3; 1955, 271 § 2; revised, 1957, 117; amended, 1959, 59 § 5; 1960, 626 § 5.

SECT. 71A added, 1950, 718 (prohibiting the unauthorized use of names or imitations thereof of certain organizations).

SECTS. 75A and 75B added, 1932, 11 (penalizing the fraudulent operation of slot machines, coin-box telephones and other coin receptacles, and the manufacture and sale of devices intended to be used in such operation); revised, 1954, 145.

SECT. 87 amended, 1971, 210; revised, 1975, 540.

SECT. 89 revised, 1943, 549 § 7.

SECT. 91 amended, 1958, 217 § 1; paragraph added, 1963, 222.

SECT. 91A added, 1953, 250 (further regulating advertising relative to the sale or offering for sale of merchandise, commodities or service); amended, 1958, 217 § 2.

SECT. 91B added, 1958, 217 § 3 (providing for the issuance of an injunction for violation of the laws relative to deceptive advertising of merchandise for sale).

SECT. 92A added, 1956, 216 (relative to the sale of motor vehicles which have been submerged in water); amended, 1957, 261; revised, 1959, 235; 1968, 40; 1973, 141; amended, 1975, 324.

SECT. 94 amended, 1939, 451 § 65.

SECTS. 95-97, inclusive, revised, 1975, 722.

SECT. 98 revised, 1960, 169.

SECT. 98A added, 1966, 280 (relative to the penalty for destroying public park or playground equipment).

SECT. 99, paragraph added, 1975, 374.

SECT. 100 revised, 1961, 316.

SECT. 101 amended, 1957, 688 § 21.

SECT. 102 revised, 1957, 688 § 22; 1970, 406.

SECT. 102A amended, 1970, 422.

SECT. 102B added, 1969, 431 (making the possession or control of certain devices which when ignited and thrown will explode a criminal offense).

SECT. 104A added, 1960, 610 (providing a penalty for the destruction, injury or removal of goal posts on football fields).

SECT. 105, second sentence revised, 1975, 706 § 300. (See 1975, 706 § 312.)

SECT. 116 repealed, 1962, 172.

SECT. 116A added, 1935, 116 (providing for the protection of wild azaleas, wild orchids and cardinal flowers).

SECT. 119 revised, 1948, 660 § 25; amended, 1949, 761 § 14. (See 1948, 660 § 26.)

SECT. 120, first sentence amended, 1969, 463 § 2; paragraph added, 1974, 109.

SECT. 120A added, 1955, 269 (relative to the burden of proof in certain prosecutions for trespass).

SECT. 120B added, 1971, 1039 (permitting certain property owners to enter on land of others without being guilty of trespass).

SECT. 120C added, 1972, 158 (permitting entry on certain land for the purpose of making surveys).

SECT. 120D added, 1974, 537 § 1 (further regulating the removal of motor vehicles parked or standing on private ways or upon improved or enclosed property).

SECT. 121A added, 1973, 573 (imposing criminal penalties for certain trespasses involving motor vehicles and other powered devices); first sentence revised, 1974, 171.

SECT. 123 revised, 1941, 344 § 27; amended, 1958, 613 § 8E; revised, 1959, 213; 1960, 315; 1969, 362.

SECT. 126 revised, 1965, 482.

SECT. 129 revised, 1955, 770 § 79. (See 1955, 770 §§ 117, 123.)

SECT. 130 revised, 1955, 770 § 80. (See 1955, 770 §§ 117, 123.)

SECT. 134 repealed, 1962, 285 § 3.

SECT. 136 repealed, 1962, 285 § 3.

SECT. 138A added, 1969, 56 (providing criminal penalty for wilful damaging of machinery and equipment used for transmission of water for agricultural purposes); amended, 1971, 30.

SECT. 139 revised, 1961, 73 § 4.

SECT. 139 added, 1974, 434 (providing criminal penalties for the alteration or obliteration of identifying numbers of certain machines or devices or for the sale or attempted sale of such machines or devices).

SECT. 140 added, 1966, 269 § 2 (making the sale of certain master keys which fit more than one motor vehicle a crime); amended, 1968, 90.

SECT. 141 added, 1966, 468 (penalizing the turning back or readjusting of the speedometer or odometer of motor vehicles for the purpose of misrepresenting to purchasers the number of miles traveled by such vehicles); stricken out and sections 141-141A added, 1973, 456 (providing a civil remedy and increasing the criminal penalty against persons tampering with automobile odometers).

SECT. 142 added, 1971, 36 (requiring scrap copper wire dealers to keep records of purchases).

SECT. 143 added, 1973, 979 (imposing a penalty for the unauthorized reproduction and transfer of sound recordings).

SECT. 144 added, 1975, 538 (providing a penalty for the carrying away or conversion of certain milk containers without permission of their owners).

Chapter 267. — Forgery and Crimes against the Currency.

SECT. 1 amended, 1974, 369 § 1.

SECT. 8 amended, 1974, 369 § 2.

SECT. 10 amended, 1974, 369 § 3.

SECT. 12 amended, 1974, 369 § 4.

SECT. 13 amended, 1974, 369 § 5.

SECT. 14 amended, 1974, 369 § 6.

Chapter 268. — Crimes against Public Justice.

SECT. 1A amended, 1947, 106.

SECT. 6A added, 1964, 444 (penalizing the making of false written reports by public officers or employees).

SECT. 6B added, 1969, 293 (providing criminal penalty for false statements by process servers regarding service of process).

SECT. 7 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8A repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 8B added, 1961, 342 (providing a penalty for compelling or coercing any person to refuse an appointment or promotion in the classified civil service).

SECT. 9 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 9A added, 1962, 633 (prohibiting the sale of tickets to, or the solicitation of contributions for testimonial dinners and like functions for certain public officers and employees).

SECTS. 10-12 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

SECT. 13A added, 1950, 109 (prohibiting the picketing of courts and certain other places).

SECT. 13B added, 1969, 460 (providing criminal penalty for intimidation of persons giving information to public agencies conducting criminal investigations); revised, 1970, 177.

SECT. 13C added, 1971, 524 (making it a criminal offense to disrupt court proceedings).

SECT. 14A added, 1936, 168 (imposing a penalty for depriving employees of their employment because of jury service).

SECT. 15 amended, 1955, 770 § 81. (See 1955, 770 §§ 117, 123.)

SECT. 16 revised, 1934, 344; last sentence stricken out, 1941, 344 § 28; section amended, 1943, 19 § 1; 1955, 770 § 82; revised, 1973, 1062 § 1. (See 1955, 770 §§ 117, 123.)

SECT. 16A added, 1943, 19 § 2 (relative to the penalty for escapes or attempted escapes from the reformatory for women); amended, 1955, 770 § 83; repealed, 1973, 1062 § 2. (See 1955, 770 §§ 90, 117, 123.)

SECT. 26 amended, 1934, 328 § 24; 1955, 770 § 84; revised, 1957, 777 § 33. (See 1955, 770 §§ 117, 123.)

SECT. 27 amended, 1934, 328 § 25.

SECT. 28 amended, 1955, 770 § 85; revised, 1957, 777 § 34; 1965, 407. (See 1955, 770 §§ 117, 123.)

SECT. 29 amended, 1934, 328 § 26; 1955, 770 § 86. (See 1955, 770 §§ 117, 123.)

SECT. 30 amended, 1955, 770 § 87. (See 1955, 770 §§ 117, 123.)

SECT. 31 amended, 1955, 770 § 88; revised, 1957, 777 § 35; 1962, 747. (See 1955, 770 §§ 117, 123.)

SECT. 32 amended, 1970, 278.

SECT. 32A added, 1966, 289 (prohibiting interference with fire fighting operation); revised, 1968, 82.

SECT. 33 amended, 1935, 440 § 44; 1941, 71; 1945, 400 § 7; 1971, 150.

SECT. 37 amended, 1955, 770 § 89; repealed, 1962, 779 § 3. (See 1955, 770 §§ 117, 123; 1962, 779 § 4.)

SECT. 38 repealed, 1962, 779 § 3. (See 1962, 779 § 4.)

Chapter 268A. — Conduct of Public Officials and Employees (former title, Code of Ethics).

New chapter inserted, 1961, 610 § 1.

Chapter stricken out and new chapter 268A (with new title) inserted, 1962, 779 § 1. (See 1962, 779 §§ 2, 4.)

The following references are to chapter 268A, as so inserted:

SECT. 1, definition of "County employee" revised, 1969, 350 § 1; definition of "Municipal employee" revised, 1966, 734 § 2; definition of "Special municipal employee" revised, 1965, 351; definition of "State employee" revised, 1969, 350 § 2.

SECT. 2, clause (*d*) revised, 1964, 287.

SECT. 7, paragraph added, 1968, 446.

SECT. 8A added, 1964, 314 (prohibiting members of state commissions or boards from being appointed by the other members thereof to certain positions).

SECT. 15A added, 1967, 887 § 1 (prohibiting members of county commissions to be appointed to other positions by other members of said commissions).

SECT. 19, paragraph (*b*) revised, 1965, 395.

SECT. 21A added, 1967, 887 § 2 (prohibiting members of municipal commissions to be appointed to other positions by other members of said commissions).

SECT. 21B added, 1973, 870 (prohibiting mayors, city managers or town managers from demanding undated resignations from prospective employees).

SECT. 22 revised, 1964, 408.

SECT. 23, subsection (*d*) revised, 1975, 508.

SECT. 23A added, 1964, 389 (providing that no trustee of a public institution of higher education operated by the commonwealth shall be eligible to hold a position with said institution for a certain period of time after terminating his services as such trustee); revised, 1973, 775; amended, 1974, 330.

SECT. 25 added, 1972, 257 (authorizing the temporary suspension of certain public employees indicted for misconduct in office).

Chapter 269. — Crimes Against Public Peace.

SECT. 1 revised, 1965, 647 § 1; amended, 1966, 158.

SECT. 2 revised, 1965, 647 § 1A.

SECT. 6 amended, 1965, 647 § 2.

SECT. 8 amended, 1965, 647 § 3.

SECT. 10 amended, 1935, 290; 1936, 227 § 1; 1937, 250 § 1; first sentence amended, 1955, 160; section revised, 1956, 172; 1957, 688 § 23; first paragraph, first sentence amended, 1968, 737 §§ 11, 13; 1969, 799 § 14; paragraph revised, 1973, 588; paragraph added, 1968, 737 § 12; revised, 1969, 799 § 16; amended, 1971, 456 § 5; three paragraphs added 1968, 737 § 14; fourth paragraph stricken out, 1969, 799 § 15; fourth paragraph

amended, 1972, 312 § 5; paragraph added, 1969, 441; 1971, 456 § 6; section revised, 1974, 649 § 2; subsection (*a*) revised, 1975, 113 § 2; subsection (*b*) revised, 1975, 585 § 1; subsection (*l*) added, 1975, 113 § 3. (See 1936, 227 § 2; 1937, 250 § 2; 1968, 737 § 18; 1974, 649 § 3; 1975, 113 § 5.)

SECT. 10A amended, 1957, 688 § 24.

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns); repealed, 1957, 688 § 25.

SECT. 10C added, 1969, 342 (providing criminal penalty for use of chemical mace or similar device or instrument in the commission of a crime); revised, 1973, 892 § 9; 1974, 789.

SECT. 11 revised, 1957, 688 § 26.

SECTS. 11A-11D added, under caption, 1937, 199 (relative to certain firearms, the serial or identification numbers of which have been removed, defaced, altered, obliterated or mutilated).

SECT. 11B, sentence added, 1957, 688 § 27.

SECT. 11C, amended and sentence added, 1957, 688 § 28.

SECT. 11D repealed, 1957, 688 § 29.

SECT. 11E added, 1968, 737 § 15 (further regulating the sale of firearms); revised, 1969, 799 § 17. (See 1969, 799 § 18.)

SECT. 12 revised, 1951, 219; 1952, 286; amended, 1956, 280; 1957, 688 § 30; revised, 1975, 585 § 2.

SECTS. 12A and 12B added, 1951, 263 (regulating the sale and use of air rifles or so-called BB guns).

SECT. 12A revised, 1959, 296 § 9.

SECT. 12B revised, 1957, 688 § 31; third sentence revised, 1968, 737 § 16.

SECT. 12C added, 1951, 296 (prohibiting the sale or possession of certain knives having a spring release); repealed, 1957, 688 § 32.

SECT. 12D added, 1957, 688 § 33 (imposing a penalty upon persons carrying a rifle or shotgun in a public way without a valid license to do so); second sentence revised, 1968, 737 § 17.

SECT. 12E added, 1971, 223 (prohibiting the discharge of a firearm within a certain distance of a building); revised, 1972, 261.

SECT. 13 revised, 1968, 122; amended, 1970, 391; revised, 1971, 408.

SECT. 14 added, 1957, 210 (imposing a penalty upon persons making false reports relative to the location of explosives or other dangerous substances); revised, 1958, 322; 1971, 784 § 2.

SECT. 14A added, 1964, 688 (making it a criminal offense to use the telephone to make annoying calls); revised, 1965, 521.

SECT. 15 added, 1965, 29 (prohibiting the sale of stink bombs).

Chapter 270. — Crimes Against Public Health.

SECT. 1A added, 1970, 471 § 1 (regulating the sale of eyeglasses and sunglasses); revised, 1973, 598. (See 1970, 471 § 1A.)

SECT. 2, first sentence amended, 1949, 658; section repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 2A repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 2B added, 1946, 517 § 1 (regulating the labelling of preparations containing DDT and certain other preparations dangerous to public health); repealed, 1960, 727 § 1. (See 1960, 727 § 3.)

SECT. 3A added, 1951, 444 (relative to the placing of poison or poisoned food for the control of rats, mice or other rodents).

SECT. 5 amended, 1934, 328 § 27.

SECT. 16 added, 1949, 416 (imposing a penalty on persons who dispose of garbage or refuse on highways or private property without permission), amended, 1967, 116; first sentence revised, 1970, 134 § 1; 1971, 79; 1972, 191; two paragraphs added, 1970, 134 § 2; third paragraph amended, 1973, 835 § 1; section revised, 1974, 39.

SECT. 16A added, 1971, 358 (providing an alternative noncriminal disposition of violations of the anti-litter laws); amended, 1973, 1107.

SECT. 17 added, 1962, 367 (prohibiting the disposal of household garbage and refuse in trash barrels placed on highways for the convenience of the traveling public); amended, 1963, 144.

SECT. 17A added, 1971, 474 (prohibiting the importation of certain rubbish, garbage or other waste and the disposal thereof in dumping facilities).

SECT. 18 added, 1966, 318 (regulating the sale, possession and use of substances having the property of releasing toxic vapors).

SECT. 19 added, 1967, 154 (regulating sale of certain glue and cement to minors); first paragraph, sentence added, 1970, 533 § 1. (See 1970, 533 § 2.)

SECT. 20 added, 1971, 304 (prohibiting the burning of refuse, rubbish or demolition debris within certain marine or shoreline boundaries).

SECT. 21 added, 1975, 465 (regulating smoking in certain public places).

Chapter 271. — Crimes against Public Policy.

SECT. 1A added, 1948, 299 (providing that, for the purpose of the enforcement of laws relative to gaming and certain other crimes the words "house", "building", and "place" shall include certain ships and vessels).

SECT. 5A added, 1951, 483 (prohibiting the manufacture, sale, transportation or use of certain slot machines as gambling devices); revised, 1964, 557 § 7.

SECT. 6A added, 1938, 144 (making certain endless chain transactions subject to the laws relative to lotteries).

SECT. 6B added, 1953, 243 (making the game commonly known as skilo, and similar games, subject to the laws relative to lotteries); revised, 1971, 486 § 1.

SECT. 6C added, 1968, 602 (prohibiting giving of chances or offering of prizes by gasoline stations); amended, 1972, 473.

SECT. 7 revised, 1968, 115.

SECT. 7A added, 1969, 810 (authorizing certain organizations to conduct raffles and bazaars).

SECT. 10 revised, 1957, 390 § 1; 1965, 549 § 1; 1967, 189. (See 1957, 390 § 2; 1965, 549 § 2.)

SECT. 10A added, 1967, 119 (providing for arrest of violators of gaming and gambling laws without a warrant); revised, 1967, 372.

SECT. 16A added, 1970, 650 (providing the punishment of organizers of criminal gambling syndicates).

SECT. 17 revised, 1968, 116.

SECT. 17A added, 1958, 246 (making it a criminal offense to use the telephone for certain gaming purposes); revised, 1962, 440.

SECT. 17B added, 1966, 352 (permitting the attorney general and the district attorneys in certain circumstances to demand telephone company records).

SECT. 22A revised, 1934, 371; paragraphs added, 1936, 222, 283; section revised, 1943, 267.

SECT. 22B added, 1971, 486 § 2 (authorizing the game of beano to be conducted under a license); revised, 1973, 729 § 3.

SECT. 23 amended, 1934, 235 § 3; 3, 303 § 1; 1953, 319 § 30. (See 1953, 319 §§ 39, 40.)

SECTS. 31, 33, 34 affected by 1935, 454 § 8, 471 § 2.

SECT. 31A added, 1964, 330 (prohibiting the transmission of certain racing results or information knowing it is to be used for unlawful purposes).

SECT. 39A added, 1947, 405 (imposing a penalty on persons who offer or accept bribes in certain athletic contests and sporting events).

SECT. 40 revised, 1954, 323.

SECT. 43 added, 1941, 630 § 4 (imposing a penalty for the misuse of information relative to recipients of general public assistance, old age assistance, aid to dependent children and aid to the blind); amended, 1945, 240 § 3; 1963, 432 § 15; 1966, 535 § 14; 1967, 658 § 78.

SECT. 44 added, 1950, 166 § 1 (making certain settlements and releases obtained from injured persons confined in hospitals invalid). (See 1950, 116 § 2.)

SECT. 45 added, 1952, 346 (prohibiting the charging of fees solely for the registration of prospective tenants of dwellings).

SECT. 46 added, 1953, 187 (regulating the disposal of containers used for refrigerative purposes); revised, 1954, 191 § 1; 1958, 604; amended, 1959, 107; revised, 1959, 431 § 1. (See 1954, 191 § 2.)

SECT. 47 added, 1958, 347 (relative to reinstallation of telephones used in connection with gambling); amended, 1973, 793 § 5.

SECT. 48 added, 1962, 91 (regulating advertisements and contracts of schools or persons offering civil service courses).

SECT. 49 added, 1970, 826 (reestablishing the crime of usury); paragraph (*e*) revised, 1971, 368.

SECT. 50 added, 1973, 874 (regulating the sale of certain themes or papers and prohibiting the taking of certain examinations for another).

Chapter 272. — Crimes against Chastity, Morality Decency and Good Order.

SECT. 5 revised, 1948, 137.

SECT. 9 amended, 1959, 313 § 9.

SECT. 12 amended, 1969, 59 § 3.

SECT. 15 amended, 1969, 301.

SECT. 20 amended, 1966, 265 § 2.

SECT. 21 amended, 1966, 265 § 3.

SECT. 21A added, 1966, 265 § 1 (authorizing registered physicians or pharmacists to furnish drugs or articles for the prevention of pregnancy or conception).

SECT. 21B added, 1973, 521 § 2 (providing that certain hospitals shall not be required to admit patients for certain purposes).

SECT. 25 revised, 1933, 376 § 4.

SECT. 26 amended, 1939, 451 § 66; 1962, 224.

SECT. 28 amended, 1934, 231; 1943, 239.

SECT. 28 stricken out, and new sections 28-28H inserted, 1945, 278 § 1 (relative to obscene books and other obscene matter). (See 1945, 278 § 2.)

SECT. 28, sentence added, 1948, 328; section revised, 1959, 492 § 1; 1966, 418 § 1; 1974, 430 § 1.

SECT. 28A revised, 1959, 492 § 2; repealed, 1974, 430 § 2.

SECT. 28B revised, 1959, 492 § 2; amended, 1960, 311; repealed, 1974, 430 § 2.

SECT. 28C revised, 1974, 430 § 3.

SECT. 28D revised, 1974, 430 § 4.

SECT. 28E revised, 1974, 430 § 5.

SECT. 28F revised, 1974, 430 § 6.

SECT. 28G refised, 1974, 430 § 7.

SECT. 29H stricken out and sections 28H and 28I inserted, 1974, 430 § 8.

SECT. 29 revised, 1974, 430 § 9.

SECT. 30 stricken out and sections 30 and 30A inserted, 1956, 724 § 1. (See 1956, 724 § 2.)

SECT. 30 revised, 1974, 430 § 10.

SECT. 30A repealed, 1974, 430 § 11.

SECT. 30B added, 1961, 407 (providing for the forfeiture of obscene publications, prints, figures and records, and of other articles); repealed, 1974, 430 § 11.

SECT. 30C added, 1965, 233 (prohibiting certain tie-in sales in connection with the sale of books, periodicals and phonograph records); repealed, 1974, 430 § 11.

SECT. 31 amended, 1967, 364 § 1; last sentence revised, 1970, 348 § 1; amended, 1972, 802 § 62; section revised, 1974, 430 § 12. (See 1972, 802 § 77.)

SECT. 32 amended, 1967, 364 § 2; last sentence revised, 1970, 348 § 2; amended, 1972, 802 § 63; section revised, 1974, 430 § 13. (See 1972, 802 § 77.)

SECT. 33 revised, 1971, 55.

SECT. 35A added, 1955, 763 § 4 (providing a mandatory prison sentence for certain persons convicted of committing an unnatural act); amended, 1973, 925 § 79. (See 1973, 925 § 84.)

SECT. 36A added, 1963, 203 (prohibiting profane, obscene or impure language or slanderous statements from being directed at a participant or an official in a sporting event).

SECT. 37 repealed, 1962, 285 § 4.

SECT. 38 revised, 1970, 477.

SECT. 40 revised, 1969, 463 § 1.

SECT. 40A added, 1962, 317 (prohibiting the sale, delivery or possession of alcoholic beverages in public school buildings or on any premises used for public school purposes).

SECT. 43A added, 1947, 358 (providing a penalty for smoking in public conveyances); revised, 1968, 310.

SECTS. 44-50 repealed, 1971, 1076 § 11. (See 1971, 1076 § 22.)

SECT. 45 amended, 1946, 274; revised, 1947, 409; 1959, 313 § 10.

SECT. 47 amended, 1959, 313 § 11.

SECT. 48 revised, 1956, 714 § 20; amended, 1970, 888 § 29. (See 1970, 888 § 31.)

SECTS. 51 and 52 stricken out, 1957, 660 § 2. (See 1957, 660 §§ 6, 7.)

SECT. 53 revised, 1943, 377; amended, 1956, 715 § 21; revised, 1959, 304 § 1; amended, 1973, 1073 § 20.

SECT. 62 amended, 1956, 715 § 22.

SECT. 63, first sentence revised, 1966, 343.

SECT. 64 amended, 1951, 119 § 1; 1956, 715 § 23; revised, 1957, 315.

SECT. 66 amended, 1939, 451 § 67; 1951, 119 § 2; revised, 1969, 782.

SECT. 67 amended, 1959, 313 § 12.

SECT. 68 revised, 1967, 367.

SECT. 69 amended, 1959, 313 § 13.

SECT. 72 amended, 1974, 170.

SECT. 73 revised, 1958, 352; 1966, 312; amended, 1972, 552 § 2.

SECT. 73A added, 1973, 448 (authorizing the removal of gravestones and memorials for repair or reproduction).

SECT. 75 amended, 1971, 407.

SECT. 77 amended, 1968, 59; revised, 1972, 46.

SECT. 78A added, 1969, 223 (regulating the sale of foals under five months).

SECTS. 79A and 79B added, 1934, 234 § 1 (relative to the cutting of the muscles or tendons of horses' tails and to the showing or exhibiting of horses whose tails have been so cut or have been docked). (See 1934, 234 § 2.)

SECT. 79B revised, 1946, 131; first sentence amended, 1975, 706 § 301. (See 1975, 706 § 312.)

SECT. 80 repealed, 1934, 234 § 1. (See 1934, 234 § 2.)

SECT. 80A revised, 1962, 106.

SECT. 80C added, 1945, 272 (penalizing the unauthorized taking of cats, dogs or birds for certain purposes); sentence added, 1957, 298 § 6.

SECT. 80D added, 1947, 168 (regulating the sale at retail of certain living baby chicks, ducklings and other fowl); revised, 1973, 88.

SECT. 84 amended, 1951, 34 § 1.

SECT. 85 repealed, 1951, 34 § 2.

SECT. 85 A added, 1945, 276 § 1 (relative to killing, etc., of dogs and other domesticated animals and certain birds); first sentence amended, 1951, 185.

SECT. 90 amended, 1959, 313 § 14.

SECT. 91 amended, 1959, 313 § 15.

SECT. 92A added, 1933, 117 (preventing advertisements tending to discriminate against persons of any religious sect, creed, class, denomination or nationality by places of public accommodation, resort or amusement); second paragraph revised, 1953, 437; section revised, 1971, 418 § 1; amended, 1975, 338 § 1.

SECT. 94 amended, 1975, 31 § 1.

SECT. 95 amended, 1975, 31 § 2.

SECT. 97 repealed, 1962, 285 § 4.

SECT. 97A added, 1934, 164 (prohibiting the use of documents drawn to imitate judicial process).

SECT. 98 amended, 1934, 138; revised, 1950, 479 § 3; first sentence amended, 1963, 613 § 5; revised, 1971, 418 § 2; amended, 1975, 338 § 2.

SECT. 98A added, 1938, 155 § 1 (entitling blind persons accompanied by "seeing eye" dogs, so called, to certain accommodations, advantages, etc.).

SECT. 98B added, 1941, 170 (to prevent discrimination in employment on public works and projects and in the dispensing of public welfare because of race, color, religion or nationality).

SECT. 98C added, 1943, 223 (penalizing the libel of groups of persons because of race, color or religion).

SECT. 99 revised, 1959, 449 § 1; 1968, 738 § 1.

SECT. 99A added, 1956, 48 § 1 (prohibiting wire tapping of juries or jury rooms).

SECT. 100 amended, 1956, 48 § 3; revised, 1959, 449 § 2; repealed, 1968, 738 § 4.

SECT. 101 amended, 1956, 48 § 4; repealed, 1968, 738 § 5.

SECT. 102 amended, 1956, 48 § 2; repealed, 1968, 738 § 6.

SECT. 103 added, 1936, 417 (prohibiting marathon dances, other marathons or walkathons, so called); amended, 1975, 345.

Chapter 273. — Desertion, Non-support and Illegitimacy.

SECT. 1 amended, 1939, 177 § 1; first sentence revised, 1954, 539; amended, 1957, 49; sentence inserted after first sentence, 1971, 276; sentence inserted after first sentence, 1971, 762. (See 1939, 177 § 2.)

SECT. 2 amended, 1933, 224; revised, 1943, 87 § 1; amended, 1953, 319 § 31; revised, 1958, 200; 1969, 849 § 24; 1972, 731 § 20. (See 1943, 87 § 2; 1953, 319 §§ 39, 40.)

SECT. 4 amended, 1959, 313 § 16.

SECT. 8, sentence added, 1953, 505; revised, 1970, 791.

SECT. 9 repealed, 1938, 219 § 1.

SECT. 10 revised, 1938, 219 § 2.

SECT. 12A added, 1954, 232 (providing for blood grouping tests to aid in the determination of paternity).

SECT. 14, sentence added, 1943, 13.

SECT. 17 revised, 1953, 163.

SECTS. 20-22. See 1937, 440 § 2; 1941, 597 § 1, 729 § 2; 1943, 489 § 2; 1945, 683 § 2.

SECT. 20, first sentence amended, 1973, 925 § 80. (See 1973, 925 § 94.)

SECT. 21 amended, 1974, 260 § 32.

SECT. 23 added, 1959, 402 (providing a penalty for the failure by a father or mother to support a needy disabled son or daughter).

Chapter 273A. — Uniform Reciprocal Enforcement Act (former title, Enforcement of the Duty to Support Dependents).

New chapter inserted, 1951, 657 § 1.

Chapter stricken out and new chapter 273A (with new title) inserted, 1954, 556 § 1. (See 1954, 556 §§ 7-10.)

For prior changes see Table of Changes contained in Acts and Resolves of 1953.

The following references are to chapter 273A, as so inserted:

SECT. 6 revised, 1958, 239 § 1; sentence added, 1965, 17 § 1.

SECT. 9, sentence added, 1956, 74; stricken out, 1965, 17 § 2; sentence added, 1960, 42.

SECT. 10 revised, 1958, 239 § 2.

SECT. 12 revised, 1958, 239 § 3.

SECT. 15, first and second paragraphs revised, 110 § 1; 1965, 20 § 1.

SECT. 15A added, 1957, 110 § 2 (excusing petitioners in proceedings under the uniform reciprocal enforcement of support act from payment of entry fees and costs in certain cases); revised, 1965, 20 § 2.

Chapter 274. — Felonies, Accessories and Attempts to Commit Crimes.

SECT. 2 revised, 1968, 206 § 1; 1973, 529 § 1.

SECT. 3 revised, 1968, 206 § 2; 1973, 529 § 2.

SECT. 4 revised, 1943, 488 § 1. (See 1943, 488 §§ 2, 3.)

SECT. 7 added, 1968, 712 § 1 (relating to punishment for certain criminal conspiracies).

Chapter 275. — Proceedings to Prevent Crimes.

SECT. 1 amended, 1959, 313 § 17.

SECT. 8 amended, 1959, 313 § 18.

SECT. 15 repealed, 1932, 180 § 42.

Chapter 276. — Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Board of Probation.

SECT. 1, first paragraph amended, 1934, 303 § 2; 1963, 96 § 1; clause Sixth amended, 1943, 508 § 4; clause Eleventh amended, 1934, 235 § 1; clause Sixteenth added, 1947, 93; section revised, 1964, 557 § 1; amended, 1974, 508.

SECT. 1A addd, 1955, 272 § 1 (providing for the issuance of search warrants for books, records and material belonging to subversive organizations). (See 1955, 272 § 2.)

SECT. 2 amended, 1959, 313 § 19; revised, 1963, 96 § 2; 1964, 557 § 2.

SECTS. 2A, 2B and 2C added, 1964, 557 § 3 (relative to the issuance and form of search warrants).

SECT. 2B, jurat clause of affidavit revised, 1965, 384.

SECT. 2C amended, 1967, 802 § 4.

SECT. 3 amended, 1934, 340 § 15; 1957, 660 § 3; revised, 1964, 557 § 4; amended, 1965, 325; clause (*a*) revised, 1967, 347 § 12; section revised, 1971, 1071 § 7; clause (*a*) amended, 1975, 706 § 302. (See 1934, 340 § 18; 1957, 660 §§ 6, 7; 1971, 1071 § 9; 1975, 706 § 312.)

SECT. 3A added, 1934, 247 (concerning the service of search warrants); amended, 1962, 328; revised, 1964, 557 § 5.

SECT. 7 amended, 1934, 235 § 2; 1957, 660 § 4; revised, 1964, 557 § 6. (See 1957, 660 §§ 6, 7.)

SECT. 8 amended, 1959, 313 § 20.

SECT. 9 amended, 1947, 359; 1964, 111.

SECT. 10, paragraph added, 1971, 57.

SECTS. 10A-10D added, under caption, 1937, 208 § 1 (making uniform the law as to extraterritorial arrest on fresh pursuit and authorizing this commonwealth to co-operate with other states in connection therewith). (See 1937, 208 § 2.)

SECTS. 11-20 and caption stricken out and new sections 11-20R inserted, under caption, 1937, 304 § 1. (See 1937, 304 §§ 2, 3.)

SECT. 21 amended, 1953, 319 § 32. (See 1953, 319 §§ 39, 40.)

SECT. 22 amended, 1959, 313 § 21.

SECT. 24 revised, 1973, 566.

SECT. 25 revised, 1967, 338; 1968, 698.

SECT. 28 amended, 1949, 184.

SECT. 33A added, 1945, 205 (providing that certain persons held in custody shall be permitted to communicate by telephone with relatives and others); amended, 1946, 277; sentence added, 1958, 113; section revised, 1960, 269; last sentence revised, 1963, 212.

SECT. 34 amended, 1959, 313 § 22.

SECT. 37A added, 1932, 180 § 43 (relative to the assignment of counsel to appear, on behalf of a person accused of a capital crime, at his preliminary examination); amended, 1959, 313 § 23. [For prior legislation, see G.L. chapter 277 §§ 48, 49, repealed by 1932, 180 § 44.]

SECT. 44 amended, 1959, 313 § 24.

SECT. 47 revised, 1967, 380.

SECT. 52A added, 1943, 131 (providing that persons held in jail for trial may be removed in certain cases to a jail in another county); second and third sentences stricken out and three sentences inserted, 1971, 592 § 1; first sentence amended, 1973, 514.

SECT. 57, first paragraph amended, 1953, 319 § 33; 1964, 67; 1965, 280; second paragraph, sentence added, 1943, 330; paragraph revised, 1945, 235; paragraph added, 1939, 299 § 4. (See 1953, 319 §§ 39, 40.)

SECT. 58 revised, 1970, 499 § 1; 1971, 473 § 1. (See 1970, 499 § 4.)

SECT. 61 amended, 1959, 313 § 25.

SECT. 61B, eighth sentence revised, 1972, 294.

SECT. 65, second sentence stricken out and two sentences inserted, 1970, 499 § 2; section revised, 1971, 473 § 2. (See 1970, 499 § 4.)

SECT. 68, second sentence revised, 1962, 356; 1964, 316; 1970, 499 § 3. (See 1970, 499 § 4.)

SECT. 79 amended, 1959, 313 § 26.

SECT. 80 amended, 1959, 313 § 27.

SECT. 82A added, 1965, 396 (providing a criminal penalty for failure to appear in court after release on bail or recognizance).

SECT. 83 revised, 1936, 360; amended, 1937, 186; revised, 1947, 577 § 1; sentence inserted before last sentence, 1947, 639; section revised, 1949, 783 § 1; first paragraph amended, 1950, 513, 531; revised, 1951, 774 § 1; amended, 1953, 341, 420 § 1; 1955, 735 § 1; revised, 1956, 731 § 13; first

sentence revised, 1969, 771 § 1; 859 § 25; 1970, 875 § 1; 1972, 731 § 21; second sentence revised, 1957, 272; 1965, 675; 1967, 365; third, fourth and fifth sentences revised, 1968, 629; sentence inserted after sixth sentence, 1952, 241; paragraph inserted after first paragraph, 1955, 735 § 2; revised, 1956, 731 § 13A; first and second sentences revised, 1969, 771 § 2; first sentence revised, 1970, 875 § 2; third and fourth sentences revised, 1969, 859 § 26; 1972, 731 § 22; sixth sentence revised, 1967, 130; paragraph added, 1951, 774 § 2. (See 1949, 783 §§ 3, 4; 1951, 774 § 3; 1955, 735 § 3; 1956, 263, 731 §§ 29-33; 1970, 875 § 8.)

SECT. 83A added, 1941, 677 § 1 (providing that certain district courts may join in the appointment of probation officers to act exclusively in juvenile cases therein); first paragraph amended, 1947, 566 § 2; revised, 1947, 655 § 1; amended, 1951, 563 § 1; stricken out and two paragraphs inserted, 1956, 731 § 14; first paragraph, sentence added, 1968, 691; second paragraph, first sentence revised, 1969, 88; paragraph added, 1951, 563 § 2. (See 1947, 655 § 3; 1956, 731 §§ 29-33.)

SECT. 83B added, 1947, 655 § 2 (providing for the appointment of probation officers to act exclusively in juvenile cases in certain district courts in Suffolk county); repealed, 1949, 783 § 2. (See 1947, 655 § 3; 1959, 783 § 4.)

SECTS. 83C-83F added, 1948, 640 § 1 (further regulating the compensation of certain probation officers of the district courts in Suffolk County, other than the municipal court of the city of Boston, and of the Boston juvenile court); repealed, 1949, 783 § 2. (See 1949, 783 § 4.)

SECT. 84 revised, 1937, 219 § 5; 1939, 214 § 7.

SECT. 85, two sentences inserted before first sentence, 1972, 396 § 1; sentence inserted after first sentence, 1950, 145 § 1; section amended, 1946, 731 § 15; sentence inserted after second sentence, 1968, 333 § 2. (See 1956, 731 §§ 29-33.)

SECTS. 85A-85B added, 1969, 771 § 3 (further defining duties and powers of probation officers).

SECT. 86, paragraph added, 1966, 675.

SECT. 87 amended, 1941, 264 § 2; 1955, 763 § 1; revised, 1969, 859 § 27; amended, 1970, 98; revised, 1972, 731 § 23; 1973, 925 § 81; 1974, 614. (See 1973, 925 § 84.)

SECT. 88, paragraph added, 1956, 731 § 16; first sentence revised, 1969, 859 § 28; 1972, 731 § 24. (See 1956, 731 §§ 29-33.)

SECT. 89, sentence added, 1934, 217 § 2; first paragraph revised, 1953, 364; amended, 1956, 731 § 17; paragraph added, 1941, 477 § 1; amended, 1956, 731 § 17A; section revised, 1959, 526 § 1; first sentence stricken out and two sentences inserted, 1969, 87; first sentence revised, 1969, 859 § 29; 1972, 731 § 25; paragraph inserted after first paragraph, 1969, 771 § 4. (See 1956, 731 §§ 29-33; 1959, 526 § 2.)

SECT. 89A added, 1967, 401 (authorizing appointment of unpaid deputy probation officers to serve as counsellors to juvenile offenders).

SECT. 90 amended, 1938, 174 § 3.

SECT. 94 amended, 1939, 155; revised, 1939, 296 § 2; first sentence amended, 1969, 771 § 5; revised, 1971, 1064; last sentence amended, 1947, 82; revised, 1969, 859 § 30; 1972, 731 § 26. (See 1939, 296 § 3.)

SECT. 95, first sentence revised, 1969, 859 § 31; 1972, 731 § 27.

SECT. 97 revised, 1941, 677 § 2; amended, 1956, 731 § 18; revised, 1969, 839 § 62. (See 1956, 731 §§ 29-33; 1969, 838 § 74.)

SECT. 98 amended, 1932, 145; caption stricken out and section revised, 1956, 731 § 19; first paragraph amended, 1963, 801 § 79; last sentence revised, 1969, 766 § 45; 1970, 875 § 3; second paragraph amended, 1963, 801 § 80; revised, 1965, 843; first sentence revised, 1969, 771 § 6; 1973, 1070; second sentence revised, 1969, 766 § 45A; 1970, 875 § 4. (See 1956, 731 §§ 29-33; 1969, 766 § 48; 1970, 875 § 8.)

SECT. 99, sentence inserted after third sentence, 1952, 348; section revised, 1956, 731 § 20; first paragraph, sixth sentence revised, 1972, 396 § 2. (See 1956, 731 §§ 29-33.)

SECT. 99A added, 1956, 731 § 21 (establishing a committee on probation); first paragraph amended, 1963, 810 § 19; 1971, 802; fifth paragraph stricken out, 1970, 875 § 5. (See 1956, 731 §§ 29-33; 1970, 875 § 8.)

SECT. 99B added, 1970, 875 § 6 (relative to certain definitions and classification and compensation plan); revised, 1971, 909 § 1; subdivision (2) revised, 1971, 909 § 2; 1972, 600 § 1A; 1973, 772 § 2; 1974, 558 § 15. (See 1970, 875 § 8; 1971, 909 § 5; 1972, 600 § 3; 1973, 772 § 4; 1974, 558 § 20.)

SECT. 99C added, 1972, 680 (authorizing the appointment of three supervisors of court probation services and certain clerical assistants).

SECT. 100 amended, 1943, 64; 1953, 319 § 34; revised, 1956, 731 § 22; third sentence revised, 1966, 623; sentence inserted after third sentence, 1966, 623; revised 1975, 534; fifth sentence amended, 1969, 838 § 63; sentence added, 1972, 805 § 8. (See 1953, 319 §§ 39, 40; 1956, 731 §§ 29-33; 1969, 838 § 74.)

SECT. 100A added, 1971, 686 § 1; first paragraph amended, 1973, 533 § 2; paragraph inserted after first paragraph, 1973, 533 § 3; fourth paragraph amended, 1973, 1102 § 4; section revised, 1974, 525; fifth and sixth paragraphs revised, 1975, 278. (See 1971, 686 § 2.)

SECT. 100B added, 1972, 404 (providing for the sealing of certain delinquency records in the office of the commission of probation).

SECT. 100C added, 1973, 322 § 1 (relative to the sealing of files in certain criminal cases).

SECT. 101 amended, 1936, 30 § 1; revised, 1956, 731 § 23. (See 1936, 30 § 2; 1956, 731 §§ 29-33.)

SECT. 101A added, 1947, 364 § 1 (providing for uniform forms of blanks and records for use by district court probation offices); revised, 1956, 731 § 24. (See 1956, 731 §§ 29-33.)

SECT. 102 amended, 1947, 364 § 2; 1956, 731 § 25. (See 1956, 731 §§ 29-33.)

SECT. 103 revised, 1956, 731 § 26. (See 1956, 731 §§ 29-33.)

Chapter 276A. — District Court Pretrial Diversion of Selected Offenders.

New chapter inserted, 1974, 781.

Chapter 277. — Indictments and Proceedings before Trial.

SECT. 1 amended, 1964, 326 § 1; revised, 1966, 235 § 1, 415 § 1; first sentence amended, 1973, 464 § 1; revised, 1975, 809 § 1. (See 1964, 326 §§ 3-5; 1966, 415 §§ 6, 7; 1973, 464 § 6.)

SECT. 1A added, 1952, 494 (relative to completing investigations started by grand juries).

SECT. 2 amended, 1932, 144 § 6; revised, 1966, 235 § 2, 415 § 2. (See 1966, 415 §§ 6, 7.)

SECT. 2A revised, 1966, 235 § 3, 415 § 3. (See 1966, 415 §§ 6, 7.)

SECT. 2B revised, 1966, 235 § 4, 415 § 4. (See 1966, 415 §§ 6, 7.)

SECT. 2C added, 1973, 464 § 2 (providing that grand jurors in Hampden county serve for four months). (See 1973, 464 § 6.)

SECT. 2D added, 1975, 809 § 2 (providing that grand jurors in Plymouth county serve for four months).

SECT. 3A added, 1966, 235 § 5 (relative to the impanelling of grand jurors); repealed, 1966, 415 § 6. (See 1966, 415 §§ 6, 7.)

SECT. 3A added, 1966, 415 § 5; amended, 1973, 464 § 3; first sentence revised, 1975, 809 § 2A. (See 1966, 415 §§ 6, 7; 1973, 464 § 6.)

SECT. 2B added, 1964, 326 § 2 (providing that grand jurors in Middlesex county shall serve for a term of six months). (See 1964, 326 §§ 3-5.)

SECT. 16 repealed, 1970, 888 § 7. (See 1970, 888 § 31.)

SECT. 38 amended, 1957, 660 § 5; revised, 1971, 1071 § 8. (See 1957, 660 §§ 6, 7; 1971, 1071 § 9.)

SECT. 39, definition of "Rape" revised, 1974, 474 § 7.

SECT. 47A added, under caption, 1965, 617 § 1 (providing for the simplification of pleadings in criminal cases); fourth paragraph amended, 1965, 756 § 1. (See 1965, 617 §§ 2, 3, 756 § 3.)

SECTS. 48 and 49 repealed, 1932, 180 § 44. (See G. L. chapter 276 § 37A, inserted by 1932, 180 § 43.)

SECT. 50 repealed, 1936, 161 § 1. (See 1936, 161 § 3.)

SECT. 58A added, 1943, 311 § 1 (relative to the venue of the crime of buying, receiving or aiding in the concealment of stolen or embezzled property); revised, 1971, 694. (See 1943, 311 § 2.)

SECT. 58B added, 1948, 77 § 1 (relative to the venue of prosecutions for embezzlement or fraudulent conversion or appropriation by fiduciaries). (See 1948, 77 § 2.)

SECT. 59A added, 1963, 157 (relative to venue of the crime of transmitting false reports of the location of explosives or other dangerous substances).

SECT. 63, sentence inserted after first sentence, 1955, 781 § 1. (See 1955, 781 § 2.)

SECT. 65 amended, 1936, 161 § 2. (See 1936, 161 § 3.)

SECT. 72A added, 1963, 486 (providing that certain prisoners shall be brought into court for trial or indictments pending against them if they make application therefor); revised, 1965, 343.

SCHEDULE OF FORMS OF PLEADINGS at end of chapter amended, 1934, 328 § 29; paragraph entitled "Accessory after the fact" amended by striking out all after word "punishment" in line 5, 1943, 488 § 2; paragraph entitled "Escape" revised, 1955, 770 § 90; paragraph entitled "Prostitute", inserted, 1959, 304 § 2. (See 1943, 488 § 3; 1955, 770 §§ 117, 123.)

Chapter 278. — Trials and Proceedings before Judgment.

SECT. 1 amended, 1974, 228.

SECT. 2A added, 1968, 721 § 2 (relating to trials for criminal conspiracy).

SECT. 11, two paragraphs added, 1963, 569; second paragraph amended, 1964, 108 § 1; third paragraph amended, 1964, 108 § 2.

SECT. 11A added, 1967, 213 (providing for separate trial of issue if conviction of prior offense).

SECT. 13 repealed, 1970, 888 § 8. (See 1970, 888 § 31.)

SECT. 15 amended, 1955, 131 § 7.

SECT. 16B added, 1949, 302 (providing that the general public may be excluded from the court room during the trial of any criminal proceeding in a district court involving husband and wife).

SECT. 18 amended, 1955, 131 § 8; revised, 1973, 657; amended, 1974, 167.

SECT. 18A added, 1966, 697 § 2 (providing for a jury trial for misdemeanors in the municipal court of the city of Boston).

SECT. 19 amended, 1955, 131 § 9.

SECT. 20 amended, 1974, 827 § 29.

SECT. 21 stricken out, 1955, 131 § 10.

SECT. 22 amended, 1955, 131 § 11.

SECT. 25 amended, 1937, 311; 1955, 131 § 12.

SECT. 27 revised, 1962, 480.

SECTS. 28A-28D added, 1943, 558 § 1 (establishing in the superior court an appellate division for the review of certain sentences in criminal cases). (See 1943, 558 § 2.)

SECT. 28A revised, 1945, 255 § 1; 1968, 666 § 1. (See 1945, 255 § 4.)

SECT. 28B, first paragraph amended, 1945, 255 § 2; section revised, 1968, 666 § 2. (See 1945, 255 § 4.)

SECT. 28C amended, 1945, 255 § 3; 1955, 770 § 91; revised, 1957, 777 § 36; 1968, 666 § 3. (See 1945, 255 § 4; 1955, 770 §§ 117, 123.)

SECT. 28D revised, 1968, 666 § 4.

SECT. 28E added, 1967, 898 § 1 (allowing the appeal by either commonwealth or defendant on questions of law in felony cases prior to trial); amended, 1972, 740 § 16.

SECT. 29 revised, 1939, 271 § 1; first sentence amended, 1957, 302; revised, 1962, 310 § 1; section revised, 1964, 82; 1966, 301. (See 1939, 271 § 2.)

SECT. 29A added, 1959, 167 § 1 (permitting any district court to revise or revoke a sentence imposed without trial after a plea of guilty or nolo contendere). (See 1959, 167 § 2.)

SECT. 29B added, 1962, 262 § 1 (authorizing a defendant in a district court to withdraw a plea of guilty before sentence is imposed if he was not represented by counsel when such plea was entered).

SECT. 29C added, 1962, 310 § 2 (extending the power of the superior court to revoke or revise sentences).

SECT. 30A added, 1954, 528 (providing for interlocutory reports to the supreme judicial court in criminal cases).

SECT. 31, second sentence revised, 1953, 384; section amended, 1973, 1114 § 348; first sentence revised, 1974, 540 § 1. (See 1973, 1114 § 351.)

SECTS. 31A-31C added, 1973, 1114 § 349 (relative to the signing and returning of certain exceptions). (See 1973, 1114 § 351.)

SECT. 32A added, 1964, 634 § 1 (allowing for the late entry of certain appeals).

SECT. 33 amended, 1933, 265; revised, 1973, 1114 § 350. (See 1973, 1114 § 351.)

SECTS. 33A and 33B revised, 1954, 187 § 1; 1955, 352 § 1. (See 1954, 187 § 2; 1955, 352 § 2.)

SECT. 33A, second paragraph amended, 1974, 540 § 2.

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SECT. 33E amended, 1939, 341; first paragraph amended, 1974, 457; second paragraph amended, 1962, 453.

SECT. 33H added, 1964, 634 § 2 (providing for the late entry of certain appeals in criminal cases in the supreme judicial court).

Chapter 279. — Judgment and Execution.

SECT. 1 amended, 1934, 205 § 1; 1935, 358 § 1; first paragraph amended, 1938, 354; first two sentences revised, 1975, 347; second paragraph amended, 1936, 434 § 2; 1939, 299 § 5; revised, 1966, 292; 1967, 333. (See 1934, 205 § 3; 1935, 358 § 2.)

SECT. 1A amended, 1934, 205 § 2; first sentence revised, sentence inserted after first sentence, 1975, 459 § 1; paragraph added, 1975, 459 § 2. (See 1934, 205 § 3.)

SECT. 2 amended, 1949, 584; revised, 1969, 838 § 64. (See 1969, 838 § 74.)

SECT. 3, first sentence revised, 1972, 251; section revised, 1974, 300.

SECT. 3A amended, 1935, 50 § 2, 437 § 2. (See 1935, 50 § 6, 437 § 8.)

SECT. 4 revised, 1935, 50 § 3, 437 § 3; first paragraph amended, 1966, 678; 1972, 740 § 17; second paragraph amended, 1955, 770 § 92; revised, 1957, 777 § 37. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 17, 123.)

SECT. 4A, sentence added, 1950, 145 § 2; 1968, 333 § 1.

SECT. 6 amended, 1955, 770 § 93. (See 1955, 770 §§ 117, 123.)

SECT. 9 amended, 1932, 221 § 2; 1955, 770 § 94. (See 1955, 770 §§ 117, 123.)

SECT. 11 amended, 1934, 328 § 28.

SECT. 16 amended, 1972, 293 § 1. (See 1972, 293 § 6.)

SECT. 17 revised, 1972, 293 § 2. (See 1972, 293 § 6.)

SECT. 18 revised, 1947, 516; 1951, 134; amended, 1956, 715 § 24; 1971, 1076 § 12; revised, 1972, 293 § 3. (See 1971, 1076 § 22; 1972, 293 § 6.)

SECT. 19 amended, 1955, 770 § 95. (See 1955, 770 §§ 117, 123.)

SECT. 20 amended, 1955, 770 § 96. (See 1955, 770 §§ 117, 123.)

SECT. 22 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 26 revised, 1946, 276.

SECT. 27 amended, 1955, 770 § 97. (See 1955, 770 §§ 117, 123.)

SECT. 28 amended, 1946, 275; 1955, 770 § 98. (See 1955, 770 §§ 117, 123.)

SECT. 29 repealed, 1955, 770 § 122. (See 1955, 770 §§ 117, 123.)

SECT. 30 revised, 1951, 642.

SECT. 31 amended, 1953, 319 § 35; revised, 1955, 770 § 99. (See 1953, 319 §§ 39, 40; 1955, 770 §§ 117, 123.)

SECT. 32 revised, 1955, 770 § 100; 1972, 293 § 4. (See 1955, 770 §§ 117, 123; 1972, 293 § 6.)

SECT. 33 amended, 1952, 90; 1956, 715 § 25; revised, 1964, 308 § 12; 1972, 293 § 5. (See 1972, 293 § 6.)

SECT. 33A added, 1955, 770 § 101 (providing that a prisoner may be deemed to have served a portion of the sentence imposed in certain cases); revised, 1958, 173; 1961, 75. (See 1955, 770 §§ 117, §§ 117, 123.)

SECT. 34, sentence added, 1955, 770 § 102. (See 1955, 770 §§ 117, 123.)

SECT. 35 amended, 1955, 770 § 103; revised, 1962, 48. (See 1955, 770 §§ 117, 123.)

SECT. 36 amended, 1955, 770 § 104; revised, 1956, 715 § 26; first sentence revised, 1970, 888 § 30. (See 1955, 770 §§ 117, 123; 1970, 888 § 31.)

SECT. 37 amended, 1953, 319 § 36. (See 1953, 319 §§ 39, 40.)

SECT. 39 amended, 1955, 770 § 105; revised, 1957, 777 § 38. (See 1955, 770 §§ 117, 123.)

SECT. 40 amended, 1955, 770 § 106; revised, 1957, 777 § 39. (See 1955, 770 §§ 117, 123.)

SECT. 43 revised, 1935, 50 § 4, 437 § 4; amended, 1955, 770 § 107; revised, 1957, 777 § 40. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 117, 123.)

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SECT. 45 revised, 1935, 437 § 6; amended, 1955, 770 § 109; revised, 1957, 777 § 42. (See 1935, 437 § 8; 1955, 770 §§ 117, 123.)

SECT. 46 amended, 1955, 770 § 110; revised, 1957, 777 § 43. (See 1955, 770 §§ 117, 123.)

SECT. 48 revised, 1951, 515; amended, 1955, 770 § 111; revised, 1957, 777 § 44. (See 1955, 770 §§ 117, 123.)

SECT. 50 amended, 1955, 770 § 112; revised, 1956, 731 § 27; 1957, 777 § 45. (See 1955, 770 §§ 117, 123; 1956, 731 §§ 29-33.)

SECT. 51 revised, 1956, 731 § 28. (See 1956, 731 §§ 29-33.)

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SECT. 4, paragraph added, 1974, 694 § 5. (See 1974, 694 § 6.)

SECT. 6 revised, 1937, 251 § 1. (See 1937, 251 § 2.)

SECT. 6A added, 1973, 1228 § 2 (creating the law enforcement and criminal justice training fund); revised, 1974, 241 § 2; third paragraph amended, 1974, 581 § 4.

SECT. 16 amended, 1953, 319 § 38. (See 1953, 319 §§ 39, 40.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, SEPTEMBER 15, 1976.

I hereby certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

I further certify that the table of changes in the General Laws and the index have been prepared under the direction of the Committees on Rules of the two branches of the General Court, in accordance with the provisions of section 51 of chapter 3 of the General Laws.

PAUL GUZZI,
Secretary of the Commonwealth.

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