

ACTS  
AND  
RESOLVES

PASSED BY THE

**General Court of Massachusetts**

IN THE YEAR

**1976**

TOGETHER WITH

RETURNS OF VOTES UPON QUESTIONS SUBMITTED TO  
VOTERS

TABLES SHOWING CHANGES IN THE STATUTES, ETC.

---

PUBLISHED BY

**PAUL GUZZI**

**Secretary of the Commonwealth**

---



HALE-MOORE PRINTING COMPANY, INC.  
1976

---

---

**ACTS AND RESOLVES**


**OF**

**MASSACHUSETTS**

**1976**

---

---

 The General Court, which was chosen November 5, 1974, assembled on Wednesday, the seventh day of January, 1976, for its second annual session.

His Excellency, Michael S. Dukakis and His Honor Thomas P. O'Neill, III continued to serve as Governor and Lieutenant Governor, respectively, for the political year of 1976.

# ACTS

---

**Chap. 1.** 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 immediately make certain perfective changes in the law relating to compulsory property protection insurance for all registered motor vehicles, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Section 340 of chapter 90 of the General Laws, as appearing in section 1 of chapter 707 of the acts of 1975, is hereby amended by striking out the third and fourth paragraphs and inserting in place thereof the following paragraphs:-

Insurers shall also make available to option (1) insured additional coverage whereby the deductible of two hundred dollars under said option (1) 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 moving 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.

SECTION 2. The third paragraph of section 113B of chapter 175 of the General Laws, as appearing in section 1B of said chapter 707, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 moving 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; and shall use records from the registry of motor vehicles to determine accident frequency and number of accidents of drivers.

SECTION 3. Section 113 O of chapter 175 of the General Laws, as appearing in section 5 of said chapter 707, is hereby further

amended by striking out the second sentence and inserting in place thereof the following sentence:- 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 moving 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.

SECTION 4. Clause (f) of section 4 of chapter 175E of the General Laws, as appearing in section 6 of said chapter 707, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 moving 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.

SECTION 5. This act shall apply to motor vehicle insurance policies issued after the effective date of this act.

*Approved January 17, 1976*

---

**Chap. 2.** AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO RENEW 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 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 two hundred and seventeen thousand eight 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 renewed on November eighth, nineteen hundred and seventy-four, and most recently renewed on February twenty-eighth, nineteen hundred and seventy-five 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 most recently renewed on February twenty-eighth, nineteen hundred and seventy-five and which are payable February twenty-seventh, 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 February 26, 1976.*

**Chap. 3.** AN ACT RELATIVE TO THE MEMBERSHIP OF THE TRAFFIC COMMISSION IN THE CITY OF NEW BEDFORD.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 630 of the acts of 1958 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* There is hereby established in the city of New Bedford, hereinafter referred to as the city, a traffic commission to consist of the commissioner of public works or his representative, the chief of police or his representative, one councillor-at-large and one ward councillor to be designated by the president of the city council, the inspector of wires or his representative, a member of the planning board to be designated by the mayor, and three persons representing the public to be appointed by the mayor and confirmed by the city council.

The three members appointed by the mayor shall be appointed for a three-year term or until the qualification of a successor.

SECTION 1A. The appointive members of the traffic commission of the city of New Bedford on the effective date of this act shall serve until the expiration of the term for which they were appointed and their successors shall be appointed as provided in section one of this act. The original appointment of the additional person provided for by said section one shall be for a term of one year and his successor shall be appointed for a term of three years.

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

*Approved February 26, 1976.*

**Chap. 4.** AN ACT TO RESTRUCTURE THE SHORT-TERM DEBT OF THE COMMONWEALTH AND CERTAIN AGENCIES AND AUTHORITIES THEREOF.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to assist in restoring to the commonwealth access to the financial markets for its bonds and notes which has

been temporarily denied in part because of the necessity for frequent renewals of large amounts of temporary notes; therefore it 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. Section 1 of chapter 121B of the General Laws is hereby amended by inserting after the definition of "Department", as appearing in section 1 of chapter 751 of the acts of 1969, the following definition:-

"Development cost", the cost of construction or acquisition of a housing project, as determined by the department, including he costs of planning, engineering, surveying and studies; of acquisition of real estate, including the buildings thereon, site preparation, construction, reconstruction, alteration and repair; of interest on notes issued to temporarily finance the project; and of all other fees and expenses reasonably necessary and incurred or to be incurred in connection with construction or acquisition of a housing project.

SECTION 2. Said chapter 121B is hereby amended by striking out section 34, as most recently amended by section 25 of chapter 163 of the acts of 1975, and inserting in place thereof the following section:-

*Section 34.* The commonwealth acting by and through the department may enter into a contract or contracts with a housing authority for state financial assistance in the form of a grant by the commonwealth of the development cost of a housing project or projects. The total amount of grants so contracted for shall not exceed one hundred and twenty-eight million dollars. Each such contract shall contain such limitations as to the development cost of the project and administrative and maintenance costs, and such other provisions, as the department may require and shall require that said grant shall be applied only to development cost of the project or to pay the principal and interest on notes of the housing authority issued to temporarily finance the development cost. Each such contract shall provide for a period during which state financial aid shall be deemed to be continuing notwithstanding that it is paid as a single grant or as several grants, which period shall continue until at least twenty-five years but not more than forty years from the completion date of the project unless and until the full amount of the state grant is reimbursed to the commonwealth as provided in this section. Each project shall be based upon a separate application made to the department and shall be planned to conform, as nearly as possible, to the existing published requirements of the federal government for low-rent or other housing projects, except such requirements as are based upon the cost limitations set forth in federal legislation. A housing

authority may, with the approval of the department, acquire under the provisions of clause (d) of section eleven for the purposes of a project under this section or section thirty-five any land acquired by a city or town under the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and forty-six, as amended; provided, that such city or town has not completed construction of a housing project on such land. Each project developed under this section and section thirty-five shall be administered for occupancy in accordance with section thirty-two, except clause [c], and except that each such project shall be occupied, except as hereinafter provided by veterans and their families, and priority shall be given first to veterans of World War II of low income and to veterans of low income who have served in the active armed forces of the United States at any time between June the twenty-fifth, nineteen hundred and fifty and January the thirty-first, nineteen hundred and fifty-five, both dates inclusive; then to veterans of low income, such low income to be determined from time to time by the department; then to a person without regard to family status who is a veteran and who is fifty years of age or over; then to elderly persons qualifying for housing under the provisions of section forty; then, without regard to family status, to a person of low income who is permanently and totally disabled and eligible for assistance under chapter one hundred and eighteen A, or blind, then to other persons of low income living in substandard housing, and a housing authority may remodel or reconstruct parts of projects erected under this section to make the same available for occupancy by elderly persons qualifying for housing under the provisions of section forty and such remodeled or reconstructed apartments shall be available for occupancy by eligible elderly persons of low income only to the extent that no eligible veterans apply for such units; provided, that if no eligible veterans or elderly persons of low income apply for such remodeled or reconstructed units, the units shall be made available to other persons of low income living in substandard housing. Notwithstanding the requirement that each project shall be based upon a separate application made to the department, the department may consolidate two or more projects of the same housing authority, for which projects applications have been seasonably made under this section and which projects shall have been approved by the department, into a single project, and may make on behalf of the commonwealth a contract with the housing authority for state financial assistance in respect of such consolidated project superseding any such contract made in respect of any of the constituent projects and may determine the date of completion of the consolidated project superseding any such date determined in respect of any of the constituent projects, and such consolidated project shall be constructed, financed and managed as a single project; provided, that nothing contained in

this sentence shall affect the rights of the holders of any notes outstanding in respect of any of the constituent projects at the time of such consolidation.

If federal assistance for low-rent housing becomes available in any form not applicable to projects under this chapter, the department shall immediately report the circumstances to the general court together with such recommendations for legislation as may be necessary to enable such projects to qualify for such assistance. Upon the availability of federal financial assistance for low-rent housing projects, each housing authority having a contract for state financial assistance shall, upon receipt of written notice from the department, immediately enter into negotiations with the federal government to arrange for federal assistance with respect to any project developed hereunder and for the termination or reimbursement, in whole or in part, of state financial assistance. For any such project the department may order any housing authority (1) to apply for federal financial assistance and (2) upon obtaining the approval of the federal government, to enter into a contract or contracts for federal assistance and to make such arrangements as are possible to terminate, reduce or subordinate the obligation of the commonwealth to render financial assistance in such amount as is provided by federal assistance. No order of the department shall in any way affect any outstanding obligations of a housing authority or the rights of any holders of the notes thereof. The amount of federal payments shall be used to the fullest allowable extent, first, to meet the payment of principal and interest on all notes guaranteed by the commonwealth and, second, to reimburse the commonwealth for grants made on account of the project for which the federal payment was received.

If the department shall determine that an acute shortage of housing for veterans constituting a public exigency, emergency or distress no longer exists in a particular city or town, any project, or a part of any project with the land appurtenant thereto, constructed under this section may, with the approval of the department, be sold for the fair market value thereof as determined by the department, but not less than the total of the outstanding obligations of the housing authority with respect to such project if the whole is sold or not less than that percentage of the total outstanding obligations of the authority with respect to such project which the cost of the part sold bears to the total cost of the entire project if a part is sold. Upon the expiration of the period for which the commonwealth is obliged to furnish state financial assistance, or, if such assistance was provided in the form of a grant under this section, upon the expiration of the period determined in the contract as the period during which state financial assistance is deemed to be continuing and provided the federal government has not become obligated to furnish federal

financial assistance, any such project shall be offered for sale and disposed of as soon as is consistent with sound business judgment; provided, that any such sale shall be approved by the department. The Housing Authority Bonds Sinking Fund is hereby established and the state treasurer is hereby designated custodian thereof and he shall administer such fund in accordance with the provisions of chapter twenty-nine. So long as any bonds issued by a housing authority to finance the cost of a project under this section or section thirty-five and guaranteed by the commonwealth are outstanding, the proceeds of any sale of such project shall be paid by the housing authority into such fund and shall be expended from time to time by the state treasurer to pay interest and principal of any bonds issued by such housing authority to finance such project.

The proceeds of any sale of such project in excess of the total of all obligations of the housing authority with respect to such project shall, after the payment of all bonds issued by the housing authority to finance the cost of such project, be paid to the commonwealth as a reimbursement of any grant made pursuant to this section and after the full reimbursement of such grant any remaining proceeds shall be paid to the city or town in which the project is located and to the commonwealth in proportion to the respective contributions made by each toward the development and maintenance of such project as determined by the department. In determining the contributions of a city or town, the department shall include the amounts which the city or town would have received if such project had not been exempt from taxes, betterments and special assessments, less any amounts paid by the housing authority to the city or town in lieu of such taxes, betterments and special assessments. Payments to the commonwealth hereunder shall be paid into the state treasury and shall be credited to the General Fund.

The provisions of sections one to forty-four, inclusive, except section thirty-three shall, as far as apt, be applicable to projects developed under this section and under section thirty-five and to housing authorities while engaged in developing and administering such projects; provided, that whenever the phrases “federal government” or “federal legislation” are used in said sections one to forty-four, inclusive, they shall also mean the commonwealth or laws of the commonwealth, as the case may be; and that whenever the words “low-rent housing project” or “projects” are used in said sections they shall also mean a state-aided project under this section and section thirty-five.

The department may enforce any of its orders, rules or regulations or the provisions of any contract between the commonwealth and a housing authority by a civil action filed under the provisions of section five of chapter two hundred and forty-nine. In the event of a breach by a housing authority of any

provisions of contract between it and the commonwealth relating to a project, the commonwealth, acting by the department, may take immediate possession of the project and retain possession and operate the project in the place and stead of the housing authority, with all the rights and powers of the housing authority, and subject to all of its obligations respecting the possession and operation of the project and the revenues therefrom, until such time as such breach shall have been corrected to the satisfaction of the department.

A housing authority which has received state financial assistance to finance a project under authority of this section, or which has received funds from a city or town under authority of chapter three hundred and seventy-two of the acts of nineteen hundred and forty-six as amended, shall cause an audit to be made of its accounts annually at the close of a fiscal year by the department of the state auditor and a copy of the report of said audit shall be filed promptly with the department.

Any type of housing including one, two and three family dwellings may be constructed under this section notwithstanding the provision that each project shall conform as nearly as possible to the existing published requirements of the federal government for low-rent or other housing projects. In offering for sale residences constructed under this section, preference to potential buyers shall be given whenever reasonably possible as follows: (1) veteran tenants of such residences; (2) all other World War II veterans, as defined in section seven of chapter four; (3) surviving widows and mothers of said veterans of World War II; (4) all other United States war veterans; (5) all other resident citizens of the city or town in which said residences are located; (6) all other citizens of the commonwealth; (7) an urban redevelopment corporation; and (8) all others. The provisions of this paragraph shall not apply to projects completed after July first, nineteen hundred and sixty-six.

Whenever a housing authority shall determine that land acquired by it under clause (d) of section eleven for the purpose of this section is in excess of or no longer required for such purposes it may, upon approval by the department, sell or otherwise dispose of such land by deed or instrument approved as to form by the attorney general. Funds received from a sale of land as herein provided shall be paid into the Housing Authority Bonds Sinking Fund or to the commonwealth and the city or town in which the land is located, as provided in this section.

Whenever a housing authority shall determine that any gas, electric or heating distribution system which has been built or acquired for the purposes of this section is no longer required for such purposes, it may upon approval by the department, sell or otherwise dispose of such gas, electric or heating distribution system, or any part thereof, by deed or instrument approved as to

form by the attorney general. Funds received from a sale of a gas, electric or heating distribution system or any part thereof, as herein provided, shall be paid into the Housing Authority Bonds Sinking Fund or to the commonwealth and the city or town in which the system is located, as provided in this section.

The department shall promulgate rules and regulations relative to uniform standards for tenant selection which shall establish the order of priority governing the selection of tenants, and a housing authority thereafter shall be bound by such standards in its selection of tenants.

Notwithstanding any of the provisions of sections thirty-five to thirty-seven, inclusive, any housing authority having a contract for state financial assistance may, with respect to any project developed hereunder, and in accordance with the provisions of section fourteen and section thirty, contract with the federal government for financial assistance in accordance with the provisions of federal legislation.

SECTION 3. Said chapter 121B is hereby further amended by inserting after section 34A, inserted by section 2 of chapter 884 of the acts of 1973, the following section:-

*Section 34B.* Any contract for state financial assistance entered into by the commonwealth with a housing authority pursuant to section thirty-four may provide for additional state financial assistance in the form of a guarantee by the commonwealth of notes of the housing authority issued to finance temporarily the development cost of a housing project or projects for which a grant is to be made, but the amount of notes so guaranteed on account of any project shall not exceed the amount of the grant for that project. The total amount of all notes guaranteed pursuant to this section shall not exceed one hundred and twenty-eight million dollars exclusive of any such notes which may be issued for refunding purposes. The guarantee by the commonwealth of the notes of a housing authority shall be executed on each note by the secretary or an assistant secretary of the executive office of communities and development. It shall be sufficient if the signature of said secretary or assistant secretary upon such note is an engraved, printed or stamped facsimile signature, provided that he has, by a writing bearing his written signature and filed in the office of the secretary, authorized his facsimile signature to be placed thereon. The facsimile signature of said secretary or assistant secretary so engraved, printed or stamped thereon, shall have the same validity and effect as his written signature. If any such secretary or assistant secretary shall cease to be such officer before the delivery of such note, his signature or facsimile signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

A housing authority may sell commonwealth guaranteed

temporary notes to finance a project; provided, that the total amount outstanding at any time, exclusive of any notes which may be issued for refunding purposes, shall not be in excess of the development cost of the project. Any such notes, whether original or refunding, may at any time be refunded through the issue and sale of notes hereunder but in no event for a term more than one year after completion of the project, as determined by the department. No notes may be issued on account of any project which cause the total amount of notes outstanding for that project, exclusive of notes which may be issued for refunding purposes, to exceed the amount of grant to be received thereafter under the contract relating thereto.

Notwithstanding the provisions of section seventeen the payment of the principal of, and interest on, all such notes shall be guaranteed by the commonwealth, and the full faith and credit of the commonwealth is hereby pledged for any such guarantee. Any excess between the completed cost of a project as determined by the department and the notes outstanding for such project may be retired from the proceeds of the notes, and if so retired, shall not be used in computing the total amount of notes guaranteed by the commonwealth under this section.

No housing authority shall sell or offer for sale any such notes without receiving from the department approval of the amount, the term, the time of sale, and other conditions which the department may deem relevant in connection with the sale of such notes.

Notes issued hereunder prior to the execution and delivery of a contract for the construction or acquisition of the project shall be payable not later than twelve months after such issuance and shall not exceed in aggregate principal amount outstanding at any time, exclusive of renewals, fifteen per cent of the development cost of the project as estimated by the department at the time of issuance. Except for notes described in the following paragraph, notes issued hereunder after the date of execution and delivery of a contract for the construction or acquisition of the project shall be payable in not more than ten months from such date or on such date as other notes for the same project shall be payable, whichever date shall later occur.

Notes issued after the execution and delivery of a contract for the construction or acquisition of the project, and after a grant under section thirty-four has been made to pay all or a portion of the costs of said project, shall not exceed in aggregate principal amount outstanding at any time, exclusive of renewals, ten per cent of the development cost of the project as determined by the department at the time of issuance; provided that said limitation shall not apply to notes issued to finance that portion of the development cost which is in excess of the development cost as estimated by the department at the time such grant was made. If

the department determines that notes are outstanding which if renewed by the issuance of other notes would exceed the periods or amounts of notes permitted to be issued or outstanding by this section and if the department is advised by the state treasurer that in his best judgment bond market conditions are adverse and, therefore, it is not feasible to issue bonds in order to make a grant to retire such notes, then the department may authorize refunding notes which shall be payable not later than twelve months after their issuance without regard to the other limitations of this section; provided, however, that so long as any note which could not have been issued but for the provisions of this sentence is outstanding for any project, the department shall not approve under section thirty-one any housing project which requires the issuance of bonds or notes by or guaranteed by the commonwealth as part of the financing thereof.

SECTION 4. Said chapter 121B is hereby further amended by striking out section 35, as amended by section 3 of chapter 359 of the acts of 1970, and inserting in place thereof the following section:-

*Section 35.* The commonwealth, acting by and through the department, may enter into a contract or contracts with a housing authority for supplementary state financial assistance in the form of grants and guarantees as provided in and subject to the limitations of sections thirty-four and thirty-four B with respect to that portion of the development cost of a federally assisted housing project or projects which is not financed by such federal assistance.

SECTION 5. Said chapter 121B is hereby further amended by striking out section 37, as most recently amended by section 24 of chapter 163 of the acts of 1975, and inserting in place thereof the following section:-

*Section 37.* For the purpose of avoiding, so far as practicable, during the period of public exigency, emergency and distress now existing on account of the acute shortage of housing in many cities and towns of the commonwealth, the making of persons or families homeless as the result of the demolition of dwelling units on land acquired or to be acquired for the purposes of an urban renewal project, or any other public improvement by the commonwealth, a city or town, or any other public body, the commonwealth acting by and through the department may enter into a contract or contracts with a housing authority, or, in the event an urban renewal agency exists within a city or town, with a housing authority upon request of the urban renewal agency, for state financial assistance in the form of a grant by the commonwealth of the development cost of a relocation project or projects. The total amount of grants so contracted for shall not exceed twenty-five million dollars in the aggregate or the actual cost of the construction of two thousand units, whichever amount

---

is the lesser. Each such contract shall contain such limitations as to the development cost of the project and administrative and maintenance costs, as the department may require. Each project shall be based upon a separate application made to the department, which shall include such evidence of need as the department may require including a statement that the local planning board has been informed as to the location and number of dwelling units of the proposed project. The department shall ascertain and certify the need for each project after determining that there exists in such city or town and its vicinity a period of public exigency, emergency and distress occasioned by an acute shortage of housing; provided, that the department may not approve a project or projects in any city or town for a number of dwelling units in excess of fifty per cent of the number of families to be displaced by an urban renewal project or other public improvement.

Contracts for financial assistance entered into under this section may also provide for a guarantee by the commonwealth of notes of a housing authority issued to temporarily finance a relocation project. Such guarantee and such notes shall be made and issued as provided in section thirty-four B and shall be subject to the limitations on period and amount set forth therein. The total amount of notes guaranteed hereunder, exclusive of refunding notes, shall not exceed twenty-five million dollars.

After such date as the department may determine that such acute shortage of housing for displaced persons constituting a public exigency, emergency or distress no longer exists, any relocation project acquired, constructed, moved or rehabilitated may, with the approval of the department, be offered for sale at its fair market value and disposed of as soon as is consistent with sound business judgment; provided, that no such sale shall be for less than the total of the outstanding obligations of the housing authority with respect to such project. If the proceeds of the sale of such a project are in excess of the total of all obligations for the housing authority with respect to such project, such excess shall, after the payment of all notes and other outstanding obligations of the housing authority relating to such project, be paid to the commonwealth as a reimbursement of grants made hereunder, and, after full reimbursement, to the city or town in which such project is located.

Sections one to forty-four, inclusive, except sections thirty-two and thirty-three, shall, as far as apt, be applicable to projects developed under this section and to housing authorities while engaged in developing and administering such projects; provided, that no application for state financial assistance under this section shall be accepted by the department after January the first, nineteen hundred and sixty-five.

An authority shall not acquire land for the site of a relocation project by eminent domain under chapter seventy-nine or chapter

eighty A, or by purchase, gift or otherwise, unless such land is entirely or almost entirely unoccupied by inhabited dwellings; provided, however, than an authority may acquire a completed dwelling or a group of dwellings for a relocation project if acquisition of such does not involve their demolition. The total number of dwelling units to be created in any one city or town in connection with relocation projects, for which state assistance may be granted, shall not exceed two per cent of the total of dwelling units in such city or town as reported by the United States census of nineteen hundred and fifty.

Upon the completion or acquisition of a project by a housing authority, it shall be maintained and operated by such authority. In the operation or management of relocation projects, an authority shall at all times observe the following requirements with respect to rentals and tenant selection:-

(1) It shall rent to a tenant dwelling accommodations consisting of the least number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof without overcrowding, in accordance with a rent schedule approved by the department. Such rent schedule shall be arranged so as to be sufficient, in the opinion of the department, to pay all of the costs of maintaining and operating the project, including a reasonable allowance for depreciation, and may, in the discretion of the department, be sufficient so as also to include each year an allowance for the amortization of all or part of the cost of acquiring and constructing the project not otherwise provided for by grants or otherwise.

(2) A housing authority shall not admit a person or family for occupancy in a relocation project for a period longer than may be from time to time determined by the department. A housing authority shall accept as tenants persons or families who occupied dwellings eliminated by demolition, condemnation and effective closing as part of any public improvement made by the commonwealth, city or town or other body politic and corporate or of any urban renewal, code enforcement or chapter one hundred and twenty-one A project; provided, that to the extent that no displaced persons apply for tenancy in such relocation project the authority may admit as tenants veterans, elderly persons of low income, and families of low income; provided, that no vacancies exist for such elderly persons and families of low income in existing low-rent public housing projects. If a housing authority acquired a completed dwelling or group of dwellings for a relocation project, and the acquisition of such does not involve their demolition, the authority may permit any person or family otherwise eligible under this chapter to continue in occupancy for such period or periods that such dwelling units are not needed for persons or families displaced by any public improvement or urban renewal, code enforcement or chapter one hundred and twenty-

one A project.

(3) In any action to recover possession of premises, occupied in a relocation project, the provisions of sections twelve and thirteen of chapter one hundred and eighty-six and section nine of chapter two hundred and thirty-nine shall not apply.

The provisions of this chapter or any other law to the contrary notwithstanding, a housing authority may acquire with the approval of the department for use as a relocation project any existing project owned by it or leased to it by the federal government and may with the approval of the department operate and maintain such project as a relocation project.

SECTION 6. Said chapter 121B is hereby further amended by striking out section 41, as most recently amended by section 1 of chapter 825 of the acts of 1975, and inserting in place thereof the following section:-

*Section 41.* The commonwealth, acting by and through the department, may enter into a contract or contracts with a housing authority for state financial assistance in the form of a grant by the commonwealth of the development cost of a housing project or projects or a part or parts of a housing project or projects for elderly persons of low income. The total amount of grants so contracted for shall not exceed five hundred thirty-four million dollars. Such contract or contracts may provide for additional state financial assistance in the form of a guarantee by the commonwealth of notes of the housing authority issued to temporarily finance the development cost of such a project but the amount guaranteed on account of any project shall not exceed the amount of grant for that project. The total amount of all notes guaranteed pursuant to this section shall not exceed five hundred thirty-four million dollars, exclusive of notes which may be issued for refunding purposes. Any excess between the completed cost of a project as determined by the department and the notes outstanding therefor may be retired from the proceeds of such notes and if so retired, shall not be used in computing the total amount of notes guaranteed by the commonwealth under this section. The provisions of sections thirty-four, thirty-four B and thirty-five shall, so far as apt, be applicable to contracts, grants, guarantees and notes authorized by this section.

SECTION 7. Said chapter 121B is hereby further amended by striking out section 41A, as amended by section 2 of said chapter 825, and inserting in place thereof the following 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 a grant by the commonwealth of the development cost of a project or projects or a part or parts of a project or projects for handicapped persons of low income or families of low income of which one or more persons is handicapped. The total amount of grants so contracted

for 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. Such contract or contracts may provide for additional state financial assistance in the form of a guarantee by the commonwealth of notes of the housing authority issued to finance temporarily the development cost of such a project but the amount guaranteed on account of any project shall not exceed the amount of grant for that project. The total amount of all notes guaranteed pursuant to this section shall not exceed ten million dollars, exclusive of notes which may be issued for refunding purposes. Housing units for handicapped persons or families of low income, of which one or more persons in 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. The provisions of sections thirty-four, thirty-four B and thirty-five shall, so far as apt, be applicable to contracts for financial assistance, grants, notes and guarantees authorized 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.

SECTION 8. The secretary of communities and development shall expend a sum not exceeding six hundred and seventy-two million dollars to pay grants pursuant to contracts authorized by sections thirty-four, thirty-five, thirty-seven, forty-one and forty-one A of chapter one hundred and twenty-one B of the General Laws and to repay and retire the principal amount of notes issued by housing authorities and guaranteed by the commonwealth under and pursuant to sections thirty-four and forty-one of said chapter one hundred and twenty-one B, to pay accrued interest on any of such notes for which an annual contribution has not been paid by the commonwealth pursuant to said sections, and to pay the expenses of issuing and selling the bonds authorized by section ten of this act, including all costs and fees incidental thereto, and to pay interest on said bonds for any period by which the time from when interest first accrues to the first interest payment on said bonds exceeds six months, but in any case, for no more than one year, and to pay such additional amount of interest on said bonds as is estimated by the secretary to represent the amount of interest which would have been capitalized prior to completion on account of projects funded by housing authority notes but not completed on the effective date of this act had such notes not been paid from the proceeds of said bonds.

SECTION 9. Said secretary shall make such rules and regulations and establish such procedures as he deems necessary to carry out the repayment and retirement of outstanding housing authority notes with the proceeds of the bonds authorized by section ten of

this act, and to ensure the orderly marketing of such notes in the future.

SECTION 10. To meet the expenditures authorized by section eight of this act or to reimburse the treasury for funds advanced for such expenditures, the state treasurer shall, upon request of the governor, issue and sell, at a price not less than ninety-seven per centum of the face value thereof, 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 six hundred seventy-two million dollars. Section fifty-three of chapter twenty-nine of the General Laws shall not apply to any such sale. All bonds issued as aforesaid shall be designated on their face "General Obligation Public Housing Bond." In anticipation of the receipt of proceeds of such bonds, the treasurer may issue and sell temporary notes in an amount not to exceed the amount of bonds specified by the governor pursuant to this section. The principal of and interest on such notes may be paid from the proceeds of said bonds and to the extent not so paid shall be paid from any other fund or receipts; provided that if and to the extent that the principal amount of such notes is paid from other than the proceeds of said bonds, the principal amount of said bonds which may be issued shall be reduced by a like amount. As recommended by the governor in a message to the general court dated March first, nineteen hundred and seventy-six, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, each issue of such temporary notes shall be for a term not to exceed one hundred and twenty days and each issue of such bonds shall be for a term not to exceed forty years, each from the date of its issuance. Temporary notes issued hereunder prior to June thirtieth, nineteen hundred and seventy-eight, may bear on their face the statement or legend described in section forty-seven of chapter twenty-nine of the General Laws, and such notes shall be accepted in payment of taxes as provided thereby.

Bonds issued hereunder may be made subject to call for redemption at any time or from time to time, with or without premium. Such bonds may be issued on a serial payment plan or may be issued as term bonds and section forty-nine of chapter twenty-nine of the General Laws shall not apply to the repayment provision of any term bonds; provided, however, that if bonds are issued as term bonds, the treasurer shall agree with the holders of such bonds or with a trustee, which shall be a trust company or bank with trust powers doing business in the commonwealth, for the benefit of the holders to establish a sinking fund therefor and to redeem such bonds and to pay interest thereon from the sinking fund. Payments to such sinking fund of amounts available for the payment of principal and interest, according to a schedule

established by the state treasurer at the time any bonds are issued, shall for all purposes, including the purposes of section fifty of chapter twenty-nine of the General Laws, be deemed to be serial payments of the bonds and the full faith and credit of the commonwealth is pledged to the making of such payments, provided, however, that no payment to such sinking fund shall be required in any year beyond the amount necessary to make the total of all such payments on account of principal to and including that year equal to the total amount of principal which would have been paid to and including that year had the bonds been issued to mature in equal installments of principal in each year. Payments from such a sinking fund for the redemption of bonds, and the payment of interest thereon, shall be made without further appropriation or authorization by any officer of the commonwealth.

Pending the application of the proceeds of said bonds to the purposes for which they are issued, such proceeds, together with investment earnings therefrom, may be held by the state treasurer and invested in obligations of or guaranteed by the United States or in obligations of any agency or instrumentality of the United States, or deposits of banks or trust companies doing business in the commonwealth secured by such obligations; the earnings from such investments may be applied to the purposes for which the bonds are issued.

SECTION 11. In connection with the issuance of bonds pursuant to section ten of this act and to induce the purchase of such bonds, the state treasurer may covenant with the purchasers or with the holders of such bonds or with a trustee, which shall be a trust company or bank with trust powers doing business in the commonwealth, for the benefit of the holders from time to time, with respect to the operation of the sinking fund provided in said section ten, to mandatory and voluntary redemptions, the prices thereof and the manner of notice therefor, to the terms of other bonds and the amount and terms of notes which may be issued or guaranteed by the commonwealth for purposes of housing projects under chapter one hundred and twenty-one B of the General Laws, provided that any covenant regarding the amount of said notes shall not include any provision restricting the amount of notes that may be issued or guaranteed for such purposes to any amount of notes less than that amount authorized by the provisions of said chapter one hundred and twenty-one B in effect at the time of issuance of said bonds, and to any other matter necessary and proper and not inconsistent with law in connection with the bonds. Such covenants may appear on the bonds or may be included in a separate contract or trust indenture a copy of which shall be available for public inspection at the office of the treasurer in which case reference to such contract or indenture in the bonds shall be sufficient to incorporate its terms into the bonds

and shall be full notice of the terms thereof to any holder of a bond. The state treasurer may further covenant as provided herein that the failure by the commonwealth to comply with any covenant made pursuant to this section shall constitute an event of default and may agree that the total outstanding principal amount of bonds issued hereunder shall in such instance become due and payable.

SECTION 12. Any right of a holder of a bond issued hereunder may be enforced as a claim against the commonwealth as provided in chapter two hundred and fifty-eight of the General Laws, but the pendency of any action pursuant thereto or the existence of a judgment thereunder shall not relieve the obligation of the commonwealth to pay when due, as stated or by acceleration in the event of a default, the principal of and interest on bonds issued pursuant to section ten of this act and the full faith and credit of the commonwealth is pledged to such payment.

SECTION 13. Nothing contained in this act shall in any way affect the validity of any bond or note of any housing authority or of the guarantee of the commonwealth thereon or any right of a holder thereof with respect to such bond, note or guarantee. Notwithstanding the amendments of law made by this act, any bond or note of any housing authority and the guarantee of the commonwealth thereon which was legally issued at the time of issuance shall remain legal, valid and binding hereunder.

Annual contributions on account of outstanding housing authority bonds shall continue to be paid in accordance with law as it existed immediately prior to the effective date of this act and the full faith and credit pledge of the commonwealth to make such payments shall be and continue unimpaired.

Notwithstanding the limitations contained in chapter one hundred and twenty-one B of the General Laws, as amended by this act, on the amount of guaranteed notes which may be issued prior to execution and delivery of a contract for the construction or acquisition of a housing project, any notes outstanding as of the effective date of this act on account of a housing project for which no such contract has been executed and delivered may be refunded from time to time by the issuance of other guaranteed notes, provided that after the execution and delivery of such a contract all the limitations of said chapter one hundred and twenty-one B shall apply to such notes.

Any and all sums held by a housing authority as a reserve for debt service applicable to notes which are paid in full from a grant made under said chapter one hundred and twenty-one B, as amended by this act, shall revert to the unrestricted use of the housing authority and shall be applied to the budgeted expenses of such authority in that or the following year.

SECTION 14. Subsection (b) of section 8 of chapter 708 of the acts of 1966 is hereby amended by inserting the following two

sentences:- During the period between January first, nineteen hundred and seventy-six, and December thirty-first, nineteen hundred and seventy-seven, the MHFA shall not be authorized to issue notes other than *(i)* notes bearing the guaranty of the commonwealth pursuant to the authorization provided in subparagraph *(b)* of section nine in effect as of January first, nineteen hundred and seventy-six, *(ii)* notes issued to fund construction loans with respect to which a person other than the MHFA has agreed to provide permanent financing and *(iii)* notes, other than notes described in clauses *(i)* and *(ii)* of this sentence, in an aggregate principal amount, exclusive of renewals, not exceeding twenty per cent of the aggregate principal amount of all bonds of the MHFA issued and existing mortgage loans sold, the proceeds of which are applied to redeem outstanding bond anticipation notes, during such period. At any time after December thirty-first, nineteen hundred and seventy-seven, the MHFA shall not be authorized to issue notes other than *(i)* notes issued to refund notes previously issued, *(ii)* notes issued to fund mortgage loan increases for projects for which notes have previously been issued and *(iii)* notes issued to fund construction loans with respect to which a person other than the MHFA has agreed to provide permanent financing, if after such issuance the aggregate principal amount of all notes then outstanding other than notes described in clauses *(ii)* and *(iii)* of this sentence shall exceed twenty-five per cent of the aggregate principal amount of all bonds of the MHFA then outstanding.

SECTION 15. Chapter 161A of the General Laws is hereby amended by inserting after section 12 the following section:-

*Section 12A.* *(a)* The authority may issue temporary notes under this section *(i)* for any purpose for which it may borrow money under section twelve, *(ii)* in exchange for notes issued by the authority under section twelve, which shall thereupon be cancelled, *(iii)* in exchange for notes of the commonwealth issued by the state treasurer under section twelve, including any such notes held by the commonwealth, which shall thereupon be cancelled, or *(iv)* to reimburse the commonwealth for payments made under sections twelve and thirteen, including interest or other charges incurred by the commonwealth in borrowing money under section twelve.

*(b)* The notes issued under this section shall be payable on or before December thirty-first of the year following their issue. Such notes shall be general obligations of the authority, entitled to the security provided by sections twelve and thirteen, and shall be additionally secured by a pledge of assessments and other moneys provided in lieu thereof or in reduction thereof, as hereinafter provided.

*(c)* Notes issued under this section shall be secured by a trust agreement by and between the authority and a corporate trustee,

which may be any trust company or bank having the powers of a trust company within the commonwealth. Such trust agreement may contain such provisions for protecting and enforcing the rights and remedies of the noteholders as may be reasonable and proper and not in violation of law, including covenants and negative covenants in relation to the financial operations of the authority and to the custody, safeguarding and application of all moneys received by or for the account of the authority, and shall pledge or assign the assessments received or to be received and any other moneys provided in lieu thereof or in reduction thereof. Said pledge shall be binding from the time it is made and shall be effective as against all other creditors of the authority; whether or not they have notice thereof, and without the necessity of segregation of pledged funds or any further act. No filing with respect to such pledge shall be required under the Uniform Commercial Code. It shall be lawful for any bank or trust company incorporated under the laws of the commonwealth to act as depository of note proceeds or other funds under such trust agreement and to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such trust agreement may set forth the rights and remedies of the noteholders and the trustee and may restrict the individual right of action by noteholders. In addition to the foregoing, such trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the noteholders. All expenses incurred in carrying out the provisions of such trust agreement may be treated as current expenses of the authority and shall not be subject to clause (i) of section five. The state treasurer may join in such trust agreement for the purpose of making covenants on behalf of the commonwealth for the security of the noteholders.

(d) The pledged assessments shall be received by the state treasurer for the authority, shall not constitute funds of the commonwealth and shall immediately be deposited with the corporate trustee. To the extent that the assessments of any year represent notes of the commonwealth outstanding under section twelve, or unreimbursed payments by the commonwealth under section twelve or thirteen or unreimbursed interest or other charges incurred by the commonwealth in borrowing money under section twelve, a proportionate amount of each annual assessment, and of each payment thereof, shall be received by the state treasurer for the commonwealth, shall constitute funds of the commonwealth and shall not be included in the pledge hereunder. Net cost of service financed by the authority under this section and not represented by outstanding notes of the commonwealth or unreimbursed payments, interest or other charges incurred by the commonwealth as heretofore described in this paragraph shall be assessed for the account of the authority in the same manner and

subject to the same remedies as net cost of service paid by the commonwealth.

(e) Except to the extent limited by the trust agreement, the duties of state officials, the authority and its officials, city and town assessors and other city and town officials under this section or the trust agreement or otherwise relating to the levy, collection, custody, safeguarding and application of the assessments upon the cities and towns and other moneys provided in lieu thereof or in reduction thereof, including the duties of city and town assessors and other city and town officials to raise money for and to pay over the assessments, shall be enforceable in a civil action pursuant to section five of chapter two hundred and forty-nine brought by the authority or the corporate trustee.

(f) The authority shall notify the state treasurer of any interest or other charges incurred in borrowing money under this section. Such interest and other charges shall be included in the assessments of the net cost of service of the year for which such money is borrowed, as determined by the Authority. In the event that the assessments in any year are for any reason less than the amount required with other funds to pay the net cost of service of the prior year, including interest and costs of borrowing pursuant to section twelve or this section, the deficiency shall be made up in the following year. Provision may be made in any contract for financial assistance between the commonwealth and the authority for the payment of such assistance to the corporate trustee for the security of the noteholders. Where net cost of service is temporarily financed by the authority under this section, the authority and the state treasurer may make such arrangement as may be appropriate with respect to payment of such net cost of service by the commonwealth under section twelve, so that such borrowing by the authority shall provide insofar as practicable, an alternative means of financing such net cost of service pending receipt of assessments or other funds in lieu thereof or in reduction thereof.

(g) Nothing in this section shall be applied in any way detrimental to the rights of any holder of a bond or note of the authority, whether heretofore or hereafter issued, under sections twelve and thirteen, or under any pledge of revenues or other moneys pursuant to the bond resolution adopted by the authority on February fifteenth, nineteen hundred and sixty-seven, or under a guarantee by the commonwealth of any bond anticipation note issued by the authority.

SECTION 16. Said chapter 161A is hereby further amended by striking out section 25, as appearing in section 18 of chapter 563 of the acts of 1964, and inserting in place thereof the following section:-

*Section 25.* Bonds and notes issued under this chapter, whether original or refunding and including notes issued under

section twelve A, are hereby made securities in which all public officers and public bodies of the commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, savings banks, cooperative banks, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or notes or other obligations of a similar nature may properly and legally invest funds, including capital, deposits or other funds in their control or belonging to them. Such bonds and notes 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 other obligations of the commonwealth now or may hereafter be authorized by law.

SECTION 17. If not less than fifteen days prior to the date upon which any note or notes now outstanding or hereafter issued and sold by the Massachusetts Housing Finance Agency pursuant to chapter seven hundred and eight of the acts of nineteen hundred and sixty-six, as amended, whether or not the principal of and interest on such note or notes shall have been guaranteed by the commonwealth pursuant to chapter five hundred and ninety-eight of the acts of nineteen hundred and seventy-five, shall mature, and for the payment of any portion of the principal of or interest on such note or notes there shall not be funds available to the Agency or a commitment by a purchaser shall not exist to purchase notes or bonds of the Agency in an amount and at a time to provide the Agency with funds sufficient, with any other funds available to the Agency for the purpose, to pay all amounts of principal of and interest on said note or notes due and payable at the maturity thereof, then the chairman or the executive director of the Agency shall notify the state treasurer in writing of the date upon which such payment is due and the amount thereof for the payment of which funds are not available or committed to the Agency as aforesaid.

SECTION 18. If not less than fifteen days prior to the date upon which any note or notes now outstanding or hereafter issued by the University of Massachusetts Building Authority pursuant to chapter seven hundred and seventy-three of the acts of nineteen hundred and sixty, as amended, by the University of Lowell Building Authority pursuant to chapter five hundred and fifty-seven of the acts of nineteen hundred and sixty-three, as amended, by the Massachusetts State College Building Authority pursuant to chapter seven hundred and three of the acts of nineteen hundred and sixty-three, as amended, or by the Southeastern Massachusetts Building Authority pursuant to chapter seven hundred and three of the acts of nineteen hundred and sixty-four, as amended, payment of which note or notes shall have been guaranteed

by the commonwealth pursuant to a contract for state financial assistance entered into under the chapter pertaining to the authority in question, shall mature and for the payment of any portion of the principal of or interest on said note or notes there shall not be funds available to the authority in question or a commitment by a purchaser shall not exist to purchase notes or bonds of the authority in question in an amount and at a time to provide said authority with funds sufficient, with any other funds available to said authority for the purpose, to pay all amounts of principal of and interest on said note or notes due and payable at the maturity thereof, then the chairman of the authority in question shall notify the state treasurer in writing of the date upon which such payment is due and the amount thereof for the payment of which funds are not available or committed to said authority as aforesaid.

SECTION 19. The state treasurer is hereby authorized to expend a sum not exceeding five hundred fifty million dollars to purchase at the maturity thereof notes of the Massachusetts Housing Finance Agency or of an authority mentioned in section eighteen of this act for the payment of which the Agency or such authority, as the case may be, does not have funds available, to pay the interest on any such note due at the maturity thereof and for the payment of which the Agency or such authority, as the case may be, does not have funds available, and to pay the expenses of issuing and selling the bonds authorized by section twenty-one of this act, including all costs and fees incidental thereto.

SECTION 20. The state treasurer shall make such rules and regulations and establish such procedures as he deems necessary to carry out the purchase of notes authorized by section nineteen of this act.

SECTION 21. To meet the expenditures authorized by section nineteen of this act or to reimburse the treasury for funds advanced for such expenditures, the state treasurer shall, upon request of the governor, issue and sell, at a price not less than ninety-seven per centum of the face value thereof, 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 hundred fifty million dollars. Section fifty-three of chapter twenty-nine of the General Laws shall not apply to any such sale. All bonds issued as aforesaid shall be designated on their face "General Obligation Agency or Authority Bond." In anticipation of the receipt of proceeds of such bonds, the treasurer may issue and sell temporary notes in an amount not to exceed the amount of bonds specified by the governor pursuant to this section. The principal of and interest on such notes may be paid from the proceeds of said bonds and to the extent not so paid shall be paid from any other funds or receipts;

provided that if and to the extent that the principal amount of such notes is paid from other than the proceeds of said bonds, the principal amount of said bonds which may be issued shall be reduced by a like amount. As recommended by the governor in a message to the general court dated March first, nineteen hundred and seventy-six, in pursuance of Section 3 of Article LXII of the Amendments to the Constitution of the Commonwealth, each issue of such temporary notes shall be for a term not to exceed one hundred and twenty days and each issue of such bonds shall be for a term not to exceed forty years, each from the date of its issuance. Temporary notes issued hereunder prior to June thirtieth, nineteen hundred and seventy-eight, may bear on their face the statement or legend described in section forty-seven of chapter twenty-nine of the General Laws, and such notes shall be accepted in payment of taxes as provided thereby.

SECTION 22. In connection with the issuance of bonds pursuant to section twenty-one of this act and to induce the purchase of such bonds, the state treasurer may covenant with the purchasers or with the holders of such bonds or with a trustee, which shall be a trust company or bank with trust powers doing business in the commonwealth, for the benefit of the holders from time to time, with respect to the operation of the sinking fund provided in said section twenty-one, to mandatory and voluntary redemptions, the prices thereof and the manner of notice therefor, to the limitations imposed by the provisions of this act upon the issuance of notes, and to any other matter necessary and proper and not inconsistent with law in connection with the bonds. Such covenants may appear on the bonds or may be included in a separate contract or trust indenture a copy of which shall be available for public inspection at the office of the state treasurer in which case reference to such contracts or indenture in the bonds shall be sufficient to incorporate its terms into the bonds and shall be full notice of the terms thereof to any holder of a bond. The state treasurer may further covenant as provided herein that the failure by the commonwealth to comply with any covenant made pursuant to this section shall constitute an event of default and may agree that the total outstanding principal amount of bonds issued under section twenty-one of this act shall in such an instance become due and payable.

SECTION 23. Any right of a holder of a bond issued under section twenty-one of this act may be enforced as a claim against the commonwealth as provided in chapter two hundred and fifty-eight of the General Laws, but the pendency of any action pursuant thereto or the existence of a judgment thereunder shall not relieve the obligation of the commonwealth to pay when due, as stated or by acceleration in the event of a default, the principal of and interest on bonds issued pursuant to section twenty-one of this act and the full faith and credit of the commonwealth is

pledged to such payment.

SECTION 24. Nothing contained in this act shall in any way affect the validity of any bond or note of any agency or authority mentioned in this act or of the guarantee of the commonwealth thereon or any right of a holder thereof with respect to such bond, note or guarantee. Every bond or note of any agency or authority mentioned in this act or of the guarantee of the commonwealth thereon which was legally issued at the time of issuance shall remain legal, valid and binding hereunder.

SECTION 25. Clause (b) of section 9 of chapter 708 of the acts of 1966, as appearing in chapter 598 of the acts of 1975, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The total amount of notes to be guaranteed as aforesaid shall be reduced by (i) the principal amount of bonds issued subsequent to September first, nineteen hundred and seventy-five, by MHFA to refund notes so guaranteed, (ii) the principal amount of notes so guaranteed which are redeemed with the proceeds of the sale of mortgage loans, and (iii) by the principal amount of notes of MHFA purchased by the treasurer and receiver general with the proceeds of bonds issued by the commonwealth for the purpose of such purchase.

SECTION 26. The principal amount of notes issued by an authority mentioned in section eighteen of this act the payment of the principal of or interest on which may be guaranteed by the commonwealth pursuant to the act pertaining to such authority as mentioned in said section eighteen shall be reduced by the principal amount of notes of such authority purchased under section nineteen of this act.

SECTION 27. Chapter 29 of the General Laws is hereby amended by striking out section 47, as appearing in section 5 of chapter 637 of the acts of 1945, and inserting in place thereof the following section:-

*Section 47.* The state treasurer may borrow at any time during the fiscal year, in anticipation of the receipts for that year other than assessments for the metropolitan districts, such sums of money as may be necessary for the payment of ordinary demands on the treasury, and other legal obligations of the commonwealth, and may issue notes therefor. Money so borrowed and notes so issued may be at such rates of interest as shall be found necessary. He shall repay any sums borrowed under this section as soon after said receipts are paid as is expedient, but in any event before the close of the fiscal year in which the same were borrowed.

Notes issued under and pursuant to this section may bear on their face a statement that if principal and interest thereon are not paid when due said notes will be accepted thereafter at face value plus accrued interest to the date of such acceptance as payment to that extent of taxes owed by the bearer to the commonwealth under chapter sixty-two, sixty-two B, sixty-three, or sixty-three B.

Notes bearing such legend shall be accepted in payment of such taxes, including penalty and interest thereon, at face value plus accrued interest by all persons responsible for collecting taxes but shall otherwise be payable in accordance with their terms as provided in the first paragraph of this section.

SECTION 27A. Said chapter 29 is hereby further amended by striking out said section 47, as amended by section 27 of this act, and inserting in place thereof the following section:-

*Section 47.* The state treasurer may borrow at any time during the fiscal year, in anticipation of the receipts for that year other than assessments for the metropolitan districts, such sums of money as may be necessary for the payment of ordinary demands on the treasury, and other legal obligations of the commonwealth, and may issue notes therefor. Money so borrowed and notes so issued may be at such rates of interest as shall be found necessary. He shall repay any sums borrowed under this section as soon after said receipts are paid as is expedient, but in any event before the close of the fiscal year in which the same were borrowed.

SECTION 28. Section 48 of said chapter 29, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:- The state treasurer and comptroller shall make separate record of those notes which provide on their face that they will be accepted in payment of taxes and any employee, officer or agent of the state who accept such a note shall immediately cancel the same and record thereon the taxes in satisfaction of which such note was received and from whom shall give to the person tendering such note a receipt for the taxes satisfied thereby, and shall forthwith notify the state treasurer and comptroller of the fact of acceptance. The state treasurer may establish such procedures as he deems appropriate to control the matters set forth in this section and to provide for the ultimate disposition of such notes.

SECTION 29. Chapter 44 of the General Laws is hereby amended by inserting after section 4A, inserted by section 3 of chapter 68 of the acts of 1935, the following section:-

*Section 4B.* The holders of one or more notes issued by any city or town in anticipation of revenues may use such notes to pay, in whole or in part, real and personal property taxes payable to the city or town which issued such notes provided that any note so used does not mature more than ten days after the date upon which it is presented in payment of such taxes, and provided further, that such city or town, acting through its treasurer, has agreed that such revenue anticipation notes will be accepted in payment of taxes by endorsing on the face of the notes substantially the following: "The (city) (town) of \_\_\_\_\_ agrees that this note may be used to pay real and personal property taxes due to the (city) (town) of \_\_\_\_\_" When such notes are presented for payment of taxes, the city or town shall calculate the

amount due on the notes by adjusting the interest due or discount on the notes if necessary to reflect the fact that such notes are presented prior to their maturity date, give credit for such amount against the tax for which payment is being made, and collect or rebate any underpayment or overpayment, as the case may be.

SECTION 30. Section 62 of chapter 183 of the General Laws, inserted by chapter 104 of the acts of 1974, is hereby amended by adding the following sentence:- Such mortgagee may make such payments by presenting notes issued by the city or town in anticipation of revenues, if the treasurer of the city or town has agreed to accept such notes in payment of real and personal property taxes as provided in section four B of chapter forty-four.

SECTION 31. Section 2 of chapter 60 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:- In addition he shall accept in payment of taxes notes issued pursuant to section twenty-two A of chapter forty-four which have not been otherwise paid and shall immediately cancel the same and record thereon the taxes in satisfaction of which such note was received and from whom, shall give to the person tendering such note a receipt therefor, and shall forthwith notify the treasurer of the fact of acceptance.

SECTION 32. The provisions of this act are severable, and if any provision or its application to any set of facts or circumstances shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions or the application of said provision to any other set of facts or circumstances.

SECTION 33. Section twenty-seven A of this act shall take effect on June thirtieth, nineteen hundred and seventy-eight, and sections twenty-eight to thirty-one, inclusive, shall expire on that date; provided that any note issued under the provisions of said sections twenty-eight to thirty-one before that date may be redeemed after that date as provided in said note.

*Approved March 2, 1976.*

---

**Chap. 5.** AN ACT FURTHER SUSPENDING THE OPERATION OF CERTAIN LAWS GOVERNING THE OPERATION OF CERTAIN HEAVY VEHICLES.

*Whereas,* The deterred 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 their 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 and as suspended by chapter five hundred and ninety-three of the acts of nineteen hundred and seventy-five shall continue to be suspended until September first, nineteen hundred and seventy-six, except for sections two, three, four, five, six and nine of said chapter eight hundred and fifty-one, as so amended, each of which sections took effect on September first, nineteen hundred and seventy-five, and except for section ten of said chapter, as so amended, which is hereby suspended as of September first, nineteen hundred and seventy-five, and which shall take effect on September first, nineteen hundred and seventy-six, and except for section eleven of said chapter, as so amended, which shall take effect on March first, nineteen hundred and seventy-six.

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 September 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 accept and process application submitted for such permits and stickers so as to issue the same for use by applicants on and after September first, nineteen hundred and seventy-six.

SECTION 3 The provisions of this act shall take effect as of March first, nineteen hundred and seventy-six.

*Approved March 4, 1976.*

---

**Chap. 6.** AN ACT INCREASING THE AMOUNT WHICH CREDIT UNIONS MAY PAY TO THE SURVIVING SPOUSE OR NEXT OF KIN OF A DECEASED MEMBER OF A CREDIT UNION IN CASES WHERE THERE HAS BEEN NO DEMAND BY A DULY APPOINTED EXECUTOR OR ADMINISTRATOR.

*Be it enacted, etc., as follows:*

Chapter 171 of the General Laws is hereby amended by striking out section 11A, inserted by chapter 45 of the acts of 1958, and inserting in place thereof the following section:—

SECTION 11A. Deposits or shares standing in the name of a deceased depositor or shareholder shall, except as otherwise provided in sections ten and eleven, be paid to his legal representative; provided, that if the total of such deposits and shares 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 at the discretion of the treasurer or other duly authorized officer of the corporation after the expiration of sixty days from the death of such depositor or shareholder to the surviving spouse or next of kin of such deceased on presentation of a copy of the death certificate and the surrender of the passbook, if any, evidencing such deposit or shares. Payments made as provided in this section shall discharge the liability of the corporation to all persons to the extent of such payments.

*Approved March 4, 1976.*

---

**Chap. 7.** AN ACT INCREASING THE AMOUNT WHICH A CREDIT UNION MAY LOAN ON CERTAIN REAL ESTATE MORTGAGES AND THE TIME WITHIN WHICH SUCH MORTGAGES SHALL BE PAYABLE.

*Be it enacted, etc., as follows:*

Paragraph 4 of subsection (a) of subdivision (B) of section 24 of chapter 171 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 340 of the acts of 1974, and inserting in place thereof the following sentence:- A credit union which is insured in full under federal or state law or under both and whose shares and deposits aggregate more than two million dollars may make a mortgage loan not exceeding ninety per cent of the value of the real estate, payable not more than thirty years from the date of the note; provided that such loan shall not exceed forty thousand dollars; and shall be secured by a first mortgage on a single or two family residence occupied or to be occupied by the mortgagor in whole or in part; that the mortgagor has certified in writing that he does not require junior financing; that the credit committee has submitted an opinion in writing that the building has a useful life beyond the term said loan has to run and that the building will be completed prior to the making of any disbursement on the loan; and that the terms of the note or mortgage require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall not be less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty years; and provided, further, that the portion of the loan exceeding thirty-five thousand dollars shall be guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" under the provisions of the Federal Home Loan Mortgage Corporation Act (P.L. 91-351), 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 March 9, 1976.*

---

**Chap. 8.** AN ACT RELATIVE TO THE DISCHARGE OF THE CHIEF OF MEDICAL STAFF AND THE ADMINISTRATOR AT THE BARNSTABLE COUNTY HOSPITAL.

*Be it enacted, etc., as follows:*

The third paragraph of section 51 of chapter 35 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by chapter 38 of the acts of 1974, and inserting in place thereof the following sentence:- Any employee subject to sections forty-eight to fifty-six, inclusive, except superintendent and assistant superintendent of hospital, the chief of medical staff and the administrator at the Barnstable county hospital, superintendent and assistant superintendent of training school, superintendent and assistant superintendent of buildings, superintendent of industrial farm, superintendent of state reservation, director of agricultural school, director of extension service, master and keeper and assistant master and keeper of jail and house of correction, assistant registers of deeds, district court officer, superior court officer, court stenographer, county health officer, county engineer and county dog officer, who has completed at least five years of service may not be discharged from such employment except for just cause and for reasons specifically given him in writing by the appointing authority.

*Approved March 9, 1976.*

---

**Chap. 9.** AN ACT INCREASING THE AMOUNT OF FIRST MORTGAGE LOANS A CREDIT UNION MAY GRANT ON A UNIT OF A CONDOMINIUM.

*Be it enacted, etc., as follows:*

Subsection (b) of subdivision (B) of section 24 of chapter 171 of the General Laws is hereby amended by striking out paragraph 13, inserted by chapter 156 of the acts of 1972, and inserting in place thereof the following paragraph:-

13. A credit union may, subject to such regulations as the commissioner deems advisable, make and acquire or participate with any other credit union in making and acquiring loans secured by first mortgages on a unit of a condominium as defined in section one of chapter one hundred and eighty-three A. The aggregate balance of principal of all such loans outstanding at any one time shall not exceed six per cent of the shares and deposits of

*Approved March 9, 1976.*

---

**Chap. 10.** AN ACT PROVIDING THAT CERTAIN RETIREMENT PLAN FUNDS INVESTED IN CREDIT UNIONS MAY BE IN ADDITION TO THE SHARES OR DEPOSITS OTHERWISE PERMITTED BY LAW.

*Be it enacted, etc., as follows:*

Section 10C of chapter 171 of the General Laws, as amended by chapter 687 of the acts of 1975, is hereby further amended by inserting after the first sentence the following sentence:- Such shares or deposits may be in addition to the shares or deposits permitted by section ten.

*Approved March 9, 1976.*

**Chap. 11.** AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR THE CONSTRUCTION OF TENNIS COURTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for cities and towns to borrow money for the construction of tennis courts, 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 44 of the General Laws is hereby amended by inserting after clause (22), as appearing in section 1 of chapter 88 of the acts of 1974, the following clause:-

(23) For the construction of municipal tennis courts, including platform tennis courts and the acquisition of land and the construction of buildings therefor, including the original equipment and furnishing of said buildings, fifteen years.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-six.

*Approved March 11, 1976.*

**Chap. 12.** AN ACT INCREASING THE COMPENSATION OF THE MEMBERS, CHAIRMAN, VICE CHAIRMAN AND SECRETARY OF THE BOARD OF THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

*Be it enacted, etc., as follows:*

The first paragraph of section 5 of chapter 752 of the acts of 1968 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Members of the Board may receive compensation from the district, which shall not exceed one thousand dollars per year for a Board member or two thousand dollars per year for the chairman, vice chairman and secretary.

*Approved March 11, 1976.*

**Chap. 13.** AN ACT FURTHER REGULATING THE OPERATION OF RECREATIONAL VEHICLES ON PUBLIC WAYS.

*Be it enacted, etc., as follows:*

Section 25 of chapter 90B of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 2 of chapter 589 of the acts of 1970, and inserting in place thereof the following paragraph:-

Except as herein provided, no snow vehicle or recreational vehicle shall be operated on the main traveled portion of a way, or on that portion of a way that has been plowed or on a snow bank immediately adjacent to the plowed portion of the way.

*Approved March 16, 1976.*

---

**Chap. 14.** AN ACT RELATIVE TO FILLING VACANCIES IN HISTORICAL COMMISSIONS IN TOWNS.

*Be it enacted, etc., as follows:*

Section 8D of chapter 40 of the General Laws is hereby amended by striking out the tenth sentence, as appearing in section 4 of chapter 697 of the acts of 1963, 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 March 16, 1976.*

---

**Chap. 15.** AN ACT CLARIFYING THE MEANING OF A CONSERVATION RESTRICTION.

*Be it enacted, etc., as follows:*

The first paragraph of section 31 of chapter 184 of the General Laws, as appearing in section 5 of chapter 666 of the acts of 1969, is hereby amended by inserting after the word "right", in line 1, the words:- , either in perpetuity or for a specified number of years.

*Approved March 16, 1976.*

---

**Chap. 16.** AN ACT RELATIVE TO THE RENEWAL OF REGISTRATION OF CERTAIN RECREATIONAL VEHICLES.

*Be it enacted, etc., as follows:*

The last paragraph of section 22 of chapter 90B of the General Laws is hereby amended by striking out the last sentence, added by chapter 808 of the acts of 1973, and inserting in place thereof the following sentence:- Such registration and each renewal thereof shall be valid for a period ending one year from the date of issuance or renewal, unless surrendered, suspended or revoked.

*Approved March 16, 1976.*

**Chap. 17.** AN ACT REQUIRING THE SHOWING OF THE REGISTRATION OF RECREATIONAL VEHICLES TO CERTAIN PERSONS.

*Be it enacted, etc., as follows:*

The second paragraph of section 22 of chapter 90B of the General Laws, as amended by section 1 of chapter 702 of the acts of 1975, is hereby amended by adding the following sentence:- Every person operating a snow vehicle or a recreational vehicle shall have the certificate of registration therefor upon his person or in the vehicle, in some easily accessible place, and upon demand shall show the same to a law enforcement officer or to the owner of any land on which he is operating said vehicle.

*Approved March 16, 1976.*

**Chap. 18.** AN ACT PROVIDING THAT CONTRACTS EXCEEDING TWO THOUSAND DOLLARS IN AMOUNT THE EXPENSE OF WHICH IS PAYABLE FROM A COUNTY TREASURY SHALL BE IN WRITING.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to permit county commissioners and other authorized county boards and officers to enter into certain oral contracts not exceeding two thousand dollars in value, 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 34 of the General Laws, as amended by section 1 of chapter 793 of the acts of 1975, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- All contracts exceeding two thousand dollars in amount 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 filed 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.

SECTION 2. This act shall take effect on March nineteenth, nineteen hundred and seventy-six.

*Approved March 16, 1976.*

**Chap. 19.** AN ACT FURTHER REGULATING THE RATES OF PILOTAGE FOR THE PORT OF BOSTON.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 103 of the General Laws is hereby amended

by striking out section 31, as most recently amended by section 1 of chapter 229 of the acts of 1973, and inserting in place thereof the following section:-

**Section 31.** Rates of pilotage outward and inward for the port of Boston, calculated per foot of draught shall be as follows:-

For vessels 3500 Gross Tons or under.....	\$16.00 per Draft Foot.
For vessels over 3500 to 7000 Gross Tons.....	\$16.50 per Draft Foot.
For vessels over 7000 to 15000 Gross Tons.....	\$17.00 per Draft Foot.
For vessels over 15000 to 25000 Gross Tons.....	\$17.75 per Draft Foot.
For vessels over 25000 to 35000 Gross Tons.....	\$18.00 per Draft Foot.
For vessels over 35000 to 45000 Gross Tons.....	\$18.50 per Draft Foot.
For vessels over 45000 Gross Tons .....	\$19.00 per Draft Foot.

**The following charges shall be made for shifting vessels:**

1. Between docks in Boston, fifty dollars;
2. Between any dock in Boston and anchorage number one, fifty dollars;
3. Between any dock in Boston and anchorage number two, one-half pilotage;
4. Any inbound vessel that anchors in anchorage number two in excess of eighteen hours and thereafter shifts to Boston, one-half pilotage;
5. Between Boston and Quincy, full pilotage;
6. Between anchorage number two and Quincy, full pilotage;
7. Between sea and Quincy, full pilotage; if a vessel proceeds to anchorage number two at the request of the master or agent, before moving to Quincy, an additional full pilotage;
8. Any inbound vessel that anchors in anchorage number one, and a pilot is requested to move the ship to a dock, shall pay a charge of fifty dollars.

**Other charges shall be:**

1. Any inbound vessel subject to pilotage that anchors in the area outside Deer Island light and inside the demarcation line for Federal Inland Waters, or in anchorage number two for more than twelve hours, shall pay seventy-five dollars, plus any additional regular charges;

2. For detention of a pilot aboard a vessel, there shall be a two hour free period, followed by a twenty-five dollar charge for the third hour, or any portion thereof; for each additional hour or portion thereof, there shall be a charge of ten dollars, up to a maximum of seventy-five dollars. Detention on a vessel at the dock shall begin at the ordered sailing time;

3. The fee for anchoring any outbound vessel shall be based on detention except that if a vessel is anchored for more than eighteen hours, said vessel shall be charged at the regular shifting rate in lieu of detention, plus any additional regular charges. Detention time shall be based upon the period that the ship is at anchor;

4. A pilot shall be considered to be ordered to a vessel, if not notified one hour before the sailing time of said vessel from Boston and two hours before sailing time from Quincy or anchorage number two;

5. No charge shall be made for any vessel detained because of fog or stress of weather;

6. When a pilot swings a vessel during adjustment of compass or calibration of

electronic equipment, the vessel shall pay a charge of forty dollars for each operation;

7. If a pilot is carried away aboard a ship, the vessel shall pay a charge of fifty dollars per day, plus the expenses of return transportation to Boston;

8. For notifying a vessel of her diversion orders, one hundred dollars may be charged in addition to any regular charges;

9. When a pilot is ordered and dispatched for an arriving vessel and his services are not employed, the vessel shall pay a charge of one hundred dollars; and

All inbound vessels shall notify the pilot office eight hours before arrival time if that time varies more than two hours from their latest estimated time of arrival report.

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

*Approved March 16, 1976.*

**Chap. 20.** AN ACT MAKING A CORRECTIVE CHANGE AFFECTING A CERTAIN CURRENT YEAR APPROPRIATION FOR THE RENTAL ASSISTANCE PROGRAM.

*Be it enacted, etc., as follows:*

SECTION 1. Item 3722-9004 of section 2 of chapter 855 of the acts of 1974 is hereby amended by striking out the wording and inserting in place thereof the following wording:-

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 ten per cent of the amount appropriated herein may be used for administration of said program, said sums to be in addition to sums appropriated in item 3722-9004 of section 2 of chapter 431 of the current year, prior appropriation continued.

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

*Approved March 18, 1976.*

**Chap. 21.** AN ACT AUTHORIZING THE TOWN OF CARVER TO CONVEY CERTAIN PARK LAND IN SAID TOWN TO CLARK A. GRIFFITH IN EXCHANGE FOR CERTAIN OTHER LAND IN SAID TOWN.

*Be it enacted, etc., as follows:*

SECTION 1. In consideration of the conveyance to the town of Carver by Clark A. Griffith of certain land hereinafter described as parcel two, said town is hereby authorized to convey to said Clark A. Griffith by deed, all its rights, titles and interest in and to a certain parcel of park land in said town of Carver hereinafter described as parcel one:-

Parcel One. Beginning at the most westerly corner of the described parcel at a point, marked by a spike, in the northeasterly sideline of Lakeview Street at the southeasterly corner of land belonging to Emma F. Dunham; thence N 10°49'20" W in line of land of said Emma F. Dunham a distance of 83.63 feet to a drill hole in a stone on the shore of Sampson's Pond; thence by the

shore of Sampson's Pond by a line running southerly, easterly and then northeasterly a distance of 245 feet to a concrete bound; thence S35°W a distance of 75 feet to a concrete bound in the northeasterly sideline of Lakeview Street; thence northwesterly along said northeasterly sideline of said Lakeview Street 73.13 feet to a turning point thence still along said northeasterly sideline of said Lakeview Street a distance of 12.98 feet to the point of beginning. Being the northwesterly portion of Lot 1 as shown on Sheet 1 of the Town of Carver Assessors' Plans. Said parcel of land being a portion of "Mc Farlin Parkway" as shown on Assessors' Sheet No. 1, Lot 1 on Lakeview Street, containing 0.07 acres.

Parcel Two. Beginning at the most westerly corner of the described lot at a point in the northeasterly sideline of Lakeview Street at the Southeasterly corner of land belonging to the Town of Carver; thence in line of said Town of Carver land N 78°02'10" E a distance of 60 feet to the shore of Sampson's Pond; thence southeasterly by the shoreline of Sampson's Pond a distance of approximately 60 feet to the Lakeview Street sideline; thence northwesterly along said sideline of Lakeview Street a distance of 105 feet to the point of beginning. Said parcel of land as shown on Assessors' Sheet No. 1, Lot 1A containing about 0.05 acres on Lakeview Street.

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

*Approved March 18, 1976.*

---

**Chap. 22.** AN ACT DIRECTING THE DEPARTMENT OF PUBLIC UTILITIES TO SUBMIT CERTAIN RECOMMENDATIONS TO THE GENERAL COURT.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to require forthwith the submission by the department of public utilities of information and recommendations to the general court relative to uniform electric rate proposals and the so-called life-line legislation, 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 public utilities is hereby directed to make an investigation and study and to submit to the general court its conclusions and recommendations on the question of adopting the uniform electric rate proposals contained in the initiative petition introduced into the general court for enactment before the first Wednesday of May of the current year (current House Document numbered 4201). Said conclusions and recommendations shall be filed with the clerk of the house of representatives and the clerk of the senate on or before the third Wednesday of April, nineteen hundred and seventy-six.

SECTION 2. The department of public utilities is hereby directed

to make an investigation and study and to submit to the general court its conclusions and recommendations on the approval or rejection of the "Life-line" bill, so called, stating its exact interpretation of the effect of said rates contained therein upon all segments of the economy. The term "life-line" shall mean the rate structure concept contained in current Senate Document numbered 356 and current House Documents numbered 4221, 4263, and 4289. Said conclusions and recommendations shall be filed with the clerk of the house of representatives and the clerk of the senate on or before the second Wednesday of April, nineteen hundred and seventy-six.

*Approved March 18, 1976*

**Chap. 23** AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE OFFICE OF TOWN MEETING MEMBERS IN THE TOWN OF SAUGUS.

*Be it enacted, etc., as follows:*

Chapter 55 of the acts of 1928 is hereby amended by striking out section 7 and inserting in place thereof the following section:-

*Section 7.* When a vacancy occurs in the full number of town meeting members from any precinct, said vacancy shall be filled by the candidate in the last election, for such office, who received the highest number of votes of all candidates who failed to be elected. In the event there is no such candidate the choice to fill any vacancy shall be by ballot of a majority of the remaining members, and a majority of votes cast shall be required for a choice. In such case the remaining members shall, at the call of the town clerk, hold a meeting for the purpose of filling any such vacancy. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge the election and qualifications of the members as set forth in section three.

*Approved March 18, 1976*

**Chap. 24** AN ACT REGULATING THE DEPOSIT AND DISBURSEMENT OF MONIES RECEIVED AS PAYMENT FOR CERTAIN SPECIAL DUTY WORK DETAILS.

*Be it enacted, etc., as follows:*

Section 53C of chapter 44 of the General Laws, as amended by chapter 773 of the acts of 1973, is hereby further amended by striking out the first paragraph and inserting in place thereof the

following paragraph:-

All money received by a city, town or district as compensation for work performed by one of its employees on an off-duty work detail which is related to the employee's regular employment or for special detail work performed by persons where such detail is not related to regular employment shall be deposited in the treasury and shall be kept in a fund separate from all other monies of such city, town or district and notwithstanding the provisions of section fifty-three, shall be expended without further appropriation, in such manner and at such times as shall, in the discretion of the authority authorizing such off-duty work detail or special detail work, compensate the employee or person for such services.

*Approved March 18, 1976*

---

**Chap. 25.** AN ACT INCREASING THE PENALTY FOR VIOLATION OF RULES AND REGULATIONS OF THE DIVISION OF FORESTS AND PARKS.

*Be it enacted, etc., as follows:*

The first paragraph of section 4A 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 the fifth sentence and inserting in place thereof the following sentence:- Violation of such rule or regulation shall be punished by a fine not exceeding one hundred dollars.

*Approved March 18, 1976*

---

**Chap. 26.** AN ACT RELATIVE TO FILLING VACANCIES IN YOUTH COMMISSIONS IN TOWNS.

*Be it enacted, etc., as follows:*

Section 8E of chapter 40 of the General Laws, inserted by section 1 of chapter 391 of the acts of 1969, is hereby amended by striking out the eighth sentence 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 March 18, 1976.*

---

**Chap. 27.** AN ACT AUTHORIZING THE PAYMENT BY PLYMOUTH COUNTY OF CERTAIN UNPAID BILLS.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law, the county treasurer of Plymouth county, with the approval of the county commissioners, shall pay, subject to appropriation, unpaid

bills in the amount of two hundred sixteen dollars and five cents to The Jordan Hospital, a corporation duly organized and existo the jail and house of correction of the county of Plymouth in the year nineteen hundred and seventy-three, which bills are legally unenforceable against said county by reason of their having been incurred in excess of available appropriations.

SECTION 2. No bill shall be approved by the county treasurer of said county 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 county treasurer, stating under penalties of perjury that the services for which said bill was submitted were ordered by an official or an employee of said county and that such services were performed and actually received by said county.

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 received by 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.

*Approved March 18, 1976.*

**Chap. 28.** AN ACT RELATIVE TO NINETY AND NINETY—FIVE PER CENT OF VALUE LOANS MADE BY CO-OPERATIVE BANKS.

*Be it enacted, etc., as follows:*

SECTION 1. Subsection 3A of section 24 of chapter 170 of the General Laws, as most recently amended by section 1 of chapter 260 of the acts of 1973, is hereby further amended by striking out clauses (c) and (d) and inserting in place thereof the following two clauses:- (c) said loan shall be secured by a first mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; (d) the security committee has certified in writing (1) that the mortgagor does not require junior financing; (2) that the building has a useful life beyond the term said loan has to run and (3) that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate;

SECTION 2. Subsection 3B of said section 24 of said chapter 170 is hereby amended by striking out clauses (c) and (d), as appearing in chapter 315 of the acts of 1972, and inserting in place thereof the following two clauses:- (c) said loan shall be secured by a first mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; (d) the security committee has certified in writing (1) that the mortgagor does not require junior financing; (2) that the building has a useful life

beyond the term said loan has to run and (3) that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate;.

*Approved March 23, 1976.*

---

**Chap. 29.** AN ACT AUTHORIZING THE TOWN OF NATICK TO BORROW MONEY FOR THE CONSTRUCTION OF A PARKING DECK OR GARAGE.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of constructing a parking deck or garage in the town of Natick, said town may borrow from time to time such sums as may be necessary, not exceeding in the aggregate the sum of one million eighty-eight thousand dollars, and may issue bonds or notes thereof which shall bear on their face the words, Town of Natick Parking Deck or Garage Loan, Act of 1976. Each authorized issue shall constitute a separate loan and each such loan shall be payable in not more than twenty years from its date provided, that no issue shall be made until the conditions set forth in the vote under Article 2 of the special town meeting held June third, nineteen hundred and seventy-five, have been met. Indebtedness incurred under this act shall be within the statutory limit but shall, except as provided herein, be subject to the provisions of chapter forty-four of the General Laws exclusive of any limitations contained in the first paragraph of section seven thereof.

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

*Approved March 26, 1976.*

---

**Chap. 30.** AN ACT AUTHORIZING CREDIT UNIONS TO SELL FOOD STAMPS.

*Be it enacted etc., as follows:*

Chapter 608 of the acts of 1970 is hereby amended by inserting after the word "company", in line 1, the words:- , credit union.

*Approved March 26, 1976.*

---

**Chap. 31** AN ACT CHANGING THE TIME OF THE OBSERVANCE OF AMERICAN EDUCATION WEEK.

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by striking out section 12G, as most recently amended by chapter 16 of the acts of 1972, and inserting in place thereof the following section:-

*Section 12G.* The governor shall annually issue a proclamation

setting apart one week in either October or November as American Education Week and recommending that such week be properly observed as a period of special attention to the work of our schools.

*Approved March 26, 1976.*

**Chap. 32.** AN ACT RELATIVE TO THE ASSESSMENTS PAID TO THE MASSACHUSETTS CREDIT UNION SHARE INSURANCE CORPORATION, INC.

*Be it enacted, etc., as follows:*

The second paragraph of section 7 of chapter 294 of the acts of 1961 is hereby amended by striking out the second sentence, inserted by chapter 194 of the acts of 1975, and inserting in place thereof the following sentence:- The directors may also, subject to the approval of the commissioner following a hearing, and subject to the approval of one third of the delegates representing member credit unions who shall be given thirty 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.

*Approved March 26, 1976*

**Chap. 33.** AN ACT PROVIDING FOR CERTAIN EMERGENCY SNOW AND ICE REMOVAL IN CITIES AND TOWNS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is, in part, to authorize in the current year expenditures made in excess of appropriations available for snow and ice removal, 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 44 of the General Laws is hereby amended by inserting after section 31C the following section:-

*Section 31D.* Any city or town may incur liability and make expenditures in any fiscal year in excess of available appropriations for snow and ice removal, provided that such expenditures are approved by the town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager or by the mayor and city council in any other city; provided, however, that the appropriation for such purposes in

said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the board of assessors and included in the next annual tax rate.

*Approved March 30, 1976.*

---

**Chap. 34.** AN ACT TEMPORARILY EXTENDING THE PERIOD WITHIN WHICH A LICENSE TO CARRY FIREARMS SHALL BE VALID AFTER ITS EXPIRATION DATE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to temporarily extend forthwith the period within which a license to carry firearms shall be valid after its expiration date, 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 section one hundred and thirty-one of chapter one hundred and forty of the General Laws, and for the purposes of the provisions of section ten of chapter two hundred and sixty-nine of the General Laws, an expired license to carry a firearm shall be deemed valid for a period not to exceed two hundred and seventy days beyond the date of expiration, except that this provision shall not apply to any license to carry firearms which has been revoked or relative to which revocation is pending.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-six, and shall become inoperative on January first, nineteen hundred and seventy-seven.

*Approved March 30, 1976.*

---

**Chap. 35.** AN ACT EXTENDING THE TIME FOR THE SUBMISSION OF THE ANNUAL BUDGETS IN CITIES IN NINETEEN HUNDRED AND SEVENTY-SIX.

*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 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. Notwithstanding the provisions of section thirty-two of chapter forty-four of the General Laws, the mayor in any city, except Boston, may, within one hundred and twenty days after the organization of such city government in the calendar year nineteen hundred and seventy-six, submit to the city council the

annual budget for the fiscal year nineteen hundred and seventy-six and nineteen hundred and seventy-seven.

SECTION 2. Notwithstanding the provisions of section twenty-three of chapter fifty-nine of the General Laws, if prior to June twenty-first in the year nineteen hundred and seventy-six, the assessor 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 General Laws of the appropriation voted for the annual budget for the fiscal year nineteen hundred and seventy-six and nineteen hundred and seventy-seven 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 year in accordance with the provisions of said section fifty-nine, 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 year an amount equal to the aggregate appropriations voted for the annual budget for the next preceding year.

*Approved March 31, 1976.*

**Chap. 36.** AN ACT ENABLING THE CITY OF CAMBRIDGE TO CONTINUE TO CONTROL RENTS AND EVICTIONS.

*Whereas*, the City of Cambridge now desires and intends to continue its rent and eviction control program beyond the expiration of Chapter eight hundred forty-two of the Acts of 1970, as amended; and

*Whereas*, the deferred operation of this act would tend to defeat its purpose which is, in part, to alleviate certain effects of the severe shortage of rental housing in the City of Cambridge, 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. *Declaration of Emergency.* The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of the citizens in the City of Cambridge, which emergency has been created by housing demolition, deterioration of a substantial portion of the existing housing stock, insufficient new housing construction, increased costs of construction and finance, inflation, influx of young people and the desirability of Cambridge as a place to live, and which has resulted in a substantial and increasing shortage of decent rental housing accommodations especially for families of

low and moderate income and for elderly people on fixed income and abnormally high rents; that unless residential rents and eviction of tenants are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of Cambridge and in other adjacent communities; that such emergency should be met by the Commonwealth immediately and with due regard for the rights and responsibilities of the City of Cambridge.

SECTION 2. *Effective Date, Revocation, and Reacceptance.* This act shall take effect in the City of Cambridge upon its passage and such passage shall be deemed to constitute the initial acceptance of this act by the City of Cambridge. Once this act has been accepted, it may be repealed or revoked, or otherwise nullified by a majority vote of the Cambridge City Council or on a ballot measure submitted to the registered voters of the City of Cambridge in accordance with the procedures of Sections 37 through 40 of Chapter forty-three of the General Laws. If this act is repealed or revoked, or otherwise nullified, 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. If repealed or revoked, or otherwise nullified, it may be reaccepted in one of the following ways:

1) by a majority vote of the members of the Cambridge City Council, or

2) by initiative petition and vote pursuant to the procedures of Sections 37 through 40 of Chapter 43 of the General Laws.

SECTION 3. *Definitions.* The following words or phrases as used in this act shall have the following meanings:

a) "Rental units", any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boardinghouse units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property.

b) "Controlled rental units", all rental units except:

1) rental units in hotels, motels, inns, tourist homes and rooming or boarding houses which are rented primarily to transient guests for a period of less than fourteen consecutive days;

2) rental units the construction of which was completed on or after January one, nineteen hundred and sixty-nine, or which are housing units created by conversion from a nonhousing to a housing use on or after said date;

3) rental units which a governmental unit, agency, or authority

either:

- i) owns or operates; or
- ii) regulates the rents, other than units regulated
  - a) under the provisions of this act, or
  - b) under the provisions of any other general or special law authorizing municipal control of rental levels for all or certain rental units within a municipality; or
  - iii) finances or subsidizes, if the imposition or rent control would result in the cancellation or withdrawal, by law, of such financing or subsidy;
  - 4) rental units in cooperatives;
  - 5) rental units in any hospital, convent, monastery, asylum, public institution or college or school dormitory operated exclusively for charitable or educational purposes; or nursing home or rest home or charitable home for the aged, not organized or operated for profit;
  - 6) the rental unit or units in an owner-occupied two-family or three-family house;
  - 7) that the City of Cambridge may exempt those rental units for which the rent charges exceed limits specified by said municipality; provided that in no event shall more than twenty-five percent of the total rental units in Cambridge be exempted under this subsection.
- c) "Rent", the consideration including any bonus, benefits, or gratuity demanded or received for or in connection with the use or occupancy of rental units or the transfer of a lease of such rental units.
- d) "Services", repairs, replacement, maintenance, painting, providing light, heat, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuses removal, furnishings, and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

#### SECTION 4. *Transition.*

- a) The Board shall assume possession of all records, documents and other materials in possession of the board established and operated under Chapter 842 of the Acts of 1970 or any special or general laws regulating rents and evictions enacted subsequent to Chapter 842 of the Acts of 1970.
- b) Any proceeding commenced by the board established under said Chapter 842, or orders related thereto and any rules and regulations of said board shall remain in effect for the purposes of this act unless otherwise ordered by the board.
- c) the board shall have authority to issue regulations and orders necessary and helpful for the efficient transition from the

administration of said Chapter 842, or any special or general laws regulating rents and evictions enacted subsequent to said Chapter 842, to the administration of this act.

SECTION 5. *Rent Board.*

a) This act shall be administered by a rent control board. Immediately upon the acceptance of this act the rent board established under Chapter 842 of the Acts of 1970 shall be deemed to be the rent board appointed by the city manager under this act to serve at the pleasure of the city manager or the city manager may appoint a new rent control board to serve at the pleasure of the city manager.

b) Members of the rent board shall receive no compensation for their services, but shall be reimbursed by the city for necessary expenses incurred in the performance of their duties.

c) The rent control board, hereinafter called the board, shall be responsible for carrying out the provisions of this act, and shall hire, with the approval of the city manager, such personnel, not subject to the provisions of section nine A of chapter thirty of the general laws or chapter thirty-one of the general laws, as are needed, shall promulgate such policies, rules and regulations as will further the provisions of this act, and shall recommend to the city, for adoption, such ordinances as may be necessary to carry out the purposes of this act.

d) The board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this act, or in administering and enforcing this act and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and papers in like manner as he may be summoned to attend as a witness before a court. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled rental unit may be required to furnish under oath any information required by the board and to produce records and other documents and make reports. Such persons shall have the right to be represented by counsel, and a transcript shall be taken of all testimony and such person shall have the right to examine said transcript at reasonable times and places. Section ten of chapter two hundred and thirty-three of the General Laws shall apply, and for the purposes of this act a justice of the district court shall have the same power as a justice of the Supreme Judicial or Superior Court to implement the provisions of said section.

e) the board shall have the power to issue orders and promulgate regulations to effectuate the purposes of this act.

SECTION 6. *Maximum Rent.*

a) the maximum rent of a controlled rental unit shall be the maximum rent most recently established under Chapter 842 of the

Acts of 1970 and regulations thereunder, immediately prior to the initial acceptance of this act, for all units which were then subject to said Chapter 842. For any rental units controlled under this act which were not then subject to said Chapter 842 the maximum rent shall be the rent lawfully charged the occupant of such unit for the month six months prior to the date on which the unit became controlled. If the rental unit was unoccupied at that time but was occupied at any time prior to that date, the maximum rent shall be the rent lawfully charged therefor for the month closest to one month prior to the date on which the unit became controlled. Upon the reacceptance of this act the maximum rent of a controlled unit shall be the rent lawfully charged the occupant of such unit for the month 6 months prior to the reacceptance of this act unless the rent for the unit was established by the rent board within said six month period, in which case the rent shall be the rent so established by the rent board. If the rental unit was unoccupied at that time but was occupied at any time prior to the reacceptance of this act, the maximum rent shall be the rent lawfully charged therefor for the month closest to six months prior to the reacceptance of this act. If the maximum rent is not otherwise established, it shall be established by the board. Any maximum rent may be subsequently adjusted under the provisions of section seven.

b) The board shall require registration of all controlled rental units in Cambridge on forms authorized or to be provided by said board. The registration forms for units controlled under the provision of Chapter 842 of the Acts of 1970, as the same have been amended from time to time, shall be deemed the initial registration forms filed pursuant to this act, except where the board finds any or all of such forms inadequate.

**SECTION 7. *Maximum Rent Adjustment.***

a) The board shall make such individual or general adjustments, either upward or downward, of the maximum rent established by section six for any controlled rental unit or any class of controlled rental units as may be necessary to assure that rents for controlled rental units are established at levels which yield to land lords a fair net operating income for such units. For the purposes of this section, the word "class" shall include all the controlled rental units within Cambridge or any categories of such rental units based on size, age, construction, rent, geographic area or other common characteristics, providing the board has by regulation defined any such categories.

b) The following factors, among other relevant factors, which the board by regulation may define, shall be considered in determining whether a controlled rental unit yields a fair net operating income:

1. increases or decreases in property taxes;
2. unavoidable increases or any decreases in operating and maintenance expenses;

3. capital improvement of the housing unit as distinguished from ordinary repair, replacement and maintenance;

4. increases or decreases in living space, services, furniture, furnishings or equipment.

5. substantial deterioration of the housing units other than as a result of ordinary wear and tear; and

6. failure to perform ordinary repair, replacement and maintenance.

c) For the purpose of adjusting rents under the provisions of this section, the board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration in specific services and facilities.

d) The board may refuse to grant a rent increase under this section, if it determines that the affected rental unit does not comply with the state sanitary code and any applicable municipal codes, ordinances or bylaws, and if it determines that such lack of compliance is due to the failure of the landlord to provide normal and adequate repair and maintenance. The board may refuse to grant a rent decrease under this section, if it determines that a tenant is more than sixty days in arrears in payment of rent unless such arrearage is due to a withholding of rent under the provisions of Section 8A of Chapter 239, or Section 127L of Chapter 111, or Section 14 of Chapter 186 of the general laws.

e) The board may remove maximum rental levels, established under this section and section five, for any class of controlled rental units if in its judgment the need for continuing such maximum rental levels no longer exists because of sufficient construction of new rental units the rental levels for which are comparable to the rental levels of the class of controlled rental units for which maximum rental levels are to be discontinued or because the demand for rental units has been otherwise met. Any maximum rental level removed under this paragraph shall be reimposed or adjusted and reimposed upon a finding by the rent board that a substantial shortage of rental units exists in Cambridge and that the reimposition of rent control is necessary in the public interest. Any action under this paragraph shall be subject to the hearing and notice requirements of paragraph (b) of section seven.

#### SECTION 8. *Rent Adjustment Hearings.*

a) The board shall consider an adjustment of rent for an individual controlled rental unit upon receipt of a petition for adjustment filed by the landlord or tenant of such unit or upon its own initiative. The board shall notify the landlord, if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such petition and of the right of either party to request a hearing. If a hearing is requested by either party, or if the action is undertaken on the initiative of the board, the hearing shall be conducted before at least one member of the board or the board's designee prior to the decision by the board to

grant or refuse a rental adjustment. Notice of the time and place of the hearing shall be furnished to the landlord and tenant. The board may consolidate petitions relating to controlled rental units in the same building, and all such petitions may be considered in a single hearing.

b) On its own initiative, the board may make a general adjustment, by percentage, of the rental levels for any class of controlled rental units within Cambridge. Prior to making such adjustment, a public hearing shall be held before at least a majority of the board. Notice that an adjustment is under consideration, a description of the class of rental units which would be affected by the adjustment, and the time and place of said public hearing shall be published three times in at least one newspaper having a general circulation within the City of Cambridge.

c) Notwithstanding any other provision of this section, the board may, without holding a hearing, refuse to adjust a rent level for an individual rental unit if a hearing has been held with regard to the rental level of such unit within twelve months.

d) Hearings required by paragraph a) shall be conducted in accordance with the provisions of section eleven of Chapter thirty A of the General Laws except that requirements (7) and (8) of said section eleven shall not apply to such hearings.

#### SECTION 9. *Evictions.*

a) No person shall bring any action to recover possession of a controlled rental unit 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 not inconsistent with Chapter 93A of the General Laws or this act, or the regulations issued pursuant thereto, 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 damage to, the controlled rental unit, or is creating a 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 a controlled rental unit to be used for any illegal purpose;

5) the tenant, who had a written lease or rental agreement which terminated on or 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 Chapter 93A of the General Laws or this act, or the regulations issued pursuant thereto;

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 Commonwealth, or any political subdivision thereof, 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 mortgagee;

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, son-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) the landlord seeks to recover possession for any other just cause, provided that his purpose is not in conflict with the provisions and purposes of Chapter 93A of the General Laws or this act, or the regulations issued pursuant thereto. Recovery of possession in order to convert an apartment unit to a condominium unit shall not be a valid reason to recover possession of a controlled rental unit.

b) A landlord seeking to recover possession of a controlled rental unit shall apply to the board for a certificate of eviction. Upon receipt of such an application, the board shall send a copy of the application to the tenant of the controlled rental unit together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with paragraph a), the certificate of eviction shall be issued.

c) A landlord who seeks to recover possession of a controlled rental unit without obtaining such certificate of eviction shall be deemed to have violated this act, and the board may initiate a criminal prosecution for such violation.

d) Notwithstanding the provisions of this section the United States, the Commonwealth, or any agency or political subdivision thereof, may maintain an action or proceeding to recover possession of any rental unit operated by it if such action or proceeding is authorized by the Statute or regulation under which such units are administered.

e) The provisions of this section shall be construed as additional restrictions on the right to recover possession of a controlled rental unit. No provision of this section shall entitle any person to recover possession of such a unit.

#### SECTION 10. *Judicial Review.*

a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint against the board in the Third District Court of Eastern Middlesex, and thereupon an order of notice shall be issued by said court and served on the board. Said district court shall have exclusive original jurisdiction over such proceedings and shall be authorized to take such action

with respect thereto as is provided in the case of the Superior Court under the provisions of chapter two hundred and thirty-one A of the General Laws, except that section three of said chapter two hundred and thirty-one A shall not apply. All orders, judgments and decrees of said district court may be appealed as is provided in the case of a civil action in said district court.

b) The Third District Court of Eastern Middlesex shall have exclusive original jurisdiction over actions arising out of the provisions of section eleven.

SECTION 11. *Civil Remedies.*

a) Any person who demands, accepts, receives or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this act or any regulation or order hereunder promulgated, shall be liable as hereinafter provided to the person from whom such payment is demanded, accepted, received, or retained, or to the city, for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of one hundred dollars, or not more than three times the amount by which the payment or payments demanded, accepted, received or retained exceed the maximum rent which could be lawfully demanded, accepted, received or retained, whichever is the greater; provided that if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, the amount of such liquidated damages shall be the amount of the overcharge or overcharges.

b) If the person from whom such payment is demanded, accepted, received or retained in violation of the provisions of this act or any rule or regulation hereunder promulgated fails to bring an action under this section within thirty days from the date of the occurrence of the violation, the board may either settle the claim arising out of the violation or bring such action. Settlement by the board shall thereafter bar any other person from bringing action for the violation or violations with regard to which a settlement has been reached. If the board settles said claim, it shall be entitled to retain the costs it incurred in the settlement thereof, and the person against whom the violation was committed shall be entitled to the remainder. If the board brings action under the provisions of this section, it shall be entitled to receive attorney's fees and costs under the provisions of paragraph a) and the person against whom the violation was committed shall be awarded liquidated damages under said paragraph a).

c) A judgment for damages or on the merits in any action under this section shall be a bar to any recovery under this section in any other action against the same defendant on account of any violation with respect to the same person prior to the institution of the action in which such judgment was rendered. Action to recover liquidated damages under the provisions of this section shall not be brought later than four years after the date of the violation. A

single action for damages under the provisions of this section may include all violations of the provisions of this section committed by the same defendant against the same person.

**SECTION 12. *Criminal Penalties.***

a) It shall be unlawful for any person to demand, accept, receive or retain any rent for the use or occupancy of any controlled rental unit in excess of the maximum rent prescribed therefor under the provisions of this act or any order or regulation hereunder promulgated, or otherwise to do or omit to do any action in violation of the provisions of this act or any order or regulation hereunder promulgated.

b) It shall be unlawful for any person to demand, accept, receive or retain any payment which exceeds the maximum lawful rent for one month as a finder's fee or service charge for the opportunity to examine or lease any controlled rental unit, and no finder's fee or service charge shall be lawful unless the person from whom the payment is demanded, accepted, received or retained actually rents or leases the controlled rental unit with regard to which payment of said fee or said charge has been demanded, accepted, received or retained.

c) whoever willfully violates any provision of this act or any rule or regulation hereunder promulgated, or whoever knowingly makes any false statement in any testimony before the rent board or whoever knowingly supplies the rent board with any false information shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than one year, or both.

**SECTION 13. *Severability.*** If any provisions of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

*Approved March 31, 1976.*

---

**Chap. 37. AN ACT ENABLING THE CITY OF SOMERVILLE TO CONTROL RENTS AND EVICTIONS.**

*Be it enacted, etc., as follows:*

**SECTION 1. *Declaration of Emergency.*** The general court finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the City of Somerville, which emergency has been created by housing demolition, deterioration of a substantial portion of the existing housing stock, insufficient new housing construction, increased costs of construction, finance and inflation, and which has resulted in a substantial and increasing shortage of rental housing

accommodations for families of low and moderate income; that unless residential rents and evictions of tenants are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of the City of Somerville; that such emergency should be met by the City of Somerville immediately with due regard for the rights and responsibilities of all of its citizens.

SECTION 2. *Definitions.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

The following words or phrases as used in this ordinance shall have the following meanings:

(a) "Rental units", any building, structure, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other properties used for living or dwelling purposes, together with all services connected with the use or occupancy of such property.

(b) "Controlled rental units", all rental units except:

(1) rental units in hotels, motels, inns, tourist homes and rooming or boarding houses which are rented primarily to transient guests for a period of less than fourteen consecutive days;

(2) rental units the construction of which was completed on or after January one, nineteen hundred and sixty-nine, or which are housing units created by conversion from a nonhousing to a housing use on or after said date;

(3) rental units, which a governmental unit, agency, or authority either:

(i) owns or operates; or

(ii) regulates the rents, other than units regulated (a) under the provisions of this act or (b) under the provision of chapter seven hundred and ninety-seven of the acts of nineteen hundred and sixty-nine and any act in amendment thereof or in addition thereto, or (c) under the provisions of any other general or special law authorizing municipal control of rental levels for all or certain rental units within a municipality; or

(iii) finances or subsidizes, if the imposition of rent control would result in the cancellation or withdrawal, by law, of such financing or subsidy;

(4) rental units in cooperatives;

(5) rental units in any hospital, convent, monastery, asylum, college or school dormitory operated exclusively for charitable or educational purposes or any public institution operated exclusively for charitable or educational purposes; or rental units in a nursing home, rest home, or charitable home for the aged, not organized or operated for profit;

(6) the rental unit or units in an owner-occupied two-family or

three-family house;

(7) rental units for which the rent charges exceed limits specified by the Board of Aldermen with Mayoral approval; provided that in no event shall more than twenty-five per cent of the total rental units in the City of Somerville be exempted under this subsection.

(c) "Rent", the consideration including any bonus or gratuity demanded or received for or in connection with the use or occupancy of rental units.

(d) "Services", repairs, replacement, maintenance, painting, providing light, heat, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, and any other benefit, privilege, or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

SECTION 3. *Somerville Rent Control Board.* The City of Somerville may, by ordinance, control rents and eviction for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) Upon acceptance of this ordinance and within a reasonable time thereafter the mayor of the City of Somerville shall appoint a rent control board to serve at the pleasure of the appointing authority.

(b) Members of the rent control board, hereinafter called the board, shall receive no compensation for their services, but shall be reimbursed by the City of Somerville, hereinafter called the City, for necessary expenses incurred in the performance of their duties.

(c) The board shall be responsible for carrying out the provisions of this ordinance and shall hire with the approval of the Mayor of the City of Somerville, hereinafter called the Mayor, such personnel as are needed, shall promulgate such policies, rules and regulations as will further the provisions of this ordinance, and shall recommend to the City such ordinances as may be necessary to carry out the purposes of this ordinance.

(d) The board may make such studies and investigations, conduct such hearings, and obtain such information as is deemed necessary in promulgating any regulation, rule or order under this ordinance, or in administering and enforcing this ordinance and regulations and orders promulgated hereunder. For the foregoing purposes, a person may be summoned to attend and testify and to produce books and papers in like manner as he may be summoned to attend as a witness before a court. Any person who rents or offers for rent or acts as broker or agent for the rental of any controlled rental unit may be required to furnish under oath any information required by the board, and to produce records and other documents and make reports. Such persons shall have the right to be represented by counsel. Section ten of chapter two

hundred and thirty-three of the General Laws shall apply, and for the purposes of this ordinance a justice of the District Court of Somerville shall have the same power as a justice of the Supreme Judicial Court or superior Court to implement the provisions of said section.

(e) The board shall have the power to issue orders and promulgate regulations to effectuate the purposes of this ordinance.

SECTION 4. *Maximum Allowable Rent.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) The maximum allowable rent for a controlled rental unit shall be the rental amount established by the board pursuant to chapter eight hundred and forty-two of the acts of nineteen hundred and seventy, as amended, for the month of March, nineteen hundred and seventy-six; provided that if the board, pursuant to chapter eight hundred and forty-two of the acts of nineteen hundred and seventy, as amended, established a maximum allowable rent to be effective subsequent to March 31, 1976 for a controlled rental unit then the rental amount for such unit shall be the amount as established by said board pursuant to said act. (b) The maximum allowable rent for rental units unoccupied on April 1, 1976 or becoming unoccupied any time thereafter shall be established in accordance with the provisions of Section six of this ordinance. (c) If the maximum allowable rent is not otherwise established it shall be established by the board. Any maximum allowable rent may be subsequently adjusted under the provisions of Section five or Section six whichever is applicable.

SECTION 5. *Rent Adjustments.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) The board shall make such individual or general adjustments, either upward or downward, of the maximum allowable rent established in accordance with the provisions of this ordinance for any controlled rental unit or any class of controlled rental units as may be necessary to assure that rents for controlled rental units are established at levels which yield to landlords a fair net operating income for such units. For the purposes of this section the word "class" shall include all the controlled rental units within the City or any categories of such rental units based on size, age, construction, rent, geographic area or other common characteristic.

(b) The following factors, among other relevant factors, shall be considered in determining whether a controlled rental unit yields a fair net operating income:

- (1) increases or decreases in property taxes;
- (2) unavoidable increases or any decreases in operating and

maintenance expenses;

(3) capital improvement of the housing unit as distinguished from ordinary repair, replacement and maintenance;

(4) increases or decreases in living space, services, furniture, furnishings or equipment;

(5) substantial deterioration of the housing units other than as a result of ordinary wear and tear; and

(6) failure to perform ordinary repair, replacement and maintenance.

(c) For the purpose of adjusting rents under the provisions of this section, the board may promulgate a schedule of standard rental increases or decreases for improvement or deterioration in specific services and facilities.

(d) The board may refuse to grant a rent increase under this section, if it determines that the affected rental unit does not comply with the state sanitary code and any applicable municipal code or ordinance and if it determines that such lack of compliance is due to the failure of the landlord to provide normal and adequate repair and maintenance. The board may refuse to grant a rent decrease under this section, if it determines that a tenant is more than sixty days in arrears in payment of rent unless such arrearage is due to a withholding of rent under the provisions of section eight A of chapter two-hundred and thirty-nine of the General Laws.

(e) The board may remove maximum allowable rental levels for any class of controlled rental units if in its judgment the need for continuing such maximum rental levels no longer exists because of sufficient construction of new rental units the rental levels for which are comparable to the rental levels of the class of controlled rental units for which maximum rental levels are to be discontinued or because the demand for rental units has been otherwise met. Any maximum rental level removed under this paragraph shall be reimposed or adjusted and reimposed upon a finding by the board that a substantial shortage of rental units exists in the city and that the reimposition of rent control is necessary in the public interest. Any action under this paragraph shall be subject to the hearing and notice requirements of paragraph (b) of Section seven of this ordinance.

SECTION 6. *Rent Adjustment For Unoccupied Units.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) A rental unit which is unoccupied on April 1, 1976 or which is vacated voluntarily or pursuant to court order anytime thereafter shall be subject to the following provision:

The maximum allowable rent for an aforementioned rental unit shall be established in accordance with the rental amount agreed upon by the owner of said unit and the new occupant thereof. This agreed upon rental amount shall be the initial maximum allowable

rent for such rental unit.

(b) Individual rent adjustment petitions for such rental units shall not be considered by the board for a period of twelve months after initial occupancy, except in the case of increased or decreased services or necessary repairs.

(c) For purposes of this section a rental unit shall be construed to have been vacated when the legal occupant is a person or persons other than the legal occupant of said rental unit prior to April one, nineteen hundred and seventy-six, except for a spouse of the legal occupant, or any children of the legal occupant born during the term of the legal occupancy.

(d) The owner of an aforementioned rental unit shall file with the board an affidavit, under oath, containing the following: 1) The new occupant's name; 2) The agreed upon maximum allowable rent; 3) A statement affirming that the former occupant vacated the rental unit voluntarily or pursuant to court order. 4) A statement affirming that the owner has complied with the "Change of Occupancy Permit" Regulation of the Board of Health of the City of Somerville. This affidavit shall be filed with the board no later than fourteen days after the date of initial occupancy by the new tenant. If the owner, without just cause, fails to comply with the requirements of this subsection the maximum allowable rent for an aforementioned rental unit shall be the rental amount charged the former tenant for the last month of occupancy and shall continue to be the maximum allowable rent for said rental unit until such time as the owner thereof complies with the requirements of this subsection.

(e) If the former occupant of the rental unit objects to that portion of the owner's affidavit required to be filed by subsection (d) (3) hereof he or she shall file with the board a written statement affirming his or her objection and assigning reasons therefor. The former occupant's written objection shall be filed with the board no later than seven (7) days after the board receives the owner's affidavit. Failure to comply with the provisions of this subsection will result in a waiver by the former occupant of his or her right to object to the owner's affidavit.

The board shall adopt rules and regulations to ensure the orderly and expeditious resolution of disputes arising under the provisions of this subsection.

**SECTION 7. *Rent Adjustment Hearings.*** The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) The board shall consider an adjustment of rent for an individual controlled rental unit upon receipt of a petition filed by the landlord or tenant of such unit or upon its own initiative. The board shall notify the landlord, if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such petition and of the right of either party to

request a hearing. If a hearing is requested by either party, or if the action is undertaken on the initiative of the board the hearing shall be conducted before at least one member of the board prior to the decision by the board to grant or refuse a rental adjustment. Notice of the time and place of the hearing shall be furnished to the landlord and tenant. The board may consolidate petitions relating to controlled rental units in the same building, and all such petitions may be considered in a single hearing.

(b) On its own initiative, the board may make a general adjustment of the rental levels for any class of controlled rental units within the City. Prior to making such adjustment, a public hearing shall be held before at least a majority of the board. Notice that an adjustment is under consideration, a description of the class of rental units which would be affected by the adjustment, and the time and place of said public hearing shall be published three times in at least one newspaper having a general circulation within the City.

(c) Notwithstanding any other provision of this section, the board may, without holding a hearing, refuse to adjust a rent level for an individual rental unit if a hearing has been held with regard to the rental level of such unit within twelve months.

(d) Hearings required by paragraph (a) shall be conducted in accordance with the provisions of section eleven of chapter thirty A of the General Laws except that requirements (7) and (8) of said section eleven shall not apply to such hearings.

SECTION 8. *Evictions.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) No person shall bring any action to recover possession of a controlled rental unit 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 damage to, the controlled rental unit, or is creating a 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 a controlled rental unit to be used for any illegal purpose;

(5) the tenant who has a written lease or rental agreement which terminated on or after this act had taken effect in a city or town, 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 this act;

(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 any political subdivision thereof, 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 mortgagee;

(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, son-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) the landlord seeks to recover possession for any other just cause, provided that the purpose is not in conflict with the provisions and purposes of this act.

(b) A landlord seeking to recover possession of a controlled rental unit shall apply to the board for a certificate of eviction. Upon applying to the board for a certificate of eviction the landlord may, simultaneously therewith or at any time thereafter, serve a notice to quit directed to the tenant in accordance with the laws of the Commonwealth of Massachusetts. Upon receipt of an application for a certificate of eviction the board shall send a copy of the same to the tenant of the controlled rental unit together with a notification of all rights and procedures available under this section. If the board finds that the facts attested to in the landlord's petition are valid and in compliance with paragraph (a), the certificate of eviction shall be issued.

(c) A landlord who seeks to recover possession of a controlled rental unit without obtaining such certificate of eviction shall be deemed to have violated this ordinance and the board may initiate a criminal prosecution for such violation.

(d) Notwithstanding the provisions of this section the United States, the commonwealth, or any agency or political subdivision thereof, may maintain an action or proceeding to recover possession of any rental unit operated by it if such action or proceeding is authorized by the statute or regulation under which such units are administered.

(e) The provisions of this section shall be construed as additional restrictions on the right to recover possession of a controlled rental unit. No provision of this section shall entitle any person to recover possession of such a unit.

SECTION 9. *Judicial Review.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part.

(a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint against the board in the District Court of Somerville. The summons and complaint shall be served on the board. The District Court of Somerville shall have exclusive original jurisdiction over such proceedings and shall be authorized to take such action with respect thereto as is provided in the case of the superior court under the provisions of chapter two hundred and thirty-one A of the General Laws, except that section three of said chapter two hundred and thirty-one A shall not apply. All orders, judgments and decrees of said district court may be appealed as is provided in the case of a civil action in such district court.

(b) The District Court of Somerville shall have exclusive original jurisdiction over actions arising out of the provisions of section ten of this ordinance.

SECTION 10. *Civil Remedies.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) Any person who demands, accepts, receives or retains any payment of rent in excess of the maximum allowable rent, in violation of the provisions of this ordinance or any regulation or order hereunder promulgated shall be liable as hereinafter provided to the person from whom such payment is demanded, accepted, received or retained, or to the City, for reasonable attorney's fees and costs as determined by the court, plus liquidated damages in the amount of one hundred dollars, or not more than three times the amount by which the payment or payments demanded, accepted, received, or retained exceed the maximum rent which could be lawfully demanded, accepted, received or retained, whichever is the greater; provided that if the defendant proves that the violation was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation, the amount of such liquidated damages shall be the amount of the overcharge or overcharges.

(b) If the person from whom such payment is demanded, accepted, received or retained in violation of the provisions of this ordinance or any rule or regulation hereunder promulgated fails to bring an action under this section within thirty days from the date of the occurrence of the violation, the board may either settle the claim arising out of the violation or bring such action. Settlement by the board shall thereafter bar any other person from bringing action for the violation or violations with regard to which a settlement has been reached. If the board settles said claim it shall be entitled to retain the costs it incurred in the settlement thereof and the person against whom the violation was committed shall be entitled to the remainder. If the board brings action under the provisions of this section, it shall be entitled to receive attorney's fees and costs under the provisions of paragraph (a) and the

person against whom the violation was committed shall be awarded liquidated damages under said paragraph (a).

(c) A judgment for damages or on the merits in any action under this section shall be a bar to any recovery under this section in any other action against the same defendant on account of any violation with respect to the same person prior to the institution of the action in which such judgment was rendered. Action to recover liquidated damages under the provisions of this section shall not be brought later than one year after the date of the violation. A single action for damages under the provisions of this section may include all violations of the provisions of this section committed by the same defendant against the same person.

SECTION 11. *Criminal Penalties.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

(a) It shall be unlawful for any person to demand, accept, receive, or retain any rent for the use or occupancy of any controlled rental unit in excess of the maximum allowable rent prescribed therefor under the provisions of this ordinance or any order or regulation hereunder promulgated, or otherwise to do or omit to do any action in violation of the provisions of this ordinance or any order or regulation hereunder promulgated.

(b) It shall be unlawful for any person to demand, accept, receive, or retain any payment which exceeds the maximum lawful rent for one month as a finder's fee or service charge for the opportunity to examine or lease any controlled rental unit and no finder's fee or service charge shall be lawful unless the person from whom the payment is demanded, accepted, received or retained actually rents or leases the controlled rental unit with regard to which payment of said fee or said charge has been demanded, accepted, received or retained.

(c) Whoever wilfully violates any provision of this ordinance or any rule or regulation hereunder promulgated, or whoever knowingly makes any false statement in any testimony before the rent board or whoever knowingly supplies the rent board with any false information shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days or both; provided, however, that in the case of a second or subsequent offense, such person shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than one year or both.

SECTION 12. *Severability.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

If any provision of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this ordinance and the applicability of

such provision to other persons or circumstances shall not be affected thereby.

SECTION 13. *Effective Date.* The City of Somerville may, by ordinance, control rents and evictions for housing accommodations and in furtherance thereof may adopt the following provision in whole or in part:

This ordinance shall take effect in the City of Somerville on April 1, 1976. *Approved March 31, 1976.*

---

**Chap. 38.** AN ACT RELATIVE TO THE DATE OF THE ANNUAL MEETINGS OF CERTAIN SCHOOL COMMITTEES HELD FOR THE PURPOSE OF EMPLOYING SUPERINTENDENTS OF SCHOOLS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose which is, in part, to make effective forthwith a change in the latest date at which a joint committee of a union of school committees formed for employing a school superintendent may meet, 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 section 63 of chapter 71 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:- The joint committee shall annually, after completion of annual elections in all of the member towns but in no event later than June fifteenth, meet at a day and place agreed upon by the chairmen of the constituent committees, and shall organize by choosing a chairman and a secretary.

*Approved April 2, 1976.*

---

**Chap. 39.** AN ACT FURTHER REGULATING CERTAIN MAXIMUM PRESSURES ON HOT WATER TANKS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 18 of chapter 142 of the General Laws is hereby amended by striking out clause E, as appearing in section 2 of chapter 518 of the acts of 1941, and inserting in place thereof the following clause:-

E. The maximum working pressure at which a hot water tank may be installed shall not be greater than fifty per cent of the test pressure marked on the tank.

SECTION 2. Section 19 of said chapter 142 is hereby amended by striking out clause A, as appearing in section 2 of chapter 612 of the acts of 1955, and inserting in place thereof the following paragraph:-

A. A hot water tank in which water is to be heated or stored

under pressure greater than fifteen pounds per square inch shall be equipped with a suitable pressure relief valve installed in a tapping in the tank or in the cold water supply line, or the hot water outlet line, with no shut-off valve between the relief valve and the tank. The pressure relief valve shall be set by the manufacturer to operate at a pressure not more than the maximum working pressure stamped on the tank or jacket or casing, and shall be so constructed that said setting cannot be exceeded by normal means of adjustment.

*Approved April 2, 1976.*

**Chap. 40.** AN ACT RELATIVE TO THE CORRECTION OF CERTAIN INACCURATE, ERRONEOUS, OR DEFECTIVELY EXECUTED RECORDS OF BUSINESS OR CHARITABLE CORPORATIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 156B of the General Laws is hereby amended by inserting after section 6 the following section:-

*Section 6A.* Whenever any document authorized or required to be filed with the state secretary under any provision of this chapter has been solfied and is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, such instrument may be corrected by filing with the state secretary a certificate of correction of such document which shall be executed and filed in accordance with this section. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth that portion of the document in corrected form. The corrected document shall be effective as of the date the original document was filed, except as to those persons who are substantially and adversely affected by the correction and as to those persons the corrected instrument shall be effective from the filing date.

SECTION 2. Chapter 180 of the General Laws is hereby amended by inserting after section 3 the following section:-

*Section 3A.* Whenever any document authorized or required to be filed with the state secretary under any provision of this chapter has been so filed and is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, such instrument may be corrected by filing with the state secretary a certificate of correction of such document which shall be executed and filed in accordance with this section. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth that portion of the document in corrected form. The corrected document shall be effective as of the date the original document was filed, except as to those persons who are substantially and adversely affected by the correction and as to those persons corrected instrument shall be effective from the filing date.

*Approved April 2, 1976.*

**Chap. 41.** AN ACT RELATIVE TO CERTIFICATES OF CHANGE OF OFFICERS AND DIRECTORS.

*Be it enacted, etc., as follows:*

Section 53 of chapter 156B of the General Laws, as amended by section 22 of chapter 685 of the acts of 1965, is hereby further amended by adding the following sentence:- If a corporation fails or refuses to file such a certificate within said thirty-day period following a change in the directors or in said officers, any director or officer involved in such change, or the personal representative of any deceased director or officer so involved, may evidence such change by filing a certificate thereof with the office of the state secretary, signed under the penalties of perjury, including a statement that a copy of the certificate has been delivered to the corporation or has been mailed to the principal office of the corporation, postage prepaid.

*Approved April 2, 1976.*

---

**Chap. 42.** AN ACT DESIGNATING THE JUNCTION OF ENNEKING PARKWAY, DEDHAM PARKWAY AND TURTLE POND PARKWAY IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON AS THE ROBERT BLEAKIE INTERSECTION.

*Be it enacted, etc., as follows:*

The intersection of Enneking parkway, Dedham parkway and Turtle Pond parkway in the Hyde Park district of the city of Boston shall be designated and known as the Robert Bleakie intersection in memory of Robert Bleakie, a Hyde Park resident who was one of the original founders of the town of Hyde Park and who dedicated much of his life to civic activity in establishing town government in that community. A suitable marker bearing such designation shall be erected at said intersection by the metropolitan district commission.

*Approved April 2, 1976.*

---

**Chap. 43.** 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 two thousand eight hundred ninety dollars and twenty-one 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 amount 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 fiscal year nineteen hundred and seventy-five.

*Approved April 2, 1976.*

**Chap. 44.** AN ACT CHANGING AND ESTABLISHING CERTAIN PORTIONS OF THE BOUNDARY LINE BETWEEN THE TOWN OF BURLINGTON AND CITY OF WOBURN.

*Be it enacted, etc., as follows:*

SECTION 1. The following described lines shall hereafter comprise certain portions of the boundary line between the town of Burlington and the city of Woburn:-

(a) Beginning at the corner of Burlington, Wilmington and Woburn, an unmarked point having coordinates  $X = 688,830.348$ ,  $Y = 552,399.693$  and extending thence, following the existing boundary line between the town of Burlington and city of Woburn, south  $4^{\circ}06'59.3''$  east, 1,524.522 feet to corner B-W 10 having coordinates  $X = 688,939.785$ ,  $Y = 550,879.104$ ; thence leaving said boundary line and extending south  $26^{\circ}15'28.2''$  west, 370.806 feet to corner B-W 11 having coordinates  $X = 688,775.736$ ,  $Y = 550,546.561$ ; thence south  $68^{\circ}36'19.1''$  east, 221.000 feet to corner B-W 12 having coordinates  $X = 688,981.507$ ,  $Y = 550,465.942$ ; thence south  $25^{\circ}39'59.1''$  west, 220.052 feet to corner B-W 13 having coordinates  $X = 688,886.196$ ,  $Y = 550,267.603$ ; thence south  $55^{\circ}07'55.8''$  east, 125.232 feet to corner B-W 14 on the existing boundary line having coordinates  $X = 688,988.945$ ,  $Y = 550,196.009$ ; thence following said boundary line south  $4^{\circ}06'59.3''$  east, 590.066 feet to corner B-W 15 having coordinates  $X = 689,031.303$ ,  $Y = 549,607.465$ ; thence leaving said boundary line and extending south  $34^{\circ}54'29.4''$  west, 164.139 feet to corner B-W 16 having coordinates  $X = 688,937.372$ ,  $Y = 549,472.860$ ; thence south  $59^{\circ}07'58.3''$  east, 101.618 feet to corner B-W 17 having coordinates  $X = 689,024.597$ ,  $Y = 549,420.725$ ; thence south  $33^{\circ}41'27.8''$  west, 276.079 feet to corner B-W 18 having coordinates  $X = 688,871.452$ ,  $Y = 549,191.016$ ; thence south  $67^{\circ}35'52.5''$  east to corner B-W 19 on the existing boundary line having coordinates  $X = 689,067.078$ ,  $Y = 549,110.376$ ; thence following said boundary line south  $4^{\circ}06'59.3''$  east, 3,052.868 feet to the point of ending of this section at corner B-W 1 having coordinates  $X = 689,286.226$ ,  $Y = 546,065.384$ .

(b) Beginning at corner B-W 8, an unmarked point on the boundary line between the town of Burlington and city of Woburn, having coordinates  $X = 684,935.338$ ,  $Y = 540,066.253$  and extending thence, following said boundary line, south  $61^{\circ}03'59.6''$  west, 572.487 feet to corner B-W 20 having coordinates  $X = 684,434.308$ ,  $Y = 539,789.287$ ; thence south  $39^{\circ}08'42.6''$  east, 108.606 feet to corner B-W 22 having coordinates  $X = 684,705.343$ ,  $Y = 539,436.064$ ; thence south  $26^{\circ}13'24.5''$  east, 17.656 feet to corner B-W 23 having coordinates  $X = 684,713.144$ ,  $Y = 539,420.225$ ; thence south  $66^{\circ}54'26.6''$  west, 561.873 feet to corner B-W 24 having coordinates  $X = 684,196.293$ ,  $Y = 539,199.847$ ; thence north  $64^{\circ}54'10.7''$  west, 165.312 feet to corner B-W 25 having coordinates

X = 684,046.588, Y = 539,269.965; thence north  $60^{\circ}39'55.1''$  west, 101.716 feet to corner B-W 26 on the existing boundary line having coordinates X = 683,957.915, Y = 539,319.797; thence following said boundary line south  $40^{\circ}21'38.2''$  west, 6,649.647 feet to the point of ending of this section at the corner of Burlington, Lexington and Woburn, marked by a granite monument, having coordinates X = 679,651.629, Y = 534,252.874.

Coordinates, bearings and distances used in this section are based on the Massachusetts Coordinate System, Mainland Zone, as described in sections eight through thirteen, inclusive, of chapter ninety-seven of the General Laws.

SECTION 2. Notwithstanding any contrary provision of law, taxes on real estate and personal property located in that portion of the town of Burlington which becomes part of the city of Woburn under the provisions of section one shall be assessed as of January the first, nineteen hundred and seventy-six by the city of Woburn, although said property on said date was located in the town of Burlington.

SECTION 3. Any action taken by the board of assessors of the city of Woburn in assessing taxes on real estate and personal property as of January the first, nineteen hundred and seventy-five and prior years on property located in the town of Burlington as of that date, but which becomes part of the city of Woburn under the provisions of section one, is hereby validated and confirmed as though section one had been in effect when said assessments were made.

SECTION 4. The board of assessors of the town of Burlington is hereby authorized and directed to abate any taxes assessed by it for prior years on any property referred to in section three.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Woburn and the board of selectmen of the town of Burlington.

*Approved April 2, 1976.*

---

**Chap. 45.** AN ACT AUTHORIZING THE TREASURER OF ESSEX COUNTY TO EXPEND A CERTAIN SUM OF MONEY FOR THE PURPOSE OF PARTICIPATING IN A MATCHING FUND GRANT WITH THE ECONOMIC DEVELOPMENT ADMINISTRATION AND THE OVERALL ECONOMIC DEVELOPMENT COMMITTEE OF CAPE ANN, INC.

*Be it enacted, etc., as follows:*

The county treasurer of Essex county is hereby authorized to expend, with the approval of the county commissioners, the sum of thirty thousand eight hundred and twenty dollars for the purpose of participating in a matching fund grant with the Economic Development Administration under the Public Works and Economic Development Act of 1965 (P.L. 89-136), as amended, and the Overall Economic Development Committee of

Cape Ann, Inc.

*Approved April 2, 1976.*

**Chap. 46.** AN ACT PROVIDING FOR CONTRIBUTIONS FROM MUNICIPAL AND OTHER SOURCES TO THE COST OF REPAIRING AND RENOVATING THE STATE STREET WHARF IN THE TOWN OF MARBLEHEAD.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate expenditure of contributions from municipal and other sources for the repair and renovation of the State Street wharf in the town of Marblehead, 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:*

Item 6032-2017 of section 2 of chapter 1003 of the acts of 1971 is hereby amended by adding the words:-; provided, that contributions from municipal or other sources may be expended for the purposes of this item, said contributions to be in addition to the amount appropriated.

*Approved April 2, 1976.*

**Chap. 47.** AN ACT CLARIFYING THE NUMBER OF SIGNATURES REQUIRED ON NOMINATION PAPERS FOR CERTAIN PUBLIC OFFICERS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is immediately to clarify the number of signatures required on nomination papers for certain public offices, 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 44 of chapter 53 of the General Laws is hereby amended by striking out the third sentence, as most recently amended by section 1 of chapter 335 of the acts of 1966, and inserting in place thereof the following two sentences:- Such papers for all other offices to be filled at a state election shall be signed by a number of voters as follows:- for representative in congress, two thousand voters; for councillor, district attorney, clerk of courts, register of probate and insolvency, register of deeds, county commissioner, sheriff and county treasurer, one thousand voters, except that in Barnstable, Berkshire, Franklin, and Hampshire counties such papers for nomination to the office of clerk of courts, register of probate and insolvency, register of deeds, county commissioner, sheriff and county treasurer shall be signed by five hundred voters; for state senator, three hundred voters; for representative in the general court and commissioners to apportion Suffolk county, one

hundred and fifty voters. If ten per cent of the number of voters in the respective district who are enrolled in the party whose nomination the candidate seeks is a lesser number than the number otherwise required by the preceding sentence, then the number of voters required shall be such ten per cent or shall be fifty per cent of the number of voters otherwise required by the preceding sentence, whichever is greater.

*Approved April 6, 1976.*

---

**Chap. 48.** AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN CLUBS AND VETERANS' ORGANIZATIONS IN THE TOWN OF PEPPERELL.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section twelve of chapter one hundred and thirty-eight of the General Laws, licenses may be granted in the town of Pepperell for the sale in said town, until the end of calendar year nineteen hundred and seventy-six, 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 Pepperell at the next biennial state election, and at each biennial state election thereafter until the voters of said town have voted in the affirmative three consecutive times or in the negative three consecutive times:

Shall licenses be granted in the town of Pepperell for the sale therein of all alcoholic beverages by clubs and war veterans' organizations?

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.

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

*Approved April 6, 1976.*

---

**Chap. 49.** AN ACT AUTHORIZING THE TOWN OF PEPPERELL TO GRANT SPECIAL ONE-DAY LICENSES TO SELL WINE AND MALT BEVERAGES TO CERTAIN ORGANIZATIONS IN SAID TOWN.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of chapter one hundred and thirty-eight of the General Laws or any other general or special law to the contrary, the town of Pepperell may issue special one-day wine and malt beverage licenses to fraternal, charitable and social organizations; provided, however, that one-day licenses shall not be issued to any such organization so as to allow the sale of wine and malt beverages on more than three consecutive days by any such organization.

*Approved April 6, 1976.*

---

**Chap. 50.** AN ACT REGULATING THE RETENTION OF PUBLIC EDUCATIONAL RECORDS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section 34D, inserted by chapter 213 of the acts of 1972, and inserting in place thereof the following section:-

*Section 34D.* the board of education shall adopt regulations relative to the maintenance, retention, duplication, storage and periodic destruction of student records by the public elementary and secondary schools of the commonwealth.

SECTION 2. Section thirty-four F of said chapter seventy-one is hereby repealed.

*Approved April 6, 1976.*

---

**Chap. 51.** AN ACT PROVIDING FOR THE SOLEMNIZATION OF MARRIAGE BY ORDAINED DEACONS OF THE ROMAN CATHOLIC CHURCH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the solemnization of marriage by an ordained deacon of the Roman Catholic Church, 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 section 38 of chapter 207 of the General Laws is hereby amended by inserting after the word "Church", in line 7, as appearing in chapter 668 of the acts of 1970, the words:- or in the Roman Catholic Church.

*Approved April 7, 1976.*

---

**Chap. 52.** AN ACT INCREASING THE AMOUNT OF SHARES AND DEPOSITS THAT MEMBERS MAY HOLD IN CREDIT UNIONS.

*Be it enacted, etc., as follows:*

Section 10 of chapter 171 of the General Laws is hereby amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentence:- Every member of a credit union shall hold one share and may hold shares or make deposits or both in his own name to an amount not exceeding fourteen thousand dollars in the aggregate and he may jointly with another member hold shares or make deposits or both to an amount not exceeding, in the aggregate, twenty-eight thousand dollars, exclusive of club deposits; provided, that a member of a credit union having assets of five hundred thousand dollars or more may hold shares or make deposits or both therein in his own name to an amount not exceeding twenty-three thousand dollars in the aggregate, and, may jointly with another member hold shares or make deposits or both to an amount not exceeding, in the aggregate, forty-six thousand dollars, exclusive of club deposits; and provided, further, that a member of a credit union having assets of four million dollars or more may hold shares or make deposits or both therein in his own name to an amount not exceeding twenty-five thousand dollars in the aggregate and he may jointly with another member hold shares or make deposits or both to an amount not exceeding, in the aggregate, fifty thousand dollars, exclusive of club deposits.

*Approved April 7, 1976.*

---

**Chap. 53.** AN ACT FURTHER REGULATING CERTAIN PROCEDURES UNDER THE LAW RELATIVE TO THE PROTECTION OF

WETLANDS.

*Be it enacted, etc., as follows:*

The thirteenth paragraph of section 40 of chapter 131 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 241 of chapter 706 of the acts of 1975, and inserting in place thereof the following sentence:- 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 twenty-one 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, by certified mail and within ten days from said commission's order or failure to act, request the department of environmental quality engineering 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.

*Approved April 7, 1976.*

---

**Chap. 54.** AN ACT REQUIRING A PHYSICIAN OR OFFICER FURNISHING A CERTIFICATE OF DEATH OF A VIETNAM VETERAN TO NOTE CERTAIN INFORMATION THEREON.

*Be it enacted, etc., as follows:*

Chapter 46 of the General Laws is hereby amended by striking out section 10, as amended by section 24 of chapter 627 of the acts of 1954, and inserting in place thereof the following section:-

*Section 10.* A physician or officer furnishing a certificate of death as required by section nine or by section forty-five of chapter one hundred and fourteen, shall, if the deceased, to the best of his knowledge and belief, was a Spanish War, World War I, World War II, Korean or Vietnam veteran, as defined in clause Forty-third of section seven of chapter four, or served in the Mexican border service of nineteen hundred and sixteen and nineteen hundred and seventeen, insert in the certificate a recital to that effect, and shall also certify in such certificate both the primary and the secondary or immediate cause of death as nearly as he can state the same. For neglect to comply with any provision

of this section, such physician or officer shall forfeit ten dollars.

*Approved April 7, 1976.*

---

**Chap. 55.** AN ACT AUTHORIZING THE BOARD OF PARK COMMISSIONERS OF THE CITY OF SALEM TO ESTABLISH RULES AND REGULATIONS RELATIVE TO THE PARKING OF MOTOR VEHICLES AT FOREST RIVER PARK IN SAID CITY.

*Be it enacted, etc., as follows:*

The board of park commissioners of the city of Salem may, from time to time, establish such rules and regulations, as it may deem necessary, regulating the parking of any motor vehicle at Forest River park in said city, including the establishment of parking fees thereat.

*Approved April 7, 1976.*

---

**Chap. 56.** AN ACT AUTHORIZING THE TAKING OF LAND IN THE TOWN OF CLINTON FOR THE PURPOSES OF THE LANCASTER SEWER DISTRICT.

*Be it enacted, etc., as follows:*

Chapter 831 of the acts of 1967 is hereby amended by inserting after section 4 the following section:-

*Section 4A.* Said board of sewer commissioners, on behalf of said district, may acquire by purchase or otherwise or taking by eminent domain such permanent or temporary easements, not exceeding twenty feet in width, as may be necessary to carry out the purpose of this act, in the following described land in the town of Clinton:-

Beginning at the Lancaster-Clinton town line in Main street running southerly along Main street a distance of 300 feet to land now or formerly of the heirs of Eben Fuller; thence running southerly through said property for a distance of 70 feet to land now or formerly belonging to Chester A. and Kathryn I. Mason; thence running southerly through said property for a distance of 45 feet to Main street; thence running southerly on Main street for a distance of 200 feet to property now or formerly of Nathan Schwartz; thence running easterly and southerly through said property for a distance of 1500 feet to property of Frank S. and Helene N. Witkowski; thence running easterly through said property for a distance of 1000 feet to High street; thence running southerly on High street for a distance of 400 feet to the Metropolitan District Commission treatment plant. Nothing in this section shall supercede or conflict with the right of the metropolitan district commission to take said easements as provided in chapter four hundred and sixty-two of the acts of

nineteen hundred and fifty-four.

*Approved April 7, 1976.*

---

**Chap. 57.** AN ACT RELATIVE TO THE FORM OF REPRESENTATIVE TOWN GOVERNMENT IN THE TOWN OF NORTH ATTLEBOROUGH.

*Be it enacted, etc., as follows:*

SECTION 1. There is hereby established in the town of North Attleborough a form of representative town government by representative town meetings, as hereinafter set forth.

SECTION 2. 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. Their boundaries shall be reviewed, and, if need be, wholly or partially revised, by the selectmen according to the most recent state or federal census or when the selectmen are so directed by a vote of a representative town meeting. The provisions of this section shall not authorize any action contrary to the provisions of section nine-A of 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 such precincts with the board of election commissioners, with a map or maps or description of the precincts and the names and residences of the registered voters 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 registered voters 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 registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the filing of the report thereof by the selectmen with the board of election commissioners. Whenever the precincts are established or revised, the board of election commissioners 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 meetings 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 the establishment of voting precincts

hereinbefore provided.

SECTION 3. The membership of the representative town meeting shall consist of one hundred and forty-four members elected for terms of three years. Any registered voter of the town of North Attleborough shall be eligible for election to the town meeting. Each of six precincts shall be represented by twenty-four members; eight of whom shall be elected annually. The voters shall also 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.

Election ties shall be decided by ballot vote of the remaining representative town meeting members from the precinct. The terms of office of all elected town meeting members from every precinct shall cease upon the election as hereinbefore provided of their successors. The board of election commissioners shall, after every election of the town meeting members, forthwith notify each such member by mail of his election. Representative town meeting members shall serve without compensation.

SECTION 4. Within ten days after the annual election, the town clerk shall cause the elected members from each precinct to organize, to elect a chairman, secretary, and to elect or appoint such other officers as the members deem necessary. Precinct meetings shall be called by the chairmen or their designees. The chairmen, or their designees, of all such precinct committees shall meet from time to time to coordinate the activities relative to the representative town meeting. This coordinating committee may appoint ad hoc committees from the representative town meeting membership. Said ad hoc committees shall report to the representative town meeting through its coordinating committee and to the selectmen. The selectmen shall include the report or reports as submitted in the next annual town report.

SECTION 5. Nominations of candidates and candidates for re-election for town meeting members to be elected under this act shall be made by nomination papers, which shall show whether he has been a former town meeting member, and, if an elected incumbent of such office, that he is a candidate for re-election and shall bear no other political designation. Such papers shall be signed by not less than twenty-five registered voters of the precinct in which the candidate resides, and shall be filed with the board of election commissioners at least ten days before the election. If a town meeting member is a candidate for re-election, the words "Candidate for Re-Election" shall be printed against his name as it appears on the ballot for the election of town officers. If a town meeting member, who has been chosen by the remaining members from the precinct to fill a vacancy under the provisions of section seven, is a candidate for election, the words "Candidate for Re-Election" shall not be printed against his name as it appears on the

ballot. All candidates shall be listed in alphabetical order. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 6. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who moves from the town shall cease to be a town meeting member. A town meeting member who moves from the precinct from which he was elected to another precinct, either by precinct realignment or otherwise, may serve only until the next annual town election.

SECTION 7. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters to elect, or from any other cause, shall be filled until the next annual election, by the remaining town meeting members of the precinct, from among the registered voters thereof who have indicated their willingness to serve by a written notice to the town clerk. Upon receipt of written notice of a vacancy, the town clerk shall promptly give public notice of all vacancies in at least one newspaper of general circulation in the town of North Attleborough, and shall also give written notice to the chairman of the precinct in which the vacancy exists. Said notices shall contain the date, time and place of the meeting to fill such vacancies. Notification of a vacancy shall be submitted to the town clerk and shall consist of either a written resignation or a written notice signed by not less than ten town meeting members from the precinct wherein the vacancy exists.

At the said meeting, a majority of the remaining members from such precinct shall constitute a quorum. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The precinct chairman and secretary, or their designees, shall count the ballots and shall make a certificate of the choice and file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meeting member or members, subject to the right of all the town meeting members to judge or the election and qualifications of its membership as set forth in section nine.

SECTION 8. The moderator shall be an ex-officio member of the representative town meeting. He shall possess all of the rights and privileges of elected town meeting members, but shall have no vote on any matter coming before the town meeting except in case of a tie vote.

Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the representative town meeting members at a town meeting or at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town

---

meeting members.

SECTION 9. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and the representative town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town. All other articles in the warrant for any town meeting shall be acted upon exclusively by representative town meeting members, who shall exercise all legislative powers of the town. Said meeting shall be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eleven.

Town meetings shall be held seminannually on the first Monday in April and the third Monday in October. Special town meetings may be called by the board of selectmen or as provided for by section ten of chapter thirty-nine of the General Laws.

The selectmen shall insert in the warrant for the semiannual town meetings all articles submitted to them in writing by ten or more registered voters of the town, and in the warrant for every special town meeting all articles submitted to them in writing by thirty-six representative town meeting members or by one hundred registered voters or as provided in section ten of chapter thirty-nine of the General Laws. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held. Notices shall be sent by mail at least fourteen days before the meeting. Printed copies of the warrant shall be made available twenty-one days prior to a town meeting. Printed finance committee recommendations shall be made available fourteen days prior to the business session of a town meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of its membership. Seventy-three town meeting members shall constitute a quorum for doing business; but a lesser number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public.

The town clerk shall maintain a journal of the proceedings of all town meetings and a copy thereof shall be kept at the office of said town clerk and at the Richards Memorial public library. A roll call vote in which each response shall be recorded by name in the journal may be requested by eighteen and more members.

SECTION 10 Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under section three. If the chairman of the board of selectmen, chairman of the capital improvements program committee, and chairman of the finance committee are not elected representative town meeting members,

they or their designees from the respective committees or board, by reason of their office, shall be ex-officio representative town meeting members but shall have no voting privileges. All town officials, the chairmen of boards and commissions, department heads, or their respective designees, and any registered voter of the town of North Attleborough may attend sessions of the representative town meeting, and may speak when properly recognized by the moderator. The town clerk shall provide an attendance record which shall be personally signed by each town meeting member at each session. The attendance record shall be a part of the journal and shall be included in the annual report of the town clerk. Representative town meeting members shall be seated by precinct apart from the general public. Town meeting members shall be seated with their respective precincts in order that their vote be counted unless, by reason of their office, they are required to be seated at the rostrum.

SECTION 11. A vote other than the article pertaining to the town budget passed at any representative town meeting authorizing the expenditure of seventy-five thousand dollars or more as a special article appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the terms of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until the expiration of ten days, including Saturdays, Sundays, and holidays, from the dissolution of the meeting. If, within said ten days, a petition signed by not less than thirty registered voters from each precinct, totaling not less than five per cent of the registered voters of the town, containing their names and addresses, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at eight o'clock in the forenoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot, and the check list shall be used in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: "Shall the town vote to approve the action of the Representative Town Meeting whereby it was voted (here insert brief description of the substance of the vote)?" If such petition is not filed within said period of ten days, the vote of the representative town meeting shall become operative and effective upon expiration of said period. Absentee ballots shall be used at such election

in accordance with the provisions of chapter fifty-four of the General Laws.

SECTION 12. All meetings held by representative town meeting members for any purpose relative to representative town meeting business shall be open and comply with the laws of the commonwealth regulating open meetings.

SECTION 13. Chapter one thousand and forty-five of the acts of nineteen hundred and seventy-three is hereby repealed.

SECTION 14. This act shall take effect upon its passage.

*Approved April 8, 1976.*

---

**Chap. 58.** AN ACT INCREASING THE AMOUNT WHICH A TRUST COMPANY MAY PAY TO CERTAIN SURVIVORS OF A DECEASED DEPOSITOR WITHOUT PROBATE PROCEEDINGS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose which is, in part, to make the laws of the commonwealth conform with federal 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 67 of chapter 172 of the General Laws, as appearing in section 1 of chapter 493 of the acts of 1961, is hereby amended by striking out, in line 4, the words "seven hundred and fifty" and inserting in place thereof the words:- two thousand.

*Approved April 8, 1976.*

---

**Chap. 59.** AN ACT INCREASING THE AMOUNT OF SAVINGS DEPOSITS WHICH A TRUST COMPANY MAY RECEIVE.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 51 of chapter 172 of the General Laws is hereby amended by striking out clause 1, as appearing in section 3 of chapter 305 of the acts of 1970, and inserting in place thereof the following clause:-

1. Deposits from any person for his own account or for the accounts of one or more distinct estates or trusts; but no such account shall be permitted to exceed forty-five thousand dollars except by accumulation of interest.

SECTION 2. Said first paragraph of section 51 of said chapter 172 is hereby further amended by striking out clause 2, as amended by section 3 of chapter 84 of the acts of 1972, and inserting in place thereof the following clause:-

2. Deposits on any joint account, but no such account shall be permitted to exceed ninety thousand dollars except by

accumulation of interest. Either party to a joint account also may make deposits for his individual account, but the deposits in his individual account, and in all joint accounts to which he is a party, shall not at any one time exceed ninety thousand dollars, exclusive of interest accumulated thereon.

*Approved April 8, 1976.*

**Chap. 60.** AN ACT INCREASING THE AUTHORITY OF CREDIT UNIONS RELATIVE TO CERTAIN LOANS AND FURTHER REGULATING THE REQUIREMENT OF CREDIT UNIONS TO PRESERVE CERTAIN RECORDS.

*Be it enacted, etc., as follows:*

SECTION 1. Subdivision D of section 24 of chapter 171 of the General laws is hereby amended by striking out the second and third sentences, as appearing in section 6 of chapter 420 of the acts of 1971, and inserting in place thereof the following two sentences:- Such loan shall not exceed seven thousand five hundred dollars exclusive of interest or discount from the date of the note, with respect to any one parcel of such real estate. The loan shall be payable within ten years from the date of the note.

SECTION 2. Section 26A of said chapter 171, as amended by chapter 19 of the acts of 1975, is hereby further amended by adding the following sentence:- All original records, age three years or older, may be stored in off property locations; provided, however, withdrawal slips may be destroyed after a period of two years, if said withdrawal slips are properly micro-photographed and the micro-photographs shall be preserved for the period provided in this section.

*Approved April 8, 1976.*

**Chap. 61.** AN ACT PROVIDING FOR ADVANCEMENT FOR SPEEDY TRIAL OF CERTAIN ACTIONS INVOLVING ELDERLY PERSONS.

*Be it enacted, etc., as follows:*

Chapter 231 of the General Laws is hereby amended by inserting after section 59E, inserted by chapter 96 of the acts of 1961, the following section:-

*Section 59F.* In any civil action in any court of the commonwealth' in which one or more of the parties at the time of commencement of the proceeding is sixty-five years of age or older or during the pendency of the proceeding attains the age of sixty-five, the court shall, upon motion of such person, advance the proceeding for speedy trial so that it may be heard and determined with as little delay as possible.

*Approved April 8, 1976.*

**Chap. 62.** AN ACT INCREASING THE PROBATIONARY PERIOD FOR CERTAIN POLICE OFFICERS.

*Be it enacted, etc., as follows:*

Section 20D of chapter 31 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 182 of the acts of 1971, and inserting in place thereof the following sentence:- Except as otherwise expressly provided in this chapter or in section thirty-six of chapter forty-eight, no person shall be regarded as holding office or employment on a full-time basis until he has been appointed to a permanent, full-time position in the official or labor service and has actually performed the duties of the office or position thereof for a probationary period of six months; provided, however, in the case of a person appointed as a regular police officer in any city or town, the metropolitan district police force, or the Massachusetts Bay Transportation Authority police force or as a capitol police officer, the probationary period shall be twelve months.

*Approved April 8, 1976.*

---

**Chap. 63.** AN ACT FURTHER REGULATING THE SIGNING OF CORPORATE ANNUAL REPORTS OF CONDITION.

*Be it enacted, etc., as follows:*

SECTION 1. Clause (5) of section 109 of chapter 156B of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 723 of the acts of 1964, and inserting in place thereof the following sentence:- A parent corporation, in filing its own report, may make a consolidated statement of assets and liabilities of the corporation and its subsidiaries, unless the state secretary shall otherwise require in a particular case, provided that nothing herein shall relieve any subsidiary corporation from filing any report of condition otherwise required by law.

SECTION 2. Said section 109 of said chapter 156B is hereby further amended by adding the following paragraph:-

The signatures of a majority of the directors may be omitted if the board of directors has specifically authorized the appropriate officers to sign and file said report without the signatures of a majority of the directors in which event those directors who have authorized such action shall be deemed to have signed the report and their names shall be set forth in the report.

SECTION 3. Clause (6) 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 the second sentence and inserting in place thereof the following

sentence:- A parent corporation, in filing its own report, may make a consolidated statement of assets and liabilities of the corporation and its subsidiaries, unless the state secretary shall otherwise require in a particular case, provided that nothing herein shall relieve any subsidiary corporation from filing any report of condition otherwise required by law.

SECTION 4. Said section 4 of said chapter 181 is hereby further amended by adding the following paragraph:-

The signatures of a majority of the directors may be omitted if the board of directors has specifically authorized the appropriate officer to sign and file said report without the signatures of a majority of the directors in which event those directors who have authorized such action shall be deemed to have signed the report and their names shall be set forth in the report.

*Approved April 8, 1976*

**Chap. 64.** AN ACT FURTHER REGULATING DEALERS' AGREEMENTS FOR THE SALE OF GASOLINE.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 93E of the General Laws as appearing in chapter 772 of the acts of 1972 is hereby amended by striking out the fourth paragraph and inserting in place thereof the following new paragraph:-

“Marketing agreement”, means any agreement either written or oral between a supplier and a retail dealer under which (1) the retail dealer promises to sell or distribute the produce or products of the supplier; (2) the retail dealer is granted the right to use a trademark, trade name, service mark or other identifying symbol or name owned by a manufacturer; or (3) the retail dealer is granted the right to occupy premises owned, leased or controlled by a supplier.

SECTION 2. Said chapter 93E of the General Laws is hereby further amended by adding after section 3 the following new section:

*Section 3a.* No agreement, formal or informal, shall require the use of any promotion, premium, coupon, give-away, or rebate in the operation of the business; provided, however, that a retail dealer may participate in a promotion, premium, coupon give-away, or rebate sponsored by a supplier and completely paid for by said supplier, or unless said dealer elects to participate at his own expense.

SECTION 3. Section 4 of said chapter 93E of the General Laws is hereby amended by adding after the word “shall” in line 2 the following words: “within thirty days of such termination”.

SECTION 4. Said chapter 93E of the General Laws is hereby

amended by adding after section 4 the following new section:

*Section 4a.* Every marketing agreement between a supplier and a retail dealer shall be subject to the following non-waiverable provisions, whether or not they are expressly set forth in the agreement:

(a) No agreement between a retail dealer and a supplier shall require a retail dealer to keep his station open for business any specified number of hours per day or days per week.

(b) No party to a marketing agreement with a retail dealer shall withhold his consent to any assignment, transfer or sale of the marketing agreement without first notifying the retail dealer in writing within thirty days prior to the effective date of said agreement, transfer or sale, stating the specific grounds for such refusal to consent to said assignment, transfer, or sale.

(c) A supplier who requires in a marketing agreement a security deposit for a period of one year or longer for the use of a service station or delivery of fuel shall, beginning with the first day of the agreement, pay interest at the rate of six percent per year, payable to the retail dealer within thirty days after the termination of said agreement. The supplier shall return the security deposit or any balance thereof, and interest thereon, after deducting the amount of any damage caused by the retail dealer or any person on the demised premises with his knowledge or consent, reasonable wear and tear excepted, and less any unpaid rent or other indebtedness.

Any deduction for damage or indebtedness pursuant to this section shall be itemized by the manufacturer or supplier with particularity indicating the nature of the repair necessary to correct any damage and the actual or estimated cost thereof, or the nature of the indebtedness, as the case may be.

If the supplier fails to return to the retail dealer such deposit or the balance thereof as provided herein, he shall be liable in damages in an amount equal to twice the amount of such security deposit or balance thereof, plus interest at the rate of six percent from the date on which payment became due.

SECTION 5. Said chapter 93E of the General Laws is hereby further amended by striking out section 5 and inserting in place thereof the following new sections:

*Section 5.* (a) Unfair methods of competition and unfair or deceptive acts or practices, as defined in section 5A, are hereby declared to be unlawful.

(b) In construing paragraph (a) the courts may be guided by the interpretations of the Federal Trade Commission Act or the Federal Energy Administration Act as from time to time amended.

*Section 5a.* It shall be deemed a violation of paragraph (a) of section 5 for a supplier to terminate, cancel or not renew a marketing agreement of any retail dealer without due cause,

regardless of the terms or provisions of such marketing agreement. Such supplier shall notify a retail dealer in writing of the termination or cancellation of the marketing agreement of such retail dealer at least sixty days before the effective date thereof, stating the specific grounds for such termination or cancellation, and such supplier shall notify a retail dealer in writing, at least sixty days before the contractual term of his marketing agreement expires that the same will not be renewed, stating the specific grounds for such nonrenewal in those cases where there is no intention to renew the same, and in no event shall the contractual term of any such marketing agreement expire, without the written consent of the retail dealer involved, prior to the expiration of at least sixty days following such written notice. During said sixty day period either party may in appropriate circumstances petition any District Court or Superior Court of the Commonwealth to modify said sixty day stay or to extend it pending a final determination of such proceedings on the merits. The court shall have authority to grant preliminary and final injunctive relief and such petition shall be entitled to a speedy trial.

SECTION 6. Said Chapter 93 E of the General Laws is hereby further amended by adding after section 7 the following new sections:-

*Section 7a.* The attorney general shall enforce compliance with the provisions of this chapter in accordance with section 4 to 8, inclusive, of chapter 93A. Any retail dealer shall have the right to damages as provided in sections 9 and 10 of said chapter 93A. A final judgment, order or decree rendered against a person in any civil, criminal, or administrative proceeding under the United States Anti-Trust Laws, under the Federal Trade Commission Act, under chapter 93A or under this chapter shall be regarded as prima facie evidence against such person subject to the conditions set forth in the United States Anti-Trust laws, (15 U.S.C. 16).

*Section 7b.* Any contract or part thereof or practice thereunder in violation of any provision of this chapter shall be deemed against public policy and shall be void and unenforceable.

*Section 7c.* If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

*Approved April, 9, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

May 10, 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 64 of the Acts of 1976, entitled AN ACT FURTHER REGULATING DEALERS' AGREEMENTS FOR THE SALE OF GASOLINE, and the enactment of which received my approval on April 9, 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 provide for immediate regulation of dealers' agreements for the sale of gasoline.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, May 10, 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 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 sixty-four of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 65.** AN ACT AUTHORIZING THE TOWN OF BRAINTREE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY A CERTAIN UNPAID BILL.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Braintree is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said town is hereby authorized to pay, an unpaid bill to Machinery & Steel Service Co., Inc., in the amount

of three thousand nine hundred and twenty-seven dollars for goods sold in the year nineteen hundred and seventy-four for use at the town incinerator, which bill 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 goods for which said bill has been submitted were ordered by an official or an employee of said town and that such goods 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 goods 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 April 14, 1976.*

**Chap. 66.** AN ACT AUTHORIZING THE WAMPANOAG INDIANS OF NEW ENGLAND TO ERECT A PLAQUE IN THE STATE HOUSE.

*Be it enacted, etc., as follows:*

The Wampanoag Indians of New England are hereby authorized, subject to the approval of the art commission, to erect in an area of the state house to be designated by said commission a plaque honoring King Philip, a sachem of the Wampanoag Indians during the period from sixteen hundred and sixty-two to sixteen hundred and seventy-six. The cost of said plaque shall be borne by said Wampanoag Indians.

*Approved April 14, 1976.*

**Chap. 67.** AN ACT RELATIVE TO THE ANNUAL OBSERVANCE OF RETIRED MEMBERS OF THE ARMED FORCES DAY.

*Be it enacted, etc., as follows:*

Chapter 6 of the General Laws is hereby amended by inserting after section 15BB, inserted by chapter 603 of the acts of 1974, the following section:-

*Section 15CC.* The governor shall annually issue a proclamation setting apart the first Monday in June as "Retired Members of the Armed Forces Day" and recommending that said day be observed in an appropriate manner by the people.

*Approved April 14, 1976.*

**Chap. 68.** AN ACT PROVIDING THAT THE SECRETARY OF COMMUNITIES AND DEVELOPMENT BE A MEMBER OF THE FARMLAND VALUATION ADVISORY COMMISSION IN LIEU OF THE COMMISSIONER OF COMMUNITY AFFAIRS.

*Be it enacted, etc., as follows:*

Section 11 of chapter 61A of the General Laws, as appearing in section 1 of chapter 118 of the acts of 1973, is hereby amended by striking out, in line 4, the words “commissioner of community affairs” and inserting in place thereof the words:- secretary of communities and development.

*Approved April 14, 1976.*

---

**Chap. 69.** AN ACT AUTHORIZING CO-OPERATIVE BANKS TO SELL, ASSIGN OR TRANSFER CERTAIN MORTGAGE LOANS TO THE UNITED STATES AND AGENCIES THEREOF.

*Be it enacted, etc., as follows:*

Chapter 170 of the General Laws is hereby amended by striking out section 27A, inserted by section 3 of chapter 92 of the acts of 1971, and inserting in place thereof the following section:-

*Section 27A.* Any such corporation may issue or participate with other persons in the issuance of mortgage-backed securities which are guaranteed as to principal and interest by the United States or by an agency of the United States and are backed in whole or in part by mortgages held by such corporation. Any such corporation may sell, assign, or transfer to the United States or any agency of the United States any mortgage loan or interest in any mortgage loan held by such corporation; and in connection therewith may enter into and perform such agreements relating to the custody and servicing of such mortgages and to other matters as may be required pursuant to applicable regulations of any such agency. For purposes of this section, the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation shall be deemed to be agencies of the United States.

*Approved April 14, 1976.*

---

**Chap. 70.** AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO CONVEY CERTAIN RIGHTS OF WAY TO THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE AND TO ACCEPT A RIGHT OF WAY FROM SAID COLLEGE.

*Be it enacted, etc., as follows:*

SECTION 1. In consideration of the release to the benefit of the department of mental health by the President and Fellows of Harvard College of a certain right of way as provided in section

two, the commissioner of mental health acting for and on behalf of the commonwealth is hereby authorized to release to the benefit of the President and Fellows of Harvard College all right, title and interest to a certain right of way as shown on plan dated June 19, 1915, by Henry F. Bryant, C.E., recorded with the registry of deeds in Suffolk county in book 3890, page 51 running SOUTH-WESTERLY in the passage five (5) feet wide shown on said plan to land now or former of Michael J. Leary and also running SOUTHEASTERLY in the passageway four (4) feet wide to Kempton Street as shown on said plan.

SECTION 2. In consideration of such release, the President and Fellows of Harvard College shall release to the benefit of the commonwealth all right, title and interest to a certain right of way as shown on a plan dated June 19, 1915, by Henry F. Bryant, C.E., recorded with the registry of deeds in Suffolk county, in book 3890, page 51 running in the passageway ten (10) feet wide shown on said plan SOUTHEASTERLY from Vila (Vining) Street and thence running SOUTHWESTERLY five (5) feet wide as shown on said plan to land now or former of Michael J. Leary, or however otherwise said rights of way may be bounded or described and be all or any of said measurements more or less.

*Approved April 14, 1976.*

**Chap. 71.** AN ACT RELATIVE TO APPROPRIATIONS BY THE TOWN OF ORLEANS FOR MUNICIPAL ADVERTISING.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 2 of the acts of 1961 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

*Section 2.* The town of Orleans may appropriate annually a sum not exceeding five thousand dollars for the purpose of advertising and promoting the advantages of said town, and for the erection and maintenance of information booths therein; provided, however, that a sum at least equal to the amount of such appropriation shall be contributed by public subscription or by donation or legacy, and paid into the town treasury to be expended, in addition to the sums appropriated, for the aforesaid purposes. The money so appropriated and so contributed shall be expended under the direction of the selectmen.

SECTION 2. This act shall take effect upon its acceptance by the town of Orleans.

*Approved April 14, 1976.*

**Chap. 72.** AN ACT REQUIRING THE APPROVAL OF THE

COMMISSIONER OF BANKS RELATIVE TO CERTAIN CHANGES  
IN THE BY-LAWS AND LOCATIONS OF CREDIT UNIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 171 of the General Laws is hereby amended by striking out sections 8 and 9 and inserting in place thereof the following two section:-

*Section 8.* The by-laws may be amended at any annual meeting, or at a special meeting called for the purpose, by a three-fourths vote of all of the members present and entitled to vote; provided, that the notice of the meeting and of the proposed amendment is given each member in the manner prescribed in said by-laws. No amendment or amendments containing a change in the conditions of residence, occupation or association which qualify persons for membership, or change in location, or change in name shall become operative until approved in writing by the commissioner.

*Section 9.* No credit union shall receive any deposits or payments on account of shares, or make any loans, until its by-laws have been approved in writing by the commissioner.

SECTION 2. Section twenty-one A of said chapter one hundred and seventy-one is hereby repealed.

*Approved April 14, 1976.*

**Chap. 73.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven 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.....	\$1,000,301.53
2. For contractual services.....	97,025.00
3. For supplies and materials.....	219,225.00
4. For current charges and obligations.....	128,989.00
5. For equipment.....	7,800.00

8. For debt and interest.....	234,875.00
11. For reserve fund.....	25,000.00
12. For group insurance.....	36,000.00
For total expenditures.....	<u>\$1,749,215.53</u>

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-six.

*Approved April 14, 1976.*

**Chap. 74.** AN ACT RELATIVE TO THE SCHOOL BUDGET IN THE TOWN OF HOPKINTON.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any provision of general or special law to the contrary, for the fiscal year commencing July first, nineteen hundred and seventy-six, the school committee of the town of Hopkinton shall include in its budget, in addition to amounts necessary to make payments during the months of July and August, nineteen hundred and seventy-six, of monies earned by teachers in said town and any other professional employees of the school department of said town for the school year ending June thirtieth, nineteen hundred and seventy-six, one half of the amounts necessary to make payments during the months of July and August, nineteen hundred and seventy-seven, of monies earned by such teachers and any other such professional employees of the school year ending June thirtieth, nineteen hundred and seventy-seven. For the fiscal year commencing July first, nineteen hundred and seventy-seven, said school committee shall include in its budget the full amounts necessary to make payment of monies earned by such teachers and any other such professional employees for the school years ending on or before June thirtieth, nineteen hundred and seventy-eight. The provisions of section thirty-four of chapter seventy-one of the General Laws shall apply to the amounts included in the budgets to which this section applies.

SECTION 2. Any action taken by the town of Hopkinton subsequent to January first, nineteen hundred and seventy-six, pursuant to appropriations authorized by section one of this act shall be as valid and effective as though this act had been in full force and effect at the time of the initial action of the school committee of said town.

*Approved April 14, 1976.*

**Chap. 75.** AN ACT FURTHER INCREASING THE AMOUNT OF MONEY

AND THE TIME WITHIN WHICH THE OXFORD-ROCHDALE  
SEWER DISTRICT MAY BORROW CERTAIN SUMS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 8 of chapter 250 of the acts of 1957 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 303 of the acts of 1972, and inserting in place thereof the following sentence:- For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within thirty years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, one million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Oxford-Rochdale Sewerage Loan, Act of 1957.

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

*Approved April 15, 1976.*

---

**Chap. 76.** AN ACT DIRECTING THE BOARD OF TRUSTEES OF SOUTHEASTERN MASSACHUSETTS UNIVERSITY TO WAIVE CERTAIN RESTRICTIONS IN A DEED OF CERTAIN LAND CONVEYED TO THE CITY OF NEW BEDFORD.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of chapter two hundred and fifty-six of the acts of nineteen hundred and seventy-four, the board of trustees of Southeastern Massachusetts University, in the name of and on behalf of the commonwealth, is hereby authorized and directed to convey by an instrument approved as to form by the attorney general, a waiver by the commonwealth of the restrictions in the deed of conveyance of certain land by the commonwealth, under authority of said chapter two hundred and fifty-six, requiring that said land shall be used for municipal purposes.

*Approved April 15, 1976.*

---

**Chap. 77.** AN ACT AUTHORIZING CERTAIN BONFIRES DURING THE PERIOD BETWEEN JULY SECOND AND JULY SIXTH IN EACH YEAR.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to permit bonfires during the period from July second to July sixth in this Bicentennial 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 111 of the General Laws is hereby amended by inserting after section 142H, inserted by chapter 99 of the acts of 1975, the

following section:-

**Section 142I.** Notwithstanding any provision of sections one hundred and forty-two A and one hundred and forty-two B, and in addition to the ceremonial bonfires permitted under the provisions of section one hundred and forty-two H, any civic, fraternal, veteran, community, or business organization may build and ignite bonfires under the supervision and control of the fire department of the city or town in which such burning takes place during the period from July second to July sixth in each year. A permit for such bonfire shall be obtained by such organization from the head of the fire department upon his determination that such organization will conduct such burning in a proper and responsible manner.

*Approved April 22, 1976.*

**Chap. 78.** AN ACT INCREASING THE MAXIMUM AMOUNT OF FINES WHICH MAY BE IMPOSED FOR VIOLATIONS OF ORDINANCES IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Section 35 of chapter 448 of the Special laws of 1854 is hereby amended by striking out, in line 13, the word "fifty" and inserting in place thereof the words:- two hundred.

*Approved April 26, 1976.*

**Chap. 79.** AN ACT PROVIDING FOR THE PURCHASE OF CERTAIN PROPERTY IN THE TOWN OF DARTMOUTH FROM THE SOUTHEASTERN MASSACHUSETTS UNIVERSITY BUILDING AUTHORITY FOR THE USE OF SOUTHEASTERN MASSACHUSETTS UNIVERSITY.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide immediately for the acquisition of urgently needed facilities in the town of Dartmouth for Southeastern Massachusetts University, its students and staff, 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.** In consideration of the sum of four million six hundred thousand dollars to be paid by the commonwealth to reduce the indebtedness of the Southeastern Massachusetts Building Authority as a result of borrowing for the construction of a Student Union Building, adjacent dormitories, and dining facilities, said Authority shall convey to the commonwealth for the use of Southeastern Massachusetts University said Student Union

Building located on campus of said University in the town of Dartmouth together with all equipment and furnishings therein and rights pertinent thereto owned by the Authority. Said payments shall be made by the state treasurer to the persons entitled thereto as payments become due. Said Authority shall file with the state treasurer a schedule of payments required as a result of such borrowing.

SECTION 2. 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 of this act, 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 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.

SECTION 3. To meet the expenditures necessary in carrying out the provisions of section one of this act, or to refinance notes issued under section two 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 million six hundred thousand dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Southeastern Massachusetts University Loan, Act of 1976, 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 ten.

Pending the application of the proceeds of said bonds to the purposes for which they are issued, such proceeds, together with investment earnings therefrom, may be held by the state treasurer and invested in obligations of or guaranteed by the United States or in obligations of any agency or instrumentality of the United

States, or deposits of banks or trust companies doing business in the commonwealth secured by such obligations.

*Approved April 30, 1976.*

**Chap. 80.** AN ACT AUTHORIZING THE DENNIS WATER DISTRICT TO LAY, REPAIR AND MAINTAIN PIPES ON, OVER AND UNDER CERTAIN LANDS IN THE TOWN OF HARWICH.

*Be it enacted, etc., as follows:*

SECTION 1. The Dennis Water District, for the purpose of providing an additional and improved water supply to the inhabitants of said district, may acquire by purchase or otherwise the lands, and rights of way and easements in certain land hereinafter described in the town of Harwich and may construct, lay, repair and maintain aqueducts, conduits, pipes not more than sixteen inches in diameter, and other works on, over or under said land in said town described as follows:

That portion of Depot street which is within the town of Harwich and which lies between the Dennis-Harwich town line and Center street; and that portion of Center street which is within town of Harwich and which lies between Depot street and the Dennis-Harwich town line.

For the purposes of constructing, laying, repairing and maintaining said aqueducts, conduits, pipes and other works, and for all other purposes necessary and incidental thereto and therewith, said district may enter upon and dig up, raise and enbank said roads in Harwich; provided that said district shall restore, to as good condition as they were formerly in, any roads so dug up.

SECTION 2. For the purpose of paying the necessary expenses incurred in constructing, laying, repairing and maintaining said aqueducts, conduits, pipes and other works, and for all other purposes necessary and incidental thereto and therewith, said district may borrow such sums of money as may be necessary not exceeding, in the aggregate eighty-four thousand dollars and may issue bonds or notes therefor, which shall bear on their face the words, Dennis Water District Loan, Act of 1976. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than fifteen years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

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

*Approved April 30, 1976.*

**Chap. 81.** AN ACT AUTHORIZING THE CITY OF WORCESTER TO SWEEP  
PAVED PRIVATE WAYS.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Worcester is hereby authorized, for the purpose of promoting the public safety, to sweep paved private ways shown on the official map of the city of Worcester after a determination by the commission of public works in said city that said ways are in good repair. Said city shall not be liable for any damage caused by said sweeping.

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

*Approved April 30, 1976.*

---

**Chap. 82.** AN ACT PERMITTING A REGISTRAR OR ASSISTANT  
REGISTRAR OF VOTERS TO BECOME A CANDIDATE FOR  
ELECTION AS A TOWN MEETING MEMBER.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to remove immediately the prohibition against a registrar or assistant registrar of voters serving as a town meeting member, 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 25 of chapter 51 of the General Laws is hereby amended by striking out the last sentence, added by chapter 294 of the acts of 1973, and inserting in place thereof the following sentence:—Nothing in this section shall prohibit a registrar or assistant registrar from becoming a candidate for election and serving as a member of a home rule charter commission or as a town meeting member.

*Approved April 30, 1976.*

---

**Chap. 83.** AN ACT ESTABLISHING THE ELECTED OFFICE OF TOWN  
TREASURER AND COLLECTOR OF TAXES IN THE TOWN OF  
SOUTHBOROUGH.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Southborough is hereby authorized at its annual town meeting to combine the duties of the offices of town treasurer and collector of taxes in said town and to establish the elected office of town treasurer and collector of taxes whose holder shall be chosen by ballot from said town's registered voters for a term of three years. Upon the election and qualification of said town treasurer and collector the terms of office of the persons holding the offices of town treasurer and of collector of taxes shall

cease and terminate. The provisions of law relative to town treasurers and to collectors of taxes shall, except insofar as the same may be inconsistent with the provisions of this act, apply to said treasurer and collector.

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

*Approved April 30, 1976.*

**Chap. 84.** AN ACT AUTHORIZING ABSENT VOTERS TO HAVE BALLOTS MARKED, NOTARIZED AND MAILED IN ANY MUNICIPALITY.

*Be it enacted, etc., as follows:*

SECTION 1. Section 92 of chapter 54 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 3 of chapter 368 of the acts of 1966, and inserting in place thereof the following sentence:- The voter shall mark said ballot in the presence of an official authorized by law to administer oaths, and, except as provided in section ninety-eight, of no other person.

SECTION 2. Said section 92 of said chapter 54 is hereby further amended by striking out the sixth sentence, as amended by section 2 of chapter 134 of the acts of 1967, and inserting in place thereof the following sentence:- He shall then execute before said official the necessary affidavit on said envelope as set forth in said paragraph (1) of subsection (c) and shall enclose and seal the envelope provided for in subsection (d) of said section, and mail the same within the time prescribed in section ninety-three, postage prepaid.

*Approved April 30, 1976.*

**Chap. 85.** AN ACT PROVIDING THAT VOTERS REQUESTING ABSENTEE BALLOTS SHALL BE SENT THOSE OF THE PARTY IN WHICH THEY ARE ENROLLED.

*Be it enacted, etc., as follows:*

Chapter 53 of the General Laws is hereby amended by striking out section 37A, inserted by section 4 of chapter 920 of the acts of 1971, and inserting in place thereof the following section:-

*Section 37A.* A voter desiring to vote by absentee ballot in a primary shall specify on his application for the ballot the party with which he is enrolled or, if he is unenrolled, the party with which he desires enrollment. A city or town clerk shall not supply any voter with the absentee ballot of more than one party at any one primary. If an enrolled voter requests the ballot of a party other than the party in which the voter is enrolled, the clerk shall supply the voter with the absentee ballot of the party in which such voter is enrolled.

If unenrolled, the voter shall not be deemed to be enrolled in a party by applying for an absentee ballot, nor upon the return of said ballot, but only upon the processing of the ballot under the provisions of section ninety-four of chapter fifty-four. Said voter shall be deemed an enrolled member of the party whose ballot he has returned, notwithstanding the rejection of the ballot as defective. The officers processing absentee ballots shall cause to be recorded upon the voting lists to be used at the polling place said enrollment of the voter if he is unenrolled, or the officers charged with the casting of said absentee ballot at the polling place shall so record the enrollment of the voter on their list if he is unenrolled. In the case of a voter whose ballot is rejected as defective, his enrollment in the political party shall be entered by the registrars in the annual register forthwith, if the voting list for use on the day of the primary is unavailable.

*Approved April 30, 1976.*

---

**Chap. 86.** AN ACT REQUIRING CERTIFICATES OF REGISTRATION TO BE FILED WITH NOMINATION PAPERS OF INDEPENDENT CANDIDATES.

*Be it enacted, etc., as follows:*

Section 9 of chapter 53 of the General Laws, as amended by chapter 390 of the acts of 1961, is hereby further amended by striking out the third sentence and inserting in place thereof the following two sentences:- Any candidate not required by section forty-eight of this chapter to file a certificate of party enrollment shall, on or before the last day provided by law for filing nomination papers, file a certificate from the registrars of voters of the city or town wherein such candidate is a registered voter, certifying that such candidate is a registered voter in such city or town. Said registrars shall issue such a certificate forthwith upon request of any such candidate so registered or of his authorized representative.

*Approved April 30, 1976.*

---

**Chap. 87.** AN ACT INCREASING CERTAIN FEES FOR LICENSING AUCTIONEERS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 2 of chapter 100 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 3 of chapter 297 of the acts of 1949, and inserting in place thereof the following sentence:- The licensing authority of any city or town may, upon payment of a license fee of fifteen dollars to such city or town, license any suitable inhabitant thereof, who has resided therein during the six months next preceding the

application for such license, to be an auctioneer therein for one year.

SECTION 2. Said section 2 of said chapter 100 is hereby further amended by striking out the third sentence, as so appearing, and inserting in place thereof the following sentence:- The fee for such a special license shall be ten dollars for each of the days specified in the license as aforesaid.

*Approved April 30, 1976.*

---

**Chap. 88.** AN ACT AUTHORIZING COUNTIES TO SPEND MONIES APPROPRIATED DURING ONE FISCAL YEAR IN ANOTHER FISCAL YEAR FOR HIGHWAY PROJECTS.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of any general or special law to the contrary, appropriations made by a county for specific projects for prior and current fiscal years to implement the provisions of section thirty-four of chapter ninety of the General Laws may be diverted to the extent that such funds may be used for projects previously approved by the department of public works for those prior years.

*Approved April 30, 1976.*

---

**Chap. 89.** AN ACT EXEMPTING NEAT CATTLE LESS THAN THREE YEARS OLD FROM TAXATION.

*Be it enacted, etc., as follows:*

Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause Twenty-first, as amended by section 1 of chapter 400 of the acts of 1956, and inserting in place thereof the following clause:-

Twenty-first, mules, horses and neat cattle less than one year old; swine, sheep and goats less than six months old; domestic fowl not exceeding fifteen dollars in value; mules, horses, neat cattle, swine, sheep, goats and domestic fowl subject to an excise imposed by section eight A; neat cattle which are less than three years old and held for the personal use and consumption of the owner.

*Approved April 30, 1976.*

---

**Chap. 90.** AN ACT RELATIVE TO THE MEMBERSHIP OF AIRPORT COMMISSIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 51E of chapter 90 of the General Laws is

hereby amended by striking out the first sentence, as appearing in section 1 of chapter 613 of the acts of 1946, and inserting in place thereof the following two sentences:- In any city or town in which an airport is established under section fifty-one D, or under any other provision of law, there shall be established a board consisting of an odd number of members not less than three nor more than eleven in number, to be called the airport commission, which shall have the custody, care and management of the municipal airport of said city or town. Of the members appointed at least one shall be a person having experience in aeronautics.

SECTION 2. Notwithstanding the provisions of section one of this act, members of an airport commission holding office on the effective date of this act may continue to serve in such office and may be reappointed; provided, however, a vacancy resulting from the death, resignation or retirement of a member of an airport commission shall be filled by the appointment of a person having experience in aeronautics unless one of the remaining members has such experience.

*Approved April 30, 1976.*

---

**Chap. 91.** AN ACT PERMITTING OPTOMETRISTS TO ADVERTISE THE SALE PRICE OF OPHTHALMIC GOODS.

*Be it enacted, etc., as follows:*

Chapter 112 of the General Laws is hereby amended by striking out section 73A, inserted by section 1 of chapter 287 of the acts of 1937, and inserting in place thereof the following section:-

*Section 73A.* Persons may advertise the sale price of eyeglasses, contact lenses or eyeglass frames provided they shall not include in any newspaper, radio, display sign or other advertisements any statement of a character tending to deceive or mislead the public, or, any statement which in any way misrepresents any material or service or credit terms, or, any statement containing the words “free examination of eyes”, “free advice”, “free consultation”, “consultation without obligation”, or any other words or phrases of similar import which convey the impression that eyes are examined free. Any advertisement offering contact lenses, eyeglasses, or eyeglass frames at a fixed price shall include a statement which indicates that said price does not include eye examination and professional services. Such statement shall indicate whether said price includes lens and, if so, the type of lens, single vision, bi-focal or tri-focal and the strength thereof, low, medium or high.

Whoever violates any provision of this section shall be punished for the first offense by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment for not more than three months, or both, and for a subsequent offense by a fine of

not less than two hundred dollars nor more than five hundred dollars or by imprisonment for not less than three nor more than six months, or both.

*Approved April 30, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

April 30, 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 91 of the Acts of 1976, entitled AN ACT PERMITTING OPTOMETRISTS TO ADVERTISE THE SALE PRICE OF OPHTHALMIC GOODS, and the enactment of which received my approval on April 30, 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 permit the advertisement of ophthalmic goods by optometrists.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, May 3, 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 ninety-one of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

---

**Chap. 92.** AN ACT AUTHORIZING THE ARMENIAN BICENTENNIAL COMMITTEE OF MASSACHUSETTS TO ERECT A PLAQUE IN

## THE STATE HOUSE.

*Be it enacted, etc., as follows:*

The Armenian Bicentennial Committee of Massachusetts is hereby authorized, subject to approval of the art commission as to size and content, to erect a plaque in an area of the state house to be designated by the art commission, in tribute to America and the commonwealth of Massachusetts for accepting the thousands of Armenians escaping the Turkish Genocide sixty-one years ago. The cost of said plaque shall be borne by said Armenian Bicentennial Committee of Massachusetts.

*Approved May 4, 1976.*

---

**Chap. 93.** AN ACT AUTHORIZING CERTAIN EMERGENCY REPAIRS TO A PORTION OF THE FALMOUTH SECONDARY TRACK.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith funds for the emergency repair of a portion of the Falmouth Secondary Track, 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 chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five, the secretary of transportation and construction is hereby authorized and directed to expend funds made available under the provisions of section two A of said chapter eight hundred and fifty-nine, for the emergency repair of a portion of the Falmouth Secondary Track (U.S.R.A. Line No. 23/24), opposite Bennett's Neck, provided that said expenditure shall not exceed ten thousand dollars.

SECTION 2. The secretary of transportation and construction is hereby authorized and directed to take all necessary action to secure any federal assistance or reimbursement which is now or may become available for the purposes of this act.

*Approved May 5, 1976.*

---

**Chap. 94.** AN ACT AUTHORIZING THE CITY OF LEOMINSTER TO APPROPRIATE MONEY FOR THE PAYMENT OF, AND TO PAY, CERTAIN UNPAID BILLS.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Leominster for the purpose of paying a moral obligation, 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 unpaid bills incurred by the

Leominster Art Commission and totaling two thousand eighty dollars and thirty-one cents, as set forth in a list or file with the joint committee on local affairs, which bills are legally unenforceable against said city by reason of being incurred without legal authority or appropriation.

SECTION 2. No bill shall be approved by the city accountant 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 accountant, 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 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 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 May 5, 1976.*

**Chap. 95.** AN ACT ESTABLISHING CERTAIN BOUNDARIES FOR THE FIRE DISTRICT OF THE TOWN OF DALTON.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 137 of the acts of 1884 is hereby amended by inserting after section 1 the following section:-

*Section 1A.* The inhabitants of the town of Dalton liable to taxation in and residing within the boundaries of said town exclusive of the area served by the Junction Water Company as of January first, nineteen hundred and seventy-six, shall constitute the fire district of the town of Dalton. Said excluded area is shown on a map on file in the office of the town clerk of the town of Dalton entitled 'Map of Area in the Town of Dalton served by the Junction Water Company as of January 1, 1976.'

SECTION 2. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting by use of a check list, at an annual district meeting or, any special district meeting called within one year after its passage.

*Approved May 5, 1976.*

**Chap. 96.** AN ACT PROVIDING FOR AN ASSESSMENT ON CERTAIN

PARCELS OF LAND LOCATED IN THE TOWN OF MEDWAY  
ABUTTING A WAY CONTAINING A PUBLIC SANITARY SEWER.

*Be it enacted, etc., as follows:*

Notwithstanding any provision of law to the contrary, the town of Medway may assess on each parcel of land which abuts a public highway, or highway or way which by use is a public way or a right of way, and in which shall be constructed a public sanitary sewer, the sum of one thousand dollars payable over a period not to exceed twenty years with interest at such rate as is provided by law, provided that any such parcel with a frontage exceeding the minimum width required under the zoning by-law shall be assessed an additional one thousand dollars for each building lot abutting said public sanitary sewer line. The assessment on such additional building lot may be suspended under contract until such lot is built upon or until a subdivision of the parcel has occurred, under such terms and conditions as the sewer commissioners of said town may determine.

*Approved May 5, 1976.*

---

**Chap. 97.** AN ACT EXPANDING THE AUTHORITY OF CERTAIN BANKING ASSOCIATIONS AND CORPORATIONS RELATIVE TO FIDUCIARY DEPOSITS OF SECURITIES OF UNITED STATES AND ITS INSTRUMENTALITIES WITH A FEDERAL RESERVE BANK.

*Be it enacted, etc., as follows:*

Section 54D of chapter 167 of the General Laws, inserted by chapter 196 of the acts of 1974, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any association or corporation authorized to do a banking business and to exercise trust powers in the commonwealth, while acting as a fiduciary, or as an agent or custodian for any other fiduciary or private banker, is authorized to deposit, or arrange for the deposit of, with any federal reserve bank, any securities, the principal and interest of which the United States or any department, agency, or instrumentality thereof has agreed to pay, or has guaranteed payment, such securities to be credited to one or more accounts on the books of the federal reserve bank and to be designated fiduciary or safekeeping accounts to which account or accounts other similar securities held in other accounts may be credited.

*Approved May 5, 1976.*

---

**Chap. 98.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR

NINETEEN HUNDRED AND SEVENTY-SEVEN 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 provision of law regulating the disbursement of county funds and the approval thereof, for the fiscal year nineteen hundred and seventy-seven.

DUKES COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$5,500 00
2. For reduction of county debt.....		20,000 00
3. For county commissioners, salaries and expenses .....		18,595 70
1. Personal services.....	\$16,795 70	
2. Contractual services.....	600 00	
3. Supplies and materials.....	1,200 00	
4. For transportation and expenses of county and acting commissioners.....		400 00
5. For clerk of courts, salary and expenses .....		14,601 08
1. Personal services.....	12,371 08	
2. Contractual services.....	1,120 00	
3. Supplies and materials.....	1,100 00	
4. Current charges and obligations.....	10 00	
6. For county treasurer, salaries and expenses.....		11,337 20
1. Personal services.....	10,332 20	
2. Contractual services.....	450 00	
3. Supplies and materials.....	500 00	
4. Current charges and obligations.....	55 00	
7. For sheriff, salary and expenses.....		12,239 00
1. Personal services.....	10,089 00	
2. Contractual services.....	650 00	
3. Supplies and materials.....	1,250 00	
5. Equipment .....	250 00	
8. For registry of deeds, salaries and expenses.....		39,265 20

Item	Subtotal	Total
1. Personal services.....	29,475 20	
2. Contractual services.....	6,600 00	
3. Supplies and materials.....	3,150 00	
4. Current charges and obligations.....	40 00	
8a. For registry of probate, salaries and expenses.....		6,425 00
2. Contractual services.....	3,000 00	
3. Supplies and materials.....	700 00	
4. Current charges and obligations.....	200 00	
5. Equipment.....	2,525 00	
9. For law library, salaries and expenses.....		2,825 00
1. Personal services.....	500 00	
3. Supplies and materials.....	25 00	
4. Current charges and obligations.....	2,300 00	
10. For highways, including state highways, bridges and land damages.....		5,000 00
6. All other.....	5,000 00	
12. For superior court costs.....		41,600 00
2. Contractual services.....	41,600 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.....		91,659 20
1. Personal services.....	80,001 98	
2. Contractual services.....	7,313 47	
3. Supplies and materials.....	2,980 00	
4. Current charges and obligations.....	553 75	
5. Equipment.....	810 00	
15. For medical examiners and commitments of insane.....		2,000 00
16. For jail and house of correction, maintenance and operation	Revenue Sharing Funds	
18. For court houses and registry buildings, maintenance and operation.....		20,647 60
1. Personal services.....	9,537 60	
2. Contractual services.....	9,700 00	
3. Supplies and materials.....	1,000 00	
4. Current charges and obligations.....	260 00	

Item	<u>Subtotal</u>	<u>Total</u>
5. Equipment.....	\$150 00	
19. For construction of county buildings and purchase of land.....		\$15,000 00
20. For agricultural school or county cooperative extension service.....		35,713 00
1. Personal services.....	26,903 00	
2. Contractual services.....	4,050 00	
3. Supplies and materials.....	1,000 00	
4. Current charges and obligations.....	3,510 00	
5. Equipment.....	250 00	
21. For state reservation, maintenance and operation (Indian Burial Ground).....		1,000 00
23a. For mental health program or tuberculosis clinic.....		4,000 00
23c. For public health program.....		4,000 00
24. For noncontributory pensions.....		14,631 77
25. For contributory retirement system and supervisory expenses.....		41,675 23
26. For miscellaneous and contingent expenses.....		54,833 53
27. For unpaid bills of previous year.....		4,000 00
28. For reserve fund.....		10,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		40,000 00
33. For police training school.....		750 00
38. For count airport, maintenance and operation.....		144,603 15
1. Personal services.....	100,733 15	
2. Contractual services.....	15,800 00	
3. Supplies and materials.....	14,400 00	
4. Current charges and obligations.....	6,100 00	
5. Equipment.....	7,570 00	
39. For group insurance.....		33,000 00
42. For rodent control.....		14,880 00
44. For communication system.....		<u>45,079 80</u>

Total amount of appropriations.....	\$762,561 46
Less estimated amount available for reduction of county tax.....	<u>142,910 00</u>

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..... \$619,651 46

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.....	\$31,725 10
2. Contractual services.....	11,800 00
3. Supplies and materials.....	1,500 00
4. Equipment.....	<u>4,300 00</u>
	\$49,325 10

SECTION 2. This act shall take effect upon its passage.  
*Approved May 7, 1976.*

---

**Chap. 99.** AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL  
HEALTH AND THE TRUSTEES OF THE BOSTON STATE HOSPI-  
TAL TO GRANT A CERTAIN EASEMENT TO THE PRESIDENT  
AND FELLOWS OF HARVARD COLLEGE.

*Be it enacted, etc., as follows:*

SECTION 1. For the consideration set forth in section three, the commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to convey to the President and Fellows of Harvard College by a deed approved as to form by the attorney general, an easement over a portion of an area shown as "Lot 1" on a plan entitled "Plan of Land, Boston (Roxbury), Mass., Harry R. Feldman, Inc., Land Surveyors and Civil Engineers", and dated September 9, 1974, a copy of said plan being on file in the office of the city engineer of the city of Boston, said portion being bounded and described as follows:

NORTHEASTERLY by land now or formerly of the commonwealth of Massachusetts, three hundred twenty-three and 07/100 (323.07) feet;

SOUTHEASTERLY by lot 2, a way in extension of Vining Street, as shown on a plan hereinafter mentioned, thirty-eight and 98/100

(38.98) feet;

SOUTHWESTERLY by lot 2 as shown on said plan, three hundred thirty-six and 28/100 (336.28) feet;

NORTHERLY by land now or formerly of the commonwealth of Massachusetts, twenty-six and 86/100 (26.86) feet.

Said land is shown as lot 1 on a subdivision plan drawn by Whitman and Howard, Inc., Surveyors, dated September 8, 1972, as approved by the Court, filed in the Land Registration Office as Plan No. 31095-B, a copy of a portion of which is filed with Certificate of Title Number 84000.

The above-described land has rights in the way shown on Plan 31095-B as set forth in a deed from President and Fellows of Harvard College to the Commonwealth of Massachusetts, Department of Mental Health, filed and registered as Document No. 313626.

The above-described land is subject to slope rights as set forth in three grants made to the city of Boston, one by Nancy M. Dower, dated April 3, 1889 duly recorded in Book 1870, Page 337, and one by Eben Sears dated April 16, 1891 duly recorded in Book 1990, Page 3, and one by the House of Good Shepherd dated December 21, 1892 duly recorded in Book 2104, Page 193.

Being the same premises described in Certificate of Title Number 69441.

SECTION 2. For the consideration set forth in section three, the Trustees of the Boston state hospital, acting for and on behalf of the commonwealth, are hereby authorized and directed to convey to the President and Fellows of Harvard College or their successors in interest by a deed approved as to form by the attorney general, an easement over a portion of an area shown as "Access Easement-Area 14, 154 sq. ft." on a plan entitled "Plan of Land, Boston (Roxbury), Mass., Harry R. Feldman, Inc., land Surveyors and Civil Engineers, dated September 9, 1974", and a copy of said plan being on file in the office of the city engineer of the city of Boston, said portion being bounded and described as follows:

WESTERLY by Riverway by a curving line, seventy-eight and 73/100 (78.73) feet;

NORTHEASTERLY by land now or formerly of the commonwealth of Massachusetts, three hundred seventy-nine and 56/100 (379.56) feet;

SOUTHEASTERLY by Vining Street, twenty-two and 15/100 (22.15) feet;

SOUTHWESTERLY by land now or formerly of the commonwealth of Massachusetts described in section three hereof, three hundred twenty-three and 07/100 (323.07) feet;

SOUTHERLY by the same, twenty-six and 86/100 (26.86) feet.

SECTION 3. Said easements over the areas described in section

one and section two shall be conveyed subject to the following restrictions and covenants which shall run with the land: (a) that a strip of land sufficient in width to permit travel by two lanes of motor vehicles within said areas be reserved for use for all purposes for which public streets are now or may in the future be commonly used in the city of Boston, said strip to be constructed and maintained by the grantee or its successors in interest at its or their sole expense; (b) that all parking spaces along either side of said strip be reserved for the exclusive use of the Massachusetts Mental Health Center so long as it shall continue to occupy the premises located at seventy-four Fenwood Road; and (c) that the remaining portion of said areas be reserved as open spaces for public exercise and recreation.

The provisions contained in this section may be modified by the metropolitan district commission within its jurisdiction.

*Approved May 7, 1976.*

---

**Chap. 100.** AN ACT FURTHER REGULATING THE TOWING OF WATER SKIERS.

*Be it enacted, etc., as follows:*

Section 8 of chapter 90B of the General Laws is hereby amended by striking out subsection (c), as appearing in section 2 of chapter 275 of the acts of 1960, and inserting in place thereof the following subsection:-

(c) No person shall operate any motorboat on the waters of the commonwealth towing a person or persons on water skis, a surfboard or other similar device, unless there is in such motorboat a person who has attained age twelve in addition to the operator in a position to observe the person or persons being towed, and unless such motorboat is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water.

*Approved May 11, 1976.*

---

**Chap. 101.** AN ACT RELATIVE TO THE COMPUTATION OF THE INTEREST PENALTY ON OVERDUE PROPERTY TAXES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 57 of chapter 59 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 6 of chapter 52 of the acts of 1973, and inserting in place thereof the following two sentences:- If any betterment assessment or apportionment thereof, water rate or annual sewer use charge added to such tax, or more than one half of the balance of any

such tax as reduced by any abatement remains unpaid either after November first of the fiscal year in which it is payable or after the thirtieth day after the date on which the bill for such tax was mailed if mailed after October first, interest at the rate of eight per cent per annum, computed from October first, or from the date the bill for such tax was mailed if mailed after October first, shall be paid on so much of the unpaid amount as is in excess of said one half of such balance. If the whole or any part of any such tax remains unpaid after May first of such fiscal year, in lieu of interest as aforesaid, interest at such rate shall be paid thereon, computed from said October first, or from said mailing date, whichever is applicable, on any betterment assessment or apportionment thereof, water rate or annual sewer use charge added thereto and not paid within thirty days of either date and also on so much of the balance of such tax not so paid as exceeds one half of such tax as reduced by any abatement and computed from April first of such fiscal year on the balance of such tax outstanding from time to time.

SECTION 2. The provisions of this act shall apply to interest penalties on taxes assessed for the fiscal year ending June thirtieth, nineteen hundred and seventy-seven and thereafter.

*Approved May 11, 1976.*

**Chap. 102.** AN ACT RELATIVE TO CERTAIN MEMBERS OF THE BOARD OF INVESTMENT OF SAVINGS BANKS.

*Be it enacted, etc., as follows:*

Section 12 of chapter 168 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following paragraph:-

The board shall approve all loans made or acquired by the corporation; all changes in security pledged, and the rates of interest charged, for loans; all purchases and sales of bonds, stocks or other securities; all foreclosures of mortgages of real estate and the sale of property held in foreclosure; and shall perform such other duties as the by-laws may prescribe; provided, however, no member of such a board shall vote on any transaction involving a member of his immediate family. The board of investment may invite one or more trustees who are not members of said board to attend its meetings during such monthly, quarterly or semiannual periods as said board may determine.

*Approved May 11, 1976.*

**Chap. 103.** AN ACT PROVIDING TENURE TO AGE SEVENTY FOR FRANK W. LYON, INCUMBENT OF THE OFFICE OF

SUPERINTENDENT OF THE LEICESTER WATER SUPPLY  
DISTRICT.

*Be it enacted, etc., as follows:*

SECTION 1. The tenure of office of Frank W. Lyon, incumbent of the office of superintendent of the Leicester Water Supply District, shall be to age seventy, but he may be removed there from for cause after a hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the voters of said district at the annual meeting to be held in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of officers at said meeting:-

“Shall an act passed by the General Court in the year nineteen hundred and seventy-six entitled ‘An Act providing tenure to age seventy for Frank W. Lyon, incumbent of the office of superintendent of the Leicester Water Supply District’, 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.

*Approved May 11, 1976.*

---

**Chap. 104.** AN ACT AUTHORIZING THE EXPENDITURE OF CERTAIN  
APPROPRIATIONS FOR PRELIMINARY STUDIES FOR THE  
NEW STATE FISH PIER IN GLOUCESTER.

*Be it enacted, etc., as follows:*

The third sentence of chapter 763 of the acts of 1975 is hereby amended by adding the words:- ; provided, that said department may expend a sum not exceeding fifty thousand dollars from item 2270-0500 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five for the preparation of preliminary studies and expenses related to an application for an Economic Development Administration grant.

*Approved May 12, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

May 24, 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 104 of the Acts of 1976, entitled "AN ACT AUTHORIZING THE EXPENDIURE OF CERTAIN APPROPRIATIONS FOR PRELIMINARY STUDIES FOR THE NEW STATE FISH PIER IN GLOUCESTER, and the enactment of which received the Lieutenant Governor's approval in my absence on May 12, 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 allow for the immediate application for certain federal funds for the renovation of the Gloucester Fish Pier.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, May 25, 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 four 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 four of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

**Chap. 105.** AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO EXPEND ON BEHALF OF THE INSURED AND RETIRED TOWN EMPLOYEES A PROPORTIONATE SHARE OF AN EXPERIENCE REFUND RECEIVED FROM BLUE CROSS OF MASSACHUSETTS, INC. AND BLUE SHIELD OF MASSACHUSETTS, INC.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Shrewsbury is hereby authorized to apply the provisions of section eight A of chapter thirty-two B of the General Laws to an experience refund received from Blue Cross of Massachusetts, Inc. and Blue Shield of Massachusetts, Inc. for the period of March first, nineteen hundred and seventy-four, to February twenty-eighth, nineteen hundred and seventy-five.

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

*Approved May 14, 1976.*

---

**Chap. 106.** AN ACT AUTHORIZING THE PRACTICE OF MEDICINE  
MEDICAL STUDENTS UNDER CERTAIN SUPERVISION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to relieve the division of registration from incurring financial responsibility in certain cases, therefore it is hereby declared to be an emergency law, necessary for the  
*Be it enacted, etc., as follows:*

Chapter 112 of the General Laws is hereby amended by striking out section 9A, as most recently amended by chapter 534 of the acts of 1972, and inserting in place thereof the following section:-

*Section 9A.* A student of medicine who has creditably completed not less than two years of study in a legally chartered medical school wherever located may practice medicine, but only under the supervision of an instructor in a legally chartered medical school, which instructor shall be a registered physician in the commonwealth and a duly appointed staff physician in the duly licensed hospital of not less than twenty-five beds, or an associated clinic, to which the student may be assigned. The board may, in its discretion from time to time, designate other facilities or locations in which said student may practice medicine under the conditions described above. Said students of medicine shall not sign certificates of births or deaths, nor prescribe or dispense narcotic drugs as defined in section one of chapter ninety-four C.

*Approved May 14, 1976.*

---

**Chap. 107.** AN ACT AUTHORIZING THE TOWN OF WILBRAHAM TO USE  
CERTAIN PARK LAND FOR THE PURPOSE OF CONSTRUCTING  
A NEW TOWN OFFICE BUILDING.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Wilbraham is hereby authorized to construct a new town office building on a certain parcel of land located in said town held for park purposes bounded and described as follows:-

Beginning at a point in the southerly line of Springfield Street, said point being 150 feet east of the southeast corner of Springfield Street and Stony Hill Road, thence along Springfield Street N 86 degrees 31' W 600 feet to a point; thence S 3 degrees 29' E 300 feet along land of grantor to a point; thence S 86 degrees 31' W 451.31 feet along land of grantor to a point; thence S 23 degrees 01' W 169.06 feet along land of grantor to the northeast corner of land

now or formerly of Rouscher to thence N 66 degrees 59' W 200.00 feet along land now or formerly of said Rouscher to the southeast corner of land now or formerly of Gaylord; thence N 23 degrees 01' E 236.96 feet along land now or formerly of said Gaylord and land now or formerly of Ross to a point; thence N 3 degrees 29' W 150.00 feet along land now or formerly of said Ross and land now or formerly of Goulding to the point of beginning; containing 4.81 acres. Being part of the premises conveyed to the Town of Wilbraham by the Stony Hill Corporation recorded in the HCRD, Book 3401 pages 587 and 588, and more particularly described on a plan entitled "Article 6 Exhibit A" on file with the Town Clerk: The above described area contains 4.8 acres, more or less.

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

*Approved May 14, 1976.*

**Chap. 108.** AN ACT AUTHORIZING THE CITY OF EVERETT TO BORROW MONEY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING OFF-STREET PARKING TO BE USED IN CONNECTION WITH WHIDDEN MEMORIAL HOSPITAL.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of constructing and equipping a public off-street parking structure to be used in connection with Whidden Memorial Hospital, the city of Everett may borrow from time to time an amount not exceeding in the aggregate one million two hundred and seventy-five thousand dollars and may issue bonds and notes therefor which bonds shall bear on their face the words, "City of Everett 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 limits but shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of any limitations contained in section seven thereof.

SECTION 2. Said city is authorized from time to time to enter into leases with respect to said structure with the Everett Cottage Hospital, a corporation duly organized under the provisions of chapter one hundred and fifteen of the Public Statutes of June fifteenth, eighteen hundred and ninety-four. Any such lease may be written for any term of years not exceeding ninety-nine years and may be upon such terms and conditions as agreed by the lessee as the city council, subject to the approval of the mayor, shall determine.

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

*Approved May 14, 1976.*

**Chap. 109.** AN ACT FURTHER REGULATING THE PLACEMENT OF INFORMATION ON OFFICIAL BALLOTS.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 34 of chapter 53 of the General Laws, as appearing in section 3 of chapter 429 of the acts of 1973, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- There shall also be printed on the ballot the number of the precinct and ward or the name of the town for which the ballot is prepared, the date of the primary and for state primaries a facsimile of the signature of the state secretary and for city or town primaries a facsimile of the signature of the city or town clerk.

SECTION 2. The fourth paragraph of section 42 of chapter 54 of the General Laws is hereby amended by striking out the second sentence, as amended by section 38 of chapter 437 of the acts of 1962, and inserting in place thereof the following sentence:- On each ballot shall be printed the words "Official Ballot for", followed by the name of the city or town for which the ballot is prepared, together with the ward and precinct of the city or the precinct or the town, if any, the date of the election, and a facsimile of the signature of the officer who has caused the ballot to be prepared; provided that, in the case of ballots for the use of persons qualified under section one A of chapter fifty-one to vote for electors of president and vice president, there shall be so printed the words "Official Presidential Elector Ballot for", followed by the name of the city or town, the date of the election, and a facsimile of the signature of the state secretary.

*Approved May 14, 1976.*

---

**Chap. 110.** AN ACT REQUIRING PHARMACISTS TO INDICATE THE NUMBER OF TABLETS CONTAINED IN PRESCRIPTIONS ON THE LABELS OF THE CONTAINERS THEREOF.

*Be it enacted, etc., as follows:*

Chapter 94C of the General Laws is hereby amended by striking out section 21, as appearing in section 1 of chapter 1071 of the acts of 1971, and inserting in place thereof the following section:-

*Section 21.* The pharmacist filling a written or oral prescription for a controlled substance shall package the controlled substance in a container a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, unless it is a veterinary prescription, the name of the prescribing practitioner, the name of the controlled substance, directions for use and cautionary statements, if any, contained in such prescription or required by law, and if the controlled substance is dispensed as tablets or capsules the number of same in such container.

*Approved May 14, 1976.*

**Chap. 111.** AN ACT DESIGNATING THE MOBY DICK SKATING RINK IN THE CITY OF NEW BEDFORD AS THE STEPHEN HETLAND MEMORIAL SKATING RINK.

*Be it enacted, etc., as follows:*

The ice skating rink located in the city of New Bedford known as the Moby Dick skating rink shall hereafter be known and designated as the Stephen Hetland Memorial Skating Rink, in memory of Stephen Hetland, a former member of the Pee Wee division of the Suburban Youth Hockey Association in said city. A suitable marker bearing said designation shall be attached thereto by the department of environmental management.

*Approved May 14, 1976.*

**Chap. 112.** AN ACT ESTABLISHING THE ANNIVERSARY OF THE DEATH OF GENERAL MARQUIS DE LAFAYETTE AS A LEGAL HOLIDAY.

*Be it enacted, etc., as follows:*

SECTION 1. Section 7 of chapter 4 of the General Laws is hereby amended by striking out clause Eighteen, as most recently amended by section 1 of chapter 493 of the acts of 1974, and inserting in place thereof the following clause:-

Eighteen, "Legal holiday" shall include January first, January fifteenth, May twentieth, July fourth and Christmas Day, or the day following when any of said days occur on Sunday, and the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, November eleventh, and Thanksgiving Day. "Legal holiday" shall also include, with respect to Suffolk county only, March seventeenth and June seventeenth, or the day following when said days occur on Sunday; provided, however, that the words "legal holiday" as used in section forty-five of chapter one hundred and forty-nine shall not include March seventeenth, May twentieth, or the day following when either of said days occurs on Sunday.

SECTION 2. Chapter 136 of the General Laws is hereby amended by striking out section 12, as most recently amended by section 2 of chapter 616 of the acts of 1962, and inserting in place thereof the following section:-

*Section 12.* The public offices shall be closed on all legal holidays except March seventeenth, May twentieth, and June seventeenth; provided, however, in Suffolk county such offices shall be closed on March seventeenth and June seventeenth or the day following when either of said days occurs on Sunday.

SECTION 3. Said chapter 136 is hereby further amended by striking out section 13, as most recently amended by section 2 of chapter 493 of the acts of 1974, and inserting in place thereof the following section:-

*Section 13.* The provisions of sections five to eleven, inclusive, shall, except as provided in section fourteen, apply to all legal holidays, except January fifteenth, the third Monday in February, March seventeenth, the third Monday in April, May twentieth, June seventeenth, and November eleventh after one o'clock post meridian, or on the day following when either of said days occur on Sunday.

Any establishment which operates on November eleventh under the exemption granted by this section shall pay to those employees required to work on this day, time and one-half or such larger sum as may be determined by contract.

*Approved May 20, 1976.*

---

**Chap. 113.** AN ACT CLARIFYING THE FEES FOR STATEMENTS OF VOLUNTARY ADMINISTRATION.

*Be it enacted, etc., as follows:*

The second paragraph of section 16 of chapter 195 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Upon payment of a fee as prescribed in section forty of chapter two hundred and sixty-two, the register shall, if no other probate proceeding for administration of such estate is pending in said court, issue an attested copy of a statement duly filed under this section.

*Approved, May 20, 1976.*

---

**Chap. 114.** AN ACT FURTHER REGUALTING THE SALE OF CERTAIN JEWELRY MANUFACTURED BY NONPROFIT OR CHARITABLE ORGANIZATIONS.

*Be it enacted, etc., as follows:*

Section 16 of chapter 101 of the General Laws, as most recently amended by chapter 130 of the acts of 1937, is hereby further amended by inserting after the first sentence the following sentence:- This prohibition shall not apply to costume jewelry, so called, with a dollar value of not more than ten dollars per piece made by a nonprofit or charitable organization.

*Approved May 20, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

May 21, 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 114 of the Acts of 1976, entitled "AN ACT FURTHER REGULATING THE SALE OF CERTAIN JEWELRY MANUFACTURED BY NON-PROFIT OR CHARITABLE ORGANIZATIONS," and the enactment of which received by approval on May 20, 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 allow for the immediate sale of certain jewelry manufactured by non-profit or charitable organizations.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, May 25, 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 four 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 fourteen of the Acts of 1976.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 115.** AN ACT PROVIDING FOR THE REIMBURSEMENT OF CERTAIN FARMERS FOR DAMAGE CAUSED BY DEER OR MOOSE.

*Be it enacted, etc., as follows:*

The first paragraph of section 39 of chapter 131 of the General Laws, as most recently amended by chapter 498 of the acts of 1975, is hereby amended by striking out the first sentence and

inserting in place thereof the following sentence:- Whoever owns or leases land that is deemed to be actively devoted to agricultural or horticultural uses as defined by sections one and two of chapter sixty-one A, and 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.

*Approved May 20, 1976.*

---

**Chap. 116.** AN ACT RELATIVE TO THE DEFINITION OF A REVOLVING CREDIT AGREEMENT.

*Be it enacted, etc., as follows:*

Section 1 of chapter 255D of the General Laws is hereby amended by striking out the definition of "Revolving credit agreement", as most recently amended by section 4 of chapter 924 of the acts of 1973, and inserting in place thereof the following definition:-

"Revolving credit agreement", an agreement, other than a retail installment sales agreement, signed by the buyer in this commonwealth pursuant to which the buyer may purchase at retail, goods or services or merchandise certificates on credit from time to time and under the terms of which a finance charge is to be computed in relation to the buyer's balance from time to time.

A revolving credit agreement shall be deemed to be signed by the buyer if, after a request for an account, such agreement is in fact signed by the buyer, or if that account is used by the buyer, or if another is authorized by the buyer to use it, or if, after receiving notice of a change in the terms of an established account pursuant to which a credit card has previously been issued by the creditor, that account is thereafter used by the buyer, or another person is thereafter authorized by the buyer to use it.

*Approved May 20, 1976.*

---

**Chap. 117.** AN ACT INCREASING THE AMOUNT CO-OPERATIVE BANKS MAY LOAN ON LOANS OF EIGHTY PER CENT OF VALUE.

*Be it enacted, etc., as follows:*

Section 24 of chapter 170 of the General Laws is hereby amended by striking out subsection 3, as most recently amended by section 2 of chapter 550 of the acts of 1975, 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-five 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-five 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 May 20, 1976.*

---

**Chap. 118.** AN ACT RELATIVE TO THE USE OF ASH AS A RAW MATERIAL AND FOR CERTAIN OTHER PURPOSES AND RELATIVE TO THE STORAGE THEREOF.

*Be it enacted, etc., as follows:*

Section 150A of chapter 111 of the General Laws is hereby amended by adding the following paragraph:-

Ash produced from the combustion of coal, including but not limited to fly ash and bottom ash, shall not be construed as refuse, rubbish, garbage, or waste material under this section when used as a raw material for concrete block manufacture, aggregate, fill, base for road construction, or other commercial or industrial purpose, or stored for such use. A location where such use or storage takes place may be constructed, established, maintained, and operated without being construed as a facility or site for a facility under this section, and no assignment or approval from the board of health or the department shall be required for such construction, establishment, maintenance, or operation; provided, however, the department shall have jurisdiction to determine, after notice and hearing, that the establishment, or operation of such a location has created a nuisance condition by reason of odor, dust, fires, smoke, the breeding or harboring of rodents, flies or vermin, or other causes, and to prevent or order abatement thereof; and provided, further, that no final disposal of ash produced by the combustion of coal may be accomplished by burial of such ash in the ground, other than as base for road construction or fill, unless the place where such disposal takes place has been assigned for such disposal by the board of health and plans for such disposal have been approved by the department pursuant to this section. The department may waive the requirements of the preceding paragraphs of this section and the application of any regulations, or portions thereof, promulgated under the preceding paragraphs of this section as they may apply to the disposal by burial of ash produced by the burning of coal, and shall review and may approve the plans, site and method of storage upon a determination that no nuisance is created and damage to the environment is minimal. Use of ash produced from the combustion of coal as intermediate cover material over rubbish at sanitary landfill facilities may be permitted by assignment of the board of health with approval of the department under this section.

section as they may apply to the disposal by burial of ash produced by the burning of coal, and shall review and may approve the plans, site and method of storage upon a determination that no nuisance is created and damage to the environment is minimal. Use of ash produced from the combustion of coal as intermediate cover material over rubbish at sanitary landfill facilities may be permitted by assignment of the board of health with approval of the department under this section.

*Approved May 20, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

May 21, 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 118 of the Acts of 1976, entitled "AN ACT RELATIVE TO THE USE OF ASH AS A RAW MATERIAL AND FOR CERTAIN OTHER PURPOSES AND RELATIVE TO THE STORAGE THEREOF, and the enactment of which received my approval on May 20, 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 allow for the immediate storage of ash.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, May 25, 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 four 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 eighteen of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 119.** AN ACT PROVIDING FOR CONTRACTUAL ALLOCATION OF LIABILITY FOR UNAUTHORIZED CREDIT CARD USE BETWEEN BUSINESSES AND CARD ISSUERS.

*Be it enacted, etc., as follows:*

Chapter 255 of the General Laws is hereby amended by striking out section 12E and inserting in place thereof the following section:-

*Section 12E.* In this section the following words and phrases shall, unless the context requires otherwise, have the following meanings:-

“Adequate notice”, a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder.

“Credit card”, any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor or services on credit.

“Accepted credit card”, any credit card which the cardholder has requested and received or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit.

“Cardholder”, any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

“Card issuer”, any person who issues a credit card, or the agent of such person with respect to such card.

“Unauthorized use”, a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit.

No credit card shall be issued except in response to a request or application therefor. This prohibition shall not apply to the issuance of a credit card in renewal of, or in substitution for, an accepted credit card.

A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in

excess of fifty dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided the cardholder with a self-addressed, prestamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card and the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft or otherwise. A cardholder shall not be liable for the unauthorized use of any credit card regardless of the date of its issuance, unless (a) the conditions of liability specified in this section are met, and (b) the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it. For the purposes of this section, a cardholder shall be deemed to have notified a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the notice required by this section whether or not any particular officer, employee or agent of the card issuer does in fact receive such notice.

In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof shall be upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof shall be upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in this section, have been met.

Nothing in this section shall impose liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

Except as provided in this section, a cardholder shall not incur any liability from the unauthorized use of a credit card.

If ten or more credit cards are issued by one card issuer for use by the employees of a single business or other organization, nothing in this section shall prohibit the card issuer from agreeing by contract with such business or other organization as to liability for unauthorized use of any such credit cards without regard to the provisions of this section, but in no case may any business or other organization or card issuer impose liability on any employee of such business or other organization with respect to unauthorized use of such credit card except in accordance with and subject to the other liability limitations of this section.

Whoever uses any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained credit card to obtain goods or services, or both, having a retail value aggregating five thousand dollars or more, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than five years, or both.

The attorney general may prescribe from time to time such rules

and regulations as may be necessary or proper in carrying out the provisions of this section. No such rule or regulation shall be less stringent than the provisions of the Federal Consumer Credit Protection Act and Regulation Z issued by the board of governors of the federal reserve system pursuant thereto.

A violation of this section shall constitute a violation of chapter ninety-three A.

*Approved May 21, 1976.*

**Chap. 120.** AN ACT RELATIVE TO CERTAIN TERM DEPOSIT ACCOUNTS IN CO-OPERATIVE BANKS.

*Be it enacted, etc., as follows:*

Subsection 3B of section 13 of chapter 170 of the General Laws is hereby amended by inserting after provision 1 the following provision:-

1A. *Term Deposit Account plans for Deposits of \$100,000 or more.*- Any such deposit shall be received subject to the terms of a written plan consistent with applicable regulations promulgated by the commissioner which plan shall specify (a) the proposed rates of dividends to be paid on such term deposits, including day-to-day dividends or interest if the plan so provides, (b) the minimum amount which shall be not less than one hundred thousand dollars, and the maximum amount of deposit balances and the minimum period, which shall be not less than three months, of maintenance of such balances to which such specified rates shall apply, (c) the additional reserve to be established for such rates of dividends, (d) the form and substance of the certificate or passbook which shall represent the deposits to which such dividends may apply and (e) such other provisions as are deemed necessary or advisable to give effect to the purposes of such plan.

Any such corporation shall be required to mail to the depositor a written notification of maturity at least thirty days prior to the date of maturity of said plan or deposit but in no event more than forty-five days prior to said date of maturity of said deposit.

*Approved May 21, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

May 24, 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 120 of the Acts of 1976, entitled "AN ACT RELATIVE TO CERTAIN TERM DEPOSIT ACCOUNTS IN COOPERATIVE BANKS", and the enactment of which received my approval on May 21, 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 allow for immediate term deposit account plans for a period of three months.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, May 25, 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 four o'clock and twenty-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 one hundred and twenty of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 121.** AN ACT REGULATING TAKE-OVER BIDS IN THE ACQUISITION OF CORPORATIONS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to protect shareholders of corporations organized under the laws of the commonwealth or having principal places of business within the commonwealth, therefor 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 General Laws are hereby amended by inserting after chapter 110B the following chapter:-

CHAPTER 110C.

REGULATION OF TAKE-OVER BIDS IN THE ACQUISITION  
OF CORPORATIONS.

*Section 1.* As used in this chapter the following words shall, unless the context otherwise requires, have the following

meanings:-

“Affiliate of an offeror”, any person controlling, controlled by, or under common control with an offeror.

“Associate of an offeror”, (1) Any corporation or other organization of which the offeror is an officer or partner or is, directly or indirectly, the beneficial owner of ten per cent or more of any class of equity securities; (2) Any person who is, directly or indirectly, the beneficial owner of ten per cent or more of any class of equity securities of the offeror; (3) Any trust or other estate in which the offeror has a substantial beneficial interest or as to which the offeror serves as a trustee or in a similar fiduciary capacity; and (4) Any relative or spouse of the offeror or any relative of such spouse who has the same home as the offeror.

“Equity security”, any shares or similar securities, or any securities convertible into such securities, or carrying any warrant or right to subscribe to or purchase such securities, or any such warrant or right, or any other security which, for the protection of security holders, is treated as an equity security pursuant to chapter one hundred and ten A.

“Offeree”, the beneficial or record owner of securities which an offeror acquires or offers to acquire in connection with a take-over bid.

“Offeror”, a person who makes, or in any way participates or aids in making, a take-over bid, and includes persons acting jointly or in concert, or who intend to exercise jointly or in concert any voting rights attached to the securities for which such take-over bid is made. “Offeror” does not include any bank or broker dealer lending funds to an offeror in the ordinary course of its business, or any bank, broker-dealer, attorney, accountant, consultant, employee, or other person furnishing information or advice to, or performing ministerial duties for, an offeror, and not otherwise participating in the take-over bid.

“Person”, an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, or an unincorporated organization.

“Principal place of business” of a corporation, the corporate headquarters where the general executive offices are located and from which the corporation’s activities are controlled and directed by executive officers of the corporation.

“Secretary”, the state secretary.

“Take-over bid”, the acquisition of or offer to acquire, pursuant to a tender offer or request of invitation for tenders, any equity security of a corporation organized under the laws of or having its principal place of business in the commonwealth if, after acquisition thereof, the offeror and the associates and affiliates of the offeror would be directly or indirectly the beneficial owners of

more than ten per cent of any class of the issued and outstanding equity securities of such corporation. In determining whether a person is directly or indirectly a beneficial owner of equity securities of any class, such person shall be deemed to be the beneficial owner of equity securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants, or rights or through the conversion of presently convertible securities or otherwise. The equity securities subject to such options, warrants, rights, or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding equity securities of the class owned by such person but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A take-over bid does not include:- (1) A bid made by a dealer for his own account in the ordinary course of his business of buying and selling such security; (2) An offer to acquire such equity security made pursuant to a prospectus forming a part of a registration statement which has become effective under the Securities Act of 1933, 15 U.S.C. §77a *et seq*, as amended; (3) An offer made by an offeror to acquire its own securities or securities of a subsidiary, at least two thirds of the voting securities of which subsidiary are owned beneficially by the offeror; (4) Any tender offer or request or invitation for tender to which the target company consents, by action of its board of directors, if such board of directors has recommended acceptance thereof to shareholders and the terms thereof, including any inducements to officers or directors which are not made available to all shareholders, have been furnished to shareholders; (5) An offer which, if accepted by all offerees, will not result in the offeror having acquired more than two per cent of the same class of equity securities of the issuer within the preceding twelve-month period; or (6) An offer to acquire equity securities of any corporation if the total number of the beneficial owners of all of the classes of the equity securities of such corporation shall be less than twenty-five persons.

“Target company”, a corporation whose securities are or are to be subject of a take-over bid.

*Section 2.* No offeror shall make a take-over bid unless at least thirty days prior thereto he announces publicly the terms of the proposed take-over bid; files with the secretary and the target company copies of all information required by section four; and pays the secretary a filing fee of one thousand dollars to defray the costs of any investigation the secretary may make in connection therewith.

Within twenty days following such filing the secretary may order a hearing if he determines it necessary or appropriate for the protection of offerees in the commonwealth, or if so requested by

the target company within fifteen days following such filing. If no such hearing is ordered within said twenty days or a hearing is so ordered within such time and after hearing the secretary adjudicates that the take-over bid is not in violation of this chapter and that effective provision is made for fair and full disclosure to offerees of all information material to a decision to accept or reject the offer, the take-over bid may be made. If the secretary finds that the take-over bid would comply with provisions of this chapter if amended in certain respects, the take-over bid may be made only if so amended.

*Section 3.* No offeror shall make a take-over bid if he and his associates and affiliates are directly or indirectly the beneficial owners of five per cent or more of the issued and outstanding equity securities of any class of the target company, any of which were purchased within one year before the proposed take-over bid, and the offeror, before making any such purchase, or before the thirtieth day following the effective date of this section, whichever is later, failed to publicly announce his intention to gain control of the target company, or otherwise failed to make fair, full, and effective disclosure of such intention to the persons from whom he acquired such securities.

*Section 4.* The information to be filed by the offeror with the secretary and the target company pursuant to section two shall included:-

Copies of all prospectuses, brochures, advertisements, circulars, letters, or other matter by means of which the offeror proposes to disclose to offerees all information material to a decision to accept or reject the offer;

The identity and background of all persons on whose behalf the acquisition of any equity security of the target company has been or is to be effected;

The source and amount of funds or other consideration used or to be used in acquiring any equity security, including a statement describing any securities, other than the existing capital stock or long term debt of the offeror, which are being offered in exchange for the equity securities of the target company, and if any part of the acquisition price is or will be represented by borrowed funds or other consideration, a description of the material terms of any financing arrangements and the names of the parties from whom the funds were borrowed;

A statement of any plans or proposals which the offeror, upon gaining control, may have to liquidate the target company, sell its assets, effect a merger or consolidation of it, or make any other major change in its business, corporate structure, management personnel, or policies of employment;

The number of shares of any equity security of the target company of which each offeror or an affiliate or an associate of

each offeror is beneficial or record owner or has a right to acquire, directly or indirectly, together with the name and address of each person defined in this section as an offeror;

Particulars as to any contracts, arrangements, or understandings to which an offeror is party with respect to any equity security of the target company, including without limitation transfers of any equity security, joint ventures, loan or option arrangements, puts and calls, guarantees of loan, guarantees against loss, guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into;

Complete information of the organization and operations of offeror, including without limitation the year of organization, form of organization, jurisdiction in which it is organized, a description of each class of the offeror's capital stock and of its long term debt, audited balance sheets and income statements for each of the three most recent fiscal years and if the most recent balance sheet and income statement are for a period ended more than ninety days prior to the date of filing, an interim balance sheet and income statement covering the period from the date of the last audited balance sheet and income statement filed hereunder to a date within ninety days of the date of filing, a brief description of the location and general character of the principal physical properties of the offeror and its subsidiaries, a description of pending legal proceedings other than routine litigation to which the offeror or any of its subsidiaries is a party or of which any of their property is the subject, a brief description of the business done and projected by the offeror and its subsidiaries and the general development of such business over the past five years, the names of all directors and executive officers together with biographical summaries of each for the preceding five years to date, and the approximate amount of any material interest, direct or indirect, of any of the directors or officers in any material transaction during the past three years, or in any proposed material transactions to which the offeror or any of its subsidiaries was or is to be a party;

A description of any court or governmental proceeding in which the offer has been disapproved or enjoined and of any pending court or governmental proceeding in which it is alleged that the offer does not comply with the provisions of the applicable laws or regulations;

A statement of which other tender offers subject to Section 13 Clause (d) or proxy contests subject to section 14 of The Securities Exchange Act of 1934, 15 U.S.C. §78a, *et seq.*, as amended, the offeror has engaged in within five years prior to the offer;

A statement of whether any officer or director of the offeror or

the offeror has

- (1) been convicted within the prior ten years of a felony, or
- (2) been subject of a judgment or decree entered by a court or governmental agency with respect to laws relating to
  - (a) anti-trust,
  - (b) fair employment practices,
  - (c) purchase or sale of securities, or
  - (d) environmental protection; and

Such other and further documents, exhibits, data, and information as may be required by regulations of the secretary or as may be necessary to make fair, full, and effective disclosure to offerees of all information material to a decision to accept or reject the offer.

*Section 5.* Copies of all advertisements, circulars, letters or other solicitation materials published by the offeror or the target company on or after the date that the take-over bid may be made in accordance with section two shall be filed with the secretary and delivered by the target company, or the offeror, as the case may be, to the other of them on the date that the same are first published or used or sent to offerors.

*Section 6.* Any hearing pursuant to this section shall be commenced within sixty days of the date a filing is made pursuant to section two. Adjudications made pursuant to this section shall be made within ninety days after such filing and pursuant to section four hundred and twelve of chapter one hundred and ten A. Upon filing an application with the secretary for a hearing under this section, the target company shall pay to the secretary a fee of two hundred fifty dollars, and shall deposit with the secretary such sum, not exceeding seven hundred fifty dollars, as the secretary may require to defray the costs of such hearing and any investigation which the secretary may make in connection therewith. If, after hearing, the secretary finds that the take-over bid is in violation of this chapter or that effective provision is not made for fair and full disclosure to offerees of all information material to a decision to accept or reject the offer, he shall so adjudicate. If he finds that the take-over bid would comply with this chapter if amended in certain respects, he shall so adjudicate. If he finds that the take-over bid is not in violation of this chapter and that effective provision is made for fair and full disclosure to offerees of all information material to a decision to accept or reject the offer, he shall so adjudicate.

*Section 7.* It is unlawful for any offeror or target company or any affiliate or associate of an offeror or target company or any broker-dealer acting in behalf of an offeror or target company to make any untrue statement of a material fact or to conceal any material fact in order to make the statements misleading, or to engage in any fraudulent, evasive, deceptive, manipulative or

grossly unfair practices in connection with a take-over bid.

No take-over bid shall be made unless this chapter has been complied with, and no offeror shall make a take-over bid which is not made to all holders residing in the commonwealth of the equity security that is the subject of such take-over bid, or which is not made to such holders on the same terms as such take-over bid is made to holders of such equity security not residing within the commonwealth, or which, if it is for less than all the outstanding equity securities of a class does not bind such offeror to take up and pay for all securities deposited by all offerees, if a greater number of securities is deposited pursuant thereto. If the terms of a take-over bid are changed before its expiration by increasing the consideration offered to offerees, the offeror shall pay the increased consideration for all equity securities taken up, whether the same are deposited or taken up before or after the change in the terms of the take-over bid.

No offeror shall make a take-over bid for a fixed period of time of less than sixty days with the right to extend such period; offer to pay an offeree a fee, commission or any other consideration not offered to all offerees; or publish or use in connection with the offer any false statement of a material fact or conceal a material fact in order to make the statement misleading.

Securities deposited pursuant to a take-over bid may be withdrawn by an offeree or his attorney-in-fact by demand in writing to the offeror or the depository at any time up to five days prior to the announced termination date of the offer.

*Section 8.* If the offeror or the target company is a banking corporation subject to regulation by the commissioner of banks, or a public utility corporation subject to regulation by the department of public utilities, the secretary shall forthwith, upon receipt of the filing required under section two, furnish a copy of such filing to the regulatory body having jurisdiction over the offeror or target company.

*Section 9. (a)* Any offeror who purchases a security in connection with a take-over offer in violation of this chapter shall be liable to the person selling the security to him who may sue either at law or in equity. In an action for rescission the seller shall be entitled to recover the security, plus any income received by the purchaser thereon, upon tender of the consideration received. Tender requires only notice of willingness to pay the amount specified in exchange for the security. Any notice may be given by service as in civil actions or by certified mail to the last known address of the person liable. Damages are the excess of either the value of the security on the date of purchase or its present value, whichever is greater, over the present value of the consideration received for the security.

(b) Every associate and affiliate of a person liable under paragraph (a), every partner, principal executive officer or director of such person, every person occupying a similar status or performing similar functions, every employee of such person who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the act or transaction constituting the violation, is also liable jointly or severally with and to the same extent as such person, unless the person who would otherwise be so liable proves that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(c) No action may be maintained under paragraph (a) or (b) unless commenced before the expiration of three years after the act or transaction constituting the violation or the expiration of one year after the discovery of the facts constituting the violation, whichever first expires.

(d) The rights and remedies under this chapter are in addition to any other rights or remedies that may exist at law or in equity.

(e) Whenever it appears to the secretary that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter, or any rule or order hereunder, (1) he may issue and cause to be served upon any person violating any of the provisions of this chapter, an order requiring the person guilty thereof to cease and desist therefrom; and (2) he may bring an action in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with this chapter, or any rule or order hereunder, or he may refer the matter to the attorney general or the district attorney of the appropriate county. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter, or any rule or order hereunder. The court may not require the secretary to post a bond.

(f) Any person, who violates section two or any rule thereunder, or any order of which he has notice, or who willfully violates section seven or any rule or order thereunder, may be fined not more than five thousand dollars or imprisoned for not more than three years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned under sections two and seven more than six years after the alleged violation.

(g) The secretary may refer such evidence as is available concerning violations of this chapter or of any rule or order hereunder

to the attorney general or the district attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a district attorney, he shall within ninety days file with the secretary a statement concerning any action taken or, if no action has been taken, the reasons therefor.

(h) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

*Section 10.* The secretary may, pursuant to section four hundred and twelve of chapter one hundred and ten A prescribe reasonable rules and regulations:-

(a) Defining fraudulent, evasive, deceptive, manipulative or grossly unfair practices in connection with take-over bids, and the terms used in this section;

(b) Exempting from this section take-over bids not made for the purpose of, and not having the effect of, changing or influencing the control of a target company;

(c) Covering such other matters as are necessary to give effect to this section.

*Section 11.* If the offeror or a target company is an insurance company subject to regulation under chapter one hundred and seventy-five to chapter one hundred and seventy-five C, inclusive, the commissioner of insurance shall for all purposes of this section be substituted for the secretary. This section shall not be construed to limit or modify in any way any responsibility, authority, power, or jurisdiction of the secretary or the commissioner of insurance pursuant to any other provisions of law.

*Section 12.* This chapter does not apply when:-

(a) The offeror or the target company is a public utility or a public utility holding company as defined in section two of the "Public Utility Holding Company Act of 1935", 15 U.S.C. 79, as amended, and the take-over bid is subject to approval by the appropriate federal agency as provided in such act;

(b) The offeror or the target company is a bank or a bank holding company subject to the "Bank Holding Company Act of 1956", 12 U.S.C. 1841, as amended, and the take-over bid is subject to approval by the appropriate federal agency as provided in such act;

(c) The offeror or the target company is a savings and loan holding company as defined in section two of the "Savings and Loan Holding Company Amendments of 1967", 12 U.S.C. 1730A, as amended, and the take-over bid is subject to approval by the appropriate federal agency as provided in such act;

(d) The offeror and the target company are banks and the offer is part of a merger transaction subject to approval by appro-

priate federal supervisory authorities.

*Section 13.* The provisions of this chapter 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 affect the validity or constitutionality of any of the remaining provisions of this chapter or the application of such provision to said person or circumstances.

*Approved May 22, 1976.*

**Chap. 122.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY—SEVEN 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-seven.

FRANKLIN COUNTY.

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$4,000 00
3. For county commissioners, salaries and expenses.....		27,289 74
1. Personal services.....	\$25,814 74	
2. Contractual services.....	800 00	
3. Supplies and materials.....	525 00	
4. Current charges and obligations.....	150 00	
4. For transportation and expenses of county and acting commissioners.....		1,000 00
5. For clerk of courts, salaries and expenses.....		51,348 10
1. Personal services.....	47,692 10	
2. Contractual services.....	2,200 00	
3. Supplies and materials.....	1,000 00	
4. Current charges and obligations.....	456 00	

Item	Subtotal	Total
6. For county treasurer, salaries and expenses .....		\$26,166 24
1. Personal services.....	\$23,273 24	
2. Contractual services.....	1,419 00	
3. Supplies and material.....	1,004 00	
4. Current charges and obligations.....	470 00	
7. For sheriff, salary and expenses.....		16,024 00
1. Personal services.....	15,399 00	
2. Contractual services.....	385 00	
3. Supplies and materials.....	80 00	
4. Current charges and obligations.....	160 00	
8. For registry of deeds, salaries and expenses .....		95,153 60
1. Personal services.....	66,869 60	
2. Contractual services.....	21,992 00	
3. Supplies and materials.....	3,500 00	
4. Current charges and obligations.....	760 00	
5. Equipment.....	2,032 00	
8a. For registry of probate, salaries and expenses .....		7,245 00
2. Contractual services.....	3,600 00	
3. Supplies and materials.....	1,200 00	
4. Current charges and obligations.....	900 00	
5. Equipment.....	1,545 00	
9. For law library, salaries and expenses .....		20,037 15
1. Personal services.....	6,057 15	
2. Contractual services.....	760 00	
3. Supplies and materials.....	175 00	
4. Current charges and obligations.....	13,000 00	
5. Equipment.....	45 00	
10. For highways, including state highways, bridges and land damages.....		29,800 00
2. Contractual services.....	7,750 00	
3. Supplies and materials.....	50 00	
6. All other.....	22,000 00	
12. For superior court costs.....		211,982 01
1. Personal services.....	66,902 01	
2. Contractual services.....	141,620 00	
3. Supplies and materials.....	2,425 00	
4. Current charges and obligations.....	1,035 00	
13. For civil expenses in probate court.....		8,964 50
1. Personal services.....	3,009 50	
2. Contractual services.....	5,400 00	
3. Supplies and material.....	400 00	
4. Current charges and obligations.....	105 00	
5. Equipment.....	50 00	

<u>Item</u>	<u>Subtotal</u>	<u>Total</u>
14. For district courts, salaries and expenses		
District Court of Greenfield.....		\$255,258 55
1. Personal services.....	\$227,768 05	
2. Contractual services.....	16,985 00	
3. Supplies and materials.....	3,775 00	
4. Current charges and obligations.....	2,695 00	
5. Equipment.....	4,035 50	
District Court of Orange.....		68,423 10
1. Personal services.....	55,249 10	
2. Contractual services.....	6,086 00	
3. Supplies and materials.....	1,477 00	
4. Current charges and obligations.....	3,963 00	
5. Equipment.....	1,648 00	
15. For medical examiners and commitments of insane.....		7,750 00
16. For jail and house of correction, maintenance and operation.....		219,918 44
1. Personal services.....	219,918 44	
18. For court houses and registry buildings, maintenance and operation.....		79,207 45
1. Personal services.....	34,642 45	
2. Contractual services.....	28,945 00	
3. Supplies and materials.....	15,470 00	
4. Current charges and obligations.....	150 00	
20. For agricultural school or county cooperative extension service.....		116,916 58
1. Personal services.....	101,136 58	
2. Contractual services.....	12,895 00	
3. Supplies and materials.....	2,125 00	
4. Current charges and obligations.....	525 00	
5. Equipment.....	235 00	
21. For Whately recreation area, maintenance and operation.....		5,410 00
1. Personal services.....	1,200 00	
2. Contractual services.....	3,110 00	
3. Supplies and materials.....	500 00	
4. Current charges and obligations.....	600 00	
24. For noncontributory pensions.....		22,598 52
25. For contributory retirement system and supervisory expenses.....		119,554 00
26. For miscellaneous and contingent expenses.....		9,105 00
28. For reserve fund.....		35,000 00
28f. For reserve for full-time judges.....		30,168 00
29. For advertising the recreational, industrial		

and agricultural advantages of the county.....	\$22,000 00
31. For radio system for fire protection.....	6,985 00
31a. For police radio system.....	1,380 00
35. For county planning.....	69,982 89
37. For human services.....	160,540 90
39. For group insurance.....	42,000 00
40. For county housing authority.....	8,700 00
Total amount of appropriations.....	<u>\$1,779,908 77</u>
Less estimated amount available for reduction of county tax.....	<u>173,800 00</u>

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..... \$1,606,108 77

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.....	\$19,800 00
2. Contractual services.....	13,100 00
3. Supplies and materials.....	53,175 00
4. Current charges and obligations.....	3,502 00
5. Equipment.....	3,771 00
6. All other.....	1,900 00
18. For court house and registry building	
5. Equipment.....	37,072 00
Total.....	<u>\$132,320 00</u>

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

*Approved May 22, 1976.*

**Chap. 123.**

AN ACT PROVIDING THAT FOR A LIMITED TIME COMPLIANCE WITH THE FEDERAL FAIR CREDIT BILLING ACT SHALL BE CONSTRUED TO BE COMPLIANCE WITH THE LAW OF THE COMMONWEALTH RELATIVE TO PROTECTION OF CONSUMERS AGAINST CARELESS AND ERRONEOUS BILLINGS.

*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 protection of consumers against careless and erroneous billings 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:*

Until April first, nineteen hundred and seventy-seven, compliance by any creditor with the Fair Credit Billing Act (P.L. 93-495,58) comprising Title III of the Federal Truth in Lending Act (P.L. 90-321, 146) and the regulations promulgated thereunder, shall be deemed and construed to be compliance for all purposes with the provisions of chapter ninety-three C of the General Laws and no action or failure to act by any creditor shall constitute a violation of said chapter ninety-three C unless such action or failure to act would constitute a violation of said Federal Act or of the regulations promulgated thereunder.

*Approved May 24, 1976.*

**Chap. 124.** AN ACT PROVIDING FOR THE PAYMENT OF OVERTIME PAY TO CERTAIN EMPLOYEES OF THE HIGHWAY DEPARTMENT OF THE TOWN OF NORFOLK.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Norfolk is hereby authorized to appropriate from available funds, the sum of eight thousand five hundred and fifty dollars and seventy cents and after such appropriation the treasurer of said town is authorized to pay such sum to certain members of the highway department of said town as set forth in a schedule on file in the office of the town clerk of said town as compensation for overtime work performed by them during the period from May first, nineteen hundred and seventy-four, to July first, nineteen hundred and seventy-five.

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

*Approved May 24, 1976.*

**Chap. 125.** AN ACT AUTHORIZING THE TOWN OF SHREWSBURY TO APPROPRIATE FUNDS FROM THE STABILIZATION FUND AT A CERTAIN SPECIAL TOWN MEETING.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section five B of chapter forty of the General Laws, the stabilization fund in the

town of Shrewsbury may be appropriated for garage facilities at the next special town meeting following the nineteen hundred and seventy-six annual town meeting by a two-thirds vote.

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

*Approved May 24, 1976.*

---

**Chap. 126.** AN ACT RELATIVE TO THE COST-OF-LIVING ADJUSTMENT IN RETIREMENT ALLOWANCES, PENSIONS AND ANNUITIES OF RETIRED EMPLOYEES AND OTHER BENEFICIARIES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to regulate forthwith cost-of-living adjustments in pensions, retirement allowances and annuities, 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 32 of the General Laws is hereby amended by striking out section 102, as most recently amended by section 25A of chapter 684 of the acts of 1975, and inserting in place thereof the following section:-

*Section 102.* (a) The life actuary in the division of insurance shall annually in the month of January determine the percentum of change in the average cost-of-living for the previous year as shown by the United States Consumer Price Index for such year, as compared with the average as shown by said index for the year nineteen hundred and seventy-three, or for the last previous year which was the basis for an increase or decrease as provided herein, or in any case where a retirement allowance, pension, or annuity became effective subsequent to the last previous year in which an increase or decrease as provided herein became effective, for the year in which such retirement allowance, pension, or annuity became effective and shall submit such determination to the general court by filing a report with the clerk of the house of representatives. 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, beginning July first of said year, be increased by such percentum as the general court shall determine. In the event that such comparison indicates a decrease 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

count, 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 be decreased by such percentum; provided, that no decrease shall be made which would reduce any retirement allowance, pension, or annuity to an amount less than the amount fixed for such retirement allowance, pension, or annuity as of December thirty-first, nineteen hundred and seventy-three. The sum of the dollar amount of each cost-of-living increase or decrease together with the amount of retirement allowance, pension, or annuity to which the cost-of-living percentum factor is applied shall become the fixed retirement allowance, pension, or annuity for all future purposes including the application of subsequent cost-of-living adjustments in future years; provided, that whenever the amount of any pension, retirement allowance or annuity is increased under any general or special law other than through a cost-of-living adjustment pursuant to this section, the fixed retirement allowance, pension or annuity shall be determined by adding either the increase under any general or special law, or the cost-of-living adjustment, whichever is greater, but not both.

(b) Whenever the amount of any retirement allowance, pension, or annuity is revised in accordance with the provisions of this section, the monthly payment provided for in section thirteen shall be recomputed on the basis of such revised retirement allowance, pension, or annuity, and one twelfth of such new figure shall be due and payable each month. In any case where such revised retirement allowance, pension, or annuity cannot be administratively determined in time for adjusting the monthly payment for July pursuant to said section thirteen, such cost-of-living adjustment shall be added to or deducted from the monthly retirement allowance, pension or annuity in August or September, as the case may be.

(c) In any case where such former employee, spouse or other beneficiary is receiving an annual retirement allowance, pension or annuity which is six thousand dollars or more, exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section twenty-two, or any similar law, the cost-of-living adjustment, shall be in an amount as determined by applying the percentum of change determined by the general court to the sum of six thousand dollars. Beginning annually in July, nineteen hundred and seventy-six, whenever the cost-of-living adjustment pursuant to paragraph (a) of this section indicates an increase or decrease in the cost-of-living of at least three per cent, the dollar amount of such increase or decrease as determined in the first sentence of this paragraph shall be added to or deducted from each retirement allowance, pension or annuity which is in excess of

six thousand dollars. The sum of the dollar amount of such cost-of-living adjustments, together with the amount of retirement allowance, pension, or annuity to which the cost-of-living percentum factor is applied and any amounts in excess of said six thousand dollars shall become the fixed retirement allowance, pension or annuity for all future purposes including the application of subsequent cost-of-living adjustments in future years; provided, however, that the limitations of this paragraph shall continue to apply.

(d) Whenever the amount of any retirement allowance, pension or annuity is revised in accordance with the provisions of paragraph (c), the monthly payment provided for in section thirteen shall be recomputed on the basis of such revised retirement allowance, pension or annuity and one twelfth of such new figure shall be due and payable each month. In any case where such revised retirement allowance, pension or annuity cannot be administratively determined in time for adjusting the monthly payment for July pursuant to said section thirteen, such cost-of-living adjustment shall be added to or deducted from the monthly retirement allowance, pension or annuity in August or September, as the case may be.

(e) Whenever the cost-of-living comparison pursuant to paragraph (a) indicates an increase or decrease in the cost-of-living of at least three per cent, the minimum allowance due and payable to a spouse under the provisions of option (d) of subdivision (2) of section twelve, or under the provisions of chapter five hundred and twenty-six of the acts of nineteen hundred and sixty-three, or to any spouse, child or children under the provisions of section twelve B shall be recomputed and adjusted by such percentum as the General Court shall determine. Such revised total shall become the fixed allowable payable under said section twelve B for all future purposes, including the application of subsequent cost-of-living adjustments in future years. The monthly payments pursuant to section thirteen shall be recomputed on the basis of such revised total, and one twelfth of such revised total shall be due and payable each month. In any case where such revised total cannot be administratively determined in time for adjusting the monthly payment for July pursuant to said section thirteen, such cost-of-living adjustment shall be added to or deducted from the monthly allowance in August or September, as the case may be.

(f) On January first, nineteen hundred and seventy-five, the cost-of-living percentage used as a basis for determining the nineteen hundred and seventy-four cost-of-living adjustments paid in March, July, September and December of nineteen hundred and seventy-four, pursuant to section one hundred and two of chapter thirty-two, shall be applied to and added to 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, and such revised total shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in nineteen hundred and seventy-five, or any future years.

SECTION 2. Chapter 684 of the acts of 1975 is hereby amended by striking out section 25B and inserting in place thereof the following section:-

*Section 25B.* Notwithstanding the provisions of section two of chapter one hundred and eighteen A of the General Laws, no state supplementary payment 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 3. The provisions of section one hundred and two of chapter thirty-two of the General Laws, as amended by section one of this act, shall not reduce the amount of increase voted by any city, town, district, housing or redevelopment authority to a retired employee or to the spouse or beneficiary of a former employee under the provisions of said section one hundred and two in effect prior to the effective date of this act. Such increased amount shall be paid to such retiree, spouse or beneficiary until July first, nineteen hundred and seventy-seven and shall be the amount of retirement allowance, pension or annuity to which any cost-of-living adjustment voted for the fiscal year beginning July first, nineteen hundred and seventy-seven, as provided in said section one hundred and two as amended by section one of this act, shall be added.

The provisions of said section one hundred and two, as amended by said section one, shall apply to cost-of-living increases voted for such retired employee, spouse or beneficiary for fiscal years subsequent to the fiscal year nineteen hundred and seventy-six.

*Approved May 24, 1976.*

---

**Chap. 127.** AN ACT RELATIVE TO THE DEPOSIT ACCOUNTS OF CERTAIN BUSINESS ENTITIES IN SAVINGS BANKS AND SAVINGS DEPARTMENTS OF TRUST COMPANIES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose which is, in part, to make the laws of the commonwealth conform with certain federal laws and regulations relative to savings deposits, 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 sentence, as most recently amended by section 1 of chapter 685 of the acts of 1975, 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 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 funds of a corporation, partnership, association or other business entity, provided that the deposit accounts of any such depositor shall not exceed one hundred and fifty thousand dollars; 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. Section 51 of chapter 172 of the General Laws is hereby amended by striking out the second paragraph, as amended by chapter 279 of the acts of 1964, and inserting in place thereof the following paragraph:-

Said limitations shall not apply to deposits of the following classes:- deposits by trustees appointed pursuant to the Self-Employed Individuals Tax Retirement Act of 1962; deposits by the commonwealth or any town, city or county of the commonwealth or by any instrumentality thereof; deposits by a religious, charitable or educational corporation or organization, a labor

union, credit union, or fraternal benefit 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 or deposits on account of a sinking fund of a town in the commonwealth; 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; deposits in such corporation acquired by any person or persons by inheritance or bequest; deposits of the funds of any state, county or municipal retirement or pension system or association; deposits of the funds of any private retirement or pension system or association; deposits of funds of a corporation, partnership, association or other business entity, provided that the deposit accounts of any such depositor shall not exceed one hundred and fifty thousand dollars at such trust company; and deposits of funds of any housing authority created under sections three and five of chapter one hundred and twenty-one B.

*Approved May 24, 1976.*

**Chap. 128.** AN ACT INCREASING THE AUTHORITY OF CITY, TOWN, DISTRICT OR REGIONAL SCHOOL DISTRICT TREASURERS IN INVESTING THE PROCEEDS OF BOND ISSUES.

*Be it enacted, etc., as follows:*

Section 55 of chapter 44 of the General Laws, as most recently amended by chapter 248 of the acts of 1975, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- A treasurer of a city, town, district or regional school district may invest all or any part of the proceeds from the issue of bonds and notes, exclusive to temporary notes issued in anticipation of revenue or of serial bonds or note issues, prior to their application to the payment of liabilities incurred for the purposes specified in the authorization of the loan, in certificates of deposit in trust companies, or national banks or banking companies or in United States treasury bills and federal funds.

*Approved May 24, 1976.*

**Chap. 129.** AN ACT PROVIDING FOR A CERTAIN QUESTION ON THE BALLOT IN CITIES, TOWNS OR DISTRICTS CONCERNING FLUORIDATION OF WATER SUPPLIES.

*Be it enacted, etc., as follows:*

Section 8C of chapter 111 of the General Laws is hereby amended by striking out the third paragraph, as amended by section 2 of chapter 1024 of the acts of 1971, and inserting in place

thereof the following paragraph:-

In any city, town or district where the board of health has ordered the upward adjustment of the fluoride content of the water supply under the provisions of this section, upon petition of ten per cent of the registered voters of said city, town or district, filed in the office of the city or town clerk, as the case may be, within ninety days of the publication of such order, the following question shall be placed upon the official ballot to be used at the next regular city election or for the election of town officers at the next annual town meeting or at a biennial state election, whichever occurs first, but not earlier than sixty days following the date of filing the petition with the city or town clerk:- “Shall the public water supply for domestic use in (this city) (this town) be fluoridated?”, or in such district the following question shall be placed before the next annual meeting of the inhabitants of the district:- “Shall the public water supply for domestic use in this district be fluoridated?” If the majority of votes in answer to said question is in the negative, the water supply of such city, town or district shall not be fluoridated, and the fluoridation of such water supply shall not be ordered again by the board of health for a period of at least two years from the date of such vote.

*Approved May 24, 1976.*

---

**Chap. 130.** AN ACT FURTHER DEFINING THE WATERS IN WHICH THE TAKING OF GROUND FISH BY CERTAIN APPARATUS IS PROHIBITED.

*Be it enacted, etc., as follows:*

Chapter 69 of the acts of 1911 is hereby amended by striking out section 1, as amended by chapter 453 of the acts of 1959, and inserting in place thereof the following section:-

*Section 1.* It shall be unlawful to take flounders or any other ground fish in the waters lying inshore from a line drawn from the tower on Telegraph Hill in the town of Hull, through Great Brewster Spit Light, and the Northern End of Lovells Island, to Point of Pines in the city of Revere, by beam trawl or by any apparatus other than a hook and line or ordinary trawl.

*Approved May 24, 1976.*

---

**Chap. 131.** AN ACT PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF RENT REGULATION AND THE CONTROL OF EVICTIONS IN MOBILE HOME PARK ACCOMMODATIONS IN THE CITY OF PEABODY.

*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 Peabody with respect to the housing of a substantial number of the citizens of said city, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of mobile home parks located therein; that unless mobile home park rents and eviction of tenants are regulated and controlled, such emergency and the further inflationary pressures resulting therefrom will produce serious threats to the public health, safety and general welfare of the citizens of Peabody, particularly the elderly; that such emergency should be met by the commonwealth immediately and with due regard for the rights and responsibilities of the city of Peabody.

SECTION 2. *General Powers.* The city of Peabody may, by ordinance, regulate rents for the use or occupancy of mobile home park accommodations in the city, establish a rent board for the purpose of regulating rents, minimum standards for use or occupancy of mobile home park accommodations in the city and evictions of tenants therefrom and may, by ordinance, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations. Such rents, standards and evictions may be regulated by the rent board so as to remove hardships or correct inequities for both the owner and tenants of such mobile home park accommodations. The rent board shall have all powers necessary or convenient to perform its functions. It may make rules and regulations, require registration by owners of mobile home park accommodations, under penalty of perjury, of information relating to the mobile home park accommodations, sue and be sued, compel the attendance of persons and the production of papers and information, and issue appropriate orders which shall be binding on both the owner and tenants of such mobile home park accommodations. Violations of any ordinance adopted pursuant to this act or any order of the rent board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 3. *Standards for Adjusting Rents.* (a) In regulating such rents, the rent board established under section two may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for mobile home park accommodations in the city are established at levels which yield to owners a fair net operating income for such units. Fair net operating income shall be that income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rate of return as the board, on the basis of evidence presented

before it, deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

(b) The city in its ordinance or the rent board by regulation may establish further standards and rules consistent with the foregoing.

SECTION 4. *Incorporation of Administrative Procedure Act.* The provisions of chapter thirty A of the General Laws shall be applicable to the rent board, established under section two, as if said rent board were an agency of the commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, as well as those provisions relating to judicial review of an agency order.

SECTION 5. *Conference of Jurisdiction.* (a) The district court of Peabody shall have original jurisdiction, concurrently with the superior court, of all petitions for review brought pursuant to section fourteen of chapter thirty A of the General Laws.

(b) The superior court shall have jurisdiction to enforce the provisions of this act, and any ordinance adopted thereunder, and may restrain violations thereof.

SECTION 6. *Defense to Summary Process for Possession.* The city of Peabody may by ordinance regulate the evictions of tenants, and the rent board, established under section two, may issue orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to sections three and four.

SECTION 7. *Exemption from Civil Service.* The personnel of the rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty of the General Laws of chapter thirty-one of the General Laws.

SECTION 8. *Severability.* If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its acceptance by the city of Peabody.

*Approved May 24, 1976.*

---

**Chap. 132.** AN ACT RELATIVE TO THE TERMS OF THE OFFICERS OF THE SWANSEA WATER DISTRICT.

*Be it enacted, etc., as follows:*

Chapter 137 of the acts of 1949 is hereby amended by inserting

after section 9 the following section:-

*Section 9A.* The term of office of the moderator, the commissioners and the treasurer of the district who were elected at the district election held in the year nineteen hundred and seventy-three and those elected thereafter shall continue until the qualification of their respective successors.

*Approved May 24, 1976.*

**Chap. 133.** AN ACT RELATIVE TO THE RECOVERY OF FISHING GEAR SWEPT ASHORE BY NATURAL CAUSES.

*Be it enacted, etc., as follows:*

Chapter 130 of the General Laws is hereby amended by striking out section 32, as appearing in section 1 of chapter 598 of the acts of 1941, and inserting in place thereof the following section:-

*Section 32.* The owner of any fishing gear mentioned in section thirty-one which is swept ashore by storm or tide or other natural causes and deposited upon the shore, beaches or flats, whether public or private, may recover the same within thirty days from the time of such deposit without liability for trespass; provided, that such owner in so doing does not commit any unreasonable or wanton injury to the property whereupon such fishing gear is deposited. In the event such fishing gear shall not be so recovered within such period or recovered by other legal means within sixty days it shall enure to the riparian owner of such shore, beach or flat in the manner provided in chapter one hundred and thirty-four.

*Approved May 24, 1976.*

**Chap. 134** AN ACT FRUTHER DEFINING THE GUARANTY FUND AND THE RESERVE FUND IN CREDIT UNIONS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to redefine the guaranty fund and reserve fund for 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.* Chapter 171 of the General Laws is hereby amended by striking out section 19, as most recently amended by chapter 68 of the acts of 1972, and inserting in place thereof the following section:-

*Section 19.* A guaranty fund shall be established and shall be maintained under the provisions of this section. Before the payment of a dividend as authorized by section twenty-five, there shall be transferred from the earnings of the dividend period to the

said guaranty fund until it amounts to seven per cent of the aggregate of shares and deposits not less than one fourth of one per cent annually of the aggregate of shares and deposits, but if a credit union closes its books more often a proportionate amount of the said one fourth of one per cent shall be so transferred. Thereafter, the guaranty fund shall be maintained at an amount equal to said seven per cent by means of such contributions. If a credit union pays dividends more often than quarterly, then the aforesaid contributions to the said guaranty fund need not be made more often than quarterly. The said guaranty fund shall be held to meet the contingencies or losses in the business of the credit union with the exception that loan and investment losses shall be charged against the reserves established by clauses (1) and (2) of section twenty. With the prior written approval of the commissioner, there may be transferred from the said guaranty fund amounts necessary to pay a dividend in whole or in part or to create or maintain the reserves required by section twenty, or for any other contingency.

SECTION 2. Said chapter 171 is hereby further amended by striking out section 20, as most recently amended by chapter 47 of the acts of 1974, and inserting in place thereof the following section:-

*Section 20.* Before the payment of a dividend as authorized by section twenty-five, in addition to the contributions to the guaranty fund as provided for in section nineteen, there shall be created and maintained reserves in the following manner:-

(1) There shall be maintained from the earnings at each dividend period but only quarterly if dividends are paid more often than quarterly, a reserve for delinquent loans which reserve shall equal and be maintained at an amount equal either to two per cent of the balances on all outstanding loans, exclusive of loans secured by a first mortgage on real estate, or twenty per cent of the balances on all such outstanding loans which are two months or more in arrears, whichever is greater. Such loans shall not be considered delinquent for the purpose of this section if provision has been made for eventual repayment by means of a program of adequate periodic payments in the method prescribed by the commissioner or if the loan is secured by sufficient legal collateral.

(2) There shall be maintained from the earnings at each dividend period, but only quarterly if dividends are paid more often than quarterly, a reserve for losses on investments equal to the difference between the book value and the market value of all investments mentioned in section twenty-one, excluding those investments which are included in the liquidity requirements, up to a maximum of five per cent of the said remaining investment portfolio.

(3) Should the reserves maintained in clauses (1) and (2) exceed the amount necessary to be kept or maintained in those accounts, the credit union may transfer such excess into an undivided earnings account.

SECTION 3. All monies in the existing guaranty fund of a credit union on the effective date of this act shall be transferred to the guaranty fund established under section nineteen of chapter one hundred and seventy-one of the General Laws, as amended by section one of this act.

SECTION 4. All monies in the existing reserve fund of a credit union on the effective date of this act shall be transferred to the reserve funds established under section twenty of chapter one hundred and seventy-one of the General Laws, as amended by section two of this act.

*Approved May 25, 1976.*

**Chap. 135.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SIX 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 chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five, for the fiscal year ending June thirtieth, nineteen hundred and seventy-six 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.

**Department of Public Welfare.**

**Item**

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 unless a certificate is made by the commissioner of administration that sufficient funds are available from either state or federal sources to warrant the continuation of the program and that this item is increased by appropriation to properly fund said continuation . . . . .	\$35,000,000
4406-2000	For a program of general relief; provided, that, notwithstanding the provisions of any law to the contrary, no increase in the budgetary 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. . . . .	5,000,000
4408-1000	Item 4408-1000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; and provided further that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	6,000,000

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

*Approved May 27, 1976.*

**Chap. 136.** AN ACT RELATIVE TO THE LICENSING OF MILK DEALERS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for the issuance of certain licenses to milk dealers on June 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:*

SECTION 1. The first paragraph of section 35 of chapter 94 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "forty-three" and inserting in place thereof the words:- and forty-one A.

SECTION 2. Said chapter 94 is hereby further amended by striking out section 40, as most recently amended by section 4 of chapter 757 of the acts of 1955, and inserting in place thereof the following section:-

*Section 40.* No person, except a producer or dealer selling milk to other than consumers, or selling not more than twenty quarts per day to consumers, shall deliver, exchange, expose for sale or sell or have in his custody or possession with intent so to do any milk or cream in any town where an inspector of milk is appointed, without obtaining from such inspector a license which shall contain the number thereof, the name and place of business. A license issued to a partnership or corporation shall be issued in the business name of said partnership or corporation and shall

contain the names in full of the partners and managers of said partnership or officers of said corporation. The license shall, for the purposes of sections forty to forty-two, inclusive, be conclusive evidence of ownership and shall not be sold, assigned or transferred. No person, other than a producer selling milk or cream, or both, shall display the word "dairy" on any vehicle used by him or his authorized agent in the business of selling milk or cream, unless such person has a license, in full force and effect, issued under section forty-eight A. Whoever in such a town engages in the business of selling milk or cream from any vehicle for household deliveries shall display conspicuously on the outside of each vehicle so used the name and principal place of business of the licensee in Gothic letters not less than one and one-half inches in height. Whoever in such a town engages in the business of selling milk or cream in a store, booth, stand or market place shall have his license conspicuously posted therein.

SECTION 3. Section 41 of said chapter 94, as most recently amended by chapter 14 of the acts of 1972, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- An inspector of milk may declare any license granted by him under this section suspended or forfeited upon a conviction of the licensee in any court of the commonwealth for violation of his license.

SECTION 4. Said chapter 94 is hereby further amended by inserting after section 41 the following section:-

*Section 41A.* No dealer selling to other than consumers, except a dealer licensed under the provisions of sections forty and forty-one, shall deliver, exchange, expose for sale or sell or have in his custody or possession with intent so to do any milk or cream in any town where an inspector of milk is appointed, without obtaining from such inspector a license which shall contain the number thereof, and the name and place of business. A license issued to a partnership or corporation shall be issued in the business name of said partnership or corporation and shall contain the names in full of the partners and managers of said partnership or officers of said corporation. Application for such license shall be made on or before March first of the license period beginning June first, following, or at any time later than March first in any year for the balance of the license period after the date of issue of the license. The inspector of milk in any town may grant such license. Such application shall be made upon a form furnished and prescribed by the commissioner of public health.

The inspector of milk upon the payment of a fee of two dollars shall issue to such applicant a license which shall remain in force and effect for a period of five years beginning June first following or the balance thereof as the case may be.

SECTION 5. Section 48A of said chapter 94, as appearing in the Tercentenary Edition, is hereby amended by striking out the third

paragraph and inserting in place thereof the following paragraph:-

This section shall not be construed to interfere with the powers and duties conferred or imposed upon boards of health of cities and towns by sections forty-one and forty-one A.

*Approved May 28, 1976.*

---

**Chap. 137.** AN ACT RELATIVE TO THE SIGNING OF CERTAIN POLITICAL ADVERTISEMENTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to make forthwith a change in the law requiring signatures on political advertisements and circulars, 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 39 of chapter 56 of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 1226 of the acts of 1973, and inserting in place thereof the following sentence:- No person shall publish or cause to be published in a newspaper or other periodical any paid advertisement designed or tending to aid, injure, or defeat any candidate for public office or any question submitted to the voters, unless the name of the chairman or secretary or the names of two officers of the political or other organization inserting the same, or the name of one or more persons eighteen years of age or older who are responsible therefor, with the residence and the street and number thereof, of each such person eighteen years of age or older appears therein in the nature of a signature; provided, that each such person eighteen years of age or older has signed his name in the presence of a witness to the following statement authorizing the insertion of such advertisement.

SECTION 2. The first paragraph of section 41 of said chapter 56, as amended by chapter 88 of the acts of 1950, is hereby further amended by striking out, in line 10, the word "voter" and inserting in place thereof the words:- person eighteen years of age or older.

*Approved May 28, 1976.*

---

**Chap. 138.** AN ACT EXEMPTING SEASONAL POSITIONS FROM THE CLASSIFIED CIVIL SERVICE.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the exemption of seasonal positions as herein defined from the classified civil service, 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 31 of the General Laws is hereby amended by inserting after the definition of "Roster", as amended by section 1 of chapter 4 of the acts of 1969, the following definition:-

"Seasonal position", a position requiring the services of an incumbent therein, on either a full-time or less than full-time basis, beginning no earlier than May first and ending no later than September thirtieth in any calendar year; provided that no position in the police force or fire force of a city or town, in the detective force of the state department of public safety, in the capitol police force, or in the police force of the metropolitan district commission, and no permanent position for which funds have been appropriated or are available on a permanent basis, shall be deemed to be a seasonal position.

SECTION 2. Section 5 of said chapter 31, as appearing in section 1 of chapter 115 of the acts of 1975, is hereby amended by inserting after the twenty-fifth clause the following clause:-

Seasonal positions.

SECTION 3. Nothing in this act shall be deemed to impair the civil service status in any seasonal position of any person who, on the effective date of this act, holds office or employment therein on a permanent basis, whether for full-time employment or for reserve, intermittent, call, recurrent, part-time, or other less than full-time employment.

*Approved May 28, 1976.*

**Chap. 139.** AN ACT PROHIBITING THE USE OF DECOMPRESSION CHAMBERS FOR THE PURPOSE OF KILLING DOGS OR CATS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 140 of the General Laws is hereby amended by inserting after section 174B the following section:-

*Section 174C.* No dog whose killing is authorized under the provisions of this chapter shall be put to death in a decompression chamber.

SECTION 2. Chapter 272 of the General Laws is hereby amended by inserting after section 80D the following section:-

*Section 80E.* Whoever, without the consent of the owner, puts a cat to death by the use of a decompression chamber shall be punished by a fine of not less than one hundred dollars.

*Approved May 28, 1976.*

- Chap. 140.** AN ACT AUTHORIZING THE ARLINGTON POLICE RELIEF ASSOCIATION, INCORPORATED TO PAY A CERTAIN BENEFIT TO ITS MEMBERS UPON THEIR RETIREMENT.

*Be it enacted, etc., as follows:*

The Arlington Police Relief Association, Incorporated, a corporation duly established under the laws of the commonwealth, is hereby authorized, upon retirement from the police department of the town of Arlington of any member in good standing, to pay to such member, if he so elects, such sum not exceeding one thousand dollars, as may from time to time be determined by a vote of said corporation. Any amount so paid shall reduce the death benefit otherwise payable upon the death of any such member.

*Approved May 28, 1976.*

---

- Chap. 141.** AN ACT RELATIVE TO THE LICENSING OF INSURANCE AGENTS OR BROKERS.

*Be it enacted, etc., as follows:*

The first paragraph of section 174E of chapter 175 of the General Laws, as appearing in section 1 of chapter 718 of the acts of 1972, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- No such license as described in sections one hundred and sixty-three, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and seventy-two A. one hundred and seventy-three and one hundred and seventy-four shall be issued to any bank or any officer, agent, representative, or employee of any such bank, unless such bank held such license or licenses as described herein prior to October eleventh, nineteen hundred and seventy-two.

*Approved May 28, 1976.*

---

- Chap. 142.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF THE COUNTY OF DUKES COUNTY TO BORROW MONEY FOR CERTAIN REPAIRS AT THE COUNTY AIRPORT.

*Be it enacted, etc., as follows:*

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

SECTION 2. For the purposes of 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, thirty thousand dollars, and may issue notes of the county therefor, which shall bear on their face the words, Dukes County Airport Loan, Act of 1976. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than seven years from their dates. Such notes shall be signed by the treasurer of the county 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 28, 1976.*

---

**Chap. 143.** AN ACT FURTHER REGULATING THE TRAFFIC COMMISSION IN THE CITY OF WALTHAM.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 93 of the acts of 1965, as amended by chapter 177 of the acts of 1965, is hereby further amended by inserting after the word "wires", in line 5, the words:- and the mayor who shall serve as its chairman.

SECTION 2. Said chapter 93 is hereby further amended by striking out section 2 and inserting in place thereof the following section:-

*Section 2.* The commission may appoint a traffic engineer, whose appointment shall be subject to the confirmation of a majority of all members of the city council. The engineer shall serve at the pleasure of the commission. His duties shall include the coordination of all traffic control activities, including, but not limited to, the following:

- a) Traffic engineering analyses, traffic signal timing, traffic signs, and markings, intersection designs and other standard traffic engineering practices;
- b) Bus routing, schedules and bus stop locations;
- c) On-street and off-street parking, including related enforcement activities, particularly with regard to priority, timing and type of enforcement; and
- d) Pedestrian and bicycle safety.

SECTION 3. Said chapter 93 is hereby further amended by adding the following section:-

*Section 7.* All expenses incurred for the purpose of this act, shall be paid by the city. All statutes and ordinances applicable generally to the departments of the city shall apply to the

commission.

*Approved May 28, 1976.*

---

**Chap. 144.** AN ACT PROVIDING THAT BLIND PERSONS NEED NOT BE ACCOMPANIED BY GUIDES IN ORDER TO RECEIVE CERTAIN TRANSPORTATION FREE OF CHARGE.

*Be it enacted, etc., as follows:*

SECTION 1. Section 135 of chapter 6 of the General Laws, as amended by section 6 of chapter 1210 of the acts of 1973, is hereby further amended by adding the following sentence:- Any identification card issued by said commissioner providing that a blind person may receive free transportation shall not contain any statement requiring that the blind person shall be accompanied by a guide.

SECTION 2. Chapter 159 of the General Laws is hereby amended by striking out section 15, as most recently amended by section 13 of chapter 535 of the acts of 1966, and inserting in place thereof the following section:-

*Section 15.* Except as provided by section two hundred of chapter one hundred and sixty, no common carrier shall, directly or indirectly, issue or give any free service, free tickets, free pass or free transportation for passengers or property between points within the commonwealth; but this section shall not prohibit any railroad corporation or railway company from giving free or reduced rate service to policemen, letter carriers and firemen while in uniform or engaged in the discharge of their duties, or prohibit any common carrier from giving free or reduced rate service to its employees, or in cases of public emergency, or for such charitable purposes as may be approved by the department, nor prohibit any telephone or telegraph company, unless the department shall otherwise order, from giving service at reduced rates to the commonwealth or to any city or town; nor shall this section prohibit the commissioners of the department, its experts, inspectors and counsel from being transported over the railroads and the railways of the commonwealth free of charge while engaged in the performance of their duties; nor shall this section prohibit the giving by any such common carrier of free or reduced rate service to the classes defined and provided for in the act of congress entitled "An act to regulate commerce" and acts amendatory thereof, or to a blind person identified by a certification of registration under section one hundred and thirty-five of chapter six from the commission of the blind.

*Approved May 28, 1976.*

---

**Chap. 145.** AN ACT FURTHER REGULATING THE STORAGE OF RECORDS OF THE COMMONWEALTH NO LONGER NEEDED FOR CURRENT BUSINESS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 42 of chapter 30 of the General Laws, as most recently amended by chapter 1218 of the acts of 1973, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The board shall have power to require all departments of the commonwealth to report to it what series of records they hold, to set standards for the management and preservation of such records, and to establish schedules for the destruction, in whole, or in part, and transfer to the archives or another appropriate division within the office of the state secretary, in whole, or in part, of records no longer needed for current business.

SECTION 2 Said section 42 of said chapter 30 is hereby further amended by striking out the fifth paragraph and inserting in place thereof the following paragraph:-

Records may be kept in the archives or in another appropriate division within the office of the state secretary, under reasonable restrictions as to access, for a reasonable length of time; provided, that such restrictions are in writing and accepted by the records conservation board at a meeting at which the attorney general, or his designee, is present. At least thirty days before selling or destroying any records so kept in the archives or another appropriate division within the office of the state secretary, the board may publish in a daily newspaper in Boston a notice of its intention to do so, containing a brief description of the articles to be sold or destroyed, and it shall give such other and further notice as it deems advisable to historical societies or persons interested in the matter.

*Approved June 1, 1976.*

**Chap. 146.** AN ACT RELATIVE TO THE ANNUAL REPORT OF THE STATE SECRETARY.

*Be it enacted, etc., as follows:*

Chapter 9 of the General Laws is hereby amended by striking out section 17, as most recently amended by section 1 of chapter 31 of the acts of 1936, and inserting in place thereof the following section:-

SECTION 17. The state secretary shall, in addition to the special reports required by law, make an annual report describing the work of his department for the preceding fiscal year.

*Approved June 1, 1976.*

**Chap. 147.** AN ACT RELATIVE TO STATE HOUSE TOURS.

*Be it enacted, etc., as follows:*

Section 2 of chapter 9 of the General Laws is hereby amended by striking out the third sentence, inserted by chapter 714 of the acts of 1968, and by adding the following sentence:- The secretary shall provide for guided tours of the state house and for such purpose may employ such personnel as he may deem necessary.

*Approved June 1, 1976.*

---

**Chap. 148.** AN ACT DESIGNATING A CERTAIN SWIMMING POOL IN THE CITY OF WORCESTER AS THE WEBSTER SQUARE VETERANS MEMORIAL SWIMMING POOL.

*Be it enacted, etc., as follows:*

The swimming pool under the control of the department of environmental management located at Bennett Field in the city of Worcester shall be designated and known as the Webster Square Veterans Memorial swimming pool. A suitable marker bearing said designation shall be erected and maintained at said swimming pool by said department.

*Approved. June 1, 1976*

---

**Chap. 149.** AN ACT FURTHER REGULATING REPAIRS ON CERTAIN PRIVATE WAYS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 6G of chapter 40 of the General Laws, inserted by chapter 195 of the acts of 1958, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A city or town which makes such repairs under the provisions of this section shall not be liable for damage caused by such repairs to any greater extent than if such work were done on a public way.

SECTION 2. Section 6H of said chapter 40, inserted by chapter 319 of the acts of 1961, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A city or town which makes such repairs under the provisions of this section shall not be liable for damage caused by such repairs to any greater extent than if such work were done on a public way.

*Approved June 1, 1976.*

---

**Chap. 150.** AN ACT PERMITTING THE TRANSFER OF CERTAIN LAND TO THE UNITED STATES FOR NATIONAL CEMETERY PURPOSES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the transfer of certain land to the United States for cemetery 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. Notwithstanding those provisions of section two of chapter six hundred and sixty-five of the acts of nineteen hundred and fifty-five that require that properties transferred under the provisions of section one of said chapter shall revert to the commonwealth in the event that such properties cease to be used for the purposes for which transferred, the military reservation commission may transfer to the United States of America, for use by the Veterans Administration in establishing a national cemetery, a certain parcel of land situated in Barnstable county, being approximately seven hundred and fifty acres of land at Otis Air Force Base, by a deed containing the following reversionary clause:-

“This conveyance is made to the grantee upon the express condition that if the grantee shall cease to use the above-described premises for national cemetery purposes, or shall alienate, or attempt to alienate, such land, title thereto shall, at the option of the grantor, revert to the Commonwealth of Massachusetts, and exclusive jurisdiction thereover shall revert to said military reservation commission; provided, however, if permanent improvement or facilities are erected on the land, including but not limited to interment, memorial, administration, maintenance and visitor improvements or facilities, service roads, drainage and sprinkling systems, and grading and landscaping, this right of reverter will terminate immediately upon the expenditure of any funds appropriated for the construction of any such improvements or facilities with respect to the land so improved and such additional land as may be required by the grantee to protect the integrity of the area being developed, which land shall be described and set forth in a document to be prepared and recorded by the grantee for each phase of development of the said national cemetery.”

SECTION 2. The land to be transferred in accordance with section one is bounded and described as follows:

Commencing at the northwesterly corner of the parcel herein described at a Massachusetts Highway bound on the easterly sideline of State Highway No. 28, said bound being S 69° 08' 14" E two hundred seventy-seven (277.00) feet from Station 316 + 40.00 on the Main Base Line;

Thence N 45° 19' 17" E two hundred twenty-two and 85/100 (222.85) feet by the easterly sideline of said State Highway to a

Massachusetts Highway Bound;

Thence S  $80^{\circ} 30' 24''$  E one hundred seventy-five and  $68/100$  (175.68) feet by other land of the Commonwealth of Massachusetts to a concrete bound;

Thence S  $33^{\circ} 56' 19''$  E three-thousand five-hundred thirty (3530.00) feet to a concrete bound;

Thence by a line curving to the north whose radius is one thousand eighty-one and  $92/100$  (1081.92) feet a distance of six hundred twenty-three and  $86/100$  (623.86) feet to a concrete bound;

Thence S  $66^{\circ} 58' 37''$  E four thousand eight hundred fifty-eight and  $11/100$  (4858.11) feet to a concrete bound;

Thence S  $08^{\circ} 49' 22''$  W one thousand seven hundred twenty-five and  $98/100$  (1725.98) feet to a concrete bound;

Thence S  $17^{\circ} 39' 20''$  W five hundred eighty-nine and  $33/100$  (589.33) feet to a concrete bound;

Thence N  $87^{\circ} 39' 36''$  W one thousand sixty-six and  $86/100$  (1066.86) feet to a concrete bound;

Thence N  $77^{\circ} 03' 38''$  W two hundred eighty-seven and  $16/100$  (287.16) feet to a concrete bound;

Thence N  $57^{\circ} 29' 19''$  W two hundred fifteen and  $65/100$  (215.65) feet to a concrete bound;

Thence N  $43^{\circ} 07' 22''$  W two hundred eighteen and  $96/100$  (218.96) feet to a concrete bound;

Thence S  $43^{\circ} 26' 26''$  W fifty-six and  $97/100$  (56.97) feet to a concrete bound;

Thence by a line curving to the east whose radius is four hundred (400.00) feet a distance of three hundred forty-one and  $56/100$  (341.56) feet to a concrete bound;

Thence N  $02^{\circ} 21' 58''$  E two hundred fifty-one and  $82/100$  (251.82) feet to a concrete bound;

Thence by a line curving to the east whose radius is four hundred twenty-eight and  $66/100$  (428.66) feet a distance of eighty-six and  $62/100$  (86.62) feet to a concrete bound;

Thence N  $71^{\circ} 35' 06''$  W seven hundred eighty-one and  $83/100$  (781.83) feet to a concrete bound;

Thence S  $31^{\circ} 05' 49''$  W two hundred (200.00) feet to a concrete bound;

Thence N  $58^{\circ} 54' 11''$  W two hundred sixty-one and  $22/100$  (261.22) feet to a concrete bound;

Thence N  $47^{\circ} 47' 15''$  W two hundred fifty-five and  $82/100$  (255.82) feet to a concrete bound;

Thence N  $40^{\circ} 36' 38''$  W two hundred thirty and  $39/100$  (230.39) feet to a concrete bound;

Thence by a line curving to the south whose radius is eight hundred fifty and  $54/100$  (850.54) feet a distance of six hundred twelve and  $91/100$  (612.91) feet to a concrete bound;

Thence S 05° 57' 27" E one thousand nine hundred twelve and 06/100 (1912.06) feet to a concrete bound;

Thence N 76° 20' 34" W one thousand two-hundred ninety-seven and 20/100 (1297.20) feet to a concrete bound;

Thence S 89° 20' 53" W three hundred sixty-one and 86/100 (361.86) feet to a concrete bound;

Thence N 86° 20' 57" W eight hundred fifty and 11/100 (850.11) feet to a concrete bound;

Thence S 83° 00' 10" W one thousand two hundred sixty-eight and 26/100 (1268.26) feet to a concrete bound at land now or formerly of Elizabeth A. Morrissey; the last twenty-four (24) courses being by other land of the Commonwealth of Massachusetts;

Thence N 05° 22' 41" W four hundred fifty-eight and 65/100 (458.65) feet by land now or formerly of said Morrissey and land now or formerly of Robert S. Handy to a concrete bound;

Thence N 13° 46' 46" E three hundred seven and 32/100 (307.32) feet by land now or formerly of said Handy to a stone bound;

Thence N 14° 18' 30" E two hundred eighteen and 18/100 (218.18) feet by land now or formerly of said Handy and land now or formerly of Nelson J. Riggs to a stone bound;

Thence N 14° 30' 54" E one hundred nine and 44/100 (109.44) feet by land now or formerly of said Riggs to a stone bound;

Thence N 14° 11' 21" E three hundred eighty and 46/100 (380.46) feet by land now or formerly of said Riggs and land now or formerly of Hattie M. Irwin to a stone bound;

Thence N 14° 19' 50" E three hundred fifty and 20/100 (350.20) feet by land now or formerly of said Irwin and land now or formerly of John G. Lewis to a stone bound;

Thence N 14° 32' 37" E one hundred twenty-two and 69/100 (122.69) feet by land now or formerly of said Lewis to a concrete bound;

Thence N 69° 55' 28" W one thousand five hundred ninety-one and 14/100 (1591.14) feet by land now or formerly of said Lewis to a concrete bound on the easterly sideline of State Highway No. 28;

Thence by the easterly sideline of said highway being a line curving to the east whose radius is fifteen thousand three hundred seven and 63/100 (15,307.63) feet a distance of two thousand two hundred sixteen and 24/100 (2216.24) feet to a Massachusetts Highway Bound;

Thence by the easterly sideline of said highway N 20° 51' 46" E two thousand eight hundred forty-seven and 94/100 (2847.94) feet to the point of beginning.

Said parcel contains an area of 749.29 acres more or less and is more fully shown on Sheets 1 and 2 of plans entitled: "Boundary Survey for Federal Region I National Cemetery Otis Air Force

Base, Bourne, Massachusetts.”

*Approved June 2, 1976.*

---

**Chap. 151.** AN ACT PROVIDING FOR COMPENSATION TO CERTAIN SPECIAL JUSTICES WHO HAVE ELECTED TO BECOME FULL TIME SPECIAL JUSTICES.

*Be it enacted, etc., as follows:*

SECTION 1. Until the regular appropriation for a county has been made by the general court in the current year, the county treasurer of each such county shall pay from any available funds to special justices of the district courts who have elected to become full time special justices under the provision of section six A of chapter two hundred and eighteen of the General Laws the compensation provided for in said section six A.

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

*Approved June 2, 1976.*

---

**Chap. 152.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-SIX 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 chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-six 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.

Item	Legislature.
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..... \$1,666,000

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

*Approved June 3, 1976.*

**Chap. 153.** AN ACT RELATIVE TO THE MEMBERSHIP OF THE GLOUCESTER COMMUNITY PIER ASSOCIATION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide for a certain change in the membership of the Gloucester Community Pier Association effective July first of the current year, 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 311 of the acts of 1931 is hereby amended by striking out section 3, as most recently amended by section 1 of chapter 252 of the acts of 1954, and inserting in place thereof the following section:-

*Section 3.* No work authorized by section one shall be done unless prior to June first, nineteen hundred and thirty-seven, the city of Gloucester shall effect the transfer to the commonwealth of property authorized to be acquired by the preceding section, and shall agree to lay out, construct and maintain at its own expense a public way, suitable for heavy trucking, and extending from the site of the proposed pier to an existing public way which is a main artery of travel; nor unless prior to said date a corporation incorporated under the laws of the commonwealth, hereinafter called the lessee, the financial responsibility of which is satisfactory to the commissioner of corporations and taxation, shall execute a lease of said pier together with the buildings thereon, for a term beginning on the date of the completion by the department of the work authorized by section one and ending September thirtieth, nineteen hundred and forty-nine. Said lessee corporation, if not the city of Gloucester, shall be a corporation organized for the purpose of administering said pier and its facilities without profit and in such manner that said pier and its facilities shall be available, to the extent of their capacity, to fishermen, fish dealers and the fishing industry generally, subject to such reasonable regulations under the lease as the corporation may deem necessary or desirable for the purpose and to the right of the corporation from time to time to sublease or license the use of portions of such pier or its facilities, or structures on such pier, to persons engaged in the fishing industry or business incidental thereto in such manner as will, in the judgement of the corporation, best and most equitably promote the purposes of this chapter. The membership of the corporation shall consist of ten persons: nine of whom shall be appointed by the mayor of the city of Gloucester with the approval of its city council from residents of said city and one of whom shall be appointed by the governor. The member who is appointed by the governor shall be a nonvoting member.

Members of the corporation shall be qualified by training and experience to direct the corporation in the achievement of its objectives and shall not have interests adverse to those of the corporation or which will interfere with the fair, imparital, and prudent discharge of their duties as members. No person shall be a member if he, a member of his immediate family, a person or entity which is his partner, or a business organization or entity of which he is a principal, officer, director, trustee, partner, or shareholder or with which he has any employment or consulting arrangement, or in which he has any direct financial interest, has any lease or contract with the corporation. Subject to the foregoing, elected or appointed officials of the commonwealth or of the city shall be eligible for such membership. The corporation, organized as a public charitable corporation under the provisions of chapter one hundred and eighty of the General Laws, and as such, acting as trustee of a public charitable trust whereby certain functions governmental in their nature are undertaken and discharged shall, after July first, nineteen hundred and seventy-six, be subject to the requirements of sections twenty-three A through twenty-three B, inclusive, of chapter thirty-nine of the General Laws. Said corporation shall on or before January first of each year, file with the city clerk a financial report and said report shall be available for public inspection at reasonable times. The department of the state auditor shall make a careful audit of the corporation as often as said state auditor determines it necessary, but in no event less than once in every two years.

SECTION 2. Of the additional members initially appointed as members of the corporation under section three of chapter three hundred and eleven of the acts of nineteen hundred and thirty-one, as amended by section one of this act, three shall be appointed for a term expiring as of the date of the annual organizational meeting in nineteen hundred and seventy-nine, or until their successors are duly qualified and appointed, one of whom shall be the appointee of the governor and two of whom shall be appointees of the mayor of said city; one for a term expiring as of the date of the annual organizational meeting in nineteen hundred and seventy-eight, or until his successor is duly qualified and appointed and one for a term expiring as of the date of the annual organizational meeting in nineteen hundred and seventy-seven, or until his successor is duly qualified and appointed. The present members of said corporation shall continue to serve until the expiration of their terms. Upon expiration of the term of each member his successor shall be appointed for a term of three years.

SECTION 3. Notwithstanding any provision contained in this act or any other provision of law to the contrary, the lease existing by and between the commonwealth and the corporation referred

to in section one, as amended to the date hereof, is hereby ratified and affirmed.

SECTION 4. This act shall take effect of July first, nineteen hundred and seventy-six. *Approved June 3, 1976.*

**Chap. 154.** AN ACT FURTHER DEFINING THE PRACTICE OF ELECTROLYSIS.

*Be it enacted, etc., as follows:*

The definition of "Electrolysis" in section 87EEE of chapter 112 of the General Laws, as appearing in section 2 of chapter 625 of the acts of 1958, is hereby amended by striking out, in line 3, the word "needles" and inserting in place thereof the words:- any other instrument or device. *Approved June 4, 1976.*

**Chap. 155.** AN ACT PROVIDING FOR EMPLOYMENT OPPORTUNITIES FOR MENTAL HEALTH PATIENTS.

*Be it enacted, etc., as follows:*

SECTION 1. The second paragraph of section 24 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by striking out, in line 4, the word "and", the second time it appears,- and by inserting after the word "area", in line 6, the words:- ; and (f) employment opportunities for patients.

SECTION 2. The fourth paragraph of said section 24 of said chapter 19, as so appearing, is hereby amended by striking out, in line 5, the word "and", the first time it appears,- and by inserting after the word "area", in line 7, the words:- ; and (g) employment opportunities for patients. *Approved June 4, 1976.*

**Chap. 155** AN ACT FURTHER DEFINING THE TERM "VIETNAM VETERAN."

*Be it enacted, etc., as follows:*

Clause Forty-third of section 7 of chapter 4 of the General Laws is hereby amended by striking out the eighth paragraph, as most recently amended by section 1 of chapter 531 of the acts of 1968, and inserting in place thereof the following paragraph:-

"Vietnam veteran" shall mean (1) any person who performed such wartime service during the period commencing August fifth, nineteen hundred and sixty-four and ending on May seventh, nineteen hundred and seventy-five, both dates inclusive, or (2) any person who served at least one hundred and eighty days of active service in the armed forces of the United States during the period

between February first, nineteen hundred and fifty-five and August fourth, nineteen hundred and sixty-four, except that any such person who served in said armed forces during said period and was awarded a service-connected disability or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his failure to complete one hundred and eighty days of active service.

*Approved June 4, 1976.*

---

**Chap. 157.** AN ACT PERMITTING REDEVELOPMENT AUTHORITIES TO MAKE LOANS FOR THE REHABILITATION OF PROPERTIES OF MIXED RESIDENTIAL AND COMMERCIAL USE.

*Be it enacted, etc., as follows:*

SECTION 1. The second paragraph of section 59 of chapter 121B of the General Laws, as appearing in chapter 751 of the acts of 1969, is hereby amended by inserting after the word "area", in line 3, the words:- and structures of mixed residential and commercial use-, and by inserting after the word "dwellings", in line 10, the words:- and structures of mixed residential and commercial use.

SECTION 2. The third paragraph of said section 59 of said chapter 121B, as so appearing, is hereby amended by inserting after the word "dwellings" the words:- including structures of a mixed residential and commercial use.

SECTION 3. The fifth paragraph of section 59 of said chapter 121B, as so appearing, is hereby amended by inserting after the word "dwellings", in line 2, the words:- and structures of a mixed residential and commercial use.

*Approved June 4, 1976.*

---

**Chap. 158.** AN ACT PROVIDING FOR THE INSTALLATION OF EMERGENCY COMMUNICATION EQUIPMENT ON LIMITED ACCESS HIGHWAYS.

*Be it enacted, etc., as follows:*

The first paragraph of section 6 of chapter 859 of the acts of 1975 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 high-

ways, parkways, bridges, bicycle paths or facilities, parking facilities, scenic easements, grade crossing eliminations and alterations of other crossings, installation of emergency communications systems on limited access highways, 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.

*Approved June 4, 1976.*

**Chap. 159.** AN ACT AUTHORIZING THE CITY OF BOSTON TO PAY A SUM OF MONEY TO MONUMENT CONTRACTING CO., INC. AND AUTHORIZING SAID CITY TO AWARD CERTAIN CONTRACTS WITHOUT ADVERTISING FOR BIDS IF APPROVED BY THE LAW DEPARTMENT OF SAID CITY.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law, the city of Boston is hereby authorized to pay Monument Contracting Co., Inc., the sum of two hundred and twenty-eight thousand eight hundred and sixteen dollars for work done in connection with the construction of an ice skating rink at the Frog Pond on Boston Common in said city.

SECTION 2. Section 30 of chapter 486 of the acts of 1909, is hereby amended by striking out the last sentence, as appearing in section 2 of chapter 156 of the acts of 1939, and inserting in place thereof the following sentence:- No authority to dispense with advertising shall be given by the mayor unless the said officer, board or official furnishes him with a signed statement which shall be published in the City Record giving in detail the reasons for not inviting bids by advertisement nor unless the law department has given its approval to such award.

*OFFICE OF THE SECRETARY.*

*Boston, June 8, 1976.*

*I, Paul Guzzi, Secretary of the Commonwealth, hereby certify*

*that the foregoing act, having been duly enacted by the Senate and House of Representatives in concurrence, was laid before the Governor on the twenty-fifth day of May of the present year, and not having been by him approved during the term of ten days thereafter, the General Court not having adjourned during that time, has the force of a law under the authority of the Constitution of the Commonwealth.*

*Paul Guzzi  
Secretary of the Commonwealth.*

---

**Chap. 160.** AN ACT AUTHORIZING THE CITY OF TAUNTON TO PURCHASE CERTAIN LAND ON ELDERS POND IN THE TOWN OF LAKEVILLE AND TO ESTABLISH THEREON A WATER TREATMENT PLANT FOR THE WATER SUPPLY OF THE CITY OF TAUNTON.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of constructing and establishing a water treatment plant for the water supply system for the inhabitants of the city of Taunton and implementing the water supply of said city, said city through its board of water commissioners is hereby authorized to enter into an agreement with Alden C. Perry and Marian E. Perry to purchase from them the following described land for a sum not exceeding thirty thousand dollars. Said land is located in the town of Lakeville and is bounded and described as follows:

Northwesterly by Montgomery St. 482.42 feet.

Northerly by the Junction of said Montgomery St. and Precinct St. 95.33 feet.

Northeasterly by Precinct St. 725.33 feet.

Southeasterly 988.97 feet.

Southwesterly by land now or formerly of City of Taunton 380.99 feet.

Being the premises shown in Land Court Decree of Registration #29190. All said boundaries are determined by the said court to be located as shown on a plan drawn by Harry G. Norris, Civil Engineer, dated December 2, 1957 and October 30, 1969 as modified and approved by said court, filed in the Land Registration Office. So much of said land as lies within the limit of the way, approximately shown on said plan, is subject to the right of all those lawfully entitled thereto in and over the same.

SECTION 2. Upon the purchase of said land, the city of Taunton, through its board of water commissioners, is hereby authorized to acquire within the town of Lakeville by lease, purchase, gift, or devise and hold lands, rights of way and other easements necessary for putting into effect said contract or

agreement and construct, build, lay out pipelines, pumping stations or other facilities as may be necessary for the purpose of this act.

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

*Approved June 8, 1976.*

**Chap. 161.** AN ACT EXEMPTING THE OFFICE OF TOWN ACCOUNTANT IN THE TOWN OF SHREWSBURY FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

SECTION 1. The office of town accountant of the town of Shrewsbury 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 June 8, 1976.*

**Chap. 162.** AN ACT PROVIDING FOR THE ELECTION OF THE CITY AUDITOR IN THE CITY OF LOWELL.

*Be it enacted, etc., as follows:*

SECTION 1. The position of city auditor in the city of Lowell shall be subject to paragraph 4 of section eighteen of chapter forty-three of the General Laws.

SECTION 2. Chapter one hundred and seventy-eight of the acts of nineteen hundred and thirty-eight and chapter three hundred and seventy-one of the acts of nineteen hundred and forty-three are hereby repealed.

*Approved June 8, 1976.*

**Chap. 163.** AN ACT FURTHER REGULATING THE DISPOSITION OF FEES CHARGED FOR CERTIFICATES OF LIEN BY TAX COLLECTORS FOR TOWNS WITH FEWER THAN FIVE THOUSAND INHABITANTS.

*Be it enacted, etc., as follows:*

Section 23 of chapter 60 of the General Laws is hereby amended by inserting after the fourth sentence the following sentence:- The collector of taxes for any town having fewer than five thousand inhabitants as determined by the last preceding national or state census may, if permitted by local by-law, keep such certificate fee for his personal services.

*Approved June 8, 1976.*

**Chap. 164.** AN ACT AUTHORIZING THE COUNTY TREASURER OF BARNSTABLE COUNTY TO PAY A SUM OF MONEY TO GRACE HARDING JOHNSON.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of any general or special law to the contrary, the county treasurer of Barnstable county is hereby authorized, subject to appropriation, to pay to Grace Harding Johnson the sum of three hundred and fifty-three dollars for medical expenses incurred by her due to a fall on the premises of the Barnstable superior court in the year nineteen hundred and seventy-five.

*Approved June 8, 1976.*

---

**Chap. 165.** AN ACT RELATIVE TO LIMITATIONS ON INVESTMENTS BY CO-OPERATIVE BANKS 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 amended by chapter 78 of the acts of 1975, 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 shall be invested by such corporation in debentures, convertible debentures, notes or other evidences of indebtedness of any one banking corporation; provided, however, that such corporation may invest an additional two per cent of its assets in such evidences of indebtedness commonly known as federal funds.

*Approved June 8, 1976.*

---

**Chap. 166.** AN ACT DESIGNATING A CERTAIN RECREATION SITE TO BE CONSTRUCTED IN THE CITY OF REVERE AS THE ELIZABETH A. DORIS MEMORIAL PARK.

*Be it enacted, etc., as follows:*

The recreation site to be constructed in the city of Revere by the metropolitan district commission under authority of chapter eight hundred and forty-one of the acts of nineteen hundred and seventy-five shall, upon completion, be known and designated as the Elizabeth A. Doris Memorial park, in memory of Elizabeth A. Doris, a former resident of the city of Revere and a past president of the Gold Star Mothers, who was actively engaged in their interests. A suitable marker bearing said designation shall be

erected and maintained at said park by said commission.

*Approved June 9, 1976.*

**Chap. 167.** AN ACT AUTHORIZING THE TOWN OF AMESBURY TO EXTEND THE TIME FOR BORROWING A CERTAIN SUM OF MONEY IN ANTICIPATION OF FEDERAL GRANTS FOR THE CONSTRUCTION OF A SEWERAGE TREATMENT PLANT.

*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 Amesbury, with the approval of the board of selectmen of said town, is hereby authorized to renew Federal Aid Anticipation Notes of said town in the amount of one hundred and fifty-five thousand dollars, payable in not more than one year from their dates, in order to pay the Federal Aid Anticipation Notes of said town dated June twenty-eighth, nineteen hundred and seventy-four, in the amount of one hundred and twenty thousand dollars and which was most recently renewed on February twenty-fifth, nineteen hundred and seventy-six and payable on June twenty-second, nineteen hundred and seventy-six and the Federal Aid Anticipation Note of said town dated August first, nineteen hundred and seventy-four in the amount of thirty-five thousand dollars and which was most recently renewed on February twenty-fifth, nineteen hundred and seventy-six and payable on June twenty-second, 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 June 9, 1976.*

**Chap. 168.** AN ACT FURTHER REGULATING MERGERS AND CONSOLIDATIONS OF CO-OPERATIVE BANKS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 12 of chapter 170 of the General Laws is hereby amended by striking out the second paragraph, added by section 2 of chapter 157 of the acts of 1967, and inserting in place thereof the following paragraph:-

The offices of any co-operative bank consolidated or merged under section forty-eight or all or substantially all of the assets and liabilities of which have been acquired under section forty-seven

may be maintained as branch offices of such other co-operative bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner; provided that the main office of such co-operative bank either is situated within the county wherein the main office of such other co-operative bank is located, or is situated within fifteen miles of the premises of the main office of such other co-operative bank. No co-operative bank shall be given permission pursuant to this section more than once in any one calendar year either to acquire and maintain offices of another co-operative bank whose main office is located outside of the county wherein the main office of such co-operative bank is located, or to establish a branch office outside of the county wherein its main office is located.

SECTION 2. The first paragraph of section 48 of said chapter 170, as amended by section 16 of chapter 1149 of the acts of 1973 is hereby further amended by inserting after the first sentence the following sentence:- If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is approved by the board of directors of the last consolidating corporation so to approve.

*Approved June 9, 1976.*

**Chap. 169.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven.

BERKSHIRE COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$83,480 00

Item	<u>Subtotal</u>	<u>Total</u>
3. For county commissioners, salaries and expenses .....		\$52,534 52
1. Personal services.....	\$35,291 52	
2. Contractual services.....	15,668 00	
3. Supplies and materials.....	1,025 00	
4. Current charges and obligations.....	550 00	
4. For transportation and expenses of county and acting commissioners.....		500 00
5. For clerk of courts, salaries and expenses.....		87,423 50
1. Personal services.....	74,639 50	
2. Contractual services.....	2,825 00	
3. Supplies and materials.....	7,650 00	
4. Current charges and obligations.....	689 00	
5. Equipment.....	1,620 00	
6. For county treasurer, salaries and expenses .....		57,976 30
1. Personal services.....	49,863 30	
2. Contractual services.....	6,115 00	
3. Supplies and materials.....	1,400 00	
4. Current charges and obligations.....	598 00	
7. For sheriff, salary and expenses.....		17, 688 00
1. Personal services.....	16,638 00	
2. Contractual services.....	950 00	
4. Current charges and obligations.....	100 00	
8. For registry of deeds, salaries and expenses .....		
Northern District.....		71,017 20
1. Personal services.....	61,167 20	
2. Contractual services.....	5,225 00	
3. Supplies and materials.....	2,700 00	
4. Current charges and obligations.....	1,225 00	
5. Equipment.....	700 00	
Middle District.....		110,207 65
1. Personal services.....	94,722 65	
2. Contractual services.....	7,425 00	
3. Supplies and materials.....	7,060 00	
4. Current charges and obligations.....	200 00	
5. Equipment.....	800 00	
Southern District.....		34,313 60
1. Personal services.....	27,828 60	
2. Contractual services.....	3,600 00	
3. Supplies and materials.....	1,600 00	
4. Current charges and obligations.....	55 00	
5. Equipment.....	1,230 00	
8a. For registry of probate, salaries and expenses .....		10,100 00
2. Contractual services.....	5,300 00	
3. Supplies and materials.....	2,900 00	
4. Current charges and obligations.....	1,000 00	

Item	Subtotal	Total
5. Equipment .....	\$900 00	
9. For law library, salaries and expenses .....		25,252 25
1. Personal services .....	10,629 25	
2. Contractual services .....	1,123 00	
3. Supplies and materials .....	500 00	
4. Current charges and obligations .....	13,000 00	
10. For highways, including state highways, bridges and land damages .....		129,409 52
1. Personal services .....	116,134 52	
2. Contractual services .....	5,250 00	
3. Supplies and materials .....	5,325 00	
4. Current charges and obligations .....	2,100 00	
5. Equipment .....	600 00	
12. For superior court costs .....		503,288 54
1. Personal services .....	118,908 54	
2. Contractual services .....	374,500 00	
3. Supplies and materials .....	6,000 00	
4. Current charges and obligations .....	2,400 00	
5. Equipment .....	1,480 00	
13. For civil expenses in probate court .....		12,650 00
1. Personal services .....	5,000 00	
2. Contractual services .....	7,650 00	
14. For district courts, salaries and expenses .....		
District Court of Northern Berkshire .....		82,082 20
1. Personal services .....	69,393 20	
2. Contractual services .....	3,275 00	
3. Supplies and materials .....	6,950 00	
4. Current charges and obligations .....	1,864 00	
5. Equipment .....	600 00	
District Court of Central Berkshire .....		279,475 46
1. Personal services .....	250,225 46	
2. Contractual services .....	20,325 00	
3. Supplies and materials .....	6,085 00	
4. Current charges and obligations .....	1,374 00	
5. Equipment .....	1,466 00	
District Court of Southern Berkshire .....		56,561 69
1. Personal services .....	50,532 09	
2. Contractual services .....	3,530 00	
3. Supplies and materials .....	1,340 00	
4. Current charges and materials .....	959 60	
5. Equipment .....	200 00	
Fourth District Court of Berkshire .....		81,172 80
1. Personal services .....	72,732 80	
2. Contractual services .....	3,900 00	
3. Supplies and materials .....	2,475 00	
4. Current charges and obligations .....	1,115 00	
5. Equipment .....	950 00	

	<u>Subtotal</u>	<u>Total</u>
District Court of Lee.....		\$93,659 80
1. Personal services.....	\$82,839 80	
2. Contractual services.....	2,750 00	
3. Supplies and materials.....	4,700 00	
4. Current charges and obligations.....	3,370 00	
District Court of Williamstown.....		51,586 15
1. Personal services.....	44,590 15	
2. Contractual services.....	1,025 00	
3. Supplies and materials.....	3,150 00	
4. Current charges and obligations.....	2,821 00	
District Court - Juvenile Division.....		76,049 90
1. Personal services.....	67,824 90	
2. Contractual services.....	7,300 00	
3. Supplies and materials.....	800 00	
4. Current charges and obligations.....	125 00	
15. For medical examiners and commitments of insane.....		32,000 00
16. For jail and house of corrections, maintenance and operation.....		514,855 48
1. Personal services.....	379,280 48	
2. Contractual services.....	28,375 00	
3. Supplies and materials.....	98,825 00	
4. Current charges and obligations.....	3,675 00	
5. Equipment.....	4,700 00	
18. For court houses and registry buildings, maintenance and operation.....		125,007 38
1. Personal services.....	56,277 38	
2. Contractual services.....	60,000 00	
3. Supplies and materials.....	5,680 00	
4. Current charges and obligations.....	450 00	
5. Equipment.....	2,600 00	
20. For agricultural school or county cooperative extension service.....		114,797 82
1. Personal services.....	91,032 82	
2. Contractual services.....	11,875 00	
3. Supplies and materials.....	3,900 00	
4. Current charges and obligations.....	6,980 00	
5. Equipment.....	1,010 00	
23a. For tuberculosis clinic.....		70,747 97
23c. For mental health association.....		20,000 00
24. For noncontributory pensions.....		22,079 98
25. For contributory retirement system and supervisory expenses.....		229,838 04
26. For miscellaneous and contingent expenses.....		47,498 00

Item	<u>Subtotal</u>	<u>Total</u>
28. For reserve fund.....		\$50,000 00
28d. For reserve for counsel for indigent defendants .....		24,000 00
28e. For reserve for children's services.....		2,000 00
28f. For reserve fund.....		43,398 00
29. For advertising recreational, industrial and agricultural advantages of the county.....		60,000 00
31. For radio system for fire protection.....		7,197 53
31a. For radio system for police protection.....		10,069 13
32. For forest development.....		3,699 04
33. For police training.....		1,500 00
35. For industrial development commission.....		67,765 85
36. For Dutch elm disease.....		5,000 00
37. For human services.....		74,501 00
39. For group insurance.....		85,000 00
45. For community action council.....		20,000 00
47. For county consumer advocates.....		3,276 00
Total amount of appropriations.....		\$3,550,660 30
Less estimated amount available for reduction of county tax.....		<u>263,059 30</u>
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.....		\$3,287,601 00

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.....	\$160,000 00

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

*Approved June 10, 1976.*

**Chap. 170.** AN ACT FURTHER REGULATING MERGERS, CONSOLIDATIONS AND PURCHASES OF ASSETS OF SAVINGS BANKS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 5 of chapter 168 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 1 of chapter 1 of the acts of 1957, and inserting in place thereof the following paragraph:-

The offices and depots of any savings bank consolidated or merged under section seventy-two or all or substantially all of the assets and liabilities of which have been acquired and assumed by another savings bank under section seventy-three, may be maintained as branch offices or depots, respectively, of such other savings bank, with the written permission of and under such conditions, if any, as may be approved by the commissioner, provided that the main office of such savings bank either is situated within the county wherein the main office of such other savings bank is located or is situated within fifteen miles of the premises of the main office of such other savings bank. No savings bank shall be given permission pursuant to this section more than once in any one calendar year either to acquire and maintain offices of another savings bank whose main office is located outside of the county wherein the main office of such savings bank is located, or to establish a branch office outside of the county wherein its main office is located.

SECTION 2. Section 72 of said chapter 168, as most recently amended by section 9 of chapter 1149 of the acts of 1973, is hereby further amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Any two or more such corporations may merge or consolidate into a single corporation upon such terms as shall have been approved by vote of at least two-thirds of the board of trustees of each corporation and as shall have been approved in writing by the commissioner. A request for such approval by the commissioner shall be accompanied by an investigation fee of one thousand dollars. If the commissioner is satisfied that a merger or consolidation of a savings bank proposing liquidation, as provided in section seventy-one, can be effected, upon terms approved by him, with another savings bank and if he finds that such merger or consolidation is in the interests of depositors of the savings banks concerned, such merger or consolidation may be effected on such terms and subject to the direction of the commissioner. If the consolidating corporations have main offices in different counties, the main office of the continuing corporation shall be the main office of that consolidating corporation which has the greater total assets on the date on which the merger or consolidation is

approved by the board of trustees of the last consolidating corporation so to approve. Before becoming effective, any merger or consolidation authorized by this section, hereinafter sometimes referred to as a "consolidation", shall have been approved by a vote of at least two-thirds of the corporators of each of the consolidating corporations at meetings specially called to consider the subject. Notice of each such meeting shall be given by the clerk in accordance with the provisions of section nine. A certificate under the hands of the presidents and clerks or other duly authorized officers of the consolidating corporations, setting forth that each such corporation, respectively, has complied with all the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. Upon consolidation of any such corporations, as herein provided:-.

SECTION 3. Section 73 of said chapter 168 is hereby amended by striking out the first sentence, as most recently amended by section 18 of chapter 493 of the acts of 1961, and inserting in place thereof the following sentence:- with the approval of the commissioner any such corporation may advance or loan upon, or purchase, the whole or any part of the assets of any other such corporation including savings banks in possession of the commissioner under sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven, and savings banks assisted by or in possession of the Mutual Savings Central Fund, Inc. and may participate in such an advance, loan or purchase with one or more savings banks or trust companies so located.

*Approved June 10, 1976.*

---

**Chap. 171.** AN ACT REVIVING AND EXTENDING THE ELIGIBLE LIST FOR THE POSITION OF SUPERVISING INSPECTOR WITH POWER TO HOLD HEARINGS.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the eligible list established October nineteenth, nineteen hundred and seventy-three, for the position of supervising inspector with power to hold hearings, which expired on October nineteenth, nineteen hundred and seventy-five, is hereby revived and extended until December thirty-first, nineteen hundred and seventy-six.

*Approved June 10, 1976.*

---

**Chap. 172.** AN ACT FURTHER REGULATING THE USE OF STATE-OWNED MOTOR VEHICLES.

*Be it enacted, etc., as follows:*

The first paragraph of section 36 of chapter 30 of the General Laws, as appearing in section 14 of chapter 1230 of the acts of 1973, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- No such vehicle shall be used for providing transportation for state officers and employees between their domiciles and places of employment nor shall any expense be incurred for the garaging of such vehicles except with the prior written approval of the officer having charge of the agency operating such vehicle, and, in the case of a department, office, commission, or institution within any of the executive offices established by chapters six A and seven upon the prior written approval of the secretary having charge of such executive office, and in accordance with such regulations; provided, however, that the commissioner of administration may issue rules and regulations governing the use of such motor vehicles for emergency purposes.

*Approved June 10, 1976.*

**Chap. 173.** AN ACT AUTHORIZING THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE TO CHARGE AND COLLECT FEES FOR ADMISSION OF THE PUBLIC TO ITS MUSEUM OF COMPARATIVE ZOOLOGY.

*Be it enacted, etc., as follows:*

SECTION 1. The President and Fellows of Harvard College, as successor pursuant to section one of chapter forty-four of the acts of eighteen hundred and seventy-six to the property and to the trusts of Trustees of the Museum of Comparative Zoology, incorporated under section one of chapter two hundred and eight of the acts of eighteen hundred and fifty-nine, is hereby authorized and empowered in its discretion to charge and collect such fees for admission of members of the public to such of the exhibits, the library and other facilities of the Museum of Comparative Zoology at such times and under such regulations as said President and Fellows of Harvard College may from time to time determine to be reasonable for enjoyment of the museum by the public and to be consistent with the scientific and educational purposes of the museum.

SECTION 2. Section 4 of chapter 208 of the acts of 1859 is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The Museum belonging to said trustee shall, at all reasonable times and under reasonable regulations, be kept open to the public.

*Approved June 11, 1976.*

**Chap. 174.** AN ACT AUTHORIZING THE SANDWICH WATER DISTRICT TO BORROW MONEY FOR ADDITIONAL WATER MAINS AND OTHER EQUIPMENT.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of constructing additional wells, pumphouses with equipment, standpipe, booster pumps and water mains of not less than six inches in diameter, the Sandwich water district may borrow, from time to time within five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, two million two hundred and fifty thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Sandwich Water District Loan, Act of 1976. 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 within the limits of the amount prescribed by section eight of chapter forty-four of the General Laws, and, except as otherwise provided herein, shall be subject to the provisions of said chapter forty-four. Any bonds or notes authorized by the Sandwich water district for the purposes of this act at its special meeting held on April nineteenth in the current year may be issued hereunder notwithstanding the fact that this act became effective after the posting of the warrant for said meeting.

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

*Approved June 18, 1976.*

---

**Chap. 175.** AN ACT AUTHORIZING THE TREASURER OF THE TOWN OF BRAINTREE TO PAY THE COST OF AN ORIGINAL SUPPLY OF FUEL FOR A NEW GENERATING UNIT.

*Be it enacted, etc., as follows:*

SECTION 1. The treasurer of the town of Braintree is hereby authorized to pay the cost of an original supply of fuel for the electric generating unit being constructed by the town of Braintree, known as Potter No. 2, from the depreciation fund and allowance for depreciation established under section fifty-seven of chapter one hundred and sixty-four of the General Laws and the incurring of indebtedness for said unit and related facilities shall not be subject to the limitation contained in said section fifty-seven.

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

*Approved June 18, 1976.*

---

**Chap. 176.** AN ACT PROVIDING FOR PAYMENTS INTO THE GENERAL INSURANCE GUARANTY FUND FOR CLAIMS RELATING TO UNIFICATION OF MORTALITY.

*Be it enacted, etc., as follows:*

Chapter 178 of the General Laws is hereby amended by inserting after section 15 the following section:-

**Section 15A.** The trustees of the General Insurance Guaranty Fund may make advance payments to any savings and insurance bank which has incurred claims which, based on reasonable mortality and disability assumptions, will require payments by the General Insurance Guaranty Fund to such bank on account of unification of mortality as provided in section fifteen, and any such advance payment with interest thereon at a rate fixed by the said trustees shall be set forth in the certificate issued to such bank and the amount payable or receivable thereunder shall be adjusted accordingly.

*Approved June 18, 1976.*

**Chap. 177.** AN ACT DIRECTING THE EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND LOCATED IN THE TOWN OF AGAWAM TO JOHN LIQUORI OF SAID TOWN.

*Be it enacted, etc., as follows:*

The executive office of environmental affairs, in the name and on behalf of the commonwealth, is hereby authorized and directed to sell and convey to John Liquori of the town of Agawam, a certain parcel of land in consideration of the fair market value of said land as determined by the commissioner of administration. Said parcel of land being bounded and described as follows:-

Beginning at an iron pin on the Southerly line of North Street at the Northeast corner of land of Vivian Lane and at the Northwest corner of the land herein described; thence running

South 49 degrees 15' 08" East, a distance of fifty-eight and seventy-one hundredths (58.71) feet along the Southerly line of North Street to a point; thence running South 39 degrees 11' 02" East, a distance of seventy-five and eight one hundredths (75.08) feet along land of the Commonwealth of Massachusetts to an iron pin; thence running

South 07 degrees 53' 50" East, a distance of sixty-one and six one hundredths (61.06) feet to a point, the last (2) courses being along land of Oliver Moore; thence running

Along an arc of radius five thousand six hundred thirty-four and sixty-five one hundredths (5634.65) feet, length eight hundred eighty-two and seventy-eight one hundredths (882.78) feet, and chord bearing South 37 degrees 00' 34" West to a point; thence running

South 39 degrees 46' 25" West, a distance of three hundred eighty-eight (388) feet thence running

Along an arc of radius five thousand six hundred ninety-six and sixty-five one hundredths (5696.65) feet, length two hundred seventy-six and ten one hundredths (276.10) feet and chord bearing South 27 degrees 15' 30'' West to a point at land of the Mardi Construction Inc., the last three (3) courses being along land of Salvatore Impoco; thence running

North 87 degrees 30' 00'' West, a distance of eighty-seven and fifty-six one hundredths (87.56) feet along land of Mardi Construction Inc. to an iron pin; thence running

Along an arc of radius five hundred seventy-seven and fifteen one hundredths (577.15) feet, length seven hundred five and thirty-six one hundredths (705.36) feet and chord bearing North 29 degrees 11' 17'' East to an iron pin; thence running

North 57 degrees 28' 46'' West, a distance of ten (10.00) feet to an iron pin; thence running

Along an arc of radius five thousand seven hundred eighty-seven and fifteen one hundredths (5787.15) feet, length seven hundred sixteen and ninety-seven one hundredths (716.97) feet and chord bearing North 36 degrees 04' 13'' East to an iron pin; thence running

North 39 degrees 37' 10'' East, a distance of three hundred twenty-seven and ten one hundredths (327.10) feet to an iron pin; thence running

North 07 degrees 53' 50'' West, a distance of ten and eighty-five one hundredths (10.85) feet to a point, the last five (5) courses being along land of the Turner's Falls Power and Electric Company; thence running

North 39 degrees 37' 10'' East, a distance of three hundred six and forty-nine one hundredths (306.49) feet along land of Vivian Lane to an iron pin at the place of beginning.

*Approved June 18, 1976.*

**Chap. 178.** AN ACT ALLOWING CERTAIN NONRESIDENTS OF THE COMMONWEALTH TO BE ISSUED COMPLIMENTARY HUNTING AND FISHING LICENSES.

*Be it enacted, etc., as follows:*

The third paragraph of section 11 of chapter 131 of the General Laws, as amended by chapter 206 of the acts of 1973, is hereby further amended by adding the following two sentences:- The director or any person duly authorized under the provisions of section twelve, may issue at no fee nonresident hunting and fishing licenses to a nonresident citizen who is a paraplegic; provided, that said nonresident shows sufficient evidence to the issuing agent that he or she is so afflicted; and provided, further, that the state in which said nonresident is a resident provides a reciprocal privilege

to residents of this commonwealth who are similarly afflicted. The director is hereby authorized to issue such licenses in such form as he may prescribe.

*Approved June 18, 1976.*

**Chap. 179.** AN ACT RELATIVE TO INVESTMENTS IN CERTAIN COMMON TRUST FUNDS BY NATIONAL BANKING ASSOCIATIONS AND FOREIGN CORPORATIONS ACTING AS FIDUCIARY.

*Be it enacted, etc., as follows:*

Chapter 203A of the General Laws is hereby amended by inserting after section 1, as appearing in section 1 of chapter 417 of the acts of 1969, the following section:-

*Section 1A.* Any national banking association or foreign corporation either alone or in conjunction with one or more other persons acting with it in a fiduciary capacity having qualified as fiduciary in this state pursuant to the provisions of section forty-five A of chapter one hundred and sixty-seven, may invest any funds held by it as such fiduciary in any common trust fund which it maintains according to the laws of the state where its principal place of business is located, provided the instrument, judgment, decree or order creating such fiduciary relationship, does not specifically or otherwise prohibit such investment.

*Approved June 18, 1976.*

**Chap. 180.** AN ACT RELATIVE TO THE QUALIFICATIONS OF DIRECTORS OF TRUST COMPANIES.

*Be it enacted, etc., as follows:*

Section 13 of chapter 172 of the General Laws is hereby amended by striking out the second paragraph, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following paragraph:-

Each director shall own, in his own right and free of any lien or encumbrance, common stock, either of such corporation or of a company owning one hundred per cent of the stock of such corporation pursuant to an acquisition under section four A of chapter one hundred and sixty-seven A, having a par value of not less than one thousand dollars. Any director who ceases to be the owner of the required number of shares of stock, or who becomes in any other manner disqualified, shall vacate his office forthwith. Each director, when appointed or elected, shall take an oath that he will faithfully perform the duties of his office and that he is the owner, in his own right and free of any lien or encumbrance, of the

amount of stock required by this section. The oath shall be taken before a notary public or justice of the peace, who is not an officer of such corporation, and a record of the oath shall be made a part of the records of such corporation.

*Approved June 18, 1976.*

---

**Chap. 181.** AN ACT INCREASING THE TIME WITHIN WHICH CERTAIN TEMPORARY LICENSES ISSUED BY THE DEPARTMENT OF PUBLIC UTILITIES SHALL BE VALID.

*Be it enacted, etc., as follows:*

Section 5 of chapter 159A 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:- All temporary licenses issued under the provisions of this section shall be limited to such period as the department shall specify, not exceeding one hundred and twenty days.

*Approved June 18, 1976.*

---

**Chap. 182.** AN ACT RELATIVE TO THE OPERATION OF STERLING CAMP-MEETING ASSOCIATION AND THE APPOINTMENT OF TRUSTEES OF SAID CORPORATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section 2 of chapter 117 of the acts of 1856, as most recently amended by section 1 of chapter 330 of the acts of 1965, is hereby further amended by striking out the last two sentences.

SECTION 2. Said chapter 117 is hereby further amended by striking out section 3, as most recently amended by section 2 of said chapter 330, and inserting in place thereof the following section:-

*Section 3.* There shall be eleven trustees of said corporation. Each of the trustees shall be over the age of eighteen years. Six trustees shall constitute a quorum for the transaction of business. Trustees shall be elected at the annual meeting of said corporation's Board of Control for a term of five years, with two trustees being elected annually. All vacancies among the trustees that may occur by reason of death or otherwise shall be filled by said Board of Control at the annual meeting of the Association, or during the interval between annual meetings, by the trustees, subject to the approval of said Board of Control at the next annual meeting subsequent to the appointment.

*Approved June 18, 1976.*

**Chap. 183.** AN ACT PROVIDING THAT THE POSITIONS OF JANITOR AND CUSTODIAN FOR THE TOWN OF WESTWOOD BE EXEMPT FROM THE CIVIL SERVICE LAW AND RULES.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any provision of law to the contrary, the positions of janitor and custodian for the town of Westwood shall be exempt from the provisions of chapter thirty-one of the General Laws.

SECTION 2. The provisions of section one of this act shall not impair the civil service status of any member of the janitorial or custodial 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 Westwood 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-six, entitled 'An Act providing that the positions of janitor and custodian for the town of Westwood be exempt from civil service law and rules', 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 18, 1976.*

**Chap. 184.** AN ACT EXEMPTING ELLIOT BAKER FROM THE AGE REQUIREMENT OF CIVIL SERVICE EXAMINATION FOR A PERMANENT CORRECTION OFFICER.

*Be it enacted, etc., as follows:*

The division of personnel administration shall certify Elliot Baker as a permanent correction officer in the department of correction, according to the grade he received in the examination for said position held on November seventeenth, nineteen hundred and seventy-three, notwithstanding the fact that he had attained the maximum age for said position, provided that he fulfills all other requirements for certification of a permanent correction officer.

*Approved June 18, 1976.*

**Chap. 185.** AN ACT AUTHORIZING THE CITY OF TAUNTON TO INDEMNIFY WALTER M. CIAGLO, A MEMBER OF THE POLICE DEPARTMENT OF SAID CITY, FOR CERTAIN EXPENSES INCURRED BY HIM.

*Be it enacted, etc., as follows:*

For the purpose of promoting the public good, the city of Taunton may appropriate and pay to Walter M. Ciaglo, a member of the police department of said city, the sum of one hundred and thirty-seven dollars and thirty-five cents for the purpose of indemnifying him for certain medical expenses incurred and necessitated because of injuries received by him during the course of his duty as such police officer.

*Approved June 18, 1976.*

---

**Chap. 186.** AN ACT RELATIVE TO INVESTMENTS BY SAVING BANKS.  
*Be it enacted, etc., as follows:*

SECTION 1. Clause (a) of paragraph 6 of section 49 of chapter 168 of the General Laws, as most recently amended by section 1 of chapter 165 of the acts of 1973, is hereby further amended by inserting after the word "investment", in line 8, the words:- or in the case of those banking corporations engaged in the exchange of federal funds, a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies equal to at least seven million dollars and total assets of fifty million dollars and also equal to at least six per cent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment.

SECTION 2. Clause (i) of paragraph (e) of subsection 4A of section 26 of chapter 170 of the General Laws, as most recently amended by section 2 of said chapter 165, is hereby further amended by inserting after the word "investment", in line 10, the words:- or in the case of those banking corporations engaged in the exchange of federal funds, a combined total of capital stock, surplus, undivided profits, capital debentures and reserves for contingencies, equal to at least seven million dollars and total assets of fifty million dollars and also equal to at least six percent of its aggregate deposit liability at the end of the calendar year immediately preceding the date of investment.

*Approved June 18, 1976.*

---

**Chap. 187.** AN ACT PROVIDING THAT MEMBERS OF THE POLICE DEPARTMENT, INCLUDING THE POLICE CHIEF, OF THE TOWN OF BELLINGHAM BE EXEMPT 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 including police chief, of

the town of Bellingham 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 member of the police department holding permanently 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-six, entitled 'An Act providing that members of the police department, including the police chief, of the town of Bellingham be exempt 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 June 18, 1976.*

---

**Chap. 188.** AN ACT AUTHORIZING THE TOWN OF NORTH READING TO GRANT TO NEW ENGLAND POWER COMPANY CERTAIN EASEMENTS OVER, ACROSS AND UPON CERTAIN PARK LAND IN SAID TOWN FOR THE TRANSMISSION OF ELECTRIC POWER.

*Be it enacted, etc., as follows:*

The town of North Reading is hereby authorized to grant to New England Power Company, an electric company organized and existing under the laws of the commonwealth, an easement for the construction, maintenance and operation of towers, poles and wires for the transmission of electricity over, across and upon the two following described parcels of land in the town of North Reading held by it for conservation purposes and land held by it for sanitary land fill purposes:

Parcel 1. A strip of land 250 feet in width which was taken by the Town of North Reading for conservation purposes and sanitary land fill purposes under an instrument of taking dated December twelfth, nineteen hundred and sixty-eight, and recorded with the wouthern district registry of deeds in Middlesex county in Book 11626, Page 364. Said strip to commence at land now or formerly of Gary E. Slade and land now or formerly of Alvin W. Scott and extend to other land of the Town of North Reading and land now or formerly of Daniel J. and Josephine M. Doherty, crossing the intervening Ipswich River and is located as is shown on a plan entitled: "Plan of Land in North Reading, Mass. Scale 100 feet to an inch - July 8, 1968 Robert E. Anderson Inc. Reg.

Professional Engineers Reg. land Surveyors, 178 Park Street, North Reading, Mass.”, recorded with said southern district registry of deeds at the end of Book 11646.

Parcel 2. A more or less triangular shaped parcel of land which contains 2800 square feet of land, more or less, and is bounded and described as follows:

Beginning at a point at land of the Town of Reading on the Reading - North Reading Town line;

thence running in a general westerly direction by said land of the Town of Reading by said Reading-North Reading Town line, 120 feet, more or less, to a point at other land of the Town of North Reading;

thence turning and running in a general northerly direction by said other land of the Town of North Reading, 140 feet, more or less, to a point at other land of the Town of North Reading held by it for conservation purposes;

thence turning and running in a general southeasterly direction by said other land of the Town of North Reading held by it for conservation purposes, 140 feet, more or less, to the point of beginning.

The deed granting said easements shall be in such form and on such terms as the selectmen of said town may approve and deem proper.

*Approved June 18, 1976.*

---

**Chap. 189.** AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR CLOSING A LANDFILL AREA OR OPENING A NEW LANDFILL AREA.

*Be it enacted, etc., as follows:*

Section 7 of chapter 44 of the General Laws is hereby amended by adding after clause (23), added by chapter 11 of the acts of 1976, the following clause:-

(24) For the purpose of closing out a landfill area or opening a new landfill area, or both, fifteen years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of public health and the approval of said department has been granted therefor.

*Approved June 18, 1976.*

---

**Chap. 190.** 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 JAILS AND HOUSES OF CORRECTION AT LAWRENCE AND SALEM.

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Essex are hereby authorized to expend from available funds a sum of money not to exceed ninety-six thousand dollars in the aggregate for the payment of bills incurred for maintenance and supplies and contractual services for the Essex county jail and house of correction at Lawrence, and for the payment of the salaries of temporary employees and for overtime for employees at said house of correction.

SECTION 2. The county commissioners of the county of Essex are hereby authorized to expend from available funds a sum of money not to exceed ninety-eight thousand dollars in the aggregate for the payment of bills incurred for maintenance and supplies and contractual services for the Essex county jail and house of correction at Salem, and for the payment of the salaries of temporary employees and for overtime for employees at said house of correction.

*Approved June 18, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

June 24, 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 190 of the Acts of 1976, entitled 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 JAILS AND HOUSES OF CORRECTION AT LAWRENCE AND SALEM, and the enactment of which received my approval on June 18, 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 allow for the immediate expenditure of funds by the county commissioners of Essex County.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, June 25, 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 two 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 one hundred and ninety of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 191.** AN ACT AUTHORIZING CITIES AND TOWNS TO LET OR LEASE CERTAIN PUBLIC BUILDINGS FOR A TERM NOT TO EXCEED TEN YEARS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith cities and towns to let or lease certain property for a term not to exceed ten years, 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 40 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "five" and inserting in place thereof the word: - ten.

*Approved June 21, 1976.*

---

**Chap. 192.** AN ACT RELATIVE TO BALANCES ON OPEN END CREDIT PLANS.

*Be it enacted, etc., as follows:*

Chapter 140C of the General Laws is hereby amended by inserting after section 6C, inserted by chapter 556 of the acts of 1974, the following section:-

*Section 6D.* The creditor of an open end credit plan or other charge account shall disclose to the customer, in the periodic statement for the billing cycle at the end of which a credit balance first occurs and is due and owing to the customer, the amount of such credit balance. Unless the credit balance is previously reduced to less than one dollar by cash refunds or other charges to the account, the creditor shall further disclose, in at least two additional periodic statements for billing cycles within the six-month period following the closing of the billing cycle in which the credit balance first occurs and is due and owing to the customer, any credit balance equal to or in excess of one dollar at the end of such billing cycles.

The creditor of such account shall clearly and conspicuously disclose to the customer in the periodic statement or in a statement accompanying the periodic statement for either the billing cycle in which the credit balance first occurs and is due and owing to the customer or the next succeeding billing cycle the following information to the extent applicable: (a) The amount of the credit balance at the end of the applicable billing cycle; (b) That such credit balance represents money owed to the customer; (c) That the customer has the right to make charges against such credit balance or to obtain a cash refund of such balance upon request; (d) That a check will be mailed to the customer, within thirty days after the expiration of the aforesaid six-month period, in the amount then remaining in such credit balance, if no charge has been made against such balance or a refund has not been requested. If the creditor discloses the credit balance more than once, the additional disclosures shall also be made in a least one other periodic statement or in a statement accompanying another periodic statement for a billing cycle within the aforesaid six-month period.

A creditor shall mail or deliver, within thirty days after the expiration of the six-month period following the closing of the billing cycle in which a credit balance first occurs and is due and owing to the customer, the amount of any credit balance at the expiration of said six-month period, and any creditor who does not refund such balance shall pay to the customer interest at the annual percentage rate of eighteen per cent on the amount of such credit balance.

The provisions of this section shall not apply to an open end credit plan or other charge account under which it is contemplated by the agreement establishing the account that periodic payments made to the account will from time to time result in a credit balance from which the creditor is to make future payments on behalf of the customer, or to an open end credit plan which provides that proceeds of loans thereunder are to be deposited to a bank account of the customer from which the customer may withdraw funds from time to time.

*Approved June 21, 1976.*

---

**Chap. 193.** AN ACT REQUIRING REGULATIONS FOR THE PACKAGING OF FROZEN DESSERTS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 65T of chapter 94 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall promulgate regulations establishing standards of identity for frozen dietary dairy desserts.

SECTION 2. Section 65U of said chapter 94 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The department shall adopt regulations establishing standards of identity and labeling requirements for frozen desserts and frozen dessert mixes, and shall adopt regulations for the manufacture and sale of frozen desserts and frozen dessert mixes.

*Approved June 21, 1976.*

---

**Chap. 194.** AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS IN THE CITY OF LEOMINSTER 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 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.

Said lands to be so transferred and diverted are shown on a map entitled "Commonwealth of Massachusetts Department of Public Works-Public Lands Needed for Highway Purposes, September 18, 1975" which said department is hereby directed to file in the office of the state secretary and which said state secretary is hereby authorized to receive for filing, and is identified as follows:

A parcel of land in the city of Leominster containing approximately twelve acres of city owned land adjacent to Mechanic street in said city presently being used for a sanitary landfill and sewerage disposal to be used for the construction of interstate highway route 190.

*Approved June 21, 1976.*

---

**Chap. 195.** AN ACT RELATIVE TO THE PRINTING OF INFORMATION DISTRIBUTED TO VOTERS.

*Be it enacted, etc., as follows:*

The first paragraph of section 53 of chapter 54 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The secretary shall cause to be printed and sent to each person whose name appears on said lists, with copies of the measures to which they

refer, arguments for and against measures to be submitted to the people under the forty-eighth article of the amendments to the constitution, provided that the arguments are filed with him as provided in section fifty-four.

*Approved June 21, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

June 21, 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 195 of the Acts of 1976, entitled, AN ACT RELATIVE TO THE PRINTING OF INFORMATION DISTRIBUTED TO VOTERS, and the enactment of which received my approval on June 21, 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 allow for the immediate preparation of certain information distributed to voters.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON June 22, 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 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 one hundred and ninety-five of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

BORROW MONEY OR THE ACQUISITION OF LAND FOR  
CONSERVATION AND OUTDOOR RECREATION PURPOSES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to permit the city of Peabody to immediately acquire certain land in said city for conservation and outdoor recreation 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 city of Peabody is hereby authorized to expend the sum of one million eight hundred thousand dollars for the acquisition, by purchase or by eminent domain, of land in said city with any buildings thereon for conservation and outdoor recreation purposes. Said lands shall include so much of Brooksby Farm as the city council shall determine. Any sum remaining from the amount authorized by this act after the acquisition of all or part of said Brooksby Farm, as hereinbefore provided, shall be expended in an equal amount in each of the six wards of said city for the acquisition of land for conservation and outdoor recreation purposes.

SECTION 2. For the purposes described in section one, the treasurer of said city, with the approval of the mayor, is hereby authorized to borrow on behalf of the city from time to time such sums as may be necessary, not exceeding, in the aggregate, one million eight hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Peabody Land Acquisition and Development Loan, Act of 1976.

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. Any action taken by the city of Peabody prior to the effective date of this act for the purposes authorized thereby is hereby validated, ratified and confirmed to the same extent as if this act had been in effect at the time such action was taken.

SECTION 4. In connection with the acquisition of the property referred to in section one, the city may apply for state reimbursement under section eleven of chapter one hundred and thirty-two A of the General Laws, and the secretary of environmental affairs may reimburse said city pursuant to the provisions of said section, notwithstanding that said property may be acquired by the city before any project application is filed or approved. Any reimbursement received under said section and this section shall be applied to the payment of the bonds or notes, including notes issued under section three hereof which are issued by the city to

finance said acquisition.

*Approved June 22, 1976.*

---

**Chap. 197.** AN ACT REGUALTING THE PUBLIC LIBRARY SYSTEM OF THE CITY OF PEABODY AND AUTHORIZING SAID CITY TO BORROW MONEY FOR LIBRARY PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the Peabody Institute provided for by section forty-three of chapter three hundred of the acts of nineteen hundred and sixteen and elected pursuant to chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-six, as modified by chapter ninety-seven of the acts of nineteen hundred and forty-one and chapter one hundred and ninety of the acts of nineteen hundred and forty-seven, shall be an agency of the city of Peabody having the custody and management of the public library system of the city and all property owned by the city relating thereto. All money raised or appropriated by the city for said library system's support, maintenance and improvement shall be expended by the trustees, and all money or property which the city may receive by gift or bequest for the public library system shall be administered by the trustees in accordance with the provisions of such gift or bequest. Said trustees may choose one of their number as president and may choose a secretary and treasurer. Nothing herein shall be deemed to preclude voluntary dissolution of the corporation established by chapter one hundred and fifty-three of the acts of eighteen hundred and eighty-one pursuant to section eleven A of chapter one hundred and eighty of the General Laws or to prevent the aforesaid trustees, in the event of such dissolution, from exercising their powers hereunder or from continuing to administer money or property held by said corporation as a court having jurisdiction in the premises may authorize or direct. In the event of such dissolution, all persons employed by the corporation shall be transferred and made employees of the city in the respective capacities in which they were employed by the corporation, and such transferred employees shall be exempt from any examination or other requirements applicable to the selection and appointment of employees in such capacities under chapters thirty-one and seventy-eight of the General Laws.

SECTION 2. For the purpose of remodeling, reconstructing or making extraordinary repairs to the present Peabody Insitute Library building, including equipment and furnishings in connection therewith, or for constructing, originally equipping and furnishing an addition to said building, or for any combination of the foregoing, the city of Peabody may

appropriate, transfer from available funds, or by two thirds vote, as defined in section one of chapter forty-four of the General Laws, may borrow from time to time, or use any combination of such methods, to provide such sums as may be necessary for the purposes aforesaid and may issue bonds and notes of the city therefor in an amount not exceeding, in the aggregate, one million six hundred thousand dollars which shall bear on their face the words, Peabody Institute Library Loan, Act of 1976. 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 and shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, excluding any limitation or requirement contained in section seven or eight thereof. The trustees of the Peabody Institute are authorized to apply for, accept and expend any federal aid available for the aforesaid purposes.

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

*Approved June 22, 1976.*

---

**Chap. 198.** AN ACT EXEMPTING CERTAIN POSITIONS IN MUNICIPAL POLICE DEPARTMENTS FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

Section 5 of chapter 31 of the General Laws is hereby amended by inserting after the twenty-third clause, as appearing in section 1 of chapter 115 of the acts of 1975, the following clause:-

Student interns employed by municipal police departments while attending public or private institutions of higher learning with degree granting powers and one staff assistant employed by such department for each one hundred thousand residents or portion thereof, not to exceed five;.

*Approved June 23, 1976.*

---

**Chap. 199.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THE THIRTIETH, NINETEEN HUNDRED AND SEVENTY-SIX 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 chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-six 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.

*House of Representatives.*

Item		
0127-0030	For a legislative intern program.....	\$11,769

*Other Expenses.*

0161-0000	For printing, binding and paper order 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. ....	\$166,000
0169-7101	For an investigation and study by a joint special committee of health benefits and health services for every citizen of the commonwealth and related matters.....	14,572
0185-7205	For an investigation and study relative to a program of pollution abatement in Boston harbor and redevelopment of the waterfront as authorized by chapter forty-four of the resolves of nineteen hundred and seventy-one, prior appropriation continued.....	1,835
0185-7207	For an investigation and study relative to the authorization of savings banks to accept demand deposits as authorized by chapter seventy-two of the resolves of nineteen hundred and seventy-one.....	7,960
0185-7302	For an investigation and study relative to the needs of the handicapped as authorized by chapter eighty-six of the resolves of nineteen hundred and seventy-two, prior appropriation continued.....	9,800

Judiciary.

*Probate and Insolvency Courts.*

0305-6091	Item 0305-6091 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "sixty-six" and inserting in place thereof the word:- seventy-eight.	
-----------	---	--

*Supreme Judicial Court.*

0301-0900	For the payment of a certain claim as authorized by chapter eighty-four of the resolves of nineteen hundred and seventy-four.....	\$2,265
-----------	---	---------

Military Division.

*State Quartermaster.*

0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions.....	4,000
0451-3911	Item 0451-3911 of section two of chapter three hundred and seventy of the acts of nineteen hundred and seventy is hereby amended by striking out the wording therein and inserting in place thereof the following:- For the repair or the replacement of windows in the Fingold library, including certain mechanical alterations, appropriation expires June thirtieth, nineteen hundred and seventy-seven.	

**Secretary of the Commonwealth.**

0511-0000	Item 0511-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by inserting after the word "secretary;" , in line one, the words:- provided, that there shall be paid from this item certain prior years' salaries earned but not paid and certain losses resulting from theft; and, . . . . .	69,000
0517-0000	For the expense of printing various public documents, prior appropriation continued . . . . .	164,063
0519-0000	Item 0519-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:-, including reimbursements of the cities and towns as authorized by section two of said chapter ten. . . . .	1,452,419
0521-0000	Item 0521-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "seven" and inserting in place thereof the word "eight". . . . .	36,000

**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. . . . .	135,000
	Highway Fund . . . . .	30.0%
	General Fund . . . . .	70.0%
0611-5000	For compensation to victims of violent crimes. . . . .	122,500

**State Board of Retirement.**

0612-0100	Item 0612-0100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; and provided further, that there shall be allowed and paid from this item a certain prior year's expense in the amount of eight hundred and thirty-five dollars. . . . .	835
-----------	--	-----

**Executive Office for Administration and Finance.**

1100-2302	For the design and implementation of a data processing system for the state and teachers' retirement boards; appropriation expires June thirtieth, nineteen hundred and seventy-seven. . . . .	600,000
-----------	--	---------

**Fiscal Affairs Division.**

1101-2100	Item 1101-2100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; provided, that there shall be allowed and paid from this item one thousand seven hundred and fifty-nine dollars and sixty cents for certain vacation credits earned but not paid during a leave of absence; and provided further, that in order to clear a certain advance unaccounted for there shall be allowed and paid from this item the sum of three hundred and twenty-six dollars and twenty-six cents.	
1101-2400	For the expenses of an in-service training program for engineering employees, as authorized by section twenty-eight A of chapter seven of the General Laws, to be in addition to any amounts paid by cities or towns for the purposes. . . . .	3,993
	Highway Fund . . . . .	100.00%
1101-2500	For other in-service training program . . . . .	1,064

**Division of Personnel Administration.**

1107-1000	Item 1107-1000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; provided, that, notwithstanding the provisions of section twenty-	
-----------	---	--

nine A of chapter twenty-nine of the General Laws, a certain contractual payment in the amount of ninety-four thousand seven hundred dollars shall be paid from this item.

1111-1002	For reimbursement of certain cities and towns for pensions to retired teachers	\$200,000
1111-1003	For the payments of the commonwealth's share in financing the teachers' retirement system. ....	1,200,000

*Massachusetts Commission Against Discrimination.*

1150-5110	For administration of the Springfield office. ....	11,787
1150-5120	For administration of the New Bedford office. ....	8,414
1150-5130	For administration of the Worcester office. ....	2,347

**Department of Corporations and Taxation.**

*Bureau of Local Taxation.*

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. ....	221,964
-----------	--	---------

*Miscellaneous.*

1599-0004	For the payment of claims for 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	10,683
1599-0040	For the payment of a certain claim as authorized by chapter eighty-six of the resolves of nineteen hundred and seventy-four. ....	10,000
1599-0041	For the payment of a certain claim as authorized by chapter sixty-seven of the resolves of nineteen hundred and seventy-five. ....	8,110
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 committees 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, appropriation expires June thirtieth, nineteen hundred and seventy-seven. ....	1,354,671

*Unforeseen Emergencies.*

1599-2027	For a reserve to meet the cost of certain personnel changes as authorized by chapter three hundred and twenty-seven of the acts of nineteen hundred and seventy-five due for fiscal years nineteen hundred and seventy-five and nineteen hundred and seventy-six; provided that the governor upon recommendation by the commissioner of administration and finance is hereby authorized to transfer from the sum herein appropriated to other items of appropriation where the amounts otherwise available are insufficient, such amounts as are necessary to meet the cost of such changes; provided further, that the governor upon recommendation of the commissioner of administration is hereby further authorized to allocate the cost of such changes to the several funds to which such items of appropriations are charged; and provided further, that the costs of such changes for fiscal year nineteen hundred and seventy-five may be paid from current available funds. ....	425,000
1599-3100	For the payment of certain employment security benefits. ...	750,000

**Executive Office of Environmental Affairs**

*Office of the Secretary.*

2000-0100	For the office of the secretary, including not more than five permanent positions . . . . .	16,367
	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%
<b>Department of Environmental Quality Engineering</b>		
2280-0500	For the construction of certain flood control and drainage improvements in the cities of Boston and Revere including a pumping station at Belle Isle inlet to complete Phase I, II and III of the Sales Creek drainage are project authorized by chapter eight hundred and seventy-three of the acts of nineteen hundred and seventy-one and chapters six hundred and forty and six hundred and ninety of the acts of nineteen hundred and seventy-four; provided, that any federal funds received for this purpose shall be credited to the federal. . . . .	5,098,000
	Federal Capital Improvement Fund . . . . .	100.0%
<i>Office of the Commissioner.</i>		
2200-0100	For the office of the commissioner, including not more than two permanent positions . . . . .	33,000
<i>Department of the Metropolitan District Commission.</i>		
<i>Metropolitan Sewerage District.</i>		
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 . . . . .	350,000
	MDC Sewerage District Fund . . . . .	100.0%
<i>Metropolitan Parks District.</i>		
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 . . . . .	900,000
	Not withstanding 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%
2444-9030	For the payment of a certain claim as authorized by chapter sixty-two of the resolves of nineteen hundred and seventy-five . . . . .	85,550
	Highway fund . . . . .	100.0%

**Department of Food and Agriculture.**

*Division of Plant Pest Control.*

2517-1000	For the administration of the division, including not more than four permanent positions; provided, that revenues are deposited to the Agricultural Purposes Fund. ....	8,500
	Agricultural Purposes Fund. ....	100.0%

*For the expenses of the following mosquito control projects:*

2520-1000	Central Massachusetts. ....	1,902
	Mosquito & Greenhead Fly Control Fund. ....	100.00%
2520-1500	Essex county, city of Revere and town of Winthrop	2,400
	Mosquito & Greenhead Fly Control Fund. ....	100.0%

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**

*Division of Community Services.*

3732-0010	For the expenses of a community development training program	18,184
3735-9012	For the expenses of the housing appeals committee; provided, that, notwithstanding the provisions of any special or general law to the contrary, members of the committee, except the departmental member, shall be reimbursed from the amount appropriated herein for attendance at appeals hearings at a rate of fifty dollars per session. ....	24,878

**EXECUTIVE OFFICE OF HUMAN SERVICES.**

*Office for Children.*

4130-0001	For the office of the director, including not more than thirty-six permanent positions. ....	48,256
-----------	--	--------

*Department of Youth Service.*

4200-0010	For the administration of the department, including not more than eighty-two permanent positions. ....	149,710
-----------	--	---------

*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, including not more than eighty-six permanent positions. ....	147,700
4223-1010	Detention center in Hampden county, including not more than thirty-three permanent positions. ....	21,795
4224-1010	Detention center in Worcester county, including not more than thirty-three permanent positions. ....	15,570

*Bureau of Institutional Services.*

*For the administration and maintenance of and for certain improvements at the institutions within the bureau:*

4231-1010	Stephen L. French forestry camp, including not more than twenty-eight permanent positions. ....	39,944
-----------	---	--------

*Department of Corrections.*

*For the maintenance of and for certain improvements at the following institutions under the control of the department:*

4313-0001	Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions. ....	360,000
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-five permanent positions. ....	135,000
4314-9001	For certain emergency repairs and renovations. ....	340,000

4316-0001	Correctional institution at Norfolk, including not more than three hundred and nine permanent positions. . . . .	\$180,000
-----------	--	-----------

**Department of Public Welfare.**

4400-1000	Item 4400-1000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words: - ; and provided further, that there shall be allowed and paid from this item the sum of three hundred and seventy-five dollars earned but not paid for services provided during a prior fiscal year.	
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 committee 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; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation	3,400,000
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 provided further, that the medical needy program, so called, in this item shall cease effective January thirty-first unless a certificate is made by the commissioner of administration that sufficient funds are available from either state or federal sources to warrant the continuation of the program and that this item is increased by appropriation to properly fund said continuation. . . . .	35,000,000
4402-5009	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 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 provided further, that	

that the medical needy program, so called, in this item shall cease effective January thirty-first unless a certificate is made by the commissioner of administration that sufficient funds are available from either state or federal sources to warrant the continuation of the program and that this item is increased by appropriation to properly fund said continuation

\$10,000,000

4403-2000 For a program of aid to families with dependent childred; provided, that all federal funds received for the purpose of this item shall be credited to the General Fund; and provided further, that no payment of overdue rent or utility bills shall be made to a person who has received assistance and who has failed to pay such rent or utility bill when due . . . . . 9,000,000

4403-2100 Item 4403-2100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; and provided, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . . 2,800,000

4403-2200 Item 4403-2200 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . . 600,000

4406-2030 For expenses of prior fiscal years 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  
1,900,000

**Department of Public Health**

4501-9001 For payment of a certain judgement entered in the superior court for Suffolk county, docket number 8725 . . . . . 7,500

*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 . . . . . 30,500

**Department of Mental Health.**

5011-0000 Item 5011-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; provided, that there shall be paid from this item certain prior years' salaries earned but not paid.

*Region Two.*

5221-0000 For mental health and retardation services, including not more than one hundred and seventeen permanent positions . . . . . 226, 779

5261-0000 Item 5261-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "nine" and inserting in place thereof the word:- ten.

5291-0000 Item 5291-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking

out the word "twenty-six" and inserting in place thereof the word:- twelve.

*Region Three.*

5311-0000 For administration, including not more than ten permanent positions \$8,500

*Region Five.*

5581-0000 Item 5581-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "sixty-nine" and inserting in place thereof the word:- seventy-six.

5591-0000 Item 5591-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "twenty-eight" and inserting in place thereof the word:- ten.  
144,301

5592-0100 Item 5592-0100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "seventy-two" and inserting in place thereof the word:- forty-one.

5593-0100 Item 5593-0100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the words "six hundred and ninety-four" and inserting in place thereof the words:- seven hundred and twenty-two.

*Region Seven.*

5721-0000 Item 5721-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "eighty" and inserting in place thereof the word:- eighty-one.

5740-0010 Item 5740-0010 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "seven" and inserting in place thereof the words:- two hundred and ten. . . . . 993,124

5761-0000 For the maintenance of the Dr. John C. Corrigan mental health center, including not more than one hundred and twelve permanent positions  
35,000

5781-0000 Item 5781-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "fourteen" and inserting in place thereof the word:- twenty-four.

5791-0000 Item 5791-0000 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the words "five hundred and seventy-two" and inserting in place thereof the word:- thirty-one.

5792-0100 Item 5792-0100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the words "seven hundred and thirty-seven" and inserting in place thereof the words:- eight hundred and sixty-two. . . . . 782,943

**EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.**

6000-3200 For appraisal and engineering activities, pursuant to section two (c) of chapter eight hundred and fifty-nine of the acts of nineteen hundred and seventy-five; provided that the following limitations shall not apply: (1) the proviso in section four of chapter one hundred and sixty-one C of the General Laws; and (2) the limitation to expenditure of appropriations from

the Freight Rail Fund only for purposes of acquisition, as provided in said section two (c). . . . . \$100,000  
 Freight Rail Fund. . . . . 100.0%

*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-five as amended by section four of chapter two hundred and ninety-one of the acts of nineteen hundred and seventy-five. . . . . 289,083

**Department of Public Works.**

*Highway Activities.*

*Personal Services.*

6010-0001 Item 6010-0001 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; and provided further, that the sum of two thousand three hundred and eighty-four dollars for certain salaries earned but not paid from September third, nineteen hundred and seventy-four, to August twenty-second, nineteen hundred and seventy-five, shall be allowed and paid from this item.

**Administrative and Engineering Expenses.**

6020-3005 For an evaluation and necessary repairs of the exterior cracking in the public works building, appropriation expires June thirtieth, nineteen hundred and seventy-seven . . . . . 48,000

Highway Fund. . . . . 100.0%

*Maintenance and Operation of State Highways and Bridges.*

6030-7201 For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals. . . . . 2,500,000

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 . . . . . 400,000

Highway Fund. . . . . 100.0%

6030-7606 For the cost, including certain appraisal expenses, of extending certain water pipes in the town of Northborough; and for the payment of a certain judgment in connection therewith entered in the superior court for Suffolk county, docket number 923611, appropriation expires June thirtieth, nineteen hundred and seventy-seven. . . . . 115,000

Highway Fund. . . . . 100.0%

6034-0007 For the 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. . . . . 289,083

Mass Transportation Fund. . . . . 100.0%

**EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.**

*Office of the Secretary.*

7000-0131 For certain public social services to be performed by state departments and

agencies limited to the executive office of education pursuant to contracts entered into between any such agency with the department of public welfare; 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

\$127,025

*George Fingold Library.*

- 7000-0601 Item 7000-0601 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "thirty" and inserting in place thereof the word: - thirty-four, and by adding the words: - ; provided, that there shall be allowed and paid from this item the sum of twenty-five thousand and eighty-four dollars and thirty cents for a certain salary due for the period June first, nineteen hundred and seventy-three, to February twenty-first, nineteen hundred and seventy-six . . . . . 25,085

**Department of Education.**

*Advisory Council on Education.*

- 7001-0010 For the office of the council, including not more than eight permanent positions . . . . . 43,820

**Board of Education.**

*Board of Education and Commissioner's Office.*

- 7010-0014) Item 7010-0014 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the wording and inserting in place thereof the following wording:  
7028-0031) For the administration of the advisory council for experimental schools and the operation of one such school; provided, that from the unexpended balance remaining in item 7028-0031, the sum of one hundred fifteen thousand four hundred and sixty-one dollars is hereby transferred and made available for the purposes of this item, appropriation expires December thirty-first, nineteen hundred and seventy-six; and provided further, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of fifteen thousand four hundred and sixty-one dollars shall be allowed and paid from this item for payment of certain prior years' deficiencies.  
7010-0018 Item 7010-0018 of section two of chapter six hundred and ninety-eight of the acts of nineteen hundred and seventy-four is hereby amended by adding the words: - ; provided, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of twenty-seven thousand four hundred and seventy-nine dollars shall be allowed and paid from this item for payment of certain prior years, deficiencies . . . . . 27,479

*Division of Occupational Education.*

- 7027-9051 For certain electrical improvements at the fire fighting academy, appropriation expires June thirtieth, nineteen hundred and seventy-seven . . . . . 30,000

*Division of State and Federal Assistance.*

- 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 . . . . . 1,044,969

*Board of Higher Education.*

Section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out, after the heading "*Board of Higher Education*", the preamble, and inserting in place thereof the following preamble:

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 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 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 board of trustees of each institution of higher education shall determine for each such institution, except Massachusetts maritime academy, 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, except those who are residents of foreign countries. Such tuition shall be fixed at an amount which as nearly as possible reflects the actual average cost of instruction for each such institution or group of institutions, but in no event shall such tuition be less than ninety-five per cent of said cost. Tuition charges as determined in accordance with this paragraph shall be charged to all nonresident 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.

*Board of Trustees of State Colleges.*

7115-0100	State college at Westfield, including not more than three hundred and forty-three permanent positions.....	30,000
7118-9002	For certain repairs to the existing pier and roadway, the dredging of the ship's berth and maneuvering area, the construction of an additional pier and slip area, and the construction of a floating breakwater; appropriation expires Junethirtieth, nineteen hundred and seventy-seven	340,000
	Harbor and Inland Waters	
	Maintenance Fund.....	100.0%

*Massachusetts Board of Regional Community Colleges.*

7514-0100	Springfield technical community college, including not more than three hundred and thirty-four permanent positions.....	50,000
7515-0100	Roxbury community college, including not more than eighty-five permanent	

	positions .....	\$42,758
7519-0001)	For the payment of a certain court judgement entered in the superior court	
)	for Suffolk county, docket number 671506 .....	271,687
8067-33 )		

**EXECUTIVE OFFICE OF PUBLIC SAFETY.****Department of Public Safety.**

8311-1000	For the administration of the department, including not more than one hundred and ten permanent positions .....	30,524
-----------	---	--------

*Division of State Police.*

8312-9013	For the payment of a certain court judgment entered in the superior court for Suffolk county, docket number 680230 .....	11,616
	Highway Fund .....	100.0%
8312-9014	For the payment of a certain court judgment entered in the superior court for Bristol county, docket number 28249 .....	8,808

*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 .....	21,909
	Other.	

8500-0400	Item 8500-0400 of section two of chapter six hundred and eighty-four 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 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 for personal services, travel and training expenditures and fifty per cent for all other expenditures are eligible for federal reimbursement.	
-----------	---	--

**EXECUTIVE OFFICE OF MANPOWER AFFAIRS.***Office of the Secretary.*

9000-0100	Item 9000-0100 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- ; provided, that a certain prior year's advance unaccounted for in the amount of nine dollars shall be charged to this item.	
-----------	--	--

*Division of Employment Security.*

9081-0682	For the administrative expenses of the welfare general relief assistance check payment program .....	127,363
-----------	--	---------

**EXECUTIVE OFFICE OF ELDER AFFAIRS.***Office of the Secretary.*

9110-1630)	From the unexpended balance remaining in item 9110-1630 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five, the sum of one million dollars is hereby transferred and made available for the purposes of item 4408-1000 of said section two of said chapter six hundred and eighty-four.	
4408-1000)		

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.***Alcoholic Beverages Control Commission.*

9212-0001 Item 9212-0001 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by adding the words:- and including certain prior-year travel expenses. . . . \$10,296

**Division of Registration.**

9230-1200 Item 9230-1200 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five is hereby amended by striking out the word "ten" and inserting in place thereof the word:- eleven 4,000

**SECTION 2A.** For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-seven certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-six, the unexpended balances of the times shown below are hereby reappropriated for the fiscal year nineteen hundred and seventy-seven:

1102-3909	2442-9032	6030-7603
1102-3911	2442-9033	6030-7604
1102-3915	2442-9034	6031-0131
1120-3000	2444-9001	6032-2012
1599-2012	2444-9008	6032-2017
2270-0500	2444-9013	6032-2021
2280-0400	2444-9018	6032-4023
2320-0100	2444-9020	6032-4030
2330-0700	2444-9026	6032-4037
2410-9051	2444-9028	6032-5003
2420-1200	2444-9032	6032-7000
2423-3005	2449-7020	6032-8573
2425-9001	2449-7050	6032-8611
2425-9002	2449-7120	6032-8641
2425-9003	2449-7240	6032-8671
2426-9008	2449-7270	6032-8691
2429-7090	2449-7280	6033-1007
2429-7140	2449-7330	6033-1011
2429-7141	2449-7331	6034-0001
2429-7150	2449-7333	6034-0003
2430-0115	2449-7336	7053-1910
2430-9004	2449-7338	7108-9704
2430-9006	2490-0001	7114-8692
2434-9012	4312-0905	7117-8691
2439-7250	4359-0001	8312-9001
2439-7251	6006-0004	8312-9007
2439-7253	6020-3003	8312-9008
2439-7255	6020-3004	8312-9011
2442-9011	6030-7501	8400-0029

**SECTION 2B.** For the purpose of making available for expenditure in the fiscal year nineteen hundred and seventy-seven certain balances of appropriations which otherwise would revert on June thirtieth, nineteen hundred and seventy-six, the unexpended balances of the items shown below are hereby reappropriated for

the fiscal year nineteen hundred and seventy-seven; provided, however, that unexpended balances in any other items of appropriation included by reference in the accounts listed below are not reappropriated:

1102-8632	5161-8721	7114-8725
1102-8633	5182-8691	7115-8681
1102-8642	5182-8721	7115-8703
1102-8652	5281-8711	7115-8712
1102-8702	5294-8661	7115-8714
1102-8704	5294-8691	7116-8681
1102-8722	5294-8711	7116-8711
1102-8724	5294-8722	7116-8712
1102-8725	5381-8712	7116-8722
2611-9007	5471-8721	7116-8723
2611-9022	5491-8721	7117-9191
2611-9023	5561-8721	7118-8703
2630-8701	5592-8671	7118-8705
2630-8711	5592-8721	7118-8711
2630-8717	5592-8722	7250-8671
2630-9060	5662-8701	7250-8681
2630-9100	5765-8721	7250-8712
2670-9016	6004-8694	7250-8713
2681-9011	6004-8701	7250-8721
2681-9012	6004-8702	7250-8722
2681-9013	6004-8711	7250-8724
2681-9029	6004-8722	7390-8721
2681-9030	6004-8727	7490-0034
4180-8663	6004-8728	7490-0048
4180-8711	6008-9011	7490-8671
4180-8721	6008-9012	7490-8681
4223-8721	6008-9014	7490-8684
4223-8721	6008-9018	7490-8698
4231-8711	6059-0000	7490-8702
4233-8691	7108-8692	7490-8705
4233-8711	7109-8661	7490-8706
4312-8611	7109-8662	7490-8707
4312-8651	7109-8691	7490-8714
4312-8671	7109-8701	7490-8716
4312-8691	7109-8711	7490-8717
4312-8713	7109-8713	7490-8721
4312-8721	7109-8721	7490-8722
4312-9019	7109-8722	7504-8701
4313-9011	7110-8671	7506-8711
4314-8721	7110-8681	7506-8721
4315-9011	7110-8711	7506-8722
4315-9015	7110-8714	7507-8721
4316-8721	7110-8723	7508-8691
4316-9001	7110-8724	7508-8711

4316-9002	7111-8713	7508-8721
4316-9011	7111-8714	7509-8721
4317-9011	7111-8722	7510-8701
4504-8701	7112-8712	7510-8721
4531-9011	7112-8671	7511-8721
4532-8721	7112-8701	7511-8722
4533-8661	7112-8711	7511-9001
4533-8691	7112-8721	7514-8701
4533-9011	7113-8711	7514-8711
4534-9011	7113-8712	7514-8721
4535-8721	7113-8713	7514-8722
4536-9011	7114-8712	7515-8711
5011-8721	7114-8721	7516-8701
5011-8722	7114-8724	7516-8721
		7517-8711

SECTION 2C. Any provision of law to the contrary notwithstanding, the state tax commission shall forthwith send to the assessors of the several cities and towns revised estimates of amounts to be received in the fiscal year nineteen hundred and seventy-seven under section eighteen A of chapter fifty-eight of the General Laws in order to provide for the full distribution of amounts due under said section eighteen A. Notwithstanding any other provision of law, thirty million dollars of school aid due to the city of Boston under chapter seventy of the General Laws during fiscal year nineteen hundred and seventy-seven pursuant to section eighteen A of chapter fifty-eight of the General Laws may be paid to said city on or before June thirtieth, nineteen hundred and seventy-six.

SECTION 2D. The unexpended balance remaining in item 0612-1000 shall on the effective date of this act be reduced by eleven million five hundred thousand dollars.

SECTION 3. Chapter 684 of the acts of 1975 is hereby amended by striking out section 3A and inserting in place thereof the following section:-

*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 for the fiscal year nineteen hundred and seventy-six the said sum shall be seventy-five thousand dollars; and provided further, that said amounts shall be credited to item 7220-8001 upon payment by said building authority and may be spent without further appropriation.

SECTION 4. Said chapter 684 is hereby further amended by striking out section 25 and inserting in place thereof the following section:-

*Section 25.* Notwithstanding any provisions of law to the

contrary, federal funds not exceeding four hundred and fifty-three thousand six hundred and eighty-four 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 5. Chapter 530 of the acts of 1975 is hereby amended by striking out section 8, as amended by section 2 of chapter 597 of the acts of 1975, and inserting in place thereof the following section:-

*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 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 year and expenditures caused by rate changes for services furnished in 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 6. This act shall take effect upon its passage.

*Approved June 23, 1976.*

---

**Chap. 200.**

AN ACT SUSPENDING THE OPERATION OF THE VETERANS PREFERENCE LAW SO-CALLED, PENDING A DECISION OF THE UNITED STATES SUPREME COURT AND PROVIDING FOR THE ESTABLISHMENT OF A POINT SYSTEM OF PREFERENCE DURING SUCH SUSPENSION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to maintain the system of veterans preference and to facilitate the system of public service in the commonwealth, 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. Section 23 of chapter 31 of the General Laws is hereby suspended until final judgment has been entered in the case of *Helen B. Feeney v. Commonwealth* which was brought in the United States District Court.

SECTION 2. Until the expiration of the period of suspension provided in section one, the grade received in a civil service examination by a disabled veteran or by the widow or widowed mother of a veteran who was killed in action or who died from service connected disability incurred in wartime service shall be increased by ten points and the grade of other veterans as defined in section twenty-one of said chapter thirty-one shall be increased by five points. In any such examination in which experience is a

factor in determining an applicant's grade or eligibility a veteran shall be given credit for service in the armed forces when his employment in a similar vocation to that for which he was examined was interrupted by service, and for all experience material to the position for which he was examined, including experience gained in religious, civic, welfare, service and organizational activities, regardless of whether he received pay therefor.

The names of applicants who have qualified in a competitive civil service examination shall be entered on their appropriate registers or list of eligibles in the following order:

For positions in job Group XVII or higher in the salary and classification plan of the commonwealth or positions in the service of a city or town for which an equivalent salary has been established, in order of their rating, including points added under this section, and

For all other positions:

(A) disabled veterans who have a compensable service-connected disability of ten per cent or more, in the order of their ratings, including points added under this section; and

(B) remaining applicants, in the order of their ratings, including points added under this section.

The names of persons entitled to additional credit under this section shall be entered ahead of others having the same rating. A disabled veteran shall be retained in employment in preference to all other persons, including veterans.

SECTION 3. The provisions of this act shall apply to all eligible lists established as a result of an examination held prior to or after its effective date. Persons appointed from lists established under the provisions of this act during the period of suspension of section twenty-three of chapter thirty-one, as provided in section one of this act, shall for all purposes be deemed to have been properly appointed under said chapter thirty-one, notwithstanding a decision in said case of *Helen B. Feeney v. Commonwealth* which may hold that the provisions of said section twenty-three are constitutional.

*Approved June 24, 1976.*

---

**Chap. 201.** AN ACT AUTHORIZING THE APPOINTMENT OF THE COMMISSIONER OF HEALTH AND HOSPITALS IN THE CITY OF CAMBRIDGE.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 108 of the acts of 1946 is hereby amended by striking out sections 1 and 2 and inserting in place thereof the following two sections:-

*Section 1.* The city of Cambridge is hereby empowered to establish a department of health and hospitals under the charge, direction and control of the commissioner of health and hospitals.

Said commissioner shall be appointed by, and shall serve at the pleasure of the city manager of said city. Said commissioner shall be considered a department head of said city for all purposes.

Said commissioner shall have proven experience and training in the field of public health but need not be a licensed or registered physician. Any vacancy in the position of commissioner shall be filled in the same manner as the original appointment; provided, however, that said city manager may appoint an acting commissioner to serve for a period of not more than six months; and provided, further, that such acting commissioner need not meet the qualification required of said commissioner.

*Section 2.* The commissioner of health and hospitals shall have all the powers and duties previously possessed and exercised by, or hereafter conferred by law, ordinance or the state sanitary code on, a commissioner of health or board of health of said city.

SECTION 2. Said chapter 108 is hereby further amended by striking out section 4 and inserting in place thereof the following two sections:-

*Section 4.* There shall be a health policy board in the city of Cambridge consisting initially of twelve members to be appointed by the city manager of said city. Said board shall be responsible, with the commissioner, for the establishment of health policy for said city and shall provide a forum for public discussion of health issues.

*Section 5.* The city council of the city of Cambridge may, from time to time, by ordinance, define the term or terms of office, number of members of the health policy board of said city, and the rights, duties, obligations, responsibilities and qualifications of said commissioner and said board consistent with this act and the city charter of said city.

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

*Approved June 24, 1976.*

**Chap. 202.** AN ACT AUTHORIZING THE APPOINTMENT OF MEMBERS OF THE SCHOOL COMMITTEE OF THE CITY OF PITTSFIELD TO CERTAIN OFFICES AND POSITIONS IN SAID CITY.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 280 of the acts of 1932 is hereby amended by striking out section 38, as amended by section 12 of chapter 611 of the acts of 1958, and inserting in place thereof the following section:-

*Section 38.* Except as is otherwise provided in section thirty-seven, no member of the school committee, for the term for which he was elected, shall be eligible for appointment to or employment in any position or place which is under the jurisdiction of the school committee. An employee of the city who is under the jurisdiction of the school committee shall be deemed to have resigned

his employment upon his qualification as a member of the school committee.

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

*Approved June 24, 1976.*

**Chap. 203.** AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAWS RELATING TO NON-PROFIT HOSPITAL SERVICE CORPORATIONS AND MEDICAL SERVICE CORPORATIONS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to correct certain errors in the General Laws, 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 sentence of section 8B of chapter 176A of the General Laws, as appearing in section 2 of chapter 196 of the acts of 1975, is hereby amended by striking out the word “policy” and inserting in place thereof the word:- contract.

SECTION 2. Chapter 176B of the General Laws is hereby amended by striking out section 4B, as amended by section 3 of said chapter 196, and inserting in place thereof the following section:-

*Section 4C.* 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 3. Said chapter 176B is hereby further amended by striking out section 4C, inserted by section 3 of chapter 595 of the acts of 1975, and inserting in place thereof the following section:-

*Section 4D.* 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 June 24, 1976.*

---

**Chap. 204.** AN ACT AUTHORIZING THE TOWN OF PALMER TO PAY CERTAIN UNPAID BILLS.

*Be it enacted, etc., as follows:*

The town of Palmer is hereby authorized to appropriate and the treasurer of said town shall pay the following sums of money to the following employees for work performed by them for the period of July twenty-eighth, nineteen hundred and seventy-three, to July twenty-sixth, nineteen hundred and seventy-five, inclusive:- John Bak seventy-nine dollars and seventy-one cents, Michael Bowler two hundred sixteen dollars and ninety-five cents, Ernest Clark one hundred fifty-nine dollars and twenty-five cents, John Disley two hundred sixty-seven dollars and ninety-eight cents, Francis Gilmartin one hundred sixty-one dollars and eighty-three cents, Stephen Kosmider two hundred thirty-eight dollars and fifty-six cents, Henry LeClair one hundred six dollars and sixty-four cents, Joseph Matera seventy-three dollars and sixteen cents, Edward Michonski one hundred twenty-two dollars and twenty-one cents, Anthony Misiaszek seventy-three dollars and ninety-three cents, William Scharret eighty-nine dollars and forty-five cents and Alphonse Tyburski six hundred thirty-three dollars and forty-five cents.

*Approved June 24, 1976.*

---

**Chap. 205.** AN ACT RELATIVE TO THE ADMINISTRATION OF CERTAIN ESTATES OF INPATIENTS OR RESIDENTS OF FACILITIES FOR THE CARE AND TREATMENT OF MENTALLY ILL OR RETARDED PERSONS.

*Be it enacted, etc., as follows:*

Section 28 of chapter 123 of the General Laws, as appearing in section 4 of chapter 888 of the acts of 1970, is hereby amended by striking out, in line 2, the word "one" and inserting in place thereof the word:- two.

*Approved June 24, 1976.*

---

**Chap. 206.** AN ACT IMPOSING A PENALTY FOR DETENTION OF LIBRARY MATERIAL.

Chapter 266 of the General Laws is hereby amended by striking out section 100, as amended by chapter 316 of the acts of 1961, and inserting in place thereof the following section:-

*Section 100.* Whoever willfully, intentionally and without right or wantonly and without cause, detains a book, newspaper, magazine, pamphlet, manuscript, or any other material or thing, which belongs to a law, city or town or other public or incorporated library for thirty days after written notice to such person and to his parents or guardian, if he is a minor, from the librarian thereof, containing a copy of this section and sent by certified mail after the expiration of the time during which, by the regulations of such library, such book, magazine, newspaper, pamphlet, manuscript or other material or thing may be kept, shall be punished by a fine of not less than one nor more than twenty-five dollars.

*Approved June 24, 1976.*

**Chap. 207.** AN ACT FURTHER REGULATING THE MEMBERSHIP OF THE REPRESENTATIVE TOWN GOVERNMENT IN THE TOWN OF FRAMINGHAM.

*Be it enacted, etc., as follows:*

Chapter 143 of the acts of 1949 is hereby amended by striking out section 3, as most recently amended by chapter 805 of the acts of 1969, and inserting in place thereof the following section:-

*Section 3.* The membership of the representative town meeting elected in each precinct shall consist of twelve registered voters other than persons elected or appointed to some other town office, which will result in a total elected membership in the town of two hundred and four.

The registered voters in every precinct shall, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts at the first annual town election following such revision, conformably to the laws relative to elections not inconsistent with this charter, elect by ballot the number of registered voters in the precinct, other than persons elected or appointed to some other town office, 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.

*Approved June 24, 1976.*

---

**Chap. 208.** AN ACT AUTHORIZING THE STATE TREASURER TO AUTHORIZE HIS DEPUTY TREASURERS TO PERFORM CERTAIN DUTIES IN HIS NAME.

*Be it enacted, etc., as follows:*

Section 5 of chapter 10 of the General Laws, as most recently amended by chapter 767 of the acts of 1975, is hereby further amended by inserting after the second sentence the following sentence:- The state treasurer may from time to time authorize a deputy treasurer of the department to exercise in his name any power or to perform in his name any duty which is or shall be assigned to said treasurer by any provision of law, and may at any time revoke any such authority.

*Approved June 24, 1976.*

---

**Chap. 209.** AN ACT PROVIDING THAT FUTURE MEMBERS OF THE POLICE FORCE OF THE TOWN OF SHARON SHALL BE EXEMPT FROM THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the acceptance by the town of Sharon of the provisions of section forty-eight of chapter thirty-one of the General Laws, the positions of the regular and permanent members of the police force of the said town shall be exempt from the civil service law; provided, however, that any member of said police force who is subject to the provisions of said chapter thirty-one on the effective date of this act shall continue to be subject to said chapter.

SECTION 2. This act shall be submitted for acceptance to the voters of the town of Sharon at an 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-six, entitled 'An Act providing that future members of the police force of the town of Sharon shall be exempt from 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 full effect, but not otherwise.

*Approved June 24, 1976.*

**Chap. 210.** AN ACT AUTHORIZING THE TOWN OF DARTMOUTH TO USE CERTAIN PARK LAND IN SAID TOWN FOR THE CONSTRUCTION OF A SENIOR CITIZENS COMMUNITY CENTER.

*Be it enacted, etc., as follows:*

The town of Dartmouth is hereby authorized to use a certain parcel of park land located in said town for the construction of a senior citizens community center, and to transfer the control of said land to the Council on Aging of said town, said parcel being bounded and described as follows:-

Beginning at a point located on the southerly side line of Rogers Street, said point of beginning being a bound stone located on the northeast corner of the lot to be conveyed; thence at S04-37-50W a distance of three hundred ninety-six and six one hundredths feet (396.06) to a bound stone; thence at N80-15-00W a distance of four hundred fifty-five and thirty-eight one hundredths feet (455.38) by the northerly side line of a proposed right of way to a point located on the easterly side line of Dartmouth Street; thence at N20-40-44E a distance of three hundred seventy-one and sixty-two one hundredths feet (371.62) by the said easterly side line of Dartmouth Street to the said southerly side line of Rogers Street; thence at S86-12-30E a distance of three hundred forty and forty-four one hundredths feet (340.44) by the said southerly side line of Rogers Street to the said bound stone and point of beginning. Containing approximately three and thirty-eight one hundredths acres, more or less (3.38).

*Approved June 24, 1976.*

**Chap. 211.** AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFITS WHICH MAY BE PAID BY THE TAUNTON POLICE MUTUAL BENEFIT ASSOCIATION, INC.

The Taunton Police Mutual Benefit Association, Inc., a corporation duly established under the provisions of chapter one hundred and seventy-six of the General Laws, is hereby authorized to pay to any member, if he so elects by a writing filed with the secretary of said corporation within sixty days after his retirement from the police department of the city of Taunton, the sum of one thousand dollars provided by the by-laws of said corporation, and he shall thereupon cease to be a member of said corporation or entitled to receive any benefits therefrom.

*Approved June 24, 1976.*

**Chap. 212.** AN ACT RELATIVE TO THE AMOUNT OF RETIREMENT BENEFITS WHICH MAY BE PAID BY THE BROOKLINE FIREMEN'S RELIEF ASSOCIATION.

*Be it enacted, etc., as follows:*

The Brookline Firemen's Relief Association, a corporation duly established under chapter one hundred and seventy-six of the General Laws, is hereby authorized to pay to any member if he so elects by a writing filed with the secretary of said corporation within sixty days after his retirement from the fire department of the town of Brookline a sum equal to one half of the death benefit provided by the by-laws of said corporation, and he shall thereupon cease to be a member of said corporation or entitled to receive any benefits therefrom. The said corporation is hereby authorized to pay to any retired member of the said corporation if he so elects by a writing filed with the secretary of the said corporation within sixty days of the effective date of this act a sum equal to one half of the death benefit provided by said by-laws, and he shall thereupon cease to be a member of said corporation or entitled to receive any benefits therefrom.

*Approved June 24, 1976.*

---

**Chap. 213.** AN ACT RELATIVE TO THE AMOUNT OF CERTAIN RETIREMENT AND DEATH BENEFITS WHICH MAY BE PAID THE BELMONT POLICE ASSOCIATION, INCORPORATED.

*Be it enacted, etc., as follows:*

SECTION 1. The Belmont Police Association, Incorporated, a corporation duly established under the laws of the commonwealth, is hereby authorized to pay twenty-five hundred dollars to the designated beneficiary of a non-retired member of the association upon the death of said member; and also to pay twenty-five hundred dollars to the designated beneficiary of a retired member of said corporation with less than ten years service as a permanent officer of the Belmont police department upon the death of said retired member.

SECTION 2. The Belmont Police Association, Incorporated, is hereby authorized to pay twenty-five hundred dollars to a member of the corporation in good standing with ten or more years service as a permanent officer of the Belmont police department upon said member's retirement.

*Approved June 24, 1976.*

---

**Chap. 214.** AN ACT RELATIVE TO THE CARE OF GRAVES OF VETERANS.

*Be it enacted, etc., as follows:*

Section 9 of chapter 115 of the General Laws, as most recently amended by section 8 of chapter 793 of the acts of 1965, is hereby further amended by adding the following sentence:- In cities and towns where there are cemeteries with mausoleums containing the remains of deceased veterans, each such city or town shall cause to

be placed on each mausoleum a suitable plaque with the names of all deceased veterans contained therein, and a flag of the United States shall be suitably placed at each mausoleum on every Memorial day.

*Approved June 24, 1976.*

**Chap. 215.** AN ACT AUTHORIZING THE CITY OF MARLBOROUGH TO GRANT TWO ADDITIONAL ALL ALCOHOLIC BEVERAGE LICENSES IN SAID CITY.

*Be it enacted, etc., as follows:*

Notwithstanding 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 city of Marlborough is hereby authorized to issue two licenses for the sale of all alcoholic beverages under section twelve of said chapter one hundred and thirty-eight. Said licenses are to be in addition to the number presently authorized under said section seventeen and shall not be included in the number of licenses issued under authority of said section; provided, however, that if there is an addition to the quota of such licenses in said city under said section seventeen because of an increase in population, then said licenses shall be included in such new quota.

*Approved June 24, 1976.*

**Chap. 216.** AN ACT AUTHORIZING THE ESTABLISHMENT OF A CIVIC CENTER COMMISSION IN THE CITY OF WORCESTER.

*Be it enacted, etc., as follows:*

SECTION 1. It is hereby declared that the lack of proper facilities for cultural, exhibition and civic purposes and the lack of proper facilities for public entertainment in connection with the holding of conventions in a city and the lack of proper structures and facilities to accommodate large public and private gatherings, banquets, trade shows, the performing arts, concerts, sports events and cultural events at a reasonable cost obstructs the urban development of a city, diminishes assessed property values, reduces the level of employment and endangers the general welfare of the public; that the provision of such structures and facilities at a reasonable cost is therefore necessary to alleviate such conditions; and that the establishment and operation of such structures and facilities is a proper public or municipal purpose.

SECTION 2. For the purpose of this act the term "civic center" shall mean a single or multipurpose structure or structures erected and operated to provide accommodation for large public and private gatherings, conventions, exhibitions, banquets, trade shows and displays, the performing arts, concerts, sports events,

cultural events, public entertainment, civic events and similar activities. Such structures may be publicly owned and publicly operated, or they may be publicly owned and privately operated, and the same may be open to public use with or without charge or to private use for a fee.

SECTION 3. The city of Worcester is hereby authorized to establish a commission, to be known as the Worcester Civic Center Commission, hereinafter called the commission, for the purpose of establishing, operating and maintaining, as hereinafter provided, a civic center within the city of Worcester. Such commission shall consist of five members, residents of the city, all of whom shall be appointed by the city manager with the approval of the city council. The chairman of the commission shall be designated by the city manager.

The members of the commission shall serve for terms of five years unless sooner removed; provided, however, the initial appointees shall serve for terms of one, two, three, four, and five years, respectively. Members, unless sooner removed, shall serve until the appointment of their successors, and vacancies other than by reason of expiration of a term shall be filled by appointment by the city manager with the approval of the city council for the balance of the unexpired term. Any member of the commission may be removed by the city manager pursuant to the provisions of the city charter and in accordance with the procedures therein provided.

Members of the commission shall serve without compensation, but shall be allowed their reasonable and necessary expenses incurred in the performance of their duties as such members.

SECTION 4. (a) The commission, after recommendation of the city manager and the approval of the city council in accordance with the city charter or in cooperation with any federal, state, municipal or private agency or person, natural or corporate, is hereby authorized to plan, design, locate, relocate, acquire property for, construct, equip, furnish, alter and enlarge facilities for a civic center, whenever and to the extent that the commission deems such facilities to be necessary or desirable in the city of Worcester.

(b) The commission is authorized to construct, or cause to be constructed, civic center facilities of such design and in such locations as authorized by this act. In inviting bids for, entering contracts for, and constructing the civic center, the commission and all contractors and subcontractors shall comply with the applicable provisions of section forty-four A to forty-four L, inclusive, of chapter one hundred and forty-nine of the General Laws.

(c) The commission is authorized to contract with the Downtown Worcester Development Corporation established by chapter four hundred and eighty-six of the acts of nineteen hundred seventy-three, or any other person, to provide the commission with feasibility, financial and other studies, plans and

specifications and other professional services including those necessary to determine the characteristics, quality, financing, design and time schedule for the construction of the civic center. The commission is further authorized to reimburse the Downtown Worcester Development Corporation up to ninety thousand dollars for expenses incurred by it for architectural services, including feasibility and economic projections, pertaining to the civic center prior to the enactment of this act and the appropriation of funds for the construction of the civic center.

(d) The commission is authorized to contract with a single developer to design and to manage the construction of the civic center facilities, guarantee construction and furnishings for a fixed sum not to exceed fourteen million five hundred thousand dollars and to construct the same provided he is the lowest responsible and eligible bidder under the provisions of sections forty-four A to forty-four L, inclusive, of chapter one hundred forty-nine of the General Laws.

SECTION 5. (a) For the purposes of this act, the commission is hereby authorized consistent with paragraph (a) of section 4 to acquire private or public, real or personal property rights above, at or below the surface of the earth, which it deems necessary or desirable for civic center facilities, by purchase, gift, lease, bequest, devise or grant. Wherever possible and practicable, real property acquired under the provision of this act shall be acquired in fee simple.

(b) The commission, on the recommendation of the city manager and with the approval of the city council, may sell, lease, exchange, demolish or otherwise dispose of property and property rights acquired under this act, if in so doing it deems that the interest of the city of Worcester will be best served and that the same are no longer needed for purposes of the civic center.

SECTION 6. For the purposes of making surveys, planning, acquiring land for, erecting, equipping, or furnishing civic center facilities, the city of Worcester is authorized to accept and use such federal funds, credits and benefits as may now or hereafter be available for the same and to secure the benefits in regard to the civic center of the applicable provisions of federal law.

SECTION 7. Notwithstanding the provisions of any general or special law or ordinance to the contrary, the commission is hereby authorized and empowered:-

(a) To maintain, operate, promote, repair and improve a civic center for such uses as are provided in this act.

(b) To provide by the grant of one or more concessions to private persons or firms for the furnishing of services and things for the accommodation of persons admitted to or using the civic center or any part, facility or function thereof.

(c) To establish rules and regulations, and fix policies, for the use of the civic center in accordance with the purposes provided for in this act and to revise the same from time to time.

(d) To fix from time to time and charge and collect fees for admission to, or the use or occupancy of such civic center or any part or facility thereof, and for the grant of concessions therein and for things furnished or services rendered by the commission or by any person holding a concession from the commission whether the facilities are operated by the commission or under a contract or lease, provided such fees shall conform to any applicable laws of the United States or of the commonwealth. The commission shall fix such fees under this clause as in its judgement are best adapted to insure maximum income to meet the expenses of the commission and to provide such facilities at reasonably low cost.

(e) In the operation and maintenance of the civic center, to purchase all supplies and equipment through the purchasing agent of the city in accordance with law.

(f) To contract with a private professional manager or management firm, hereinafter called "the general manager" wherein the commission may delegate such duties and authority to the general manager in regard to supervising the construction, equipping, furnishing, repairing, operating and maintaining of the civic center as the commission deems proper, by any such contract shall provide for the termination of the same by the commission for cause and may provide for the termination of the same for the convenience of the commissions.

(g) Subject to appropriation, to employ consultants.

(h) All contracts made pursuant to this act shall be in accordance with the applicable provisions of section twenty-nine of chapter forty-three of the General Laws.

SECTION 8. (a) The commission is hereby authorized to maintain and operate a civic center or to lease to any person corporate or otherwise, the operation of the civic center of any of the facilities thereof; provided, any such lease shall not exceed a term of twenty years and shall be subject to the limitations and procedures established by section twenty-nine of chapter forty-three of the General Laws. The provisions of chapter thirty-one of the General Laws shall not apply to positions under the jurisdiction of the commission.

(b) The commission is authorized to contract in writing for the use of the civic center or any of its facilities with any person or persons, corporate or natural, for any activities encompassed in the purposes of this act which are to be conducted by or sponsored by such person or persons. Any such contract may provide for advance reservations of the civic center or of a facility thereof and shall be on such terms and conditions as the commission deems proper. Notwithstanding the provisions of any special or general law or ordinance to the contrary, contracts executed pursuant to this clause shall be valid and binding on both parties thereto when executed by such person or persons and by a majority of the commission. The commission's power to execute contracts under this

clause may be delegated by it to the general manager of the civic center.

SECTION 9. (a) For the purpose of paying all or any part of the costs incurred or to be incurred pursuant to sections four and five of this act, the city of Worcester may borrow from time to time such sums of money as may be necessary, not exceeding, in the aggregate, fourteen million nine hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words City of Worcester Civic Center Loan, Act of 1976. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. The first annual payment of principal on account of a serial loan issued hereunder shall be made not later than three years from the date of the bonds or notes issued for such serial loan and the amount of the annual payments of principal and interest thereof in any year shall not be less than the amount of principal and interest payable in any subsequent year by more than five thousand dollars or one half of one per cent of the principal amounts of the serial loan, whichever is greater. Indebtedness incurred under this act shall be in excess of the statutory limit provided in section ten of chapter forty-four of the General Laws, but shall, except as otherwise provided herein, be subject to the applicable provisions of said chapter forty-four.

(b) The city of Worcester shall appropriate such funds as it deems necessary to the commission for the purposes of managing, operating, promoting, maintaining, repairing and improving the civic center or any of its facilities.

(c) Any receipts from the operation of the civic center and any of its facilities shall be kept in a separate fund by the city treasurer apart from any other money, funds, or other property of the city, and may be used subject to the recommendation of the city manager and the approval of the city council for the purpose of managing, operating, promoting, maintaining, repairing and improving the civic center or any of its facilities and for the payment of bond and note indebtedness as provided in this act and any excess of such receipts may be used for any other public purpose.

(d) Annual reports of all activities shall be made by the commission to the city manager and to the city council.

(e) The commission shall be subject to the provisions of section thirty-one and thirty-one A of chapter forty-four of the General Laws.

SECTION 10. (a) Notwithstanding any limitation on the number of licenses which may be issued under the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the licensing commissioners of the city of Worcester appointed under the authority of chapter four hundred sixty-one of the acts of nineteen hundred and fourteen may issue up to three licenses to a person or persons operating the civic center under a lease pursuant to paragraph (a) of section eight of

this act or who has been granted a concession by the commission for the sale of food and alcoholic beverages pursuant to paragraph (b) of section seven a license or licenses as a common victualler to serve all alcoholic beverages to be drunk on the premises of the civic center or any part thereof and the provisions of section twelve A and sixteen C of said chapter shall not apply to such premises. The licensee shall not be required by said licensing board under the provisions of section twelve of said chapter to have the licensed premises open during any hours when there is no activity being conducted in the civic center nor shall the licensee be permitted to serve food or alcoholic beverages to strangers, travelers or member of the general public who are not attending an activity then being conducted in the civic center.

(b) Said licensing commissioners are authorized to issue to a person operating the civic center under a lease pursuant to paragraph (a) of section eight or who has been granted a concession by the commission for the sale of food and beverages pursuant to paragraph (b) of section seven a common victualler's license for the civic center premises or any part thereof pursuant to section two of chapter one hundred and forty of the General Laws, and the provisions of sections five and eight of said chapter shall not apply to the license so issued.

(c) Any licenses issued under this section shall not be transferable to any other location and such licenses shall be renewed annually subject to the provisions of chapter one hundred and thirty-eight of the General Laws.

(d) Any license issued under this section shall expire and be returned by the licensee to the licensing commissioner upon the termination of the licensee's lease or concession from the commission.

SECTION 11. The commission is authorized to exercise all powers necessary, convenient or desirable to carry out the purpose of this act.

SECTION 12. The commission shall adopt rules, not inconsistent with the provisions of any statute or ordinance, for conducting its business and meetings and otherwise carrying out the purpose of this act.

SECTION 13. This act shall take effect upon its acceptance by the city of Worcester.

*Approved June 24, 1976.*

---

**Chap. 217.** AN ACT PROVIDING FOR AN ADDITIONAL SIXTY DAYS OF HARNESS HORSE RACING FOR HAMPDEN, HAMPSHIRE OR FRANKLIN COUNTIES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide at once additional revenue for 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. Clause (j) of the third paragraph of section 3 of chapter 128A, as most recently amended by section 2 of chapter 813 of the acts of 1972, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

No licenses shall be issued for more than an aggregate of two hundred and twenty-four racing days in any one year at the harness horse racing meetings combined; not including harness horse racing meetings at state or county fairs; provided, however, that sixty such racing days may only be awarded for racing in Hampden, Hampshire or Franklin counties; and provided, further, that of the remaining one hundred and sixty-four days, not less than one hundred and four racing days shall be held during the months of January, February, March and December in any calendar year.

SECTION 2. Said third paragraph of said section 3 of said chapter 128A is hereby amended by striking out clause (p), inserted by chapter 1 of the acts of 1961.

SECTION 3. Said chapter 128A is hereby amended by striking out section 13A, as most recently amended by section 2 of chapter 777 of the acts of 1951, and inserting in place thereof the following section:-

*Section 13A.* The provisions of section one hundred and eighty-one of chapter one hundred and forty and the provisions of said chapter relative to the powers and duties of dog officers and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter or to animals eligible to race at such meetings; except that no license shall be granted by the commission for a racing meeting in any city or town, except in connection with a state or county fair, unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and city council or the town council or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one, after a public hearing, seven days' notice of the time and place of which hearing shall have been given by posting in a conspicuous public place in such city or town and by publication in a newspaper published in such city or town, if there is any published therein, otherwise in a newspaper published in the county wherein such city or town is situated.

The approval of a location by a mayor and city council shall be deemed to be a measure within the provisions of section forty-two of chapter forty-three and the provisions of said sections shall app-

ly to every city; provided, however, that such approval, if not rescinded as provided in said sections, shall be submitted to the voters of the city at a special election which shall be called by the city council and shall be held within forty-five days of the filing of the petition protesting such approval taking effect.

The approval of a location by a town council, in a town having a town council, and by the selectmen in any other town, upon petition of twelve per cent of the voters of the town filed with the town clerk protesting against such approval taking effect shall be suspended from taking effect and the town council or the selectmen, as the case may be, shall immediately reconsider such approval, and if such approval is not rescinded, the question of such approval shall be submitted to the voters of the town at a special election which shall be called by the selectmen or town council, as the case may be, and which shall be held within forty-five days of the submission of said petition. Such approval shall become null and void unless a majority of the voters voting on the same at said election vote in the affirmative.

SECTION 4. Said chapter 128A is hereby further amended by striking out section 14, as most recently amended by section 1 of chapter 559 of the acts of 1964, and inserting in place thereof the following section:-

*Section 14.* Licenses shall not be granted under this chapter for the holding or conducting of any horse racing meeting or any dog racing meeting within any county unless a majority of the registered voters of such county voting on the following described questions relative to granting such licenses when said questions were last submitted to them have voted in the affirmative.

The state secretary shall, if there has been filed with said secretary, not later than the sixtieth day before the biennial state election at which such subdivision is to be submitted, petitions, the forms of which may be obtained from said secretary, signed by registered voters of such county, the total of which are equal in number to at least ten per cent of the total number of registered voters in said county, cause to be placed on the official ballot to be used in the cities and towns at biennial state elections, commencing in the year nineteen hundred and seventy-eight, the following subdivided questions:

A. Shall the pari-mutuel system of betting on licensed horse races be permitted in this county?

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

B. Shall the pari-mutuel system of betting on licensed dog races be permitted in this county?

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

If a majority of the votes cast in a county in answer to subdivision A is in the affirmative, such county shall be taken to have authorized the licensing of horse races therein at which the pari-mutuel system of betting shall be permitted.

If a majority of the votes cast in a county in answer to subdivision B is in the affirmative, such county shall be taken to have

authorized the licensing of dog races therein at which the pari-mutuel system of betting shall be permitted.

SECTION 5. Chapter 271 of the General Laws is hereby amended by striking out section 33, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 33.* No land within a town shall be laid out or used as a race ground or trotting park without the previous consent of and location by the mayor and city council, the town council in a town having a town council or the selectmen in any other town, who may regulate and alter the terms and conditions under which the same shall be laid out, used or continued in use and may discontinue the same when in their judgment the public good so requires; and no land shall be used for any of the purposes declared unlawful in section thirty-one.

SECTION 6. Notwithstanding any provision to the contrary in section two of chapter one hundred and twenty-eight A of the General Laws, applications for licenses to hold and conduct harness horse racing meetings for the number of dates authorized by this act may be filed with the state racing commission on or after November second but not later than December sixth in the current year; and the commission shall grant or dismiss such application not later than January fifth, nineteen hundred and seventy-seven; and said commission is authorized to award such harness horse racing dates and to issue licenses therefor, upon application so filed for such harness horse racing meetings to be held or conducted in the calendar year nineteen hundred and seventy-seven and thereafter. Said commission's procedures for hearings upon all such applications shall be the procedures on original applications for harness horse racing meetings filed under chapter one hundred and twenty-eight A of the General Laws.

SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the state secretary shall cause to be placed on the official ballot to be used in the cities and towns in the counties of Hampden, Hampshire and Franklin at the biennial state election in the year nineteen hundred and seventy-six, the following question:

Shall the pari-mutuel system of betting on harness horse races be permitted in this county?

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

SECTION 8. Notwithstanding the provisions of section thirteen A of chapter one hundred and twenty-eight A of the General Laws, as amended by section three of this act and section thirty-three of chapter two hundred and seventy-one of the General Laws, as amended by section five of this act, no license shall be granted for any location in Hampden, Hampshire or Franklin counties unless, after the effective date of this act, such location has been approved in a town by the town council or by the selectmen, as the case may be, and in a city by the mayor and city council subject to the provisions of said section thirteen A relative

to the filing of a petition protesting against such approval taking effect and the submission of such approval to the voters.

*Approved June 28, 1976.*

---

**Chap. 218.** 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:*

SECTION 1. 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 the compensation said deceased officer would have received had he continued to serve in the position which he held at the time of death until he reached the mandatory retirement age for his group; provided, however, that the amount of the pension, payable from the date of election, shall be equal to the maximum salary set for the position, whether or not such police officer had reached the maximum at the time of his death.

SECTION 2. Chapter six hundred and twenty-four of the acts of nineteen hundred and seventy-five is hereby repealed.

*Approved June 28, 1976.*

---

**Chap. 219.** AN ACT CLARIFYING THE MEMBERSHIP OF THE MARTHA'S VINEYARD COMMISSION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to facilitate participation in the Martha's Vineyard commission by a representative 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 1. The second paragraph of section 2 of chapter 637 of the acts of 1974 is hereby amended by inserting after the word "governor", in line 12, the words:- , or a designee thereof.

SECTION 2. Section 15 of said chapter 637 is hereby amended by striking out lines 1 to 5, inclusive, and inserting in place thereof the following:- The commission shall review all applications for development permits for developments of regional impact. Notice and public hearing pursuant to section two of chapter thirty A of the General Laws shall be required, except that only fourteen days rather than twenty-one days of prior notice shall be required and a copy of said notice need not be sent to the state secretary. The commission shall permit the referring agency to grant a develop-

ment permit for such development only if it finds after such public hearing that:.

*Approved June 30, 1976.*

**Chap. 220.** AN ACT AUTHORIZING THE TOWN OF COHASSET TO APPROPRIATE AND PAY A SUM OF MONEY TO JOSEPH S. LAUGELLE.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Cohasset 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 sum of one thousand five hundred dollars to Joseph S. Laugelle, superintendent of the disposal area of said town, for the cost of a building, owned by him and placed at said disposal area, which was completely destroyed by fire.

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

*Approved June 30, 1976.*

**Chap. 221.** AN ACT ESTABLISHING A PROCEDURE FOR THE ACCEPTANCE BY THE COMMONWEALTH OF RETROCESSIONS OF LEGISLATIVE JURISDICTION OVER CERTAIN PROPERTY PREVIOUSLY CEDED TO THE FEDERAL GOVERNMENT BY THE COMMONWEALTH.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide a procedure for immediate acceptance by the commonwealth of retrocessions by the federal government of jurisdiction over property previously ceded to it by the commonwealth, 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:*

Chapter 1 of the General Laws is hereby amended by inserting after section 7 of the following section:-

*Section 7A.* The governor, if he finds that the public interest will benefit thereby, may accept on behalf of the commonwealth retrocession of all or part of the legislative jurisdiction over property within the commonwealth over which such jurisdiction has been ceded to the United States by the commonwealth. Such acceptance of retrocession shall take effect in each case upon the written acceptance by the governor of a notice of retrocession signed by the duly authorized officer or agent of the United States having supervision and control over the property being retroceded. A copy of the notice of retrocession and the written acceptance thereof shall be filed with the state secretary and the city or town clerk of the city or town in which the affected property is located,

and in the case of property located in more than one city or town, with the clerk of each municipality in which the property is located.

*Approved June 30, 1976.*

---

**Chap. 222.** AN ACT REQUIRING MOTOR VEHICLES EMPLOYED BY CERTAIN HAWKERS AND PEDDLERS TO BE EQUIPPED WITH CERTAIN FLASHING AND WARNING LIGHTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to expedite the installation of certain safety equipment on motor vehicles used for the sale of certain frozen desserts prior to July first in the current year, 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:*

SECTION 1. Section three of chapter one hundred and seventy-three of the acts of nineteen hundred and seventy-five is hereby repealed.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-six.

*Approved June 30, 1976.*

---

**Chap. 223.** AN ACT VALIDATING ALL ACTIONS TAKEN AT THE ANNUAL TOWN MEETING OF THE TOWN OF ANDOVER IN THE YEAR NINETEEN HUNDRED AND SEVENTY-SIX.

*Be it enacted, etc., as follows:*

SECTION 1. All actions taken by the town of Andover at its annual town meeting in the year nineteen hundred and seventy-six, and all actions subsequently taken pursuant thereto, are hereby validated and confirmed notwithstanding the failure of the warrant for the said meeting to state the time when the polls for the election would close and the time and place of the business session thereof.

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

*Approved June 30, 1976.*

---

**Chap. 224.** AN ACT RELATIVE TO THE TRUSTEES OF THE BERKSHIRE ATHENAEUM.

*Be it enacted, etc., as follows:*

Chapter 726 of the acts of 1975 is hereby amended by striking out section 1 and inserting in place thereof the following two sections:-

*Section 1.* On and after the effective date of this act, the powers and duties of the trustees of the Berkshire Athenaeum,

their associates and successors all holding office under authority of section one of chapter one hundred and twenty-nine of the acts of eighteen hundred and sevnty-one shall cease and their powers and duties shall be transferred to and exercised by a board of trustees appointed under authority of section four of said chapter one hundred and twenty-nine, as amended by section two of this act.

*Section 1A.* 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.

*Approved June 30, 1976.*

**Chap. 225.** AN ACT AUTHORIZING THE CITY OF CHICOPEE TO APPROPRIATE AND PAY A CERTAIN SUM OF MONEY TO ALBERTA AND ZYGMUNT JABLONSKI.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Chicopee is hereby authorized to appropriate money for the payment of, and after such appropriation the treasurer of said city is hereby authorized to pay to Alberta and Zygmunt Jablonski the sum of two thousand and fifty-one dollars for abatements they could have received under paragraph (e) of clause twenty-second of section five of chapter fifty-nine of the General Laws for the period of time from nineteen hundred and sixty-nine through nineteen hundred and seventy-six as mother and father of a member of the armed forces of the United States who lost his life in wartime service.

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 said abatements have not already been received and that they are by law entitled to said abatements.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives payments for abatements to which he was not entitled, shall be punished by imprisonment for not more than one year or by a fine of not more than three thousand dollars, or both.

*Approved June 30, 1976.*

**Chap. 226.** AN ACT PROVIDING FOR THE CONVEYANCE OF CERTAIN LAND AND BUILDINGS TO THE EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE TO BE HELD BY SAID EXECUTIVE OFFICE FOR USE BY THE UNITED STATES GOVERNMENT AS THE LOCATION FOR THE SOLAR ENERGY RESEARCH INSTITUTE OR ANY OTHER ACTIVITIES RELATING TO ENERGY DEVELOPMENT.

*Whereas,* The deferred operation of this act would tend to

defeat its purpose, which is, in part, to facilitate the location of the Solar Energy Research Institute 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. As used in this act, the following terms shall have the following meanings unless the context clearly indicates another meaning and intent:

“ERDA” shall mean the United States government, as represented by the Energy Research and Development Administration.

“SERI” shall mean a program of ERDA, entitled the Solar Energy Research Institute, pursuant to section 10 (a) of the Solar Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-473, U.S. Congress).

“RFP” shall mean the Request for Proposal to establish the Solar Energy Research Institute as issued by ERDA on March 12, 1976 and as amended at ERDA’s option.

“Manager-operator” shall mean the responsible organization, public or private, to which ERDA’s contract to manage and operate SERI is awarded.

“New England SERI proposal” shall mean exclusively the proposal submitted to ERDA, on behalf of the six New England states and under the approval and direction of the New England Council, that cites a responsible manager-operator, an initial site, and a future site for SERI.

SECTION 2. The care and control of the land of the commonwealth, with the buildings thereon, located in the town of Westborough formerly used by the Lyman School for Boys is hereby transferred to the executive office of administration and finance. Said land and buildings shall be maintained in the condition they were in on the effective date of this act and not less than three hundred contiguous acres of said land with the buildings thereon shall be held for the exclusive use of the manager-operator as designated in the New England SERI proposal until such time as the SERI contract is awarded by the ERDA.

If said manager-operator is awarded the SERI contract the secretary of administration is hereby authorized, on behalf of the commonwealth to enter into an agreement to convey to the ERDA at its option, for a consideration of one dollar, three hundred contiguous acres of land with the buildings thereon, hereinbefore required to be held for the exclusive use of the manager-operator. Said agreement shall provide that title and possession of said land shall be delivered to the ERDA within sixty days of the exercise of said option if the option is exercised within five years from the date of the execution of the SERI contract or within such further time as the secretary of administration and the ERDA shall agree upon. Said agreement shall contain such assurances as to title and posses-

sion and use as the ERDA may require including a provision that the use of such land and buildings for the purposes of SERI shall not be subject to any law or condition which would impede the full use thereof for said purposes. Any land placed under the control of the executive office of administration and finance by this act which is not conveyed to ERDA, as provided in section two, shall be held by said office subject to disposition by the general court.

In the event that the SERI contract with the manager-operator is terminated in its entirety prior to the exercise of said option, the option shall cease as of the date of such termination, unless the secretary of administration and ERDA agree otherwise.

*Approved July 2, 1976.*

**Chap. 227.** AN ACT IMPOSING CERTAIN PENALTIES FOR CAUSING THE DEATH OF PERSONS AS THE RESULT OF CERTAIN IMPROPER OPERATION OF MOTOR VEHICLES.

*Be it enacted, etc., as follows:*

Chapter 90 of the General Laws is hereby amended by inserting after section 24F, inserted by chapter 218 of the acts of 1975, the following section:-

**Section 24G.** Whoever, 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, operates a motor vehicle in violation of paragraph (a) of subdivision (1) of section twenty-four of chapter ninety, or so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person shall be guilty of homicide by a motor vehicle and shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three hundred nor more than three thousand dollars, or both.

*Approved July 2, 1976.*

**Chap. 228.** AN ACT EXCLUDING FEDERAL PENSIONS OR RETIREMENT BENEFITS IN THE COMPUTATION OF UNEMPLOYMENT COMPENSATION BENEFITS.

*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 1. The term "retirement benefit" as used in

paragraph (4) of subsection (d) of section twenty-nine of chapter one hundred and fifty-one A of the General Laws shall not include federal pensions.

SECTION 2. Section one of this act shall become inoperative on December thirty-first, nineteen hundred and seventy-seven.

SECTION 3. Paragraph (4) of subsection (d) of section 29 of chapter 151A of the General Laws is hereby amended by striking out the words "federal pensions," inserted by section 1 of chapter 558 of the acts of 1973.

SECTION 4. The provisions of section three of this act shall not be construed as reducing or affecting the benefits to which any former federal employee was entitled under the provisions of section twenty-nine of chapter one hundred and fifty-one A of the General Laws in effect prior to the effective date of this act.

*Approved July 6, 1976.*

---

**Chap. 229.** AN ACT AUTHORIZING SAVINGS BANKS TO MAKE LOANS SECURED BY SECOND MORTGAGES ON RESIDENTIAL PROPERTY.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 168 of the General Laws is hereby amended by inserting after section 37B, inserted by section 1 of chapter 381 of the acts of 1972, the following section:-

*Section 37C.* Such corporation may make or acquire a loan secured by a second mortgage on residential real estate for non-commercial or nonbusiness purposes to an amount not exceeding ten thousand dollars.

SECTION 2. Section 41 of said chapter 168 is hereby amended by striking out the words ", thirty seven B", inserted by section 2 of said chapter 381, and inserting in place thereof the words:- thirty-seven B, thirty-seven C.

SECTION 3. Said section 41 of said chapter 168 is hereby further amended by striking out paragraph 3, as amended by section 3 of said chapter 381, and inserting in place thereof the following paragraph:-

3. *Aggregate Investment Limit*-Not more than twenty per cent of the deposits of any such corporation shall be invested at any one time in loans made or acquired under the provisions of section thirty-seven, thirty-seven B, thirty-seven C, and paragraphs 1 to 5, inclusive, of section thirty-eight and section thirty-nine.

*Approved July 6, 1976.*

---

**Chap. 230.** AN ACT AUTHORIZING THE APPROPRIATION OF CERTAIN FUNDS OF THE CITY OF BROCKTON, 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 Brockton may, by a two-thirds vote of all members of the city council, appropriate sums not exceeding three hundred and ten thousand dollars, in the aggregate, from the proceeds of a loan issued December first, nineteen hundred and seventy-four, for the construction of the Oaks and Plain Street schools, which proceeds are not presently necessary for the purposes specified in the authorization of said loan, for any purpose for which said city may be authorized to borrow for a period of ten years or longer.

*Approved July 6, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

July 6, 1976

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 230 of the Acts of 1976, entitled AN ACT AUTHORIZING THE APPROPRIATION OF CERTAIN FUNDS BY THE CITY OF BROCKTON, PREVIOUSLY RAISED BY BOND ISSUE., and the enactment of which received my approval on July 6, 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 allow for the immediate expenditure of certain funds by the city of Boston.

Sincerely,  
Thomas P. O'Neill, III  
*Lieutenant Governor*

OFFICE OF THE SECRETARY, BOSTON, July 6, 1976.

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 four 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 two hundred and thirty of the acts of

nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 231.** AN ACT EXEMPTING SHELLFISH CONSTABLES FROM THE PROVISIONS OF CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

Section 5 of chapter 31 of the General Laws, as appearing in chapter 115 of the acts of 1975, is hereby amended by inserting after the twenty-sixth clause, inserted by section 2 of chapter 138 of the acts of 1976, the following clause:-

Shellfish constables or deputy shellfish constables.

*Approved July 6, 1976.*

---

**Chap. 232.** AN ACT PROVIDING TENURE OF OFFICE FOR LEONARD NATAUPSKY, INCUMBENT OF THE OFFICE OF CLERK OF COMMITTEES OF THE BOARD OF ALDERMEN OF THE CITY OF CHELSEA.

*Be it enacted, etc., as follows:*

The tenure of office of Leonard Nataupsky, incumbent of the office of clerk of committees of the board of aldermen of the city of Chelsea, shall, upon the effective date of this act, be unlimited, but he may be removed therefrom for cause after a hearing in the manner provided by section forty-three of chapter thirty-one of the General Laws.

*Approved July 7, 1976.*

---

**Chap. 233.** AN ACT PROVIDING FOR THE ALLOCATION OF COUNSEL FEES AND EXPENSES IN CIVIL CASES.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 231 of the General Laws is hereby amended by inserting after section 6D the following sections:-

*Section 6E.* As used in sections 6E to 6G inclusive, the following words shall have the following meanings:-

“Court”, the supreme judicial court, the appeals court, the superior court, the land court, any probate court and any housing court, and any judge or justice thereof;

“Civil action”, any civil proceeding in any court except those conducted pursuant to chapters one hundred and nineteen, one hundred and twenty-three, chapter one hundred and twenty-three A or chapter two hundred and ten;

“Party”, any officer or agency of the commonwealth or subdivision thereof, or any authority established by the general court to serve a public purpose.

*Section 6F.* Upon motion of any party in any civil action in which a finding, verdict, decision, award, order or judgment has been made by a judge or justice or by a jury, auditor, master or other finder of fact, the court may determine, after a hearing, as a separate and distinct finding, that all or substantially all of the claims, defenses, setoffs or counterclaims, whether of a factual, legal or mixed nature, made by any party who was represented by counsel during most or all of the proceeding, were wholly insubstantial, frivolous and not advanced in good faith. The court shall include in such finding the specific facts and reasons on which the finding is based.

If such a finding is made with respect to a party's claims, the court shall award to each party against whom such claims were asserted an amount representing the reasonable counsel fees and other costs and expenses incurred in defending against such claims. If the party against whom such claims were asserted was not represented by counsel, the court shall award to such party an amount representing his reasonable costs, expenses and effort in defending against such claims. If such a finding is made with respect to a party's defenses, setoffs or counterclaims, the court shall award to each party against whom such defenses, setoffs or counterclaims were asserted (1) interest on the unpaid portion of the monetary claim at issue in such defense, setoff or counterclaim at one hundred and fifty per cent of the rate set in section six C from the date when the claim was due to the claimant pursuant to the substantive rules of law pertaining thereto, which date shall be stated in the award, until the claim is paid in full; and (2) an amount representing the reasonable counsel fees, costs and expenses of the claimant in prosecuting his claims or in defending against those setoffs or counterclaims found to have been wholly insubstantial, frivolous and not advanced in good faith.

Apart from any award made pursuant to the preceding paragraph, if the court finds that all or substantially all of the defenses, setoffs or counterclaims to any portion of a monetary claim made by any party who was represented by counsel during most or all of the proceeding were wholly insubstantial, frivolous and not advanced in good faith, the court shall award interest to the claimant on that portion of the claim according to the provisions of the preceding paragraph.

In any award made pursuant to either of the preceding paragraphs, the court shall specify in reasonable detail the method by which the amount of the award was computed and the calculation thereof.

No finding shall be made that any claim, defense, setoff or counterclaim was wholly insubstantial, frivolous and not advanced in good faith solely because a novel or unusual argument or principle of law was advanced in support thereof. No such finding shall be made in any action in which judgment was entered by default without an appearance having been entered by the defendant. The

authority granted to a court by this section shall be in addition to, and not in limitation of, that already established by law.

If any parties to a civil action shall settle the dispute which was the subject thereof and shall file in the appropriate court documents setting forth such settlement, the court shall not make any finding or award pursuant to this section with respect to such parties, if an award had previously been made pursuant to this section, such award shall be vacated unless the parties shall agree otherwise.

*Section 6G.* Any party aggrieved by a decision on a motion pursuant to section six F may appeal as hereinafter provided. If the matter arises in the superior, land, housing or probate court, the appeal shall be to the single justice of the appeals court at the next sitting thereof. If the matter arises in the appeals court or before a single justice of the supreme judicial court, the appeal shall be to the full bench of the supreme judicial court. The court hearing the appeal shall review the finding and award, if any, appealed from as if it were initially deciding the matter, and may withdraw or amend any finding or reduce or rescind any award when in its judgment the facts so warrant.

Any party may file a notice of appeal with the clerk or register of the court hearing the motion within ten days after receiving notice of the decision thereon. The clerk or register shall then forward the motion, the court's findings and award, and any other documents relevant to the appeal to the clerk of the court hearing the appeal who, upon receipt thereof, shall schedule a speedy hearing thereon and send notice thereof to the parties. Any appeal to the supreme judicial court or the appeals court, or to a justice of either court, shall proceed according to the Massachusetts Rules of Appellate Procedure. Any other appeal filed pursuant to this section shall be heard upon statements of counsel and memoranda submitted by the parties without the taking of further testimony, unless the court hearing the appeal shall find that the taking of further testimony would aid the disposition of the appeal. The payment of any award made pursuant to section six F shall be stayed until the completion of all appeals relating to the civil action in which the award was made.

SECTION 2. The provisions of chapter six hundred and thirty-two of the acts of nineteen hundred and seventy-five shall not apply to persons appointed between January first, nineteen hundred and seventy-six and January first, nineteen hundred and seventy-seven.

SECTION 3. The provisions of sections six E to six G, inclusive, of chapter two hundred and thirty-one of the General Laws, inserted by section one of this act, shall take effect on July first, nineteen hundred and seventy-seven. *Approved July 8, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

July 12, 1976

The Honorable Paul H. Guzzi  
*Secretary of the Commonwealth*  
*State House*  
*Boston, Massachusetts 02133*

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 233 of the Acts of 1976, entitled AN ACT PROVIDING FOR THE ALLOCATION OF COUNSEL FEES AND EXPENSES IN CIVIL CASES., and the enactment of which received my approval on July 8, 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:

To facilitate the administration of justice within the Commonwealth.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, July 13, 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 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 two hundred and thirty-three of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 234.** AN ACT REGULATING THE NOMINATION OF CERTAIN  
"INDEPENDENT" CANDIDATES TO PUBLIC OFFICE.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to make its provisions regulating the nomination of certain independent candidates for public office 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 1. Section 6 of chapter 53 of the General Laws, as most recently amended by chapter 849 of the acts of 1973, is hereby further amended by adding the following paragraph:-

No person may be nominated as an "independent" candidate for any office to be filled at a state election, or at a city or town election following a city or town primary, if he has been enrolled as a member of a political party, as defined in section one of chapter fifty, during the twenty-eight days prior to the last day for filing nomination papers as provided in section ten.

SECTION 2. Section 48 of said chapter 53, as most recently amended by section 12 of chapter 600 of the acts of 1975, is hereby further amended by adding the following paragraph:-

The name of a candidate for election to any office who is nominated otherwise than by a political party, generally referred to as an "independent" candidate, shall not be printed on the ballot at a state election, or on the ballot at any city or town election following a city or town primary, unless a certificate from the registrars of voters of the city or town wherein such person is a registered voter, certifying that he is not enrolled as a member of any political party, is filed with the state secretary or city or town clerk on or before the last day herein provided for filing nomination papers. Said registrars shall issue such certificate forthwith upon request of any such unenrolled candidate or his authorized representative. No such certificate shall be issued to any such candidate who shall have been an enrolled member of any political party twenty-eight days prior to the last day for filing nomination papers as provided by this section.

*Approved July 9, 1976.*

---

**Chap. 235.** AN ACT PLACING THE OFFENSE OF ESCAPE OR ATTEMPT TO ESCAPE FROM A PENAL INSTITUTION WITHIN THE CRIMINAL JURISDICTION OF THE DISTRICT COURTS.

*Be it enacted, etc., as follows:*

The first sentence of section 26 of chapter 218 of the General Laws, as most recently amended by chapter 585 of the acts of 1973, is hereby further amended by inserting after the word "of", the first time it appears in line 9, the words:- escape or attempt to escape from any penal institution,.

*Approved July 9, 1976.*

---

**Chap. 236.** AN ACT ESTABLISHING THE CRIMES OF THE BREAKING AND ENTERING OF, AND STEALING IN, CERTAIN TRUCKS, TRACTORS, TRAILERS AND FREIGHT CONTAINERS.

*Be it enacted, etc., as follows:*

Chapter 266 of the General Laws is hereby amended by inserting after section 20 the following two sections:-

*Section 20A.* Whoever breaks and enters, or enters without breaking, a truck, tractor/trailer unit, trailer, semi-trailer or freight container with intent to commit a felony, shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than five hundred dollars and imprisonment in the house of correction for not more than two years.

*Section 20B.* Whoever steals in a truck, tractor/trailer unit, trailer, semi-trailer or freight container shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than five hundred dollars or by imprisonment in jail for not more than two years.

*Approved July 9, 1976.*

**Chap. 237.** AN ACT AUTHORIZING THE REPORTER OF DECISIONS TO REGULATE REPORTS OF THE SALE AND DISTRIBUTION OF THE DECISIONS OF THE SUPREME JUDICIAL AND APPEALS COURTS.

*Be it enacted, etc., as follows:*

SECTION 1. Section twenty of chapter nine of the General Laws is hereby repealed.

SECTION 2. Chapter 221 of the General Laws is hereby amended by inserting after section 64 the following section:-

*Section 64A.* The reporter shall from time to time advertise for bids for the execution of the printing and binding, and provide for the sale to the public at such price as he may fix, of the reports of decisions of the supreme judicial court and the appeals court and of reprints of volumes thereof previously published. Such contracts for printing and binding and for sale to the public shall cover such volumes as the reporter shall determine. The reporter shall take into consideration the circumstances and facilities of the several bidders for such contracts as well as the terms offered; may reject any bids received; shall award the contracts to such bidders as in his judgement the interests of the commonwealth may require; and shall execute the contracts in the name and behalf of the commonwealth. The reporter may from time to time negotiate for, and execute in the name and behalf of the commonwealth, contracts for the printing and sale to the public during such periods of time and at such prices as he may fix, of advance copies of opinions of said courts filed with him. Contracts under this section may be awarded by the reporter singly or in a group or groups. A surety company bond, or securities satisfactory to the reporter, in an amount fixed by him, which shall not be less than ten thousand dollars, shall be furnished by anyone to whom any single contract or group of contracts is awarded under authority of this section, to

secure faithful performance thereof.

*Approved July 9, 1976*

---

**Chap. 238.** AN ACT EXEMPTING FROM CIVIL SERVICE LAWS THE POSITIONS OF ACCOUNTANT IN THE OFFICE OF THE CITY AUDITOR IN THE CITY OF WALTHAM.

*Be it enacted, etc., as follows:*

SECTION 1. The positions of accountant in the office of the city auditor in the city of Waltham 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 employed in the position of accountant in the office of the city auditor of the city of Waltham on the effective date of this act.

---

**Chap. 239.** AN ACT PROVIDING THAT FIREARM IDENTIFICATION CARDS BE ISSUED BY LOCAL LICENSING AUTHORITIES TO PERSONS RESIDING IN FEDERAL INSTALLATIONS.

*Be it enacted, etc., as follows:*

The first paragraph of section 129B of chapter 140 of the General Laws, as appearing in section 7 of chapter 799 of the acts of 1969, is hereby amended by inserting after the word "authority", in line 2, the words:- or any person residing in an area of exclusive federal jurisdiction located within a city or town.

*Approved July 9, 1976.*

---

**Chap. 240.** AN ACT AUTHORIZING THE TOWN OF MASHPEE TO PAY A SUM OF MONEY TO WILLIAM L. MEAD.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the treasurer of the town of Mashpee is hereby authorized to pay from available funds the sum of thirty thousand dollars to reimburse William L. Mead, Design Group Architects, to satisfy a moral obligation of the town. No funds shall be paid under the provisions of this act until said William L. Mead has given a release of all liability arising from services rendered to the town for which he has not received payment.

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

*Approved July 9, 1976.*

---

**Chap. 241.** AN ACT AUTHORIZING THE CLERK OF THE THIRD DISTRICT COURT OF ESSEX TO ADJUST HIS BOOKS ON ACCOUNT OF MONEY STOLEN FROM HIS OFFICE.

*Be it enacted, etc., as follows:*

The clerk of the third district court of Essex is hereby authorized to adjust his accounts by deducting from his cashbook receipts of money due the county of Essex the sum of five hundred and forty-five dollars and eighty-four cents, which sum was the amount stolen in a burglary during the night of February fifth, nineteen hundred and seventy-five.

*Approved July 9, 1976.*

---

**Chap. 242.** AN ACT AUTHORIZING THE TOWN OF ANDOVER TO PAY A SUM OF MONEY TO JAMES DUFFY.

*Be it enacted, etc., as follows:*

The town of Andover 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 James Duffy the sum of nine hundred and thirty-one dollars and forty-three cents to reimburse James Duffy for his purchase of certain land allegedly owned by said town when such land was not owned by said town.

*Approved July 9, 1976.*

---

**Chap. 243.** AN ACT RELATIVE TO THE COMPENSATION OF SUPERVISORS IN THE MASSACHUSETTS COMMISSION FOR THE BLIND.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is that effective July first, nineteen hundred and seventy-six, the compensation of the supervisors in the Massachusetts commission for the blind shall be determined by the personnel administrator in the division of personnel administration, 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 130 of chapter 6 of the General Laws, as appearing in section 2 of chapter 535 of the acts of 1966, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The compensation of such supervisors shall be determined by the personnel administrator in the division of personnel administration.

SECTION 2. This act shall take effect on July first, nineteen hundred and seventy-six.

*Approved July 12, 1976.*

**Chap. 244.** AN ACT CHANGING THE DATE OF CERTAIN PAYMENTS  
IN LIEU OF TAXES BY THE CITY OF PITTSFIELD TO THE  
TOWN OF WASHINGTON.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of chapter three hundred and seventy-five of the acts of nineteen hundred and fifty-four or of section six of chapter fifty-nine of the General Laws or of any law to the contrary, in the year nineteen hundred and seventy-seven and annually thereafter, the city of Pittsfield shall pay, on September first of each year to the town of Washington in lieu of taxes for the current fiscal year on certain property held for municipal purposes by the city of Pittsfield in the town of Washington, an amount to be determined annually by the commissioner of corporations and taxation. The commissioner shall certify the amount so determined to the assessors of the town of Washington and to the mayor of the city of Pittsfield on or before June fifteenth of each year. The assessors of the town of Washington or the mayor of the city of Pittsfield, if aggrieved by the determination of said commissioner, may, on or before July first, appeal to the state tax commission whose decision shall be final.

SECTION 2. Notwithstanding the provisions of chapter three hundred and seventy-five of the acts of nineteen hundred and fifty-four or of section six of chapter fifty-nine of the General Laws or of any law to the contrary, in the year nineteen hundred and seventy-six, in the manner set forth in section one, said commissioner shall make such determination on or before July fifteenth; and the city of Pittsfield shall pay to the town of Washington such amount on October first of nineteen hundred and seventy-six. The assessors of the town of Washington or the mayor of the city of Pittsfield, if aggrieved by the determination of said commissioner, may, on or before August first, nineteen hundred and seventy-six, appeal to the state tax commission whose decision shall be final.

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

*Approved July 12, 1976.*

---

**Chap. 245.** AN ACT RELATIVE TO RESERVES IN TRUST COMPANIES.

*Be it enacted, etc., as follows:*

Section 27 of chapter 172 of the Genral Laws is hereby amended by striking out subsection A, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following subsection:-

A. Except as otherwise provided in this chapter, every trust company which is not located in Boston shall at all times maintain, as a reserve, an amount equal to fifteen per cent of the total of its

demand and time deposits withdrawable within thirty days computed on a weekly average basis. Every trust company which is located in Boston shall at all times maintain, as a reserve, an amount equal to twenty per cent of the total of its demand and time deposits withdrawable within thirty days computed on a weekly average basis.

No reserve shall be required for savings deposits and time deposits not withdrawable within thirty days.

*Approved July 12, 1976.*

**Chap. 246.** AN ACT FURTHER REGULATING THE RETURN OF CERTAIN INFORMATION TO THE STATE SECRETARY RELATIVE TO DIVORCE STATISTICS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 208 of the General Laws is hereby amended by striking out section 46, as most recently amended by section 42 of chapter 400 of the acts of 1975, and inserting in place thereof the following section:-

*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, on the tenth day of the second month following every month in which divorces become absolute, transmit to the state secretary, upon suitable blank forms provided by him, the date and number of the judgment, the name, residence, date of birth of each of the parties, the number of times each of the parties had been married before, if any, the date of the marriage being dissolved, the number of children born of such marriage, if any, and how many of such children are under eighteen years of age, the cause for which the divorce was granted and the name of the plaintiff.

SECTION 2. This act shall apply to divorces which become absolute on or after January first, nineteen hundred and seventy-seven.

*Approved July 12, 1976.*

**Chap. 247.** AN ACT AUTHORIZING THE NORFOLK COUNTY COMMISSIONERS TO CONDUCT AN ECONOMIC DEVELOPMENT STUDY IN CONJUNCTION WITH THE UNIVERSITY OF MASSACHUSETTS.

*Be it enacted, etc., as follows:*

Section 1 of chapter 18 of the acts of 1972, as amended by chapter 30 of the acts of 1974, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The county commissioners of Norfolk county may, for the purpose of promoting the recreational, vacation and convention, commercial and industrial resources of said county, ex-

pend such sums, not exceeding one hundred thousand dollars in any one year, as may be appropriated therefor; provided, that such expenditures from money so appropriated shall not at any time be more than three times the sum which shall have been contributed by public subscription or by donation deposited with the county treasurer for the purpose aforesaid; and provided, further, that said commissioners shall expend six thousand dollars of such appropriation, without the use of matching funds, for the purpose of conducting an economic development study in conjunction with the University of Massachusetts.

*Approved July 12, 1976.*

---

**Chap. 248.** AN ACT FURTHER CLARIFYING THE EXPENDITURES OF NORFOLK COUNTY FOR THE PURPOSE OF PROMOTING THE RECREATIONAL, VACATION, CONVENTION, COMMERCIAL AND INDUSTRIAL RESOURCES OF SAID COUNTY.

*Be it enacted, etc., as follows:*

Section 1 of chapter 18 of the acts of 1972, as amended by chapter 30 of the acts of 1974, is hereby further amended by inserting after the second sentence the following sentence:- Said commissioners may also expend such sums as may be allocated therefor to develop the industrial and commercial resources of said county, including but not limited to all forms of advertising, research activities, surveys, data collection and analysis, site surveys, seminars, industrial and commercial expositions and displays, and assistance to regional, city and town commissions and agencies engaged in commercial and industrial development and promotion.

*Approved July 12, 1976.*

---

**Chap. 249.** AN ACT AUTHORIZING THE DISTRIBUTION OF PERSONAL DATA TO CERTAIN PROFESSIONAL ASSOCIATIONS AND ORGANIZATIONS BY AGENCIES OF THE COMMONWEALTH UNDER THE LAW RELATIVE TO FAIR INFORMATION PRACTICES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to immediately further regulate the distribution of personal data by public agencies to certain associations and organizations, 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 66A of the General Laws, as appearing in section 1 of chapter 776 of the acts of 1975, is hereby amended by adding after the definition of "Computer accessible" the following definition:-

“Criminal justice agency”, a court with criminal jurisdiction or a juvenile court; an agency at any level of government which performs as its principal function activity relating to (a) the apprehension, prosecution, defense, adjudication, incarceration, or rehabilitation of criminal offenders; or (b) the collection, storage, dissemination, or usage of criminal offender record information.

SECTION 2. Section 2 of said chapter 66A, as appearing in section 1 of chapter 776 of the acts of 1975, is hereby amended by adding after clause (i) the following clause:-

(j) Provide lists of names and addresses of applicants for professional licenses and lists of professional licenses to associations or educational organizations recognized by the appropriate professional licensing or examination board.

SECTION 3. Chapter 776 of the acts of 1975 is hereby amended by striking out section 5 and inserting in place thereof the following section:-

*Section 5.* This act shall take effect on July first, nineteen hundred and seventy-six; provided, however, that for nonemployee records maintained by any criminal justice agency this act shall take effect on July first, nineteen hundred and seventy-seven.

*Approved July 16, 1976.*

**Chap. 250.** AN ACT RELATIVE TO THE INTEREST UPON CERTAIN PROPERTY TAXES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 57 of chapter 59 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by section 1 of chapter 101 of the acts of 1976, and inserting in place thereof the following sentence:- If any betterment assessment or apportionment thereof, water rate or annual sewer use charge added to such tax, or more than one half of the balance of any such tax as reduced by any abatement, remains unpaid either after November first of the fiscal year in which it is payable or after the thirtieth day after the date on which the bill for such tax was mailed if mailed after October first, interest at the rate of ten per cent per annum, computed from October first, or from the date the bill for such tax was mailed if mailed after October first, shall be paid on so much of the unpaid amount as is in excess of said one half or such balance.

SECTION 2. Section 69 of said chapter 59, as most recently amended by chapter 689 of the acts of 1973, is hereby further amended by adding the following sentence:- This interest shall not be waived.

SECTION 3. The first sentence of the first paragraph of section 62 of chapter 60 of the General Laws is hereby amended by striking out the word “ten”, inserted by section 1 of chapter 235 of the acts of 1970, and inserting in place thereof the word:-twelve.

SECTION 4. The third sentence of section 63 of said chapter 60 is hereby amended by striking out, the word “ten”, inserted by section 2 of said chapter 235, and inserting in place thereof the word:—twelve.

SECTION 5. Section 68 of said chapter 60 is hereby amended by striking out the first paragraph, as most recently amended by section 3 of said chapter 235, and inserting in place thereof the following paragraph:—

Any person claiming an interest, on or before the return day or within such further time as may on motion be allowed by the court, shall, if he desires to redeem, file an answer setting forth his right in the land, and an offer to redeem upon such terms as may be fixed by the court. Thereupon the court shall hear the parties, and may in any case in its discretion make a finding allowing the party to redeem, within a time fixed by the court, upon payment to the petitioner of an amount sufficient to cover the original sum, costs, interest at the rate of twelve per cent per annum and all subsequent taxes, cost and interest to which the petitioner may be entitled under sections sixty-one or sixty-two, together with the costs of the proceeding and such counsel fee as the court deems reasonable. The court may impose such other terms as justice and the circumstances warrant.

SECTION 6. The provisions of section one and two of this act shall apply to interest on taxes relative to fiscal years commencing July first, nineteen hundred and seventy-seven and thereafter. The provisions of sections three, four and five of this act shall apply only in the case of land purchased or taken under a tax title on or after the effective date of this act.

*Approved July 16, 1976.*

---

**Chap. 251.** AN ACT AUTHORIZING THE BOARD OF DIRECTORS OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO DESIGNATE ONE OR MORE MEMBERS OF SAID BOARD TO HEAR CERTAIN MATTERS RELATING TO THE EMPLOYMENT AND COMPENSATION OF POLICE OFFICERS OF THE AUTHORITY.

*Be it enacted, etc., as follows:*

Section 1 of chapter 664 of the acts of 1968 is hereby amended by adding the following paragraph:—

The board of directors of the authority may designate one or more of its members to act in behalf of the board for the purpose of giving any police officer of the authority a full hearing in regard to any action referred to in paragraph (a) of section forty-three of chapter thirty-one of the General Laws which affects said officers; employment or compensation.

*Approved July 16, 1976.*

**Chap. 252.** AN ACT RELATIVE TO CERTAIN CORPORATIONS AND CERTAIN DUTIES OF THE STATE SECRETARY RELATIVE THERETO.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 110 of the General Laws is hereby amended by striking out section 4A, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 4A.* No individual, unincorporated association or partnership shall assume or use in the name or title under which his or its business is transacted the word “corporation” or “incorporated” or any abbreviated form thereof or any word or phrase which may lead the public to believe that such individual, unincorporated association or partnership is a corporation.

SECTION 2. Clause (c) of section 2 of chapter 156A of the General Laws, as appearing in section 1 of chapter 654 of the acts of 1963, is hereby amended by inserting after the word “incorporators”, in line 2, the word:- , officers.

SECTION 3. Section 49 of chapter 156B of the General Laws, as appearing in section 20 of chapter 685 of the acts of 1965, is hereby amended by striking out, in line 8, the words “sections three and five” and inserting in place thereof the words:- section four.

SECTION 4. The first sentence of section 53 of said chapter 156B, as appearing in section 1 of chapter 723 of the acts of 1964, is hereby amended by striking out, in lines 2 to 4, inclusive, the words “,except at the annual meeting of the stockholders or at the first meeting of the directors following such annual meeting”.

SECTION 5. Chapter 168 of the General Laws is hereby amended by striking out section 80, as most recently amended by section 103 of chapter 684 of the acts of 1972, and inserting in place thereof the following section:-

*Section 80.* The president and a majority of the trustees who are elected at the first meeting shall make, sign and make oath to articles in duplicate, setting forth:-

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the corporation.

(b) The date of the first meeting and the successive adjournments thereof, if any.

One duplicate original of the articles so signed and sworn to shall be submitted to the board of bank incorporation, and the other, together with the records of the proposed corporation, to the state secretary, who shall examine the same and may require such amendment thereof or such additional information as he considers necessary. If he finds that the articles conform to sections seventy-seven, seventy-eight and seventy-nine, and that section seventy-eight has been complied with, he shall so certify and endorse his approval and file the articles in his office and upon receipt of one hundred dollars he shall issue a certificate of incor-

poration in the following form:-

**Commonwealth of Massachusetts**

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agreement of association) and have complied with the provisions of the statutes of this commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the state secretary and recorded in his office: Now, therefore, I (name of secretary), secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation) with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the great seal of the commonwealth of Massachusetts hereunto affixed, this  
day of                      in the year (the date of the filing of the articles of organization).

The state secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be affixed thereto, and such certificate shall have the force and effect of a special charter. The existence of every such corporation which is not created by special law shall begin upon the filing of the articles of organization in the office of the state secretary, who shall also cause a record of the certificate of incorporation to be made, and such certificate or such record, or a certified copy thereof, shall be conclusive evidence of the existence of the corporation.

SECTION 6. Section 21 of chapter 172 of the General Laws is hereby amended by striking out subsection D, as amended by chapter 279 of the acts of 1965, and inserting in place thereof the following subsection:-

D. *Increase or Reduction.* - Any such corporation may, subject to the approval of the commissioner, increase or reduce its capital stock in the manner provided by sections seventy-and seventy-two of chapter one hundred and fifty-six B; provided, that the capital stock shall not be reduced to less than the minimum amounts set forth in section five; and provided, further, that in the case of reorganization of any such corporation in possession of the commissioner under section twenty-two of chapter one hundred and sixty-seven or in possession of a conservator under section forty of this chapter, the capital stock outstanding at the time of possession taken by the commissioner or conservator may be cancelled in whole or in part or other disposition thereof made in

accordance with any plan of reorganization approved by the commissioner and the supreme judicial court.

SECTION 7. Said section 21 of said chapter 172 is hereby further amended by striking out subsection E, as appearing in section 1 of chapter 493 of the acts of 1961, and inserting in place thereof the following subsection:-

E. *Change of Par Value.* - Any such corporation may change the par value of its shares in the manner provided by sections seventy and seventy-two of chapter one hundred and fifty-six B.

SECTION 8. Section 3 of chapter 180 of the General Laws, as appearing in section 3 of chapter 819 of the acts of 1971, is hereby amended by striking out, in line 1, the word "twenty-one" and inserting in place thereof the word:- eighteen.

SECTION 9. Section 26A of said chapter 180 is hereby amended by striking out the first paragraph, as most recently amended by section 8 of chapter 819 of the acts of 1971, and inserting in place thereof the following paragraph:-

Every corporation heretofore or hereafter organized under general or special law for any purpose mentioned in section four, every corporation to which the provisions of chapter one hundred and fifty-six B do not apply and which is licensed to conduct a horse or dog racing meeting in connection with a state or county fair, and every corporation organized for the purpose of conducting a school of medicine, shall annually, on or before November first, prepare and submit to the state secretary a certificate which shall be signed and sworn to by its president and treasurer, or its presiding and financial officers having the powers of president and treasurer, and a majority of its directors, or officers having the powers of directors, but if such majority is more than five then by at least five, stating:-

1. The name of the corporation.
2. The location (with street address) of its principal office or headquarters.
3. The date of its last preceding annual meeting.
4. The names and addresses of all the officers and directors, or officers having the powers of directors, of the corporation, and the date at which the term of office of each expires.

SECTION 10. Section 38 of chapter 223 of the General Laws, as amended by section 61 of chapter 451 of the acts of 1939, is hereby further amended by striking out, in lines 9 and 10, the words "commissioner of corporations and taxation under section three or section three A" and inserting in place thereof the words:- state secretary under section fifteen.

*Approved July 16, 1976.*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 140 of the General Laws is hereby amended by striking out section 206, added by section 1 of chapter 397 of the acts of 1975, and inserting in place thereof the following section:-

*Section 206.* Every public and semipublic outdoor inground swimming pool shall be enclosed by a fence six feet in height and firmly secured at ground level provided that any board or stockade fence or structure shall be at least five feet in height, but if over five feet in height, the fence shall be chain link. Such enclosure, including gates therein, shall not be 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 up to eight years of age. Any such pool shall be equipped with at least one life ring and a rescue hook.

Every outdoor inground swimming pool open to the public shall be drained or covered within seven days of closing.

For the purpose of this section, "semipublic 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. Semipublic 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.

Every public and semipublic outdoor inground swimming pool shall be inspected annually by the inspector of buildings of each city and town in which said pool is located.

Any owner or manager of such public or semipublic 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 semipublic or public outdoor inground swimming pool 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 20, 1976.*

---

**Chap. 254.** AN ACT PROVIDING FOR AN ADDITIONAL JUSTICE IN THE SECOND DISTRICT COURT OF BRISTOL.

*Be it enacted, etc., as follows:*

The first paragraph of section 6 of chapter 218 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 959 of the acts of 1973, and inserting in place thereof the following sentence:- Each district court, other than the municipal court of the city of Boston, shall have one justice, except that the district court of Brockton, the second district court of Bristol, the third district court of Bristol, the district court of Springfield, the municipal court of the Dorchester district, the first district court of eastern Middlesex and the first district court of southern Middlesex shall have two justices each, and the municipal court of the Roxbury district, the third district court of eastern Middlesex and the central district court of Worcester shall have three justices each.

*Approved July 20, 1976.*

**Chap. 255.** AN ACT DESIGNATING THE BRIGHTMAN STREET OVERPASS IN THE CITY OF FALL RIVER AS THE PATROLMAN EDWARD JOAQUIN OVERPASS.

*Be it enacted, etc., as follows:*

The Brightman street overpass in the city of Fall River shall be designated and known as the Patrolman Edward Joaquin overpass, in memory of police officer and naval veteran Edward Joaquin. A suitable marker bearing said designation shall be attached thereto by the department of public works.

*Approved July 20, 1976.*

**Chap. 256.** AN ACT PROVIDING PENALTIES FOR THE FRAUDULENT USE OF PASSES ON MASSACHUSETTS BAY TRANSPORTATION AUTHORITY FACILITIES.

*Be it enacted, etc., as follows:*

Chapter 161 of the General Laws is hereby amended by inserting after section 113 the following section:-

*Section 113A.* Whoever fraudulently attempts to, or does enter upon or leave any vehicle or station of the Massachusetts Bay Transportation Authority by using a stolen employee or prepaid pass or a counterfeit employee or prepaid pass of said authority 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 one year, or both. Whoever attempts to, or does enter or leave a Massachusetts Bay Transportation Authority station or vehicle in the aforesaid manner may, if such offense is committed in the presence of a police officer, including a Massachusetts Bay Transportation Authority police officer or railway police officer, be arrested without a warrant.

*Approved July 20, 1976.*

**Chap. 257.** AN ACT AUTHORIZING THE TOWN OF ROYALSTON TO RENEW CERTAIN STATE AND 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 Royalston, with the approval of the board of selectmen of said town, is hereby authorized to renew eighteen thousand, six hundred and fifty dollars federal aid anticipation notes, and forty-three thousand, three hundred and eighty dollars state aid anticipation notes of the town, payable in not more than one year from their dates, in order to pay the federal and state aid anticipation notes of the town, dated July nineteenth, nineteen hundred and seventy-four, which were most recently renewed on June fifteenth, 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 July 22, 1976.*

---

**Chap. 258.** AN ACT RELATIVE TO THE ACQUISITION AND SALE OF LAND HELD BY THE SOCIETY FOR THE PRESERVATION OF NEW ENGLAND ANTIQUITIES.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 336 of the acts of 1910 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

*Section 2.* The said corporation shall have power to acquire by purchase, lease, gift, devise or bequest real and personal property for the purposes aforesaid, and to hold, dispose of and administer the same in trust and otherwise. No land acquired by the corporation shall be sold unless the sale is authorized by a vote of the corporation passed at a meeting duly called for the purpose.

SECTION 2. Said chapter 336 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

*Section 5.* Such principal office as the corporation may establish shall be within ten miles of the state house. A majority of the board of trustees shall be citizens of Massachusetts.

*Approved July 23, 1976.*

**Chap. 259.** AN ACT AUTHORIZING THE SUPERIOR COURT TO VACATE ITS JUDGMENT IN THE CASE OF RAYMOND A. SULLIVAN VS. COMMONWEALTH.

*Be it enacted, etc., as follows:*

The judgment of the superior court in the case of Raymond A. Sullivan vs. commonwealth may be set aside on motion of the parties and the case may proceed to trial so as to rectify an apparent injustice, satisfy a moral obligation, and serve the public good, in that the commonwealth took by eminent domain twenty-five acres of land owned by Raymond A. Sullivan but the petition of the said Raymond A. Sullivan for assessment of damages arising from such taking terminated in favor of the commonwealth due to procedural and technical default.

OFFICE OF THE SECRETARY.

BOSTON, July 26, 1976.

*I, Paul Guzzi, Secretary of the Commonwealth, hereby certify that the foregoing act, having been duly enacted by the Senate and House of Representatives in concurrence, was laid before the Governor on the twelfth day of July of the present year, and not having been by him approved during the term of ten days thereafter, the General Court not having adjourned during that time, has the force of a law under the authority of the Constitution of the Commonwealth.*

*Paul Guzzi,  
Secretary of the Commonwealth.*

---

**Chap. 260.** AN ACT RELATIVE TO WILLIAM H. RYAN MASTER AND KEEPER AT THE ESSEX COUNTY JAIL AND HOUSE OF CORRECTION AT LAWRENCE.

*Be it enacted, etc., as follows:*

SECTION 1. William H. Ryan, master and keeper at the Essex county jail and house of correction at Lawrence, shall, subject to the approval of county commissioners of the county of Essex for the purpose of determining his compensation and pension benefits, be credited with his previous service to the commonwealth.

SECTION 2. This act shall take effect as of July first, nineteen hundred and seventy-six.

*Approved July 27, 1976.*

**Chap. 261.** AN ACT DEFINING AND REGULATING MOTORIZED BICYCLES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose which is, in part, to define and immediately regulate motorized bicycles, 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 90 of the General Laws is hereby amended by striking out the definition of "Motor cycle", as most recently amended by chapter 138 of the acts of 1970, and inserting in place thereof the following definition:-

"Motor cycle", any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for the carrying of golf clubs and not more than four persons, an industrial three-wheel truck, a motor vehicle on which the operator and passenger ride within an enclosed cab, or a motorized bicycle.

SECTION 2. Said section 1 of said chapter 90 is hereby further amended by inserting after the definition of "Motor cycle" the following definition:-

"Motorized bicycle", a pedal bicycle which has a helper motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission, and which is capable of a maximum design speed of no more than twenty-five miles per hour.

SECTION 3. The definition of "Motor vehicles" in said section 1 of said chapter 90 is hereby further amended by inserting after the first sentence the following sentence:-The definition of "Motor vehicles" shall not include motorized bicycles.

SECTION 4. Said chapter 90 is hereby further amended by inserting after section 1A the following three sections:-

*Section 1B.* A motorized bicycle shall not be operated upon any way, as defined in section one, within the commonwealth by any person under sixteen years of age, nor at a speed in excess of twenty-five miles per hour. A motorized bicycle shall not be operated on any way by any person not possessing a valid driver's license or learner's permit. Every person operating a motorized bicycle upon a way shall have the right to use all public ways in the commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the commonwealth and the regulations contained in this section, except that:

(1) the motorized bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, and (2) the motorized bicycle operator shall signal by either hand his intention to stop or turn. Motorized bicycles may be operated on bicycle lanes adjacent to the various ways, but shall be excluded from off-street recreational bicycle paths.

*Section 1C.* Motorized bicycles shall comply with all applicable federal motor vehicle safety standards.

*Section 1D.* Any person who is engaged in the business of buying or selling bicycles or motorized bicycles shall, upon the sale of such motorized bicycle, affix a sticker or plate which shall bear a distinctive number, as prescribed by the registrar, to said bicycle upon a fee of three dollars. Said fee shall be forwarded to the registry of motor vehicles by such person. Said sticker shall be renewed biannually in the manner prescribed by the registrar.

SECTION 5. Said chapter 90 is hereby further amended by striking out section 8B, as most recently amended by section 14 of chapter 925 of the acts of 1973, and inserting in place thereof the following section:-

*Section 8B.* Any person who is at least sixteen years of age, excepting persons who have been licensed and whose licenses are not in force because of revocation or suspension, and persons whose right to operate is suspended by the registrar, may apply to the registrar for a learner's permit. Each applicant shall submit with his application a birth, baptismal or school certificate or such other satisfactory evidence of his age as the registrar may require. The registrar in his discretion, after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant a learner's permit which shall entitle him, while having such permit in his immediate possession, to drive a motor vehicle upon any way when accompanied by an operator, licensed by the registrar, who is eighteen years of age or over, who has had at least one year of driving experience and who is occupying a seat beside the driver; provided, however, that in the case of a motorized bicycle no such accompanying operator shall be required; and provided, further, that if the applicant has been issued a learner's permit restricted to the operation of a motorcycle, said learner's permit shall not entitle him to carry any passenger while operating such motorcycle upon any way or to operate a motorcycle upon any way at any time after sunset or before sunrise; and provided, further, that anything to the contrary contained in this section notwithstanding, all learner's permits restricted to the operation of motorcycles shall be valid for six months from the date of issue or until the holder shall have received a license to operate motorcycles, whichever first occurs; and the holder of such motorcycle learner's permit may take not more than three driving tests within said six month period upon payment of the fee

required by section thirty-three. No such motorcycle learner's permit which has expired shall be renewed unless the applicant successfully passes such parts of the examination other than the driving test as the registrar may require. Such licensed operator shall be liable for the violation of any provision of this chapter, or of any regulation made in accordance herewith, committed by such person with a learner's permit; provided, that the examiners of operators in the employ of the registrar, when engaged in their official duty, shall not be liable for the acts of any person who is being examined. Any such learner's permit shall be valid for one year from the date of issue or until the holder shall have received a license to operate, whichever first occurs.

If the applicant is under eighteen years of age, said learner's permit shall not entitle him to operate a motor vehicle between the hours of one o'clock antemeridian and five o'clock antemeridian, unless he is accompanied by his parent or legal guardian who is a licensed operator with at least one year of driving experience and whose license or right to operate is not revoked or suspended.

Each application for a learner's permit shall be made upon a form furnished by the registrar and the fee as prescribed by section thirty-three shall be paid at the time the appointment is made for the examination. The registrar, for reasons he deems sufficient, may authorize an applicant to be examined without payment of an additional fee when the applicant has been unable to take the examination at the time originally scheduled. Each holder of a learner's permit, except a learner's permit restricted to the operation of motorcycles, may take not more than six driving tests within the aforesaid period of twelve months, upon payment of the fee for examination of an applicant for an operator's license, as required in said section, for each such driving test.

*Approved July 27, 1976.*

---

**Chap. 262.** AN ACT FURTHER REGULATING APPEALS FROM DISTRICT COURTS IN SUFFOLK COUNTY IN JUVENILE CASES TO THE BOSTON JUVENILE COURT.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section fifty-six of chapter one hundred and nineteen of the General Laws, until December thirty-first, nineteen hundred and seventy-seven, 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, if he desires to appeal, shall appeal to the Boston juvenile court and claim a jury of twelve in said juvenile court. Said rules shall also provide that a child adjudged a delinquent

child in the Boston juvenile court may appeal to said court and claim a jury of twelve therein.

*Approved July 27, 1976.*

**Chap. 263.** AN ACT RELATIVE TO THE REAL ESTATE TAX EXEMPTIONS OF CERTAIN ORGANIZATIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause eleventh, as most recently amended by chapter 283 of the acts of 1975, 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 one hundred thousand dollars for each parsonage so owned, or held in irrevocable trust, for the exclusive benefit of the religious organizations, including the official residences occupied by the 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 whom 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.

SECTION 2. The provisions of this act shall apply to exemptions granted for the fiscal years commencing July first, nineteen hundred and seventy-six and thereafter.

*Approved July 29, 1976.*

**Chap. 264.** AN ACT PERMITTING THE ESTABLISHMENT OF FOREIGN TRADE ZONES AT CERTAIN POINTS OF ENTRY WITHIN THE COMMONWEALTH

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to permit the establishment immediately of foreign trade zones 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:*

Chapter 23A of the General Laws is hereby amended by inserting after section 28, as appearing in chapter 826 of the acts of 1974, the following section:-

**Section 28A.** Any public, private or nonprofit corporation, existing under the laws of the commonwealth, may, subject to the approval of the city council in a city, the town council in a town having a town council, and the town meeting in any other town, apply for the privilege of establishing, operating and maintaining a foreign trade zone in accordance with the provisions of section 81a to 81u, inclusive, of Title 19 of the United States Code Annotated, known as the Foreign Trade Zone Act.

*Approved August 1, 1976.*

**Chap. 265.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDREN AND SEVENTY-SEVEN 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-seven.

#### HAMPSHIRE COUNTY

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt .....		\$137,000 00
3. For county commissioners, salaries and expenses .....		58,703 04
1. Personal services .....	\$53,948 04	
2. Contractual services .....	3,200 00	
3. Supplies and materials .....	1,080 00	
4. Current charges and obligations .....	475 00	
4. For transportation and expenses of county and acting commissioners .....		700 00
5. For clerk of courts, salaries and expenses .....		80,583 20
1. Personal services .....	76,125 20	
2. Contractual services .....	2,890 00	
3. Supplies and materials .....	1,100 00	
4. Current charges and obligations .....	468 00	
6. For county treasurer, salaries and expenses .....		66,542 50
1. Personal services .....	55,087 50	
2. Contractual services .....	9,775 00	

Item	Subtotal	Total
3. Supplies and materials .....	\$1,100 00	
4. Current charges and obligations .....	580 00	
7. For sheriff, salary and expenses .....		\$20,785 00
1. Personal services .....	19,890 00	
2. Contractual services .....	600 00	
3. Supplies and materials .....	20 00	
4. Current charges and obligations .....	275 00	
8. For registry of deeds, salaries and expenses .....		114,591 90
1. Personal services .....	92,808 15	
2. Contractual services .....	15,398 75	
3. Supplies and materials .....	3,800 00	
4. Current charges and obligations .....	2,360 00	
5. Equipment .....	225 00	
8a. For registry of probate, salaries and expenses .....		8,953 00
2. Contractual services .....	4,105 00	
3. Supplies and materials .....	2,820 00	
4. Current charges and obligations .....	1,400 00	
5. Equipment .....	628 00	
9. For law library, salaries and expenses .....		41,043 40
1. Personal services .....	10,628 40	
2. Contractual services .....	2,150 00	
3. Supplies and materials .....	725 00	
4. Current charges and obligations .....	27,540 00	
10. For highways, including state highways, bridges and land damages .....		32,950 00
2. Contractual services .....	22,950 00	
6. All other .....	10,000 00	
12. For superior court costs .....		309,290 99
1. Personal services .....	112,584 99	
2. Contractual services .....	191,121 00	
3. Supplies and materials .....	2,955 00	
4. Current charges and obligations .....	2,630 00	
13. For civil expenses in probate court .....		30,692 60
1. Personal services .....	13,972 60	
2. Contractual services .....	15,950 00	
3. Supplies and materials .....	600 00	
4. Current charges and obligations .....	70 00	
5. Equipment .....	100 00	
14. For district courts, salaries and expenses .....		
District Court of Hampshire .....		505,513 59
1. Personal services .....	459,877 35	
2. Contractual services .....	31,118 50	
3. Supplies and materials .....	9,378 69	
4. Current charges and obligations .....	4,464 05	
5. Equipment .....	675 00	
District Court of Eastern Hampshire .....		49,456 10
1. Personal services .....	42,565 10	
2. Contractual services .....	3,670 00	
3. Supplies and materials .....	785 00	
4. Current charges and obligations .....	2,436 00	
15. For medical examiners and commitments of insane .....		21,310 00
16. For jail and house of correction, maintenance and operation .....		667,886 75
1. Personal services .....	410,577 75	
2. Contractual services .....	92,450 00	
3. Supplies and materials .....	140,547 00	
4. Current charges and obligations .....	7,722 00	
5. Equipment .....	16,590 00	

Item	Subtotal	Total
18. For court houses and registry buildings, maintenance and operation		\$232,036 10
1. Personal services .....	\$56,117 10	
2. Contractual services .....	152,791 00	
3. Supplies and materials .....	8,368 00	
4. Current charges and obligations .....	13,200 00	
5. Equipment .....	1,560 00	
20. For agricultural school or county cooperative extension service ....		117,737 14
1. Personal services .....	100,394 24	
2. Contractual services .....	12,420 00	
3. Supplies and materials .....	3,618 00	
4. Current charges and obligations .....	690 00	
5. Equipment .....	614 90	
21. For the Mount Tom state reservation, maintenance and operation ..		22,531 90
24. For noncontributory pensions .....		25,919 88
25. For contributory retirement system and supervisory expenses .....		175,221 66
26. For miscellaneous and contingent expenses .....		60,197 19
27. For unpaid bills of previous years .....		10,000 00
28. For reserve fund .....		60,000 00
29. For advertising recreational, industrial and agricultural advantages of the county .....		27,960 00
31. For radio system for fire protection .....		400 00
32. For forest development .....		3,699 04
35. For county planning .....		31,575 40
39. For group insurance .....		65,000 00
Total amount of appropriations .....		\$2,984,197 98
Less estimated amount available for reduction of county tax .....		317,954 00
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 .....		\$2,666,243 98

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		
2. For reduction of county debt .....		\$160,000 00
16. For jail and house of correction .....		27,426 00
1. Personal services .....	\$27,426 00	
Total .....		\$187,426 00

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

*Approved August 2, 1976.*

**Chap. 266.** AN ACT RELATIVE TO MOTOR VEHICLE INSURANCE.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section 182 the following section, under the caption MOTOR VEHICLE INSURANCE MERIT RATING BOARD:-

*Section 183.* There shall be within the registry of motor vehicles a motor vehicle insurance merit rating board, hereinafter called the board. The board shall consist of the registrar of motor vehicles, who shall serve as chairman, the commissioner of insurance and the attorney general or his designee. The board shall appoint a director, who shall not be subject to the provisions of chapter thirty-one. The board shall formulate and administer a plan for the compiling, gathering and disseminating of information, operator records and histories, and such other data as it deems necessary or appropriate pertaining to motor vehicle accidents, claims under motor vehicle policies and motor vehicle violations in order to facilitate the implementation and continued operation of merit rating with respect to motor vehicle insurance as provided in section one hundred and thirteen P of chapter one hundred and seventy-five.

Such plan shall include a system for the gathering and maintaining of the aforementioned information, operator records and histories, and other data and for the prompt and efficient dissemination of such to insurance companies making inquiry with respect to the motor vehicle accident, motor vehicle insurance claim and motor vehicle violation record of any owner or operator insured by or applying for insurance from any such insurer. Such records and data disseminated by such plan shall be used exclusively for the purposes of merit rating under the provisions of section one hundred and thirteen P of chapter one hundred and seventy-five. Whoever disseminates or uses records or data disseminated under such plan contrary to the provisions of this section shall be punished by a fine of not more than one thousand dollars for each offense or by imprisonment for not more than one year, or both.

The board shall have access to criminal offender record information for the purpose of developing the plan. The criminal history systems board shall certify the board and each insurance company doing motor vehicle insurance business within the commonwealth for access to criminal offender record information pertaining to violations of chapter ninety by its insureds; provided, however, that the board and each such company shall comply with the regulations of the criminal history systems board and be subject to the provisions of sections one hundred and seventy-two to one hundred and seventy-eight, inclusive.

The board may expend for expenses and for 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 insurance companies doing motor vehicle insurance business within the commonwealth. The commissioner of insurance shall apportion such costs among all such companies and shall assess them for the same on a fair and reasonable basis.

SECTION 2. Section 9A of chapter 6A of the General Laws is hereby amended by striking out the first sentence, as amended by chapter 691 of the acts of 1974, and inserting in place thereof the following sentence:- The secretary of consumer affairs is hereby authorized to make an annual assessment against each electric, gas, telephone, and telegraph company doing business in the commonwealth and subject to the supervision of the department of public utilities, based upon intrastate operating revenues of each of such companies derived from the sales of electric, gas, telephone and telegraph services, respectively, as shown on the annual report or annual statement of each of said companies filed with the proper supervising agency.

SECTION 3. Chapter 12 of the General Laws is hereby amended by striking out section 11E, inserted by section 2 of chapter 1224 of the acts of 1973, and inserting in place thereof the following two sections:-

*Section 11E.* The attorney general is hereby authorized to intervene in administrative or judicial proceedings held in the commonwealth on behalf of any group of consumers in connection with any matter involving the rates, charges, prices or tariffs of an electric, gas, telephone or telegraph company doing business in the commonwealth and subject to the jurisdiction of the department of public utilities.

For the purpose of such intervention the attorney general may expend such funds as may be appropriated therefor; provided, however, that such expenditures shall not exceed annually the amount assessed against such electric, gas, telephone and telegraph company under the provisions of section nine of chapter six A.

The attorney general shall have no authority to expend any of such funds whenever the expenditure thereof shall conflict with the duties imposed upon him under the provisions of section three of this chapter.

*Section 11F.* The attorney general is hereby authorized to intervene in administrative or judicial proceedings held in the commonwealth on behalf of any group of consumers in connection with any matter involving the rates, charges, premiums and prices charged by any insurance company doing business in the commonwealth and subject to the division of insurance within the department of banking and insurance.

For the purpose of such intervention the attorney general may expend such funds as may be appropriated therefor; provided, however, that such expenditures shall not exceed annually the amount assessed against insurance companies under the provisions of section eight F of chapter twenty-six.

The attorney general shall have no authority to expend any of such funds wherever the expenditure thereof shall conflict with the

duties imposed upon him under the provisions of section three.

**SECTION 4.** Chapter 26 of the General Laws is hereby amended by inserting after section 8E, inserted by section 1 of chapter 728 of the acts of 1975, the following section:-

*Section 8F.* The commissioner of insurance is hereby authorized to make an annual assessment against each insurance company doing business in the commonwealth on so much of the business of any such company the rates for which are determined pursuant to chapter one hundred and seventy-five E, or are fixed and established by or are subject to approval of the commissioner of insurance based upon intrastate operating revenues of each of such companies derived from insurance policies or premiums, as shown on the annual report or annual statement of each of said companies filed with the division of insurance.

Said assessments shall be in such amounts as shall be determined and certified annually by the commissioner of insurance as sufficient to produce two hundred thousand dollars in revenue to the commonwealth and shall be assessed proportionately against each such company on the basis of said intrastate operating revenues of each such company; provided, however, that if the attorney general fails to expended in any fiscal year the total amount of two hundred thousand dollars for the purposes set forth under the provisions of section eleven F of chapter twelve, any amount unexpended in such fiscal year shall be credited against the assessment in the following year and the assessment in such following year shall be reduced by such unexpended amount.

Assessments made under this section may be credited to the normal operating costs of each such company and shall be utilized by the attorney general for the purposes set forth under the provisions of section eleven F of chapter twelve.

**SECTION 5.** Chapter 90 of the General Laws is hereby amended by inserting after section 24F the following section:-

*Section 24G.* No person shall remove an abandoned or stolen motor vehicle on a public way or any place to which the public has right of access without the express consent of the owner of such vehicle or without the written permission of the police department. The owner or operator of a motor vehicle that is designed to carry or tow another vehicle shall be licensed for that specific purpose or as a towing service. The owner or agent of a motor vehicle salvage yard or junk yard shall, upon receipt of a motor vehicle, obtain a bill of sale or title from the owner of such vehicle or from his authorized agent which title must be surrendered to the registrar within three working days for cancellation.

The owner of any machine that is designed to crush, mutilate or destroy a motor vehicle, whether the machine be mobile or affixed permanently, shall have that machine listed with the registry of motor vehicles. Prior to the destruction of a motor vehicle by

machine, the owner or operator of such machine shall remove from such motor vehicle the vehicle identification number and submit said number to the registrar of motor vehicles.

If the owner or agent of a salvage or junk yard sells crushed or mutilated motor vehicles to an iron reprocessing center, he shall submit to the registrar of motor vehicles the make, model, year and vehicle identification number, along with the vehicle identification plate. If the owner or agent of a salvage or junk yard transports crushed or mutilated vehicles without the commonwealth for purposes of resale, the operator of the transporting vehicle shall carry a list of the vehicles being transported, and a copy of such list, along with the vehicle identification plates, shall be forwarded to said registrar.

Any person convicted of violation of any provision of this section shall forfeit any license issued which is related to such violation and shall be punished by a fine of not less than one thousand dollars or by imprisonment for not less than two years, or both.

SECTION 6. Section 34A of said chapter 90 is hereby amended by striking out the definition of "Certificate" and inserting in place thereof the following definition:-

"Certificate", the certificate of an insurance company authorized to issue in the commonwealth a motor vehicle liability policy, stating that it has or will insure the applicant for registration of a motor vehicle with respect to such motor vehicle for a period at least coterminous with that of such registration under such a motor vehicle liability policy or a renewal or extension of such a policy, which conforms to the provisions of section one hundred and thirteen A of chapter one hundred and seventy-five or that it has executed a binder, as defined in said section one hundred and thirteen A, under and in conformity with said section covering such motor vehicle pending the issue of a motor vehicle liability policy; or the certificate of a surety company authorized to transact business in the commonwealth under section one hundred and five of said chapter one hundred and seventy-five as surety, stating that it has or will guarantee performance by the applicant for registration of a motor vehicle with respect to such motor vehicle for a period at least coterminous with that of such registration under a motor vehicle liability bond or renewal or extension thereof, payable to the commonwealth, which conforms to the provisions of said section one hundred and thirteen A and has been executed by such applicant as principal and by such surety company as surety; or the certificate of the state treasurer stating that cash or securities have been deposited with said treasurer as provided in section thirty-four D.

SECTION 7. Said chapter 90 is hereby further amended by striking out section 34 0, as most recently amended by section 1 of

chapter 1 of the acts of 1976, and inserting in place thereof the following section:-

**Section 34 0.** 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 damage liability insurance or a bond providing equivalent coverage. Every insurer issuing or executing a motor vehicle liability policy or bond shall also provide property damage liability coverage for the policyholder or obligor. Property damage liability 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.

Every policy of property damage liability 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 of 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 right 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.

Every insurer issuing or executing a motor liability policy or bond shall also provide at the option of the policyholder or obligor the following coverages:-

(1) *Collision 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 motor 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 motor vehicle with another object or with a vehicle to which it is attached, or by upset of the insured motor vehicle. Benefits under this coverage are payable without regard to negligence, comparative negligence, gross negligence, or fault of any kind. The insurer may require as a condition of continuing such coverage in effect that a vehicle for which total damage has been paid pass a motor vehicle safety inspection test.

Insurers shall also make available additional coverage whereby an insured who has selected collision coverage shall be entitled to full payment, without regard to comparative negligence or any deductible if any of the cases described in clauses (a) to (d), inclusive, of limited collision coverage occur; provided that the negligence attributable to such an insured is fifty per cent or less.

(2)*Limited Collision 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 motor vehicle in cases described in clauses (a) through (d) below, subject to a deductible of two hundred dollars, up to a limit equal to the actual cash value of the vehicle less such deductible without regard to comparative negligence attributable to the operator of the vehicle which is not in excess of fifty per cent:-

(a) Cases in which the insured is entitled to recover in tort for such loss or damage against another identified person; the insured, in such a case, shall take all steps necessary to preserve the insurer's right of subrogation;

(b) Cases in which the loss or damage is incurred by the insured motor 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;

(c) Cases in which the insured motor vehicle is struck in the rear by another vehicle owned by another identified person moving in the same direction;

(d) Cases in which the operator of the vehicle causing loss or damage to the insured motor vehicle as a result of his operation at the time the loss or damage was incurred, is 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 (b), (c) and (d) 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.

The insurer may require as a condition of continuing such coverage in effect that a vehicle for which total damage has been paid shall pass a motor vehicle safety inspection test.

Insurers shall also make available to collision coverage policyholders additional coverage whereby the deductible of two hundred dollars under said collision coverage is reduced to an amount not 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 moving 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 limited collision coverage shall be entitled to full payment without regard to comparative negligence or any deductible if any of the cases described in clauses (a) to (d), inclusive, of said limited collision coverage occur, provided the negligence attributable to such an insured is fifty per cent or less.

Insurers shall also make available to all collision and limited collision policyholders at their option other deductible amounts in excess of two hundred dollars as are approved or required by the commissioner.

Subject to such stated limits and conditions, exclusions, and limitations as may be approved by the commissioner, the insurer shall offer additional coverage, optional to the insured, for resulting loss of use of the insured vehicle.

No insurer shall make any payments to the insured under collision coverage or limited collision coverage policies unless it has received a claim form from the insured stating that the repair work described in an appraisal made pursuant to section one hundred and thirteen M of chapter one hundred and seventy-five has been completed. In any case where the insurer fails to make payment within seven days of receipt of the above claim form, the insured may commence a civil action for payments claimed to be due. If the court determines that the insurer was unreasonable in refusing to pay such insured's claim, the claimant shall be entitled to recover double the amount of damage plus costs and reasonable attorney's fees fixed by the court. If no such claim form is received by the insurer, the insurer shall only pay to the insured the decrease in actual value of the insured vehicle less any deductible. If the insured elects not to repair the vehicle, or if the insurer does not receive a claim form from the insured stating that the repair work has been completed, the insurer shall decrease the actual cash value of the insured vehicle by the amount of damage sustained.

No insurer shall refuse to pay a claim under property damage liability insurance solely on the basis that its insured failed to comply with the provision of the policy relating to notice of accident by the insured; provided, that the claimant forwards to the insurer written notice of the accident within thirty days thereof containing information sufficient to identify the insured, the claimant, an itemized statement of the amount of the claim and also reasonably obtainable information with respect to the time, place and circumstances of the accident, the names and addresses of all operators and owners involved and of any available witnesses, and the location where the damage may be inspected by the insurer. Nothing contained herein shall prohibit an insurer so making a payment hereunder from pursuing against its insured whatever remedies or indemnification arise out of its insured's failure to comply with such policy provisions.

---

A person making claim against an insured on account of property damage or under clause (a) of limited collision coverage may submit to the insurer a written demand to such insurer for payment of the property damage or limited collision claim containing the information required in the notice of the accident. The insurer shall, within fifteen working days after receipt of such written demand respond in writing setting forth its decision as to whether it accepts the claim, accepts a part of the claim, rejects the claim, or, if applicable, the amount at which it is willing to compromise the claim and the reasons therefor. If such insurer's decision is unacceptable to the claimant, and in the event the claimant prevails in a legal action wherein he recovers substantially the full amount of the claim, and if the court, after such recovery is determined, determines that the insurer failed to respond or that the insurer's position as set forth in such response was unreasonable in light of the facts adduced at the trial, the amount of the claim in relation to any offer made in response by such insurer or in relation to the amount of the damages determined at the trial, questions of liability and fact and any other pertinent matters, then the court may order that a penalty be included in the amount of the judgment not to exceed an amount equal to the determined damages plus costs and reasonable attorney's fees as determined by the court.

The claimant shall have the right to bring an action for a property damage liability claim or a limited collision claim in accordance with the provisions of section twenty-one of chapter two hundred and eighteen.

SECTION 8. The first sentence of the first paragraph of section 22C of chapter 175 of the General Laws, as appearing in section 1 of chapter 551 of the acts of 1973, is hereby amended by striking out, in line 2, the words "property protection insurance," and inserting in place thereof the word:- coverage.

SECTION 9. The first sentence of section 22E of said chapter 175, as appearing in section 2 of said chapter 551, is hereby amended by striking out, in line 2, the words "property protection insurance," and inserting in place thereof the word:- coverage.

SECTION 10. Provision (2) of section 113A of said chapter 175 is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 341 of the acts of 1973, and inserting in place thereof the following sentence:- That, except as otherwise provided in provision (2)A and in section one hundred and thirteen D, no cancellation of the policy, whether by the company or by the insured, shall be valid unless written notice thereof is given by the party proposing cancellation to the other party giving the specific reason or reasons for such cancellation at least twenty days in each case prior to the intended effective date thereof, which date shall be expressed in said notice, and that notice of cancellation sent by the company to the insured, by

registered mail, postage prepaid, with a return receipt of the addressee requested, addressed to him at his residence or business address stated in the policy shall be a sufficient notice, and that an affidavit of any officer, agent or employee of the company, duly authorized for the purpose, that he has so sent such notice addressed as aforesaid shall be prima facie evidence of the sending thereof as aforesaid; together with a provision that, in the event of a cancellation by the insured, he shall, if he has paid the premium on the policy to the company or to its agent who issued the policy, or to the duly licensed insurance broker, if any, by whom the policy was negotiated be entitled to receive a return premium after deducting the monthly short rates as determined by the commissioner for the time the policy shall have been in force, or in the event of cancellation by the company, the insured shall, if he has paid the premium as aforesaid, be entitled to receive a return premium calculated on a pro rata basis; provided, that if the insured after the sending of a notice of cancellation by the company, or after giving such a notice to the company, files a new certificate under section thirty-four H of chapter ninety prior to the intended effective date of such cancellation, the filing of said certificate shall operate to terminate the policy on the date of said filing, and the return premium, if any, payable to the insured shall be computed as of the date of said filing, instead of the intended effective date of cancellation expressed in the notice thereof; and, provided further, that if the final effective date of a cancellation by the company is fixed by an order of the board of appeal on motor vehicle liability policies and bonds or of the superior court, or a justice thereof, as provided in section one hundred and thirteen D, the return premium, if any, payable to the insured shall be computed as of the final effective date; and provided further, that said cancellation shall not become effective unless the company or an insurance premium finance agency licensed under the provisions of chapter two hundred and fifty-five C has, immediately upon the intended effective date of the cancellation of the policy, whether proposed by the company or by the insured, forwarded to the registrar of motor vehicles a notice, in such form as he may prescribe, containing such information to apprise the registrar of the particular motor vehicle registration on which the insurance is intended to be cancelled.

SECTION 11. Said section 113A of said chapter 175 is hereby further amended by adding the following paragraph:-

The insured shall have the option to purchase and the insurer shall not refuse to issue an annual motor vehicle policy or bond providing coverages in accordance with this chapter and chapter ninety containing any expiration date as the insured may elect. Insurers may offer such policies or bonds for a period of more than one year but not more than two years or may issue an

extension of any existing policy or bond.

SECTION 12. Section 113B of said chapter 175 is hereby amended by striking out the third paragraph, as amended by section 2 of chapter 1 of the acts of 1976.

SECTION 13. Said section 113B of said chapter 175 is hereby further amended by adding the following paragraph:-

The provisions of this section shall not apply to classifications of risks and premium charges for policies and bonds issued to become effective January first, nineteen hundred and seventy-seven and thereafter, except under circumstances described in section five of chapter one hundred and seventy-five E.

SECTION 14. The second paragraph of section 113C of said chapter 175, as most recently amended by section 3 of chapter 707 of the acts of 1975, is hereby further amended by striking out the last sentence.

SECTION 15. The first paragraph of section 113H of said chapter 175 is hereby amended by striking out the third sentence, as appearing in section 5 of chapter 551 of the acts of 1973, and inserting in place thereof the following two sentences:- Such a plan shall be prepared and administered by a governing committee appointed by the commissioner consisting of six members from insurance companies participating in the plan and one additional representative from a domestic insurer in the commonwealth whose annual motor vehicle policy premiums amount to five million dollars or less and unaffiliated with any other insurance company and six members from the associations of insurance producers. In the event that a company represented on the committee decreases its book of automobile business in the commonwealth by more than ten per cent from the previous calendar year, as determined by the commissioner, the member representing such company shall cease to be a member of the committee and a new company and a member thereof shall be appointed as prescribed herein.

SECTION 16. Said section 113H of said chapter 175 is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

When such plan or amendment has been approved or promulgated, no insurer may thereafter issue a motor vehicle policy or bond unless such insurer shall participate in such an approved or promulgated plan. All insurers issuing policies which are reinsured through such plan shall use the manual of classifications, rules and rates, and rating plans filed by or on behalf of the plan under the provisions of chapter one hundred and seventy-five A. The statistical data previously and hereafter recorded under this section for risks reinsured in the plan shall be given due consideration in developing the rates for such risks reinsured in the plan. The rates filed by or on behalf of the plan for risks with no accidents based

on fault which exceeds fifty per cent or convictions of moving violations of motor vehicle laws in the most recent three year period shall approximate as closely as the commissioner approves as practicable the rate levels used by insurers for such risks not reinsured in the plan. The plan shall also provide for the payment of a commission to independent insurance agents licensed by the insurer which shall be stated in the filing of rates as a percentage equal to the average percentage commission paid for risks not reinsured through the plan during the immediately preceding calendar year to agents by companies which do business through independent insurance agents pursuant to the so-called American Agency System. The plan shall also provide for a schedule of commissions to designated producers under the plan based upon the degree of market need of the applicants in the locality served by such designated producers which schedule shall be uniform as respects participating companies.

The rules of such plan shall require that there be no increase in the percentage of policyholders reinsured by any insurer in the plan by territory over the percentage of policyholders reinsured in such territories in the plan as of January first, nineteen hundred and seventy-six. The commissioner may relieve any insurer of a part or all of its obligations under the plan, if he finds that continuation of such obligations would threaten the solvency of such insurer.

SECTION 17. Section 113M of said chapter 175, as most recently amended by chapter 712 of the acts of 1973, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following three paragraphs:-

No person shall act as an appraiser of damages to motor vehicles under physical damage coverage policies, and no person shall appraise such damage or furnish estimates or make such appraisals on behalf of any person including, but not limited to, an insurance company or any person engaged in the business of repairing such damage, unless licensed by the commissioner of insurance. A person wishing to secure such license shall make application therefor on a form approved by the commissioner. The commissioner shall grant such a license to any applicant he finds trustworthy and competent. Each license shall be valid for a period of one year and may be renewed annually. The fee for such license shall be ten dollars for the original and each renewal thereof.

The commissioner may suspend or revoke any such license if the licensee has made any misrepresentation in his application, is convicted of any criminal act in connection with his work or if, after investigation and hearing, the commissioner finds that the licensee has engaged in practices that cause claimants under physical damage coverage policies to receive or be offered settlements for damage that are shown to be either unfair or unreasonable, or

both, or practices that are shown to be designed to offset the effect of any deductible purchased by a physical damage coverage policyholder.

The commissioner shall, after notice and hearing, in the manner provided in chapter thirty A, adopt rules and regulations governing licensees under this section in order to promote the public welfare and safety and nothing in this section shall be construed to limit the general power of the commissioner hereunder.

SECTION 18. Said chapter 175 is hereby further amended by striking out section 113 0, as most recently amended by section 3 of chapter 1 of the acts of 1976, and inserting in place thereof the following two sections:-

*Section 113 0.* 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; 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. Insurers shall also make available additional coverage to provide that, in determining actual cash value, no deduction for depreciation shall be allowed to reduce the value of the vehicle to less than an agreed value for that particular vehicle, provided the insurer is permitted to inspect the vehicle at the time of application for such additional coverage. No payment shall be made by the insurer for loss or damage to the insured vehicle on a claim for theft coverage, so called, until the insured signs and submits to the appropriate police authority a statement under the penalties of perjury on a form containing such information relating to the theft of the insured vehicle as is prescribed by the commissioner.

No insurer shall make any payments to the insured under a policy providing fire and theft coverage or comprehensive coverage, so called, unless it has received a claim form from the insured stating that the repair work described in an appraisal made pursuant to section one hundred and thirteen M of chapter one hundred and seventy-five has been completed. In any case where the insurer fails to make payment within seven days of receipt of the above claim form, the insured may commence a civil action 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 damage plus costs and reasonable attorneys' fees fixed by the court. If such claim form is not received by the insurer, the insurer shall pay to the insured only the decrease in actual value of the insured vehicle less any deductible. If the insured elects not to repair the vehicle, or if the insurer does not receive a claim form from the insured stating that the repair work has been completed, the insurer shall decrease the actual cash value of the insured vehicle by the amount of damage sustained.

*Section 113P.* The commissioner shall after notice and a hearing in the manner provided in chapter thirty A, establish the provisions of a merit rating plan for use by all insurers to vary rates and premiums for private passenger motor vehicles; provided that an insurer may file and use a merit rating plan in accordance with chapter one hundred and seventy-five E which meets the standards of this section and is in conformance with any minimum standards as may be promulgated by the commissioner. Surcharges shall be imposed on account of negligence determined to be more than fifty per cent of the cause of a motor vehicle accident, and on account of convictions of moving violations of motor vehicle laws. A surcharge of fifty dollars shall be imposed for the first surchargeable accident in a three-year period and the following specified surcharges for the first conviction in a three-year period for each of the following violations:-

(a) Two hundred dollars - operating a motor vehicle while under the influence of intoxicating liquor, marijuana or narcotic drugs, or depressant or stimulant substances or under the influence of the vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene or any combination thereof. Said surcharge shall apply to any person charged with operating a motor vehicle while under the influence of intoxicating liquor and who is assigned to a driver alcohol education program as described in section twenty-four D of chapter ninety.

(b) One hundred dollars - operating a motor vehicle recklessly, or operating negligently so that the lives or safety of the public might be endangered.

(c) Twenty-five dollars - speeding and other moving traffic violations, but excluding operating without possession of a license or registration and such other exclusions as provided by the commissioner.

Surcharges for such additional accidents and convictions of moving traffic violations of motor vehicle laws shall be established in the merit rating plan. Surcharges for surchargeable accidents and convictions of moving violations shall be assessed against the policy of the driver so chargeable or convicted or any other driver who is included among those authorized to drive or customarily drives any vehicle covered by such policy. No such plan shall use

any records or factors which occurred more than three years prior to the policy year for which it varies rates or premiums. Where there is more than one surcharge that would be applied resulting from a single incident, then only that surcharge that represents the largest dollar amount shall be assessed.

Credits shall be established for risks with no accidents or convictions of moving violations of motor vehicle laws which balance the surcharges to be collected. Insurers are required to assure that all surcharges collected are credited to insureds entitled to credits pursuant to a formula promulgated by the commissioner. Such formula shall require that said credits shall include investment income earned by insurers on the surcharge collected. Each insurer shall assure that each insured surcharged or receiving credits receives information in a form prepared by the commissioner concerning the merit rating and credit procedure. Within thirty days after the insurer receives sufficient information to impose a surcharge, said insurer shall notify the policyholder of such surcharge.

Absent a clear showing to the contrary, accidents under the following circumstances will be presumed not to be accidents based on fault which is in excess of fifty per cent, and therefore will not be subject to surcharge:

(a) accidents in which the insured's vehicle is struck while lawfully parked;

(b) accidents in which the insured's vehicle is struck in the rear by another vehicle moving in the same direction;

(c) accidents in which the insured's vehicle is struck by flying gravel, missiles or falling objects;

(d) accidents in which the insured's vehicle is struck by another vehicle which unlawfully leaves the scene of the accident if the insured reports such accident in writing to the police within forty-eight hours.

Failure of an insurer to charge the insured for a surcharge known to be due under a merit rating plan shall subject the insurer to the same penalties prescribed in section twelve of chapter one hundred and seventy-five E for a violation of said chapter.

After any collision, limited collision or property damage liability claim has been filed, the insurer shall determine whether the insured should be surcharged in accordance with rules for determining fault in excess of fifty per cent to be promulgated by the board of appeals on motor vehicle policies and bonds, hereinafter called the board.

Any insured aggrieved by any determination of an insurer as to the application of a surcharge may file a written complaint to the board, within thirty days after receiving notification of said surcharge, on a form approved by the commissioner and supplied by the insurer at the time of the notification of the surcharge. The

board may deny such appeal without a hearing on the basis of the standards of fault to be promulgated by the board. In the notice of its decision to deny the complaint by the insured, the board shall notify the insured that he has a right to a hearing on the application of the surcharge.

The board shall provide the insurer and insured with at least ten days notice of any hearing held under this section. If after a hearing, the board finds that the application of the surcharge was in accordance with the standards promulgated by the board and the provision of this section, it shall order the surcharge applied to the insured's next premium due. If the board finds that the insurer's application of said surcharge was not in accordance with said standards and provisions, it shall order the insurer to vacate said surcharge and delete it from any premium charged. The board may designate a person to act as a hearing officer pursuant to this section. The hearing officer shall file a memorandum of his findings or orders in the office of the commissioner, and shall send a copy to the insurer and the insured.

Any person or company aggrieved by any finding or order of the board, may, within ten days after the filing of the memorandum thereof in the office of the commissioner, appeal therefrom to the superior court, in any county in case of an appeal by any complainant, and in the county in which the complainant resides in case of an appeal by the company. The appellant shall file with his appeal a duly certified copy of the complaint and of the finding and order thereon, and, if the appeal is taken from a finding and order of the board in respect to a cancellation, the clerk of the court shall forthwith upon the filing of such an appeal give written notice of the filing thereof to the registrar of motor vehicles and to the appellee. The court shall, after such notice to the parties as it deems reasonable, give a summary hearing on such appeal and shall have jurisdiction in equity to review all questions of fact and law, and to affirm or reverse such finding or order and may make any appropriate decree. The court or justice may allow such appeal, finding or order to be amended. The decision of the court or justice shall be final. The clerk shall, within two days after the entry thereof, send an attested copy of the decree to each of the parties and the commissioner and to said registrar, or his office. The court or justice may make such order as to costs as it or he deems equitable. The superior court may make reasonable rules to secure prompt hearings on such appeals and a speedy disposition thereof.

The attested copy of a complaint, a finding and order of the board or a decree of the superior court, or a justice thereof, may be sent to the complainant, to the company and to said registrar by registered mail, postage prepaid, and any notice required by this section may be sent by mail, postage prepaid, addressed, in the

case of the complainant, to his address specified in the appeal and, in the case of the company, to its last home office address appearing on the records of the commissioner, or, in the case of a company of a foreign country, to its resident manager in the United States, at the last address appearing on said records, or to such other person as may previously have been designated by the company by a written notice filed in the office of the commissioner.

The municipal court of the city of Boston, and the justices thereof, shall have original jurisdiction, concurrently with the superior court, and the justices thereof, of all proceedings under this section relating to appeals from decisions of the board of appeals on motor vehicle liability policies and bonds, and for such purpose the municipal court of the city of Boston shall have the same power and authority as the superior court; provided, however, that in case of any appeal by the insurance company from the finding or order of the board to the municipal court of the city of Boston, said appeal may, if the complainant does not reside in Suffolk county, upon motion of the complainant, be transferred to and heard by the superior court in the county in which the complainant resides.

SECTION 19. The General Laws are hereby amended by striking out chapter 175E and inserting in place thereof the following chapter:-

#### CHAPTER 175E. REGULATION OF RATES FOR 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”, “insurance company” or “insurer”, all corporations, associations, partnerships or individuals engaged as principals in the business of insurance.

*Section 2.* This chapter shall apply to coverage, whether compulsory or not, which is or may be afforded under motor vehicle liability policies or bonds, both as defined in section thirty-four A of chapter ninety.

*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 making 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.

For motor vehicle insurance rates, the commissioner shall establish a classification of risks which shall include a designation of not less than fifteen territories.

For motor vehicle insurance rates, appropriate reductions in premium charges shall be applied to vehicles that are less damageable than others due to safety features incorporated into such

vehicles and to those vehicles equipped with an anti-theft mechanism or device approved by the commissioner.

(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. Any insurer writing one per cent or more of the premiums for motor vehicle insurance in the commonwealth during the preceding calendar year shall file with the commissioner or his designated representative under the provisions of section seven its own loss and expense experience to demonstrate the extent, if any, to which such insurer must so modify rates developed on the basis of external loss and expense factors.

*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 ninety days or as soon thereafter as possible and without regard to calendar dates specified in section one hundred and thirteen B of chapter one hundred and seventy-five, 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 capital 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 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 members 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 execute 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 section twelve.

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) The provisions of subdivision (a) shall not be construed to 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.* 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 specify the form to be used for any filing or submission pursuant to this chapter.

The commissioner may in his discretion, and shall on the motion of the attorney general, initiate a hearing on any such filing prior to its effective date after at least ten days' notice.

When a filing involving a rate adjustment depends upon a change in the relationship between the proposed rates and the anticipated production expense portion thereof from the relationship anticipated under any rates previously filed and currently in effect for the company or rating organization involved, the insurer or rating organization making such a filing shall simultaneously give written notice of such filing to every licensed agent of every insurer on whose behalf such filing is made. The commissioner shall call a hearing on any such filing prior to its effective date after at least ten days notice upon timely written request by any agent or broker of the company or companies to which such filing is applicable or any association representing insurance agents or

brokers, if such request is in good faith and states reasonable grounds.

The commissioner shall disapprove any filing under this section 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, by the close of the period of suspension, either approve the filing or issue an order disapproving the filing and specifying in what respects he finds that such filing fails to meet the requirements of this chapter.

Notwithstanding the provision of the foregoing paragraph, any insurer may put any filing which has been so suspended but not disapproved by the commissioner 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 its policies affected by the filing from their respective effective dates so as to comply with the final determination of the commissioner. Any such adjustment of premiums shall include interest at the rate of eight per cent per annum.

*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 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.

*Section 9.* No insurer or rating organization shall file in bad faith rates which it knows or should know are grossly inadequate for the insurance coverage provided, and which are filed and used for the purpose of unfairly competing for motor vehicle insurance risks.

At any hearing conducted under this section, the burden shall be on the filer to justify that such filing is not in violation of this section. If, after such hearing, the commissioner finds that the filer has failed to so justify such filing, he may order that all policies written under such bad-faith filing be rewritten at rates meeting the requirements of this chapter from the date of inception of such policies, or that all such policies be cancelled on a pro rata basis.

*Section 10.* The commissioner may make and, at any time, alter or amend, reasonable rules and regulations to facilitate the operation of this chapter, to enforce the application of this chapter, to govern the form and content of filings made pursuant to this chapter, and to expedite the conduct of hearings and investigations under this chapter.

*Section 11.* The commissioner may once in each calendar year establish rules by which the companies shall produce an information guide which outlines in language prescribed or approved by the commissioner the various choices of coverages available to insureds and an approximation of differences in cost among various types of coverage and among competing carriers. Each company shall bear full responsibility for assuring that a copy of such information guide is forwarded to every person insured or solicited for insurance by that company or its agents.

*Section 12.* 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 13.* The supreme judicial court for the county of Suffolk shall have jurisdiction in equity upon the petition of the commissioner and upon a summary hearing to enforce all lawful orders of the commissioner. Any person aggrieved by any action of the commissioner under this chapter may, within twenty days of the action in question, file a petition for review in the supreme judicial court for the county of Suffolk.

SECTION 20. Section 21 of chapter 218 of the General Laws is hereby amended by striking out the first sentence, as appearing in

section 1 of chapter 106 of the acts of 1970, and inserting in place thereof the following sentence:- The chief justice of the district courts shall make uniform rules applicable to all the district courts except the municipal court of the city of Boston, and the chief justice of the municipal court of the city of Boston shall make rules for said court providing for a simple, informal and inexpensive procedure, hereinafter called the procedure, for the determination, according to the rules of substantive law, of claims in the nature of contract or tort, other than slander and libel, in which the plaintiff does not claim as debt or damages more than four hundred dollars, except that said dollar limitation shall not apply in an action for property damage caused by a motor vehicle and for a review of judgments upon such claims when justice so requires.

SECTION 21. Said section 21 of said chapter 218 is hereby further amended by striking out the sentence inserted by chapter 452 of the acts of 1972, and inserting in place thereof the following three sentences:- An action may be commenced under this section if the initial amount of damages claimed is four hundred dollars or less or is an action for property damage caused by a motor vehicle regardless of the amount of the claim, notwithstanding that the court may award double or triple damages in accordance with the provisions of any general or special law. For the purpose of hearing such property damage claims the procedure established shall provide for all such claims to be heard on one evening every other week and on one Saturday on the alternate week, unless otherwise agreed to by all parties to the action. The court may award damages and penalties in such actions in accordance with the provisions of section thirty-four 0 of chapter ninety.

SECTION 22. The first paragraph of section 23 of said chapter 218 is hereby amended by inserting after the second sentence, as appearing in section 2 of chapter 748 of the acts of 1973, the following sentence:- In any action for property damage caused by a motor vehicle where the action is removed to the district court by the insurer and the unpaid party recovers a judgment for any amount due and payable by the insurer, the court shall assess against the insurer in addition thereto costs and reasonable attorney's fees.

SECTION 23. Sections one to four, inclusive, shall take effect upon passage of this act; sections twelve to sixteen, inclusive, and section nineteen shall take effect on passage of this act and shall apply only to all motor vehicle insurance policies issued to become effective January first, nineteen hundred and seventy-seven or thereafter; and sections five to eleven, inclusive, and sections seventeen, twenty, twenty-one and twenty-two shall take effect upon January first, nineteen hundred and seventy-seven. Section one hundred and thirteen 0 of chapter one hundred and seventy-five, of the General Laws, as amended by section eighteen of this

act as so amended, shall take effect on passage of this act but shall apply only to accidents or incidents which result in conviction of motor vehicle moving violations which occur on or after November first, nineteen hundred and seventy-six.

*Approved August 4, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

August 4, 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 266 of the Acts of 1976, entitled AN ACT RELATIVE TO MOTOR VEHICLE INSURANCE, and the enactment of which received my approval on August 4, 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 provide immediate relief to owners of motor vehicles from the high cost of motor vehicle insurance.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, August 4, 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 three 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 two hundred and sixty-six of the acts of nineteen hundred and seventy-six.

PAUL GUZZI,  
*Secretary of the Commonwealth.*

**Chap. 267.** AN ACT ESTABLISHING IN THE TOWN OF MANCHESTER A DEPARTMENT OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN OTHER DEPARTMENTS AND TOWN OFFICIALS.

*Be it enacted, etc., as follows:*

SECTION 1. There is hereby established in the town of Manchester a board of public works, hereinafter called the board, to consist of five members. The initial members thereof shall be elected at the first annual meeting after the effective date of this act, one to serve for one year, two for two years, and two for three years from the date of the annual meeting at which they are elected. Thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are elected and qualified. The members of the board shall, after each election, one of its members to act as chairman for the ensuing year. No person shall serve on the board who holds another elective office in the town or who is a town employee.

SECTION 2. Upon the election and qualification of the initial members of the board, it shall have all the powers and duties now and from time to time vested by the general laws or town by-law or special act in the following boards, departments and offices, or in boards, departments and offices having corresponding powers and duties in the town of Manchester to wit: park commissioners, cemetery commissioners, tree warden, highway superintendent, and such boards, offices and departments shall be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments and offices so abolished.

The board shall have such added powers with respect to public works as the town may from time to time by by-law provide, any other provisions of the law to the contrary notwithstanding.

SECTION 3. The board shall appoint a director of public works, who shall exercise and perform, under its supervision and direction, such of the powers, rights and duties transferred to it under section two 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. His removal must be preceded by a written notice, given to him, which notice must specify the reasons for which he is to be removed, such notice to be given at least fourteen days prior to his removal. The board may suspend him from the exercise of any of the powers, rights and duties of his office during the pendency of such notice period. At his request, he shall be entitled to a public hearing on the charges brought against him.

His compensation shall be fixed in accordance with the personnel by-laws. He shall be especially fitted by education, training

and experience to perform the duties of said office, and may or may not be a resident of the town during his tenure of office.

During his tenure he shall hold no elective office nor shall he be engaged in any other business or occupation. He shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board and the appropriation of funds by the town meeting, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and shall render to the board, as often as it may require, a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the town within the scope of his duties and shall annually furnish to the board, no less than one hundred and twenty days prior to the annual town meeting of the town, a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 4. The office of town engineer is hereby abolished as of the election and qualification of the initial members of the board. The director of public works shall be responsible for furnishing to the town the engineering services heretofore furnished by the town engineer. Nothing herein shall prevent the town from later providing by by-law for an additional employee to furnish such engineering services under the supervision of the director.

SECTION 5. The board may appoint a temporary acting director to serve during any vacancy of the office of director for a period of up to six months.

SECTION 6. Upon the election and qualification of the initial members of the board, all of the persons who immediately prior to such election held the offices of park commissioner, cemetery commissioner, and tree warden, except any who were elected to the board, shall become members of an advisory committee to the board of public works. Each of them shall serve for a term of three years. Upon the expiration of the term of a member, or the occurrence of a vacancy for any other reason, the board may appoint a person to fill the remaining term or to commence a new three-year term. The committee's function shall be to give such advice to the board as it may from time to time request.

SECTION 7. No person employed full-time on the effective date of this act in the park, cemetery or highway departments, shall be dismissed because of the passage thereof. Nor shall any employee

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.

SECTION 8. The town may after the expiration of three years from the effective date of this act vote at an annual meeting to revoke its acceptance of the act. The question of such revocation shall be submitted to the voters in the form of the following question: "Shall the acceptance by the town of Manchester of an act passed by the general court in the year nineteen hundred and seventy-six, entitled 'An Act establishing in the town of Manchester a department of public works exercising the powers of certain other departments and town officials', be revoked?" If a majority of the votes cast in answer to said question is in the affirmative, then at the next annual town election held at least sixty days after said vote to rescind, the town shall elect such officers as are necessary to exercise and perform the powers, rights and duties transferred to the board of public works by said act. Such action shall not affect any contract or liability then created or existing. All general laws respecting town administration and town officers, and any special laws, relative to said town, the operation of which has been suspended or superseded by the acceptance of this act, shall then be in full force and effect. Any by-law inconsistent with such special or general laws shall be revoked thereby. Any subsequent vote to rescind the acceptance of said sections shall not be taken more often than once in three years.

SECTION 9. The budget for the initial fiscal year shall be prepared by the selectmen, in consultation with the park commission, cemetery commission, and tree warden, and the selectmen shall submit the budget for approval at the town meeting.

SECTION 10. This act shall take effect upon its passage.

*Approved August 4, 1976.*

**Chap. 268.** AN ACT DIRECTING THE COMMISSIONER OF MENTAL HEALTH TO LEASE CERTAIN LAND AT THE WRENTHAM STATE SCHOOL TO THE TOWN OF WRENTHAM.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to authorize immediately the lease by the department of mental health to the town of Wrentham of certain land in said town, 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 commissioner of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed

to lease to the town of Wrentham for a period of ten years, a certain portion of land at the Wrentham state school shown on a plan entitled, Sketch of Land Town of Wrentham Refuse Disposal Commission, Landmark Engineering of New England, Inc. dated January 3, 1976, said plan being on file in the office of the board of selectmen in the town of Wrentham, said portion being bounded and described as follows:

Beginning at a point on the Southeasterly sideline of Shears Street, said point being at the point where the Town Line of the Town of Norfolk and the Town of Wrentham intersects the Southeasterly sideline of said Shears Street; thence turning and running N 88°49'33" E along said Town boundary line, a distance of 326.91 feet;

Thence turning and running S 12°08'00" W a distance of 712.44 feet to a point on other land of the grantor;

Thence continuing and running in a Southwesterly direction along a curve with a radius of 180.00 feet, a distance of 287.69 feet to a point;

Thence continuing and running N 66°33'52" W along other land of the grantor, a distance of 770.44 feet to a point located on the Southeasterly sideline of said Shears Street;

Thence turning and running along the Southeasterly sideline of said Shears Street in various courses, a total of 906.88 feet, to the point of beginning.

The lease shall be in such form and contain such provisions as the commissioner of mental health shall determine, subject, however, to the approval of the attorney general. Said lease shall be granted upon the express condition that the land shall be used for sanitary landfill purposes only and if said land ceases to be used as such, or if the provisions of the lease are not complied with, said lease shall terminate.

SECTION 2. In consideration of the granting of the lease provided for in section one, the town of Wrentham shall allow the Wrentham state school to have unlimited use of the landfill operation to be established pursuant to said section one.

*Approved August 4, 1976.*

**Chap. 269.** AN ACT ESTABLISHING A FIDUCIARY STANDARD IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEMS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 32 of the General Laws is hereby amended by inserting after the definition of "Expense Fund," as appearing in section 1 of chapter 658 of the acts of 1945, the following definition:-

"Fiduciary", any person who exercises any discretionary authority or discretionary control respecting management of the

funds of any retirement system or exercises any authority or control respecting management or disposition of its assets.

SECTION 2. Section 23 of chapter 32 of the General Laws, as most recently amended by chapter 768 of the acts of 1975, is hereby further amended by adding the following subdivision:-

(3) *Fiduciary Standards.* A fiduciary, as defined in section one, shall discharge his duties with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

*Approved August 4, 1976.*

**Chap. 270.** AN ACT INCREASING THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE TRUSTEES OF DUMMER ACADEMY.

*Be it enacted, etc., as follows:*

Notwithstanding any provision of law to the contrary, the number of trustees of the trustees of Dummer Academy shall not exceed twenty-five nor be less than nine.

*Approved August 4, 1976.*

**Chap. 271.** AN ACT ASCERTAINING THE WILL OF THE VOTERS IN THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT RELATIVE TO EXCLUDING AREAS WITHIN SAID DISTRICT FROM SAID DISTRICT.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, in order to ascertain the will of the voters of the towns of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Brewster, Harwich, Orleans and Eastham, the state secretary shall cause the following question to be printed on the official ballot to be used in said towns at the biennial state election to be held in the current year:- "Should areas within the Old King's Highway Regional Historic District be allowed to be exempted from said District if it is determined that such areas lack historical significance?" Whether or not a majority of the votes cast in answer to said question is in the affirmative or negative the results of said vote shall not be deemed to be binding upon said District.

*Approved August 4, 1976.*

**Chap. 272.** AN ACT EXTENDING THE TIME FOR THE CALLING OF A SPECIAL TOWN MEETING.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 10 of chapter 39 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 403 of the acts of 1935, and inserting in place thereof the following sentence:- Every town meeting, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before the annual meeting and at least fourteen days before any special town meeting.

SECTION 2. Section 29 of chapter 51 of the General Laws, as most recently amended by section 3 of chapter 853 of the acts of 1973, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- They shall, in some suitable place, hold a continuous session from twelve o'clock noon until ten o'clock in the evening, on the twentieth day preceding a special election or the tenth day preceding a special town meeting, notwithstanding any contrary provision in any general or special law.

*Approved August 4, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

September 24, 1976

The Honorable Paul H. Guzzi  
*Secretary of the Commonwealth*  
*State House*  
*Boston, Massachusetts 02133*

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 272 of the Acts of 1976, entitled AN ACT EXTENDING THE TIME FOR THE CALLING OF A SPECIAL TOWN MEETING, and the enactment of which received approval on August 4, 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 extend the time for calling a special town meeting.

Sincerely,  
Thomas P. O'Neill, III  
*Lieutenant Governor/Acting Governor*

OFFICE OF THE SECRETARY, BOSTON, September 27, 1976.

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 at ten o'clock and forty-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 two hundred and seventy-two of the acts of nineteen hundred and seventy-six.

PAUL GUZZI,  
*Secretary of the Commonwealth.*

**Chap. 273.** AN ACT AUTHORIZING THE TOWN OF EASTHAM TO WITHDRAW FROM THE OLD KING'S HIGHWAY REGIONAL HISTORIC DISTRICT.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 470 of the acts of 1973 is hereby amended by striking out section 2, as amended by section 1 of chapter 298 of the acts of 1975, and inserting in place thereof the following section:-

*Section 2. Establishment of the Old King's Highway Regional Historic District.* There is hereby established in Barnstable county a regional historic district, to be known as the Old King's Highway Regional Historic District, hereinafter called the district, bounded and described as follows:-

Beginning at a point on the foreshores of Cape Cod Bay at the mean low water line, and on the boundary line between the town of Bourne, Barnstable county and the town of Plymouth county; thence southwesterly by said boundary line between the towns of Bourne and Plymouth to a point where said boundary line intersects with the center line of the layout of the state highway known as route 3; thence in a southerly direction by said center line of route 3 traversing the Sagamore rotary at its center and continuing along the center line of the Sagamore bridge, so called, spanning the waterway known as the Cape Cod Canal; thence continuing by the center line of the state highway layout of route 6-Mid-Cape Highway, in a southerly, southeasterly, easterly, northeasterly, and northerly direction, traversing the towns of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster, and Orleans, crossing above or below and intersecting, various public ways, ancient ways, rivers, streams, lakes, inlets, bays, and various appurtenances, to a point lying at the center of the state highway rotary layout at Eastham, Barnstable County, Massachusetts where said route 6 intersects with route 6A; thence in a northwesterly and southwesterly direction along the boundary line between the towns of Eastham and Orleans to a point on the foreshores of Cape Cod Bay where the Eastham, Orleans town boundary intersects the mean low water line; thence in a south-

westerly, westerly, northwesterly, northerly, northeasterly, easterly and southeasterly direction along the mean low water line of Cape Cod Bay traversing all inlets, streams, rivers at their entrance to Cape Cod Bay to the point of beginning, meaning and intending to include all islands along the foreshores of Cape Cod Bay to a distance of three nautical miles from the shores thereof, and every bank, flat, marsh, meadow, swamp and island within the Great Marshes so called, lying within the town of Barnstable.

SECTION 2. Section 3 of said chapter 470, as most recently amended by section 3 of chapter 845 of the acts of 1975, is hereby further amended by striking out the definition of "Town" and inserting in place thereof the following definition:-

"Town" - the individual regional town of Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster or Orleans.

SECTION 3. Section 4 of said chapter 470 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

*Establishment and Organization of the Old King's Highway Regional Historic District Commission.* - There is hereby established the Old King's Highway Regional Historic District Commission, hereinafter called the commission, consisting of eight members, each of whom shall be a chairman of a member town historic district committee of the following towns: Bourne, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster and Orleans.

SECTION 3A. Said section 4 of said chapter 470 is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Five members of the commission shall constitute a quorum.

SECTION 4. The town of Eastham shall be responsible for all expenses of the district up to the date of acceptance of this act by said town that may be determined by the commission established under authority of chapter four hundred and seventy of the acts of nineteen hundred and seventy-five and in accordance with the amount apportioned as the share of the town of Eastham.

SECTION 5. This act shall be submitted for acceptance to the voters of the town of Eastham at the next annual town election or a special town election or at the biennial state election to be held in the current year, whichever occurs first, in the form of the following question which shall be placed upon the official ballot at such election: "Shall an act passed by the General Court in the year nineteen hundred and seventy-six, entitled 'An Act authorizing the town of Eastham to withdraw from the Old King's Highway Regional Historic District', be accepted?" If a majority of the votes cast in answer to said question is in the affirmative this act shall take full effect, but not otherwise.

*Approved August 4, 1976.*

**Chap. 274.** AN ACT AUTHORIZING DEPARTMENTS OF PUBLIC WORKS OR ROAD COMMISSIONERS IN TOWNS TO ACT AS PARK COMMISSIONERS THEREIN.

*Be it enacted, etc., as follows:*

Section 2 of chapter 45 of the General Laws, as amended by section 1 of chapter 10 of the acts of 1941, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- A town may elect a board of park commissioners, consisting of three or five persons and prescribe their terms of office, or the members of a town planning board or department of public works, or road commissioners may if so authorized by vote of the town act as park commissioners therein.

*Approved August 4, 1976.*

**Chap. 275.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven 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.....	\$2,166,300 73
2.	For contractual services.....	186,970 00
3.	For supplies and materials.....	533,070 00
4.	For current charges and obligations.....	170,956 07
5.	For equipment.....	71,011 27
8.	For debt and interest.....	50,000 00
11.	For reserve fund.....	75,000 00
12.	For group insurance.....	97,000 00
	For total expenditures.....	\$3,350,308 07

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

*Approved August 9, 1976.*

**Chap. 276.** AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE CITY OF LYNN RELATIVE TO RENT CONTROL.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, in order to ascertain the will of the voters of the city of Lynn, the state secretary shall cause the following question to be printed on the official ballot to be used in said city, at the biennial state election to be held in the year nineteen hundred and seventy-six:- "Shall the city of Lynn institute rent control in said city at a cost to said city?" Whether or not a majority of the votes cast in answer to said question is in the affirmative or negative the results of such vote shall not be deemed to be binding upon the mayor, city council or other officers of said city.

*Approved August 9, 1976.*

---

**Chap. 277.** AN ACT PROVIDING FOR THE APPOINTMENT OF TEMPORARY GUARDIANS FOR CERTAIN MENTALLY RETARDED PERSONS.

*Be it enacted, etc., as follows:*

Chapter 201 of the General Laws is hereby amended by striking out section 14, as most recently amended by section 28 of chapter 260 of the acts of 1974, and inserting in place thereof the following section:-

*Section 14.* Upon the petition of a mayor or the selectmen, the department of public welfare, the department of mental health, or other person in interest, the court may, if it finds that the welfare of a minor, a mentally ill or mentally retarded person or spendthrift requires the immediate appointment of a temporary guardian of his person and estate, appoint a temporary guardian of such minor, mentally ill or mentally retarded person or spendthrift, with or without notice, and may in like manner remove or discharge him or terminate the trust. A temporary guardian may proceed and continue in the execution of his duties, notwithstanding an appeal from the decree appointing him, until it is otherwise ordered by the supreme judicial court, or until the appointment of a permanent guardian, or until the trust is otherwise legally terminated.

*Approved August 9, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

August 9, 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 277 of the Acts of 1976, entitled AN ACT PROVIDING FOR THE APPOINTMENT OF TEMPORARY GUARDIANS FOR CERTAIN MENTALLY RETARDED PERSONS, and the enactment of which received my approval on August 9, 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 immediately provide medical care for certain mentally retarded persons.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, August 11, 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 one o'clock and forty-five, 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 seventy-seven of the acts of nineteen hundred and seventy-six.

PAUL GUZZI,  
*Secretary of the Commonwealth.*

---

**Chap. 278.** AN ACT EXEMPTING THE OFFICE OF SUPERVISOR OF PERSONNEL OF THE CITY OF BOSTON FROM CIVIL SERVICE LAWS.

*Be it enacted, etc., as follows:*

Chapter six hundred and three of the acts of nineteen hundred and fifty-nine is hereby repealed.

*Approved August 9, 1976.*

**Chap. 279.** AN ACT AUTHORIZING THE PROBATE COURT TO MAKE APPROPRIATE ORDERS OF SUPPORT AND EDUCATION FOR CHILDREN UNDER TWENTY-ONE YEARS OF AGE.

*Be it enacted, etc., as follows:*

SECTION 1. Section 28 of chapter 208 of the General Laws is hereby amended by striking out the last sentence, added by section 1 of chapter 661 of the acts of 1975, and inserting in place thereof the following sentence:- The court may make appropriate orders of maintenance, support and education of any child who has attained age eighteen but who has not attained age twenty-one and who is domiciled 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 is hereby amended by striking out the last sentence, added by section 2 of said chapter 661, and inserting in place thereof the following sentence:- The probate court may make appropriate orders of maintenance, support and education of any child who has attained age eighteen but who has not attained age twenty-one and who is domiciled in the home of a parent, and is principally dependent upon said parent for maintenance.

*Approved August 9, 1976.*

---

**Chap. 280.** AN ACT AUTHORIZING THE TOWN OF FALMOUTH TO ACQUIRE LAND IN SAID TOWN.

*Be it enacted, etc., as follows:*

The town of Falmouth is hereby authorized to purchase for conservation purposes twenty-six and three-tenths acres of land, more or less from Arthur W. Robichaud et ux of the town of Falmouth, said land being shown as an "Area Remaining 26.3 acres more or less" on a plan of land entitled "Plan of Land in Falmouth, Massachusetts for Arthur W. Robichaud et ux, Scale 1" = 50' December 19, 1972, John P. Doyle, R.L.S.", recorded in the registry of deeds in Barnstable county in Plan Book 266, Page 12 and bound and described as follows:-

Beginning at the northwesterly corner of the property by land now or formerly of Helen B. Hibbs et al (formerly land of Charles Blair), 1187.72 feet to a stone bound;

Thence running in a southeasterly direction 118.21 feet to a stone bound by land now of F.V. Lawrence, Inc. (formerly of Charles L. Swift et al, Trustees);

Thence in a northerly direction 1309.87 feet to a stone bound by land of F.V. Lawrence, Inc. (formerly land of Swift);

Thence easterly by land now of the Town of Falmouth, 508.01 feet to a stone bound;

Thence easterly in another course by land now or formerly of James M. Mendoza, 398.64 feet;

Thence southerly by land of the Town of Falmouth, 809.21 feet to a concrete bound;

Thence southerly again by land of the Town of Falmouth, 91.12 feet to a point;

Thence running in a northwesterly direction by Lots 8, 7, 6 and 5, 615.32 feet;

Thence in a southwesterly direction by Lot 5, 130 feet;

Thence southwesterly by Lot 5 by an arc with a radius of 30 feet, a distance of 47.12 feet;

Thence in a westerly direction by Brick Kiln Road, 104 feet;

Thence westerly by an arc with a radius of 30 feet, a distance of 47.12 feet by Lot 4;

Thence in a northeasterly direction, 130 feet by Lot 4;

Thence turning and running in a westerly direction by Lots 4, 3, 2 and 1, a distance of 435.10 feet.

Said town may expend for the purpose of this act a sum not exceeding in the aggregate the sum of ninety-six thousand dollars, one thousand of which shall be paid to the sellers upon delivery to the town of a signed purchase and sale agreement by the sellers to sell said land; nineteen thousand dollars of which shall be paid to the seller upon delivery to the town of a signed deed by the sellers for said land, and, the remaining seventy-six thousand dollars shall be paid by equal installments of nineteen thousand dollars in each of the succeeding four fiscal years, said installments to be secured by notes of the town without interest payable one each on June first of the years nineteen hundred and seventy-eight, nineteen hundred and seventy-nine, nineteen hundred and eighty and nineteen hundred and eighty-one.

Said town is hereby further authorized to accept any and all gifts or payments of money from sources public or private for the purpose of helping to defray the cost of any part, or all of the agreed purchase price, provided, however, that any such gifts offered for such purpose shall be accepted only without any conditions or restrictions attached thereto.

*Approved August 9, 1976.*

---

**Chap. 281.** AN ACT AUTHORIZING THE CITY OF HOLYOKE TO BORROW FOR REHABILITATING ITS MUNICIPAL REFUSE INCINERATOR FOR A TERM OF TWENTY YEARS.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of clause (4B) of section seven of chapter forty-four of the General Laws, the city of Holyoke may borrow four million nine hundred thousand dollars

for rehabilitating its municipal refuse incinerator pursuant to a loan order passed by the board of aldermen and approved by the mayor for a maximum term of twenty years.

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

*Approved August 10, 1976.*

---

**Chap. 282.** AN ACT ESTABLISHING THE APPOINTIVE OFFICE OF TOWN TREASURER AND COLLECTOR OF TAXES IN THE TOWN OF SOUTHBOROUGH.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Southborough is hereby authorized at its annual town meeting or at a special town meeting to combine the duties of the offices of town treasurer and collector of taxes in said town and to establish the office of town treasurer and collector of taxes whose holder shall be appointed from the registered voters of said town by the board of selectmen for a term of three years. Upon the appointment and qualification of said town treasurer and collector of taxes, the terms of office of the persons holding the offices of town treasurer and collector of taxes shall terminate. The provisions of law relative to town treasurers and to collectors of taxes, except insofar as the same may be inconsistent with the provisions of this act, shall apply to said treasurer and collector.

SECTION 2. Chapter eighty-three of the acts of nineteen hundred and seventy-six is hereby repealed.

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

*Approved August 10, 1976.*

---

**Chap. 283.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN, 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.

*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-seven, in this act referred to as the year nineteen hundred and seventy-seven, 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
0112-0000	For the office of the senate clerk, prior appropriation continued, including not more than ten permanent positions	250,000
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	248,000
0115-0000	For administrative and legislative aides to the senators, prior appropriation continued	1,300,000
0116-0000	For secretarial and clerical assistance to the senators, prior appropriation continued	376,000
0116-0030	For a legislative intern program for the senate, appropriation expires June thirtieth, nineteen hundred and seventy-seven	25,000
0117-0000	For the office of the senate committee on ways and means, prior appropriation continued, including not more than four permanent positions	380,000
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 ten permanent positions	227,854
0123-0000	For the salary of the chaplain of the house of representatives	8,397
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	650,000
0125-0010	For expenses of standing and special committees of the house of representatives, authorized by order of the house of representatives 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 speaker	7,000
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	506,000

Item	
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 . . . . . 1,500,000
0127-0020	For legislative aides to the members of the house of representatives, prior appropriation continued . . . . . 480,000
0127-0030	For a legislative intern program . . . . . 88,000
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.
<i>Sergeant-at-Arms.</i>	
0131-0000	For the office of the sergeant-at-arms, including not more than eleven permanent positions, prior appropriation continued . . . . . 202,804
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. . . . . 169,648
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 . . . . . 190,000
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
<i>Other Expenses.</i>	
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, prior appropriation continued . . . . . 850,000
0143-0001	For the administration of the office of legislative data processing, prior appropriation continued . . . . . 157,000
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, prior appropriation continued. . . . . 310,000
0147-0000	For the administration of the legislative engrossing division, including not more than four permanent positions, prior appropriation continued . . . . . 85,000
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 . . . . . 1,200,000
0161-1000	For telephone and telegraph service, prior appropriation continued . . . . . 650,000
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, prior appropriation continued. . . . . 12,000

Item		
0163-000	For the expenses of the joint committee on rules and for clerical and other assistance to the joint committees, prior appropriation continued . . . . .	\$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, the northeast legislative energy staff project, and the program for legislative improvement of the state legislative leaders foundation . . . . .	40,370
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 . . . . .	147,060
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 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, prior appropriation continued . . . . .	50,000
0185-7404	For an investigation and study relative to the restriction of weight of vehicles on public ways, including prior years expenses, as authorized by chapter eight and chapter fifty-five of the resolves of nineteen hundred and seventy-three . . . . .	4,000
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 and by hospital and medical service corporations licensed under the provisions of chapters one hundred and seventy-six A and one hundred and seventy-six B of the General Laws, prior appropriation continued . . . . .	80,000
0185-7510	For an investigation and study relative to the feasibility of providing financial assistance by the commonwealth to sustain and expand the performing arts, as authorized by chapter sixty-three of the resolves of nineteen hundred and seventy-three . . . . .	26,000

### 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 . . . . .	339,761
0301-0006	For office supplies, services and equipment . . . . .	36,400
0301-0101	For the salary of the clerk and the assistant clerk for the commonwealth . . . . .	58,920

Item		
0301-0102	For clerical assistance to the clerk . . . . .	\$39,623
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 . . . . .	90,000
0301-0500	For the service of the executive secretary . . . . .	157,043
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; provided, that one hundred and fifty thousand dollars shall be expended from this item for the purposes of the Roxbury 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 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 . . . . .	310,790
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
<i>Appeals Court.</i>		
0301-3001	For the salaries, traveling allowances and expenses of the chief justice and of the five associate justices . . . . .	243,260
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 . . . . .	36,456
0301-3201	For the salaries of court officers and messengers . . . . .	144,713
<i>Superior Court.</i>		
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 . . . . .	520,546
0302-0004	For clerical assistance to the justices . . . . .	61,257
0302-0100	For the commonwealth's share of the salaries and expenses of the clerk and assistant clerks for the county of Suffolk . . . . .	7,687
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 . . . . .	40,719
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 . . . . .	5 800

Item	Judicial Council.	
0303-0001	For the service of the council . . . . .	\$40,620
<i>Administration of District Courts.</i>		
0304-0001	For compensation and expenses in connection with the administration of district courts . . . . .	124,269
0304-0002	For compensation and expenses of the justices while sitting in the appeals court . . . . .	44,290
<i>Administration of Probate and Insolvency Courts.</i>		
0305-1001	For the compensation of the special judge of probate when acting for other judges of probate . . . . .	31,738
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
<i>Probate and Insolvency Courts.</i>		
<i>For the salaries of judges of probate, registers of probate, assistant registers and clerical assistants to registers of the several counties:</i>		
0305-6011	Barnstable, including not more than thirteen permanent positions . . . . .	180,267
0305-6021	Berkshire, including not more than ten permanent positions . . . . .	144,000
0305-6031	Bristol, including not more than twenty-four permanent positions . . . . .	294,986
0305-6041	Dukes, including not more than three permanent positions . . . . .	31,900
0305-6051	Essex, including not more than thirty-five permanent positions . . . . .	370,459
0305-6061	Franklin, including not more than seven permanent positions . . . . .	92,700
0305-6071	Hampden, including not more than thirty-four permanent positions . . . . .	358,506
0305-6081	Hampshire, including not more than nine permanent positions . . . . .	118,409
0305-6091	Middlesex, including not more than eighty-six permanent positions . . . . .	918,681
0305-6101	Nantucket, including not more than three permanent positions . . . . .	48,603
0305-6111	Norfolk, including not more than forty permanent positions . . . . .	450,993
0305-6121	Plymouth, including not more than twenty-one permanent positions . . . . .	274,017
0305-6131	Suffolk, including not more than seventy-four permanent positions . . . . .	754,411
0305-6141	Worcester, including not more than forty permanent positions . . . . .	503,379
<i>Land Court.</i>		
0306-0001	For the office of the land court, including not more than sixty-two permanent positions . . . . .	1,005,998
<i>Pensions for Certain Retired Justices.</i>		
0307-0001	For pensions of retired judges or their widows . . . . .	1,130,500
<i>District Attorneys.</i>		
<i>For the salaries of district attorneys and assistants for the ten districts:</i>		
0308-0001	Suffolk, including not more than thirty-five permanent positions . . . . .	506,903
0308-0002	Northern, including not more than seventeen permanent positions . . . . .	233,803
0308-0003	Eastern, including not more than ten permanent positions . . . . .	138,203
0308-0005	Middle, including not more than thirteen permanent positions . . . . .	150,938
0308-0006	Western, including not more than nine permanent positions . . . . .	128,203
0308-0007	Northwestern, including not more than six permanent positions . . . . .	92,203
0308-0008	Norfolk, including not more than fourteen permanent positions . . . . .	173,203
0308-0009	Plymouth, including not more than eight permanent positions . . . . .	116,203

Item		
0308-0010	For the travelling expenses necessarily incurred by the district attorneys except in the Suffolk district, including expenses incurred in previous years	\$15,000
0308-0011	Bristol, including not more than five permanent positions . . .	115,203
0308-0012	Cape and Islands, including not more than five permanent positions	81,203

*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

*Board of Bar Examiners.*

0310-0001	For the service of the board, including not more than six permanent positions	222,815
-----------	---	---------

*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 . . . . .	882,000
-----------	---	---------

**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 . . . . .	176,000
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 . . . . .	340,000
0411-4011	For local government matching funds under the federal Crime Control Act	541,000
	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
-----------	---	--------

Item

*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 .....	\$132,485
0412-2000	For federal state relations .....	64,936

*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 .....	154,000
-----------	---	---------

**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 .....	474,634
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 .....	107,218
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 .....	13,600
0431-0500	For the operation of the war records project, so called, including not more than ten permanent positions .....	84,974

*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 .....	1,594,868
0431-1300	For the Camp Curtis Guild rifle range, including not more than seven permanent positions .....	68,493
0431-1410	For certain storage and maintenance facilities, including not more than thirty-three permanent positions .....	248,685
0431-1510	For certain national guard aviation facilities, including not more than ten permanent positions .....	80,000

*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 ...	1,350
-----------	--	-------

*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 .....	303,661
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 percent of the amounts expended for the purposes of this item .....	6,000

Item	
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
<b>Secretary of the Commonwealth</b>	
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 ..... 2,150,825
0517-0000	For the expense of printing various public documents, prior appropriation continued ..... 187,400
0518-0000	For the purchase and distribution of certain journals of the house of representatives ..... 4,500
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 eight permanent positions ..... 2,167,079
0522-0000	For the publication of lists of candidates and of ballot questions before state elections ..... 40,000
0523-0000	For services and expenses of the electoral college ..... 2,000
0524-0000	For expenses of compiling and publishing information to voters ..... 439,500
<i>Massachusetts Historical Commission.</i>	
0526-0100	For the administration of the commission, including not more than one permanent position ..... 81,133
<i>Ballot Law Commission.</i>	
0527-0100	For the compensation and expenses of the commissioners, including not more than three permanent positions ..... 4,750
<i>Records Conservation Board.</i>	
0528-0100	For the expenses of the board ..... 13,537
<i>Commission on Interstate Co-operation.</i>	
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; and provided further, 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; including not more than three permanent positions ..... 71,253
<i>Office of Campaign and Political Finance.</i>	
0531-0100	For the expenses and administration of the office of campaign and political finance, including not more than eight permanent positions ..... 178,000
<b>Treasurer and Receiver-General</b>	
0610-0000	For the office of the treasurer and receiver-general, including not more than one hundred and twelve permanent positions ..... 2,630,000
	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 payments to soldiers in recognition of service in the Korean conflict ..... 2,500
0611-4000	For the administration of the Vietnam bonus payments ..... 130,000

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
	<i>State Board of Retirement.</i>	
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 .....	510,000
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 .....	65,700,000
	Highway Fund .....	15.0%
	General Fund .....	84.2%
	Inland Fisheries and Game Fund .....	0.2%
	State Recreation 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 .....	10,920,000
	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 .....	4,420
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 .....	61,950
	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 .....	1,008.643
	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 .....	241,500
	MDC Sewerage District Fund .....	100.0%
0612-8000	For retirement of certain veterans formerly in the service of the metropolitan water system .....	407,400
	MDC Water District Fund .....	100.0%
0612-9000	For annuities for widows of certain former members of the uniformed branch of the state police .....	86,100
	Highway Fund .....	66.0%
	General Fund .....	34.0%

Item	<i>Commissioners on Firemen's Relief.</i>	
0620-0000	For the expenses of administration and for relief disbursed by the commissioner .....	\$15,412
	<i>Emergency Finance Board.</i>	
0630-0000	For administration of the board, including not more than one permanent position .....	37,000
	<i>State Lottery Commission.</i>	
0640-0000	For the expenses of the operation and administration of the state lottery, provided, that twenty-five per cent of this 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 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 and that 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 position would have entitled him; provided, however, that if his service in such unclassified supervisory position is terminated for cause, his right to be so 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 two hundred and eleven permanent positions	21,364,529
	<i>Debt Service.</i>	
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 charge to the Public Access Fund .....	9,355
	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 ....	9,355
	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 Water Fund .....	20,000
	Harbors and Inland Waters Fund .....	100.0%
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 .....	2,180,753
	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 .....	6,050,000
	State Recreation Areas Fund .....	100.0%

Item		
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 . . . . .	65,855
	Inland Fisheries and Game Fund . . . . .	100.00%
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 . . . . .	5,292,980
	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 . . . . .	6,991,000
	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 . . . . .	3,145,624
	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 . . . . .	2,263,567
	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 . . . . .	4,802,000
	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 . . . . .	24,586,233
	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 . . . . .	44,303,000
	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 . . . . .	59,367,263
0699-7810	For the payment of interest on general obligation public housing bonds; 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 . . . . .	27,656,000
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 . . . . .	84,631,000
0699-7920	For the payment of maturities on general obligation public housing bonds; 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 . . . . .	6,315,000
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 . . . . .	204,355
	Tourism and Industrial Promotion Fund . . . . .	100.0%

Item	
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 ..... \$170,000 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 ..... 23,895,000 General Obligation Fund ..... 100.0%
0699-9900	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 Obligation Fund ..... 90,000,000 General Obligation Fund ..... 100.0%
<b>Auditor of the Commonwealth.</b>	
0710-0000	For the office of the auditor, including not more than one hundred and thirty permanent positions ..... 3,300,000 Highway Fund ..... 30.0% General Fund ..... 70.0%
<b>Department of the Attorney General.</b>	
0810-0000	For the office of the attorney general, including not more than fifty-three permanent positions, prior appropriation continued ..... 3,899,000
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 ..... 30,000
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 ..... 250,000
<b>Commission on Uniform State Laws.</b>	
0830-0100	For the expenses of the commission ..... 13,650
<b>Executive Office of Administration and Finance.</b>	
<b>Office of the Commissioner.</b>	
1100-1100	For the office of the commissioner, including not more than twenty-one permanent positions ..... 433,807 Highway Fund ..... 30.0% General Fund ..... 70.0%
1100-1402	For the office of comprehensive state planning, including not more than five permanent positions ..... 249,838
<b>Fiscal Affairs Division.</b>	
1101-2100	For the administration of the division, including not more than forty-six permanent positions ..... 840,000 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

Item

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 ..... \$238,115

- 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, prior appropriation continued ..... 5,000

*Central Services Division.*

- 1102-3110 For the administration of the division, including not more than three permanent positions ..... 93,923
- 1102-3210 For the administration of the bureau of building construction; provided, that nineteen thousand five hundred dollars shall be expended for a feasibility study relative to relocating the regional office of the department of public works region 7, in the Middleboro area; including not more than one hundred and one permanent positions ..... 1,443,894
- 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 four hundred and twenty-one permanent positions ..... 9,601,277
- 1102-3901 For renovation and improvements, including painting of the senate reception room and including the cost of furnishings and equipment; provided that any federal funds received for the purposes of this item shall be deposited in the General Fund ..... 65,000
- 1102-4010 For the operation of certain central services and the telephone system, including not more than twenty-one permanent positions ... 420,801
- 1102-5201 For the expenses and administration of a motor vehicles management bureau; including not more than nine permanent positions ..... 88,439
- 1102-5211 For fuel and repairs of certain motor vehicles ..... 240,000

*Comptroller's Division.*

- 1103-1000 For the administration of the division, including not more than one hundred and forty-eight permanent positions ..... 1,374,000
- Highway Fund ..... 30.0%
- General Fund ..... 70.0%
- 1103-1010 For the expenses of the computer service center, including not more than one hundred and nine permanent positions ..... 1,838,550
- 1103-5010 For administration of the fraudulent claims commission, including not more than fifty-nine permanent positions ..... 732,897

*Purchasing Agent's Division.*

- 1104-1000 For the administration of the division, including not more than eighty permanent positions ..... 816,158
- Highway Fund ..... 30.0%
- General Fund ..... 70.0%
- 1104-4000 For the administration of the collective purchasing bureau, including not more than two permanent positions ..... 28,502

*Other Administration and Finance.*

- 1105-1000 For the administration of the division of employee relations, including not more than sixteen permanent positions ..... 381,257

Item	<i>Division of Personnel Administration.</i>	
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	\$4,559,500
	General Fund .....	80.0%
	Highway Fund .....	20.0%
1107-2300	For a portion of the state share of training programs under the federal Inter-governmental Act of nineteen hundred and seventy, to be in addition to any other state and federal funds available for the purpose.	63,250
1110-1000	For the administration of the division of hearing officers established by section four H of chapter seven of the General Laws; provided, that notwithstanding any provision of law to the contrary the cost of services rendered to any office or agency for an appeal shall be charged to such office or agency, such charges to include an allowance for overhead as determined by the commissioner of administration; provided further, that the payments for such services shall be paid to the General Fund; and provided further, that no such service shall be provided without a written contract filed with the comptroller; including not more than eight permanent positions .....	115,044
1111-0010	For the administration of the bureau of teachers' retirement, including not more than thirty-one permanent positions .....	333,891
1111-1001	For the payment of retirement assessments of teachers formerly in military or naval service .....	1,050
1111-1002	For reimbursement of certain cities and towns for pensions to retired teachers .....	14,584,500
1111-1003	For the payments of the commonwealth's share in financing the teacher's retirement system .....	102,540,900
	<i>Group Insurance Commission.</i>	
1120-1000	For administration of the group insurance program, including not more than forty-two permanent positions .....	894,000
1120-2000	For the commonwealth's share of the group insurance premium; provided, that 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 .....	45,197,563
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 .....	186,000
1120-4000	For the group insurance premium for certain retired municipal teachers and their dependents, prior appropriation continued .....	1,200,000
	<i>Massachusetts Commission Against Discrimination.</i>	
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 .....	785,464

Item		<i>Contributory Retirement Appeal Board.</i>	
1160-1000	For the expenses of the board . . . . .		\$3,000
<i>Retirement Law Commission.</i>			
1180-1000	For the administration of the commission, including not more than two permanent positions . . . . .		86,901
<b>Department of Corporations and Taxation</b>			
1201-0100	For the administration of the department, including audits, of certain foreign corporations, and for the rental, maintenance and operation of an office in Hyannis to assist in the administration of the department; 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 fourteen permanent positions . . . . .		15,324,000
	Highway Fund . . . . .	10.0%	
	General Fund . . . . .	90.0%	
<i>Bureau of Accounts.</i>			
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 . . . . .		1,180,580
1231-1000	For the administration of the county personnel board, including not more than six permanent positions . . . . .		42,811
<i>Bureau of Local Taxation.</i>			
1233-1000	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities . . . . .		14,662,400
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 . . . . .		3,434,917
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 thirty-seven and one-half per cent of career incentive salary increases for police officers as authorized by section forty of this act . . . . .		1,628,257
<i>Appellate Tax Board.</i>			
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 . . . . .		489,631
<i>Miscellaneous.</i>			
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 contained a balance sufficient to meet		

Item		
	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 for 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 contained a balance sufficient to meet the required payments	5,000
	Highway Fund	100.0%
	<i>Unforeseen Emergencies.</i>	
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 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 items of appropriation are charged	4,000,000
1599-2093	For a reserve to meet the cost of salary adjustments as authorized by the acts of the current year; 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-seven, which are available in whole or in part for personal services, such amounts as are necessary to meet the cost of said adjustments for the fiscal year nineteen hundred and seventy-seven, 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 such items of appropriation are charged	32,000,000
1599-3100	For the payment of certain employment security benefits	2,500,000

**Executive Office of Environmental Affairs**

Item	Office of the Secretary	
2000-0100	For the office of the secretary, including not more than five permanent positions .....	\$145,586
	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 .....	52,542
	Public Access Fund .....	100.0%
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 .....	121,950
	Environmental Fund .....	100.0%
2010-0100	For the administration and maintenance of the Massachusetts World War II Memorial, prior appropriation continued.	
	<i>Division of Law Enforcement.</i>	
2020-0100	For the administration of the division of law enforcement, including not more than seventy-eight permanent positions .....	1,165,250
	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%
2020-0300	For the hunter safety training program .....	75,000
	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 .....	203,195
	State Recreation Areas Fund .....	50.0%
	General Fund .....	50.0%
	<i>Department of Environmental Management.</i>	
2100-0100	For the administration of the department, including the expenses of the natural resources board, including not more than thirty-nine 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 .....	725,968
	General Fund .....	25.0%
	State Recreation Areas Fund .....	75.0%
2100-0400	For the disposition of certain toxic materials including pesticides; provided, that the unexpended balance remaining in account 2614-1100 is hereby transferred and made available for the purpose of this item.	
	<i>Division of Forests and Parks.</i>	
2120-0100	For the administration of the division, including not more than ten permanent positions .....	157,657
	General Fund .....	50.0%
	State Recreation Areas Fund .....	50.0%

Item	
2120-0200	For the administration and supervision of land acquisition and construction programs, and including not more than sixteen permanent positions \$349,669
	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 fourteen 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 ..... 380,098
	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 ..... 3,494,065
	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 ..... 3,952,581
	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%
2120-0700	For the maintenance and operation of certain state reservations, including not more than six permanent positions ..... 175,755
	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 361,447
	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 ..... 949,105
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-two permanent positions ..... 323,668
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 ..... 20,002

Item	<i>Division of Water Resources.</i>	
2130-0100	For the administration of the division, including the wetlands restriction program, and for the commonwealth's share of the cost of certain federal-state cooperative studies, including not more than twenty permanent positions .....	\$330,000
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 .....	48,907
2130-0300	For certain watershed protection and flood control activities and for expenses of certain flood control commissions, including not more than five permanent positions .....	288,744
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 .....	44,483
	<i>Bureau of Solid Waste Disposal.</i>	
2140-0100	For the administration of the bureau, including the necessary maintenance and operation of solid waste disposal facilities 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 seven permanent positions .....	346,000
	<b>Department of Environmental Quality Engineering.</b>	
	<i>Office of the Commissioner.</i>	
2200-0100	For the office of the commissioner, including not more than two permanent positions .....	41,155
	<i>Outdoor Advertising Division.</i>	
2210-0100	For the administration of the division, including not more than ten permanent positions .....	89,585
	<i>Wetlands Regulation Division.</i>	
2230-0200	For a program of wetland regulation, including not more than ten permanent positions .....	178,930
	<i>Division of Water Pollution Control.</i>	
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 .....	1,660,674
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 .....	26,335
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 .....	1,100,682

Item	<i>Bureau of Environmental Sanitation.</i>	
2250-0100	For the administration of the bureau, including not more than fifty-five permanent positions . . . . .	\$1,296,404
	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 . . . . .	468,655
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 . . . . .	208,546
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 . . . . .	62,986
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 . . . . .	9,986
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 . . . . .	39,720
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 . . . . .	38,914
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 . . . . .	39,281
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 . . . . .	100,000
	Aquatic Nuisance Control Fund . . . . .	100.00%
	<i>Pesticide Board.</i>	
2260-0100	For the administration of the pesticide board . . . . .	29,000
	<i>Division of Waterways.</i>	
	<i>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 appropriation authorized hereunder.</i>	
2270-0100	For the administration of the division, including not more than fifty-four permanent positions . . . . .	714,408
	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; provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the	

Item

Malden River in the city of Malden; provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the Neponset River at the Milton Town landing; 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 to state piers; prior appropriation continued.

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 ..... \$25,735

2270-0900 For the operation and maintenance of the New Bedford state pier, including not more than two permanent positions ..... 42,910

**Department of Fisheries, Wildlife and  
Recreational Vehicles.**

*Office of the Commissioner.*

2300-0100 For the office of the commissioner, including not more than three permanent positions ..... 59,424

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 ..... 514,933

Inland Fisheries and Game Fund ..... 100.0%

2310-0300 To develop and improve facilities for public use and division operation at fish hatcheries, wildlife, management areas, and field headquarters ..... 500,000

Inland Fisheries and Game Fund ..... 100.0%

2310-0310 For acquisition of upland areas and inholdings on existing wildlife management areas ..... 500,000

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 ..... 872,389

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 ..... 1,033,217

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%

Item	<i>Public Access Board.</i>	
2320-0100	For the maintenance, operation, acquisition and improvement of public access land and water areas, as authorized by section seventeen A of chapter twenty-one of the General Laws, prior appropriation continued	\$200,000
	Public Access Fund . . . . .	100.0%
	<i>Division of Marine Fisheries.</i>	
2330-0100	For the administration of division programs, including expenses of the Cat Cove marine research station, and estuarine research program, and the coordination of commercial fisheries research; including not more than twenty-six permanent positions . . . . .	400,450
	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 . . . . .	221,044
	Marine Fisheries Fund . . . . .	100.0%
2330-0300	For marine recreational fisheries including the study of alewife run parameters, the use of coho salmon and anadromous fish, and for fishway projects; including not more than three permanent positions . . . . .	89,564
	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 . . . . .	189,058
	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%
	<i>Division of Marine and Recreational Vehicles.</i>	
2340-0100	For the administration of the division; including not more than fifty-eight permanent positions . . . . .	766,017
	Recreational Vehicles Fund . . . . .	100.0%
	<b>Department of the Metropolitan District Commission.</b>	
	<i>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:</i>	
	<i>Administration.</i>	
2410-1000	For general administration, including not more than sixty-two permanent positions . . . . .	825,500
	Highway Fund . . . . .	25.0%
	MDC Parks District Fund . . . . .	25.0%
	MDC Sewerage District Fund . . . . .	25.0%
	MDC Water District Fund . . . . .	25.0%
2410-9061	For the Massachusetts summer youth program, to be allocated, with the approval of the commissioner of the department of the metropolitan district commission and the commissioner of the department of public works, to those agencies selected as participants in the program; provided, that	

Item

not less than one million two hundred thousand dollars shall be allocated to participants in the city of Boston, one million two hundred thousand dollars shall be allocated to participants within those cities and towns which comprise the metropolitan parks, sewerage and water districts and two million one hundred thousand dollars shall be allocated to participants in cities and towns other than those which comprise said districts; provided, that the provisions of section twenty-nine A of chapter twenty-nine of the General Laws shall not apply to expenditures made from this item; and provided further, that allocations made in accordance with this item may be expended by the selected participants without further appropriation

\$4,500,000

*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 .....	8,927,500
	MDC Water District Fund .....	100.0%
2425-9001	For emergency repairs to water mains, prior appropriation continued .....	22,500
	MDC Water District Fund .....	100.0%
2425-9003	For the purchase of certain pipe and valve stock, prior appropriation continued .....	25,000
	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 .....	8,660,000
	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 .....	26,997,000
	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%
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%
2444-5511	For a sailing program at Pleasure bay .....	10,000
	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; provided, however, that adequate lighting is installed on the Jamaica way and the Riverway and	

## Item

that a traffic signal be installed at the intersection of Bynner street and Willow Pond road on the Jamaica way; prior appropriation continued

\$1,500,000

	Highway Fund .....	100.0%	
2444-9002	For the purchase of certain highway maintenance equipment .		110,000
	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 .....		35,000
	MDC Parks District Fund .....	100.0%	
2450-1000	For the personal services and expenses related to employees previously paid from highway bond funds .....		500,000
	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 .....		4,100,000
	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-three permanent positions; providing that revenues are deposited to the Agricultural Purposes Fund .....		252,208
	Agricultural Purposes Fund .....	100.0%	
2511-2002	For the administration of the division; provided, that revenues are deposited to the Agricultural Purposes Fund; including not more than two permanent positions .....		59,425
	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 .....		13,724
	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 .....		74,329
	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 Agricultural Purposes Fund .....		208,200
	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%	

Item		<i>Division of Animal Health.</i>	
2525-1000	For the administration of the division; provided, that revenues are deposited to the Agricultural Purposes Fund; including not more than twenty-four permanent positions . . . . .	\$282,775	
	Agricultural Purposes Fund . . . . .	100.0%	
2515-3000	For the reimbursement of owners of diseased cattle slaughtered; prior appropriation continued . . . . .	20,690	
	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 . . . . .	2,000	
	Agricultural Purposes Fund . . . . .	100.0%	
		<i>Division of Markets.</i>	
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 . . . . .	185,000	
	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%	
		<i>Division of Plant Pest Control.</i>	
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 . . . . .	63,483	
	Agricultural Purposes Fund . . . . .	100.0%	
		<i>Division of Fairs.</i>	
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 . . . . .	309,296	
	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 . . . . .	17,190	
	Agricultural Purposes Fund . . . . .	100.0%	
2518-1021	For certain prizes . . . . .	75,000	
	Agricultural Purposes Fund . . . . .	100.0%	
2518-1030	For the administration of the Massachusetts standardbred agricultural fair and breeding fund committees . . . . .	4,300	
	Agricultural Purposes Fund . . . . .	100.0%	
2518-1031	For certain prizes . . . . .	75,000	
	Agricultural Purposes Fund . . . . .	100.0%	
		<i>Division of Milk Control.</i>	
2519-1000	For the administration of the division, including not more than twenty permanent positions . . . . .	226,142	
		<i>State Reclamation Board.</i>	
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 . . . . .	29,094	
	Agricultural Purposes Fund . . . . .	100.0%	

Item		
	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 . . . . .	285,946
	Mosquito and Greenhead Fly Control Fund . . . . 100.0%	
2520-1100	Berkshire county . . . . .	210,364
	Mosquito and Greenhead Fly Control Fund . . . . 100.0%	
2520-1200	Norfolk county . . . . .	264,102
	Mosquito and Greenhead Fly Control Fund . . . . 100.0%	
2520-1300	Bristol county . . . . .	201,427
	Mosquito and Greenhead Fly Control Fund . . . . 100.0%	
2520-1400	Plymouth county . . . . .	257,380
	Mosquito and Greenhead Fly Control Fund . . . . 100.0%	
2520-1500	Essex county, city of Revere and town of Winthrop . . . . .	265,000
	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 . . . . .	91,000
	General Fund . . . . . 60.0%	
	Tourism and Industrial Promotion Fund . . . . . 40.0%	
3000-0116	For the expenses of the state office of minority business assistance . . . . .	29,235

*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 seventy-eight permanent positions . . . . .	1,710,791
-----------	---	-----------

*Division of Community Development.*

3722-9001	For certain financial assistance for housing projects for the elderly . . . . .	73,100
3722-9002	For certain financial assistance for housing projects for veterans . . . . .	4,135,180
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 . . . . .	9,500,481
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 . . . . .	2,900,181
3722-9006	For reimbursement to housing authorities for deficiencies caused by certain reduced rentals in housing for veterans and relocated persons pursuant to . . . . .	

Item		
	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; prior appropriation continued . . . . .	\$7,750,000
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 . . . . .	985,000
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 . . . . .	8,085,500
3722-9212	For Massachusetts Home Mortgage Finance Agency . . . . .	150,000
	<i>Division of Community Services.</i>	
3731-2003	For expenses of community development and housing program services . . . . .	270,000
3735-9011	For the administration of the state building code commission . . . . .	124,704
	<i>Division of Social and Economic Opportunity.</i>	
3744-4010	For payment of stipends to corpsmen of the commonwealth service corps . . . . .	305,000
3747-0001	For the administration and commission on Indian affairs . . . . .	20,000
	<b>Executive Office of Human Services.</b>	
	<i>Office of the Secretary.</i>	
4000-0100	For the office of the secretary, including not more than five permanent positions . . . . .	404,851
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 . . . . .	380,000
4000-1505	For the administration of the health facilities appeals board . . . . .	18,000
	<i>Rate Setting Commission.</i>	
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 fifty-four permanent positions . . . . .	780,000
	<i>Massachusetts Commission for the Blind.</i>	
4110-0001	For the office of the commissioner, including not more than fifteen permanent positions . . . . .	203,745
4110-1010	For aiding the adult blind, prior appropriation continued . . . . .	4,681,313

Item	
4110-1015	For the purpose of increasing the optional supplementary level for the blind by five percent . . . . . \$500,000
4110-1020	For support of a medical assistance program for the blind, including previous fiscal years, and including not more than five permanent positions 7,051,914
<i>Bureau of Individual Services.</i>	
4110-2010	For administration of a talking book program, including not more than three permanent positions . . . . . 195,244
4110-2020	For administration of a home teaching program, including not more than nineteen permanent positions . . . . . 190,615
4110-2030	For administration of a children's services program, including not more than seven permanent positions . . . . . 77,806
4110-2040	For certain social services programs, including not more than fifty-six permanent positions . . . . . 891,384
<i>Bureau of Rehabilitation.</i>	
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 . . . . . 386,000
<i>Bureau of Industrial Aid and Workshops.</i>	
4110-4000	For the administration of the bureau, including not more than three permanent positions . . . . . 35,942
4110-4010	For operation of local shops, including not more than fourteen permanent positions . . . . . 414,947
4110-4030	For operation of the Cambridge insudtries 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 positions . . . 734,515
4110-4050	For certain payments to blind persons . . . . . 92,790
<i>Bureau of Research.</i>	
4110-5000	For the administration of the bureau, including not more than four permanent positions . . . . . 36,521
<i>Massachusetts Rehabilitation Commission.</i>	
4120-0010	For the administration of the commission, including not more than one permanent position, prior appropriation continued . . . . . 2,670,000
4120-0031	For a program of extended employment for the handicapped under Title XX program . . . . . 660,000
4120-0041	For the administration of the office of deafness . . . . . 50,000
<b>Office for Children</b>	
4130-0001	For the office of the director, including not more than thirty-six permanent positions . . . . . 665,369
<i>Region One.</i>	
4131-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . . 321,205
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 43,500
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 . . . . . 43,500

Item		
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 be not less than seventy-five per cent of such expenditure	\$43,500
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 be not less than seventy-five per cent of such expenditure	43,500
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 percent of such expenditure	43,500

*Region Two.*

4132-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	305,587
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	43,500
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	43,500
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	43,500
4132-2050	For providing services to children with special needs in the Southbridge council area; provided, that the federal allocation for the purpose of such expenditure shall be not less than seventy-five percent of such expenditure	43,500
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	43,500

*Region Three.*

4133-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	293,272
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 percent of such expenditure . . . . .	43,500
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	43,500
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 . . . . .	43,500
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	43,500

Item		
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	\$43,500
4134-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	353,305
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	43,500
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	43,500
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	43,500
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	43,500
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	43,500
4134-2070	For providing services to children with special needs in the eastern Middlesex 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	43,500
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	43,500
4135-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	333,627
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 . . . . .	43,500
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	43,500
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	43,500
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	43,500

Item		
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	\$43,500
4135-2070	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	43,500

*Region Six.*

4136-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	263,731
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 . . . . .	43,500
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 percent of such expenditure	43,500
4136-2040	For providing services to children with special needs in the Harbor 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	43,500
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 . . . . .	43,500
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 expenditure	43,500

*Region Seven.*

4137-1000	For the administration of the regional office, including services to children, including not more than eight permanent positions . . . . .	370,470
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	43,500
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	43,500
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	43,500
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	43,500
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	43,500

Item	
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 \$43,500
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 43,500
<i>Commissioner of Veterans' Services.</i>	
4170-0010	For the office of the commissioner, including not more than seventy-three permanent positions . . . . . 790,366
4170-0300	For the payment of annuities to certain disabled veterans . . . . . 190,000
4170-0400	For reimbursing cities and towns for money paid for veterans benefits, prior appropriation continued . . . . . 7,300,000
4170-0500	For reimbursing cities and towns for financial aid granted to certain needy dependents of persons in the service of the armed forces . . . . . 10,000
<i>Soldiers' Home in Massachusetts.</i>	
4180-0100	For the maintenance of the home, including not more than six hundred and fifty-eight permanent positions . . . . . 7,614,667
<i>Soldiers' Home in Holyoke.</i>	
4190-0100	For the maintenance of the home, including not more than three hundred and twelve permanent positions . . . . . 3,880,138
<b>Department of Youth Services.</b>	
4200-0100	For the administration of the department, including not more than eighty-two permanent positions . . . . . 1,411,193
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 by 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 . . . . . 8,650,000
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 . . . . . 200,000
<i>Bureau of Clinical Services.</i>	
<i>J. For the administration and maintenance of and for certain improvements at the institutions within the bureau:</i>	
4221-1010	Judge John J. Connelly Youth center in the city of Boston, including not more than eighty-six permanent positions . . . . . 960,634
4223-1010	Detention center in Hampden county, including not more than thirty-three permanent positions . . . . . 372,385

Item		
4224-1010	Detention center in Worcester county, including not more than thirty-three permanent positions .....	\$380,792

*Bureau of Institutional Services.*

*For the administration, maintenance of and for certain improvements at the institutions within the bureau:*

4231-1010	Stephen L. French Youth Forestry Camp, including not more than twenty-eight permanent positions .....	390,688
4237-1010	For supervision, counseling, and other services by the department incidental to certain residential or nonresidential care programs; 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 .....	3,559,633

**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-three permanent positions .....	2,528,772
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 .....	243,000
4311-0003	For a community reintegration program, including not more than ten permanent positions .....	976,684
4311-0004	For a health service program, including not more than ninety-six permanent positions .....	2,523,000

*For the maintenance of and for certain improvements at the following institutions under the control of the department:*

4311-0006	Correctional institution at Norfolk farm dormitory .....	944,000
4311-0008	For a minimum security correctional institution .....	841,000
4312-0001	Correctional institution at Bridgewater, including not more than five hundred and fifty-one permanent positions .....	9,599,280
4313-0001	Correctional institution at Walpole, including not more than three hundred and thirty-nine permanent positions .....	5,995,312
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 .....	1,283,577
4314-0001	Correctional institution at Concord, including not more than two hundred and eighty-four permanent positions .....	5,136,543
4314-2001	Correctional institution at Concord, industries, including not more than fifteen permanent positions .....	398,995
4315-0001	Correctional institution at Framingham, including not more than one hundred and twenty permanent positions .....	2,053,711
4315-2001	Correctional institution at Framingham, industries, including not more than ten permanent positions .....	168,445

Item	
4316-0001	Correctional institution at Norfolk, including not more than two hundred and eighty-five permanent positions . . . . . \$5,669,118
4316-2001	Correctional institution at Norfolk, industries, including not more than thirty-one permanent positions . . . . . 775,000
4317-0001	Correctional institution camps, including not more than forty-three permanent positions . . . . . 999,621
4341-0001	For a receptions diagnostic center . . . . . 533,598
4342-0001	For a pre-release guidance center . . . . . 283,437
4343-0001	For a pre-release center at Shirley, including not more than twenty-three permanent positions . . . . . 1,051,843
<i>Parole Board.</i>	
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 four permanent positions . . . . . 1,600,000
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
<b>Department of Public Welfare.</b>	
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 seven hundred permanent positions . . . . . 59,080,000
4400-1003	For the administration of a central automated vendor payment system and for the development of a medicaid management information system; provided, that any federal funds received for this purpose shall be credited to the General Fund . . . . . 7,870,000
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 eighteen 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 an 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 . . . . . 898,620
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 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

Item

	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 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 sixty permanent positions	650,000
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-five permanent positions	6,000,000
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 monies appropriated under this item shall be expended for tutoring or remedial reading of children boarded by the department and attending public schools; and, provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation	34,300,000
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; and provided, further, that an amount not exceeding one hundred million dollars may be expended from this item for expenses incurred in the prior fiscal year	530,000,000
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	423,000,000
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	

Item		
	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 . . . . .	\$8,900,000
4403-2007	For a five per cent cost-of-living increase for recipients of the program of aid to families with dependent children, to be applied only to the monthly direct grant . . . . .	18,000,000
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 percent of such expenditures; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	27,000,000
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; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	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; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	2,315,000
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; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	1,350,000
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; and provided further, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation . . . . .	1,000,000
4405-2000	For the state supplemental security income program for the aged and disabled . . . . .	106,000,000
4405-2003	For the purpose of increasing the optional supplementary level for the aged and disabled by five per cent . . . . .	22,000,000
4406-2000	For a program of general relief; provided, that notwithstanding the provisions of any law to the contrary, no increase in the budgetary 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; provided further that, notwithstanding the provisions of any law to the contrary, limited medical services shall be provided to General Relief recipients, including, physician office visits, basic dental care, drugs, laboratories, durable goods, eye care, and home health care; provided that not more than five million one hundred thousand dollars may be expended for said medical services . . . . .	43,600,000

Item		
4406-2020	For a five per cent cost-of-living increase in the monthly grant to recipients of the program of general relief .....	\$1,700,000
4408-1000	For a program to provide services to the disabled; provided, that the federal allocation for the purpose of this item shall be not less than seventy-five per cent of such expenditures; and, provided, that purchased social services shall not be authorized at a monthly level that will cause expenditures to exceed the appropriation .....	3,000,000
4408-1100	For a program to provide services to the elderly 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 expenditures; and, provided, that effective August first, nineteen hundred and seventy-six all applicants for a program of homemakers and chore services shall become the responsibility of the department of elder affairs; provided, that home care services are available; and provided further, that notwithstanding any provision of law to the contrary, on or before July first, nineteen hundred and seventy-seven a program of homemaker and chore services to the elderly shall be the responsibility of the department of elder affairs .....	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 fifty permanent positions .....	761,750
4510-0700	For the administration of the medical assistance unit .....	593,991
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 .....	106,504
4510-0780	For inspection of ambulance services, as authorized by section two of chapter one hundred and eleven C of the General Laws .....	130,000
4510-1502	For the comprehensive health planning project .....	100,000

*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, including not more than eleven permanent positions .....	677,152
4512-0100	For the administration of the division of communicable and venereal diseases, including not more than twenty-five permanent positions .....	1,189,484
4512-0180	For a vaccine program .....	700,000
4512-0200	For the administration of the division of alcoholism, including not more than ten permanent positions .....	7,620,496
4512-0400	For the administration of the division of nursing home facilities, including not more than twenty permanent positions .....	1,200,884

Item	
4512-0500	For the administration of the division of dental health, including not more than three permanent positions ..... \$57,682
4512-0600	For a study of equine encephalitis. .... 79,484
4512-0700	For epilepsy control program, including not more than two permanent positions ..... 148,803
<i>Bureau of Health Services.</i>	
4513-1000	For the administration of the bureau, including not more than forty-eight permanent positions ..... 5,775,944
4513-1500	For the administration of local health services, including not more than twenty-five permanent positions ..... 276,226
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 ..... 670,000
<i>Bureau of Hospital Facilities.</i>	
4514-0100	For the administration of the bureau, including not more than fifteen permanent positions ..... 346,319
<i>Bureau of Tuberculosis and Institution.</i>	
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 3,312,479
<i>Institute of Laboratories.</i>	
4516-0100	For the administration of the institute, including not more than one hundred and sixty-three permanent positions ..... 2,647,420
4516-0201	For a program of prevention of lead poisoning, including not more than three permanent positions ..... 291,361
<i>Bureau of Consumer Products Protection.</i>	
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 ..... 1,465,223
4518-0100	For the administration of the office of health statistics and analysis, including not more than twelve permanent positions ..... 240,606

*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 in this fiscal year is in excess of the total amount of net revenues collected from all sources and deposited with the state treasurer for the prior fiscal year, such excess shall be considered by the general court in determining the level of*

Item

*appropriation in the ensuing fiscal year. For the purposes of this paragraph, "net 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 . . . . .	\$5,024,837
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 . . . . .	9,565,042
4533-0001	Massachusetts hospital school, including not more than three hundred and thirty-three permanent positions . . . . .	4,017,532
4534-0001	Pondville hospital, including not more than three hundred and fourteen permanent positions . . . . .	4,260,057
4535-0001	Rutland Heights hospital, including not more than four hundred and fifty-nine permanent positions . . . . .	4,546,517
4536-0001	Tewksbury hospital, including not more than one thousand and four permanent positions . . . . .	11,200,000
4537-0001	Western Massachusetts hospital, including not more than two hundred and ninety-six permanent positions . . . . .	3,315,823

*Department of Mental Health.*

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 twenty-seven 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 five permanent positions . . . . .	153,500
5011-9001	For a research project and rehabilitation program for chronic mental patients, prior appropriation continued . . . . .	250,000
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 . . . . .	4,410,884
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 . . . . .	25,355,756
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 . . . . .	1,200,000

*Region One.*

5111-0000	For administration, including not more than eleven permanent positions . . . . .	201,942
-----------	--	---------

Item	
5121-0000	For mental health and retardation services, including not more than one hundred and twenty-one permanent positions . . . . . 53,799,266
5161-0000	For the administration of the Northampton center for children and families, including not more than twenty-seven permanent positions . . . . . 396,850
5181-0000	For the maintenance of the Belchertown state school, including not more than seven hundred and sixty-three permanent positions . . . . . 9,538,230
5191-0000	For the maintenance of the Northampton state hospital, including not more than eight hundred and ninety-five permanent positions . . . . . 9,427,749

*Region Two.*

5211-0000	For administration, including not more than nine permanent positions . . . . . 198,874
5221-0000	For mental health and retardation services, including not more than two hundred and fifty-four permanent positions . . . . . 5,053,358
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 eleven permanent positions . . . . . 189,164
5262-0100	For the maintenance of the Blackstone Valley mental health center, including not more than forty-seven permanent positions . . . . . 758,383
5263-0100	For the maintenance of the Rutland Heights psychiatric unit, including not more than one hundred and forty-nine permanent positions . . . . . 1,296,176
5281-0000	For the maintenance of the Irving A. Glavin regional center at Shrewsbury, including not more than one hundred and ninety-two permanent positions . . . . . 2,091,313
5293-0100	For the maintenance of the Worcester state hospital, including not more than one thousand and seventy-seven permanent positions . . . . . 9,882,723
5294-0100	For the maintenance of the Monson state hospital, including not more than eight hundred and fifty-three permanent positions . . . . . 10,497,688

*Region Three.*

5311-0000	For administration, including not more than ten permanent positions . . . . . 185,544
5321-0000	For mental health and retardation services, including not more than one hundred and twenty-three permanent positions . . . . . 2,913,154
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 . . . . . 1,702,164
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 . . . . . 846,961
5363-0100	For the purchase of psychiatric services at the Waltham hospital, prior appropriation continued . . . . . 369,479
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 thirty permanent positions . . . . . 312,118
5381-0000	For the maintenance of the Walter E. Fernald state school, including not more than one thousand one hundred and fifty-five permanent positions . . . . . 14,344,142
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 six permanent positions . . . . . 8,344,914

Item	<i>Region Four.</i>
5411-0000	For administration, including not more than thirteen permanent positions \$239,769
5421-0000	For mental health and retardation services, including not more than one hundred and seventy-nine permanent positions . . . . . 4,338,219
5471-0000	For the maintenance of the John T. Berry rehabilitation center, including not more than seventy-seven permanent positions . . . . . 1,132,417
5481-0000	For the maintenance of the Charles V. Hogan Regional Center, including not more than four hundred and forty-four permanent positions 4,323,152
5491-0000	For the maintenance of the Danvers state hospital, including not more than nine hundred and twenty-six permanent positions . . . . . 9,755,310
	<i>Region Five.</i>
5511-0000	For administration, including not more than eleven permanent positions 195,000
5521-0000	For mental health and retardation services, including not more than one hundred and thirty-four permanent positions . . . . . 2,994,422
5581-0000	For the maintenance of the Wrentham state school, including not more than six hundred and seventy-six permanent positions . . . . . 10,750,469
5591-0000	For the maintenance of the Medfield state hospital, including not more than seven hundred and ten permanent positions . . . . . 7,244,330
5592-0100	For the maintenance of the Westborough state hospital, including not more than nine hundred and forty-one permanent positions . . . . . 8,931,024
5593-0100	For the maintenance of the Cushing hospital, including not more than seven hundred and twenty-one permanent positions . . . . . 6,913,699
	<i>Region Six.</i>
5611-0000	For administration, including not more than eleven permanent positions 195,702
5621-0000	For mental health and retardation services, including not more than thirty- one permanent positions . . . . . 1,241,072
5661-0000	For the maintenance of the Massachusetts mental health center, including not more than four hundred and nine permanent positions . . . . . 4,667,682
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 one hundred and seventy-two per- manent positions . . . . . 3,831,893
5663-0100	For the maintenance of the Erich Lindemann mental health center, including not more than two hundred and eighty-seven permanent positions 3,000,000
5664-0000	For the maintenance of the Tufts mental health center, including not more than one hundred and eighty-six permanent positions . . . . . 1,718,948
5691-0000	For the maintenance of the Boston state hospital, including not more than eight hundred and seventy permanent positions . . . . . 9,692,786
	<i>Region Seven.</i>
5711-0000	For administration, including not more than thirteen permanent positions 223,047
5721-0000	For mental health and retardation services, including not more than eighty permanent positions . . . . . 1,833,557
5740-0010	For the maintenance of the Brockton multi-service center, including not more than two hundred and ten permanent positions . . . . . 2,434,790
5761-0000	For the maintenance of the Dr. John C. Corrigan mental health center, in- cluding not more than one hundred and twelve permanent positions 1,360,000

Item		
5762-0100	For a treatment center at Massachusetts correctional institute at Bridgewater, including not more than thirty-six permanent positions. . . .	\$486,389
5763-0100	For the maintenance of the Pocasset mental health center, including not more than sixty-four permanent positions. . . . .	849,265
5781-0000	For the maintenance of the Paul A. Dever school, including not more than nine hundred and twenty-four permanent positions. . . . .	11,000,000
5791-0000	For the maintenance of the Foxborough state hospital, including not more than thirty-one permanent positions. . . . .	461,000
5792-0100	For the maintenance of the Taunton state hospital, including not more than eight hundred and sixty-two permanent positions. . . . .	10,030,053

**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. . . . .	224,230
	Highway Fund. . . . .	100.0%

*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. . . . .	52,370,000
	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. . . . .	169,878
6006-0051	For the expenses of air navigation facilities. . . . .	33,000

**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 four hundred permanent positions. . . . .	51,235,000
	Highway Fund. . . . .	100.0%

*Administrative and Engineering Expenses.*

6020-1509	For telephone service in the public works building. . . . .	175,000
	Highway Fund. . . . .	100.0%
6020-1900	For the operation and maintenance of the public works building, including not more than seventy-five permanent positions. . . . .	994,000
	Highway Fund. . . . .	100.0%
6020-2401	For the purchase of all administrative and engineering equipment. . . . .	160,000

Item	
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 \$2,553,500 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 6,000 Highway Fund ..... 100.0%
<i>Maintenance and Operation of State Highways and Bridges.</i> <i>Appropriation under this heading may be expended for traffic safety and control on certain city or town ways:</i>	
6030-7201	For the expenses of snow and ice control, including the removal of sand, and including the cost of sand, salt and chemicals ..... 8,000,000 Highway Fund ..... 100.0%
6030-7301	For expenses in connection with traffic line painting, including the cost of materials ..... 750,000 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 ..... 1,450,000 Highway Fund ..... 100.0%
6030-7403	For expenses for fleet management and maintenance equipment 3,361,100
6030-7601	For the maintenance and operation of state highways and bridges 2,993,400 Highway Fund ..... 100.0%
6030-7603	For the maintenance, repair, reconstruction, replacement and removal of vehicular bridges over railroads pursuant to chapter six hundred and thirty-four of the acts of nineteen hundred and seventy-one, prior appropriation continued. Highway Fund ..... 100.0%
6031-0131	For a property management program ..... 200,000 Highway Fund ..... 100.0%
6034-0007	For payment to cities and towns; provided, that each city and town shall receive the same amount in this fiscal year as was received in the prior fiscal year under the provisions of item 6034-0007 section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five 18,469,803 Highway Fund Debt Service Reserve ..... 100.0%
6034-0008	For reimbursements to cities and towns listed in section four of chapter eight hundred and twenty-five in the amount specified in said section four to be used for the purposes of reconstruction, maintenance and repair of public highways and bridges, the enforcement of traffic laws, and mass transportation services; provided, that such amount reimbursed shall be based upon that amount which is expended for said purposes on or before June thirtieth nineteen hundred and seventy-seven and shall not exceed the amount specified for each city or town in said section four of said chapter eight hundred and twenty-five of the acts of nineteen hundred and seventy-four ..... 2,500,000 Mass Transportation Fund ..... 100.0%

**Executive Office of Educational Affairs.**

<i>Office of the Secretary.</i>	
7000-0100	For the office of the secretary, including not more than three permanent positions ..... 231,154

Item		
7000-0111	For the administration of the intern program .....	\$33,154
7000-0112	For intern program stipends and payments .....	75,000
<i>George Fingold Library.</i>		
7000-0601	For the administration of the library, including not more than thirty-four permanent positions .....	461,032
<i>Art Commission.</i>		
7000-0651	For expenses of the commission, notwithstanding the limitation of section nineteen of chapter six of the General Laws .....	900
<i>Compact for Education.</i>		
7000-0751	For the commonwealth's share of the cost of the compact for education .....	20,000
7000-0752	For the expenses of the education compact council of Massachusetts .....	700
<i>New England Board of Higher Education.</i>		
7000-0801	For expenses of the board, and for compensation and expenses of the members .....	170,000
7000-0811	For payments to certain universities, including, but not limited to, the University of Vermont, on acceptance of certain Massachusetts students into medical, dental, veterinary medical and related health programs; provided that new contracts relative thereto include a so-called "pay-back" provision; and provided further, that all contracts relative thereto are approved by the chancellor of higher education; and provided further, that a detailed explanation of such contracts and verification of need for such contracts are submitted to the house and senate committees on ways and means on or before January first of each fiscal year .....	560,000
7000-0812	For payments to certain universities on acceptance of certain Massachusetts students into physical and occupational therapy programs; provided, that the contracts relative thereto are approved by the chancellor of higher education; and provided further, that a detailed explanation of such contracts and verification of need for such contracts are submitted to the house and senate committees on ways and means on or before January first of each fiscal year .....	497,200
<b>Department of Education.</b>		
<i>Board of Education.</i>		
<i>Board of Education and Commissioner's Office.</i>		
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-five permanent positions .....	383,000
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 .....	150,000
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%
7010-0008	For certain payments for the use of the facilities of the children's museum; provided, that children in groups sponsored by elementary and secondary schools of the commonwealth shall be admitted without charge .....	50,000
	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

Item	
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; provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation ..... 5,750,000 Mass Transportation Fund ..... 32.0% General Fund ..... 68.0%
7010-0014	For the administration of the advisory council for experimental schools and operation of one such school, including not more than eighteen permanent positions ..... 113,906
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; and provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation 3,000,000
7010-0043	For grants to establish the 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 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; provided further, that no payments or approvals shall be given or made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount of this appropriation 6,000,000
<i>Division of Administration and Personnel.</i>	
7021-0010	For the administration of the division, including not more than thirty-eight permanent positions ..... 452,000
7021-9003	For the rental and maintenance of the Tremont street property, including not more than six permanent positions ..... 453,250

Item	<i>Division of Occupational Education.</i>
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-three permanent positions . . . \$238,101
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 . . . 1,494,987
7027-0012	For reimbursement to certain municipalities and regional school districts for two thirds of the salaries of certain agricultural instructors, as defined in section twelve of chapter seventy-four of the General Laws . . . 125,000
7027-0013	For the reimbursment of certain counties for county vocational schools . . . 1,700,000
	Mass Transportation Fund . . . 3.0%
	General Fund . . . 97.0%
7027-0014	For the reimbursement of certain towns for the transportation of pupils . . . 273,756
	Mass Transportation Fund . . . 100.0%
7027-0015	For a program of tuition assistance to students enrolled in a course of study at a private business, trade or correspondence school licensed by the commissioner of education under the authority of section two of chapter seventy-five C, section two of chapter seventy-five D and section twenty-one B of chapter ninety-three; provided, that no student shall receive tuition assistance in any amount greater than nine hundred dollars in any twelve month period; and provided further, that the total amount of tuition assistance received by a student shall not constitute more than fifty per cent of the total tuition cost of his or her course of study; provided further, that the state board of education shall establish regulations governing standards under which tuition assistance shall be awarded hereunder, and any portion of the tuition paid under the provisions of this section on account of a student which is refunded as required by section thirteen K of chapter two hundred and fifty-five shall be paid to the state treasurer and credited to this account. . . 125,000
7027-1001	For the administration of a fire fighting academy and training program, to be in addition to any federal funds available for the purposes; including not more than four permanent positions . . . 480,000
	<i>Division of Special Education.</i>
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-three permanent positions. . . 932,839
7028-0031	For the expenses for 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 . . . 11,200,000
7028-0302	For the educational expenses for school age children with special needs attending schools under the provisions of section ten of chapter seventy-one B of the General Laws . . . 21,994,000
	<i>Division of Curriculum and Instruction.</i>
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 . . . 981,660

Item	
7030-0110	For the administration of bilingual programs, including not more than twelve permanent positions . . . . . \$169,000
7032-0202	For the expenses and the services of an educational television program . . . . . 304,089
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-nine permanent positions; prior appropriation continued . . . . . 420,000
7035-0004	For the reimbursement of certain towns and regional school districts for the transportation of pupils . . . . . 48,000,000
	Mass Transportation Fund . . . . . 100.0%
7036-0101	For the administration of the library bureau, including not more than twenty permanent positions . . . . . 234,205
7036-1401	For state aid to regional public libraries . . . . . 2,566,982
7036-1501	For state aid to public libraries . . . . . 2,160,031
<i>Division of Research and Development.</i>	
7040-1011	For the administration of the division, including not more than five permanent positions . . . . . 93,850
7040-0113	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 . . . . . 310,000
	Tourism and Industrial Promotion Fund . . . . . 100.0%
<i>Division of School Facilities and Related Services.</i>	
7051-0001	For the administration of the division, including not more than two 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 . . . . . 229,933
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 provisions of law to the contrary, no school projects shall be approved by the board of education after the effective date of this item until June thirtieth, nineteen hundred and seventy-seven, which would cause the aggregate amount of the first estimated annual payments to be made on account of such projects to exceed six million three hundred thousand dollars; prior appropriation continued . . . . . 100,000,000
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 . . . . . 443,930
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 percent of the total reimbursement authorized by the National School Lunch Act; and provided further, that, notwithstanding said fifty

Item		
	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 . . . . .	\$316,769
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 limitations, said limitation may be exceeded on certain lunches to the extent and in the same number as free or reduced-priced lunches served to children are subsidized entirely from federal funds at the maximum rate allowed; prior appropriation continued . . . . .	6,736,798
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; prior appropriation continued . . . .	736,756
<i>Division of State and Federal Assistance.</i>		
7061-0001	For the administration of the division, including not more than nine permanent positions . . . . .	135,472
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 . . . . .	23,744,968
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 . . . . .	452,000,000
	Mass Transportation Fund . . . . .	3.0%
	General Fund . . . . .	97.0%
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 or 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 . . . . .	445,579

*Board of Higher Education.*

*J. 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-seven fiscal year for salaries of existing professional positions funded from state appropriations shall not include expenditures for merit increases for such positions.*

*J. Notwithstanding any provision of law to the contrary, on or before December first, nineteen hundred and seventy-five and the fifteenth day of*

Item

*April in each and every year thereafter, the board of trustees of all segments of higher education shall determine for each public institution of higher education, except the Massachusetts maritime academy, 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 percent of said cost. Tuition charges as determined in accordance with this paragraph shall be charged to all nonresident students on and after January first, nineteen hundred and seventy-six; provided, that students participating in the New England regional student program not be affected by this paragraph.*

7070-0001	For the administration of the board, including the salary of the chancellor and including not more than twenty-seven 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
7070-0010	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
7079-0011	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	250,000
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 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:*

7101-0001	For the administration of the board, including not more than forty-eight permanent positions	802,730
7102-0001	For the purchase of scientific, technological and other educational reference material for the libraries	125,000
7102-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments; 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 of Boston	550,000

Item	
7105-0001	For the operation of a data processing system, provided, that 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 \$1,322,995
7108-0100	State college at Boston, including maintenance of the evening undergraduate college and including not more than five hundred and ninety-seven permanent positions . . . . . 9,290,683
7108-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 194,029
7109-0100	State college at Bridgewater, including not more than four hundred and ninety-two permanent positions . . . . . 7,236,750
7109-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 134,306
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 forty-five permanent positions 6,700,000
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 . . . . . 50,023
7111-0100	State college at Framingham, including not more than three hundred and sixty-eight permanent positions . . . . . 4,849,073
7111-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 59,528
7113-0100	State college at North Adams, including not more than two hundred and thirty permanent positions . . . . . 3,471,591
7113-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 104,601
7114-0100	State college at Salem, including not more than five hundred and seventy-six permanent positions . . . . . 8,022,600
7114-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 132,639
7115-0100	State college at Westfield, including not more than three hundred and forty-three permanent positions . . . . . 4,703,767
7115-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 85,367
7116-0100	State college at Worcester, including not more than three hundred and seventy-four permanent positions . . . . . 5,522,674
7116-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 70,611
7117-0100	Massachusetts college of art, including not more than one hundred and twenty-nine permanent positions . . . . . 2,322,000
7117-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 25,694
7118-0100	Massachusetts maritime academy and ship, including not more than one hundred and fifty-eight permanent positions . . . . . 2,569,673
7118-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 24,472

*University of Lowell.*

7220-0001	For the maintenance and administration of the university, with the approval of the trustees; provided, that said university is hereby authorized to
-----------	---

Item

	conduct a summer school at no expense to the commonwealth, for which purpose the university may receive and expend funds derived therefrom; and provided further, that the 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 the university may grant a waiver of said charge in instances of financial hardship; and provided further, that said minimum fees be transferred to the General Fund; including not more than eight hundred and eighty-nine permanent positions . . . . .	\$15,450,000
7220-0002	For the maintenance of the boarding hall, with the approval of the trustees; including not more than four permanent positions . . . . .	66,400
7220-9005	For the purchase of scientific, technological, and other educational reference material for the libraries . . . . .	100,000
7220-9604	For a program of assistance for students attending the university from various racial backgrounds in disadvantaged environments 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 scholarships in accordance with section sixteen of chapter seventy-five A of the General Laws, as amended . . . . .	200,000
7225-0001	For the expenses of the nuclear center, to be in addition to any federal funds made available therefore; and including not more than forty-four permanent positions . . . . .	726,878
<i>Southeastern Massachusetts University.</i>		
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; and provided further, that the 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 application not less than twenty-five dollars; provided, that the university may grant a waiver of said charge in instances of financial hardship; and provided further, that said minimum fees be transferred to the General Fund; including not more than six hundred and sixty-three permanent positions . . . . .	10,103,150
7310-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments; 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 . . . . .	170,000
7310-9705	For the purchase of scientific, technological, and other educational reference material for the library . . . . .	150,000
7310-9754	For the payment of the university's share of a treatment facility under the provisions of chapter one hundred and thirty-one of the acts of nineteen hundred and sixty-seven . . . . .	230,545
<i>University of Massachusetts.</i>		
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 seventeen permanent positions . . . . .	1,068,628

Item		
7400-0014	For a general court staff fellowship program, prior appropriation continued.	
7400-0100	For the institute for governmental service, including not more than three permanent positions. . . . .	\$111,859
7400-0110	For the commonwealth's contribution, to be expended in conjunction with federal funds so authorized, for programs of assistance to higher education; provided, that any available public or private funds may also be used in addition to the amount herein appropriated. . . . .	200,000
7400-0114	For a program to provide opportunities for pursuing programs in the private sector which are not presently available in the public sector. . . . .	20,000
7400-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments; 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
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 . . . . .	1,250,000
	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; and provided further, that the 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 a fee of not less than twenty-five dollars, provided, that the university may grant a waiver of said charge in instances of financial hardship; and provided further, that said minimum fees be transferred to the General Fund; including not more than three thousand seven hundred and six permanent positions . . . . .	68,088,789
7411-1005	For the personal services and expenses of the medical school, including not more than three hundred and thirty-four permanent positions; provided, notwithstanding any provision of law to the contrary, the university of Massachusetts board of trustees may institute learning contracts for students admitted for the Fall of nineteen hundred and seventy-seven which include provisions for "payback" service to the commonwealth for a period after said students have fulfilled all internship and residency requirements . . . . .	9,045,000

Item	
7411-1006	For the maintenance and operation of the medical school teaching hospital; 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, including not more than six hundred and eighty permanent positions . . . . . \$9,500,000
7416-1001	For the maintenance of the facilities of the university in the city of Boston; including not more than one thousand permanent positions . . . . . 18,090,749

*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:*

7501-1001	For the administration of the board, including not more than thirty-two permanent positions . . . . . 484,400
7501-3004	For the purchase of scientific, technological and other educational reference material . . . . . 200,000
7501-9604	For a program of assistance for students from various racial backgrounds in disadvantaged environments; 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 . . . . . 2,277,075
7502-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 31,030
7503-0100	Bristol community college, including not more than one hundred and eighty-nine permanent positions . . . . . 2,602,825
7503-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 74,000
7504-0100	Cape Cod community college, including not more than one hundred and sixty-four permanent positions . . . . . 2,411,180
7504-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 41,000
7505-0100	Greenfield community college, including not more than one hundred and fifty permanent positions . . . . . 2,204,746
7505-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 27,500
7506-0100	Holyoke community college, including not more than two hundred and sixty-nine permanent positions . . . . . 3,694,670
7506-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 93,317
7507-0100	Massachusetts Bay community college, including not more than one hundred and sixty-four permanent positions . . . . . 2,596,589
7507-9001	For moving expenses . . . . . 50,000
7507-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . . 27,470
7508-0100	Massasoit community college, including not more than one hundred and seventy-three permanent positions . . . . . 2,552,325
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 fifty-three permanent positions . . . . . 2,289,981

Item		
7509-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	\$18,960
7510-0100	Northern Essex community college, including not more than two hundred and thirty-two permanent positions . . . . .	3,439,006
7510-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	115,000
7511-0100	North Shore community college, including not more than one hundred and ninety-four permanent positions . . . . .	3,144,263
7511-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	37,700
7512-0100	Quinsigamond community college, including not more than two hundred and three permanent positions . . . . .	2,620,732
7512-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	18,000
7514-0100	Springfield technical community college, including not more than three hundred and thirty-four permanent positions . . . . .	4,326,960
7514-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	56,000
7515-0100	Roxbury community college, including not more than eighty-five permanent positions . . . . .	1,299,719
7515-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	50,000
7516-0100	Middlesex community college, including not more than one hundred and twenty-four permanent positions . . . . .	1,639,936
7516-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	29,987
7518-0100	Bunker Hill community college, including not more than one hundred and seventy-five permanent positions . . . . .	2,657,168
7518-9704	For the commonwealth's contribution toward federal student loan programs and federal work-study programs . . . . .	150,450

*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 . . . . .	1,309,476
	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 . . . . .	161,448
	Highway Fund . . . . .	85.0%
	General Fund . . . . .	13.0%
	Law Enforcement and Criminal Justice Training Fund . . . . .	2.0%

*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, including not more than seven permanent positions . . . . .	335,600
	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 permanent positions . . . . .	1,268,000
-----------	---	-----------

Item	<i>Division of State Police</i>	
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 .....	\$21,046,891
	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 .....	183,000
	General Fund .....	15.0%
	Highway Fund .....	85.0%
8312-9013	For repair to certain barracks .....	70,000
	Highway Fund .....	100.0%
8312-9014	For teleprocessing repairs .....	12,000
	Highway Fund .....	100.0%
8312-9021	For the compensation of state police officers for court appearances during fiscal year nineteen hundred and seventy-five .....	150,000
	Highway Fund .....	100.0%
	<i>Division of Fire Prevention.</i>	
8314-1000	For the administration of the division, including not more than nineteen permanent positions .....	274,000
	<i>Division of Inspection.</i>	
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 .....	1,236,222
	<i>Board of Boiler Rules.</i>	
8316-1000	For the administration of the board, including not more than four permanent positions .....	2,712
	<i>State Boxing Commission.</i>	
8317-1000	For the administration of the commission, including not more than six permanent positions .....	29,643
	<i>Board of Elevator Regulations.</i>	
8318-1000	For the administration of the board, including not more than seven permanent positions .....	5,735
	<i>Board of Examiners of Elevator Constructors, Maintenance Men and Repairmen.</i>	
8319-1000	For the administration of the board, including not more than one permanent position .....	1,160
	<i>Board of Elevator Appeals.</i>	
8320-1000	For the administration of the board, including not more than six permanent positions .....	672
	<i>Board to Facilitate the Use of Public Buildings by the Physically Handicapped.</i>	
8321-1000	For the expenses of the board, including not more than five permanent positions .....	26,900
	<i>Recreational Tramway Board.</i>	
8322-1000	For the expenses of the board, including not more than four permanent positions .....	4,501

Item	<i>Board of Fire Prevention Regulations.</i>	
8340-1000	For the administration of the board, including not more than eight permanent positions .....	\$6,230
	<i>Registry of Motor Vehicles.</i>	
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 two hundred and seventy-three permanent positions .....	18,000,000
	Highway Fund .....	100.0%
8400-0002	For the administration of the certificate of title law, prior appropriation continued, including not more than one hundred and ninety-two permanent positions .....	1,851,350
	Highway Fund .....	100.0%
8400-0010	For a motor vehicle safety compact with other states .....	2,000
	Highway Fund .....	100.0%
	<i>Other.</i>	
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 for personal services, travel and training expenditures and fifty per cent for all other expenditures are eligible for federal reimbursement .....	450,000
	<b>Executive Office of Manpower Affairs.</b>	
	<i>Office of the Secretary.</i>	
9000-0100	For the office of the secretary, including not more than four permanent positions .....	103,573
	Tourism and Industrial Promotion Fund .....	30.0%
	General Fund .....	70.0%
	<i>Commission on Employment of the Handicapped.</i>	
9010-0100	For the expenses of the commission .....	4,410
	<i>Department of Labor and Industries.</i>	
9020-1001	For general administration of the department, including not more than thirteen permanent positions .....	239,025
	<i>For the personal services and expenses of the following agencies of the department:</i>	
9020-2001	Division of industrial safety, including not more than ninety-three permanent positions .....	1,351,986
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 .....	232,400
9020-6001	For the expenses of the department in enforcing the minimum wage laws, including not more than twenty-five permanent positions .....	288,395
9020-7001	Board of conciliation and arbitration, including not more than sixteen permanent positions .....	277,991
9020-8001	Division of employment agencies, including not more than three permanent positions .....	45,950
	<i>Division of Apprentice Training.</i>	
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 .....	271,885

Item	<i>Labor Relations Commission.</i>	
9030-1001	For the administration of the commission, including not more than twenty-three permanent positions . . . . .	\$440,000
	<i>Division of Industrial Accidents.</i>	
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 . . . . .	1,917,700
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 . . . . .	4,350,000
	Highway Fund . . . . .	35.0%
	General Fund . . . . .	65.0%
	<i>Office of Self-Insurance.</i>	
9050-4000	For the service of the office, including not more than six permanent positions . . . . .	72,595
	<i>Industrial Accident Rehabilitation Board.</i>	
9050-5000	For the service of the board, including not more than six permanent positions . . . . .	20,100
	<i>Department of Commerce and Development.</i>	
9091-0100	For the administration of the department, including not more than eighty-three permanent positions . . . . .	1,127,026
	Tourism and Industrial Promotion Fund . . . . .	100.0%
	<i>Division of Tourism.</i>	
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 eight permanent positions . . . . .	69,918
	Tourism and Industrial Promotion Fund . . . . .	100.0%
9091-0211	For financial assistance for local tourist councils . . . . .	500,000
	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 . . . . .	750,000
	Tourism and Industrial Promotion Fund . . . . .	100.0%
	<i>Division of Economic Development.</i>	
9091-0400	For the promotion of industry within the commonwealth; provided, that no salaries or expenses of employees shall be chargeable to this item . . . . .	750,000
	Tourism and Industrial Promotion Fund . . . . .	100.0%
	<i>Massachusetts Industrial Mortgage Insurance Agency.</i>	
9091-1001	For the Massachusetts Industrial Mortgage Insurance fund established by section thirty-two of chapter twenty-three A of the General Laws . . . . .	2,000,000
9091-1002	For the administration of the Massachusetts Industrial Mortgage Insurance Agency; provided, that the comptroller shall transfer to the General Fund from Massachusetts Industrial Mortgage Insurance Fund, in the fiscal years beginning July first, nineteen hundred and seventy-nine, an amount equal to the expenditures made herefrom . . . . .	70,000
	<i>Massachusetts Science and Technology Foundation.</i>	
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 five permanent positions . . . . .	\$111,582
9100-1000	For the office of elder affairs, division of administration and programming planning, including not more than twenty-five permanent positions . . . . .	62,885
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 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 . . . . .	10,859,000
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 . . . . .	116,720
-----------	--	---------

*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 permanent positions . . . . .	416,191
	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 fifty-five permanent positions . . . . .	730,260
-----------	--	---------

*Consumers' Council*

9214-0001	For the administration of the council, including not more than nine permanent positions . . . . .	172,582
-----------	---	---------

*Community Antenna Television Commission.*

9215-0001	For the administration of the community antenna television commission, including not more than seventeen permanent positions . . . . .	147,800
-----------	--	---------

*Division of Standards.*

9218-0100	For the personal services and expenses of the division of standards, including not more than thirty-four permanent positions . . . . .	433,900
-----------	--	---------

**Department of Banking and Insurance.**

Item	<i>Division of Banks.</i>	
9221-1000	For the office of the commissioner, including not more than two hundred and fifty-three permanent positions .....	\$3,640,475
	<i>Division of Insurance.</i>	
9222-0100	For the administration of the division, including expenses for 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 five of the General Laws; including not more than two hundred and seventy-eight permanent positions .....	3,783,296
	General Fund .....	65.0%
	Highway Fund .....	35.0%
	<i>Division of Registration.</i>	
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 .....	1,200,000
	<i>For the services of the following agencies in the division:</i>	
9230-0150	Board of registration and discipline in medicine, including not more than seven permanent positions .....	10,124
9230-0200	Board of dental examiners, including not more than five permanent positions .....	10,913
9230-0300	Board of registration on podiatry, notwithstanding the limitations of section twelve C of chapter thirteen of the General Laws, and including not more than five permanent positions .....	3,732
9230-0400	Board of registration in pharmacy, including not more than ten permanent positions .....	91,622
9230-0500	Board of registration of nurses, including not more than twelve permanent positions .....	12,500
9230-0600	Board of registration in embalming and funeral directing, including not more than five permanent positions .....	24,643
9230-0700	Board of registration in optometry, including not more than five permanent positions .....	3,860
9230-0800	Board of registration in veterinary medicine, including not more than five permanent positions .....	3,711
9230-0900	Board of registration of chiropractors, including not more than five permanent positions .....	5,850
9230-1000	Board of registration of architects, including not more than five permanent positions .....	19,903
9230-1100	Board of registration of professional engineers and land surveyors .....	45,649
9230-1200	Board of public accountancy, including not more than eleven permanent positions .....	130,463
9230-1300	State examiners of electricians, including not more than four permanent positions .....	12,126
9230-1400	State examiners of plumbers, including not more than five permanent positions .....	20,250
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-six permanent positions .....	324,312

Item		
9230-1600	Board of registration of electrologists, including not more than three permanent positions.....	\$3,802
9230-1700	Board of registration of barbers, including not more than ten permanent positions .....	91,870
9230-1800	Board of registration of hairdressers, including not more than seventeen permanent positions .....	161,261
9230-1900	Board of registration of dispensing opticians, including not more than five permanent positions .....	1,134
9230-2000	Board of registration of sanitarians, including not more than four permanent positions .....	1,085
9230-2100	Board of registration of radio and television technicians, including not more than seven permanent positions .....	10,200
9230-2200	Board of registration of landscape architects .....	1,440
9230-2300	Board of registration of health officers .....	2,560
9230-2400	Board of registration of nursing home administrators, including not more than eleven permanent positions.....	3,500
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 .....	1,810
9230-2700	Board of registration of psychologists .....	990
<b>Department of Public Utilities.</b>		
9270-0001	For general administration, including not more than eighty-nine permanent positions .....	1,904,378
<i>Commercial Motor Vehicle Division.</i>		
9272-0001	For the administration of the division, including not more than forty permanent positions.....	471,064
<i>Energy Facilities Siting Council.</i>		
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 .....	410,500
<i>Gas Fitting Regulations Board.</i>		
9275-0001	For administration of the program of regulating the installation of gas fittings in buildings, including not more than one permanent position .....	31,225

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 nine hundred thirty-six 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 University of Lowell Building Authority, the comptroller shall transfer from item 7220-001 to the General Fund, on or after July first of each fiscal year the sum of seventy-five thousand dollars; provided, that said amount shall be credited to item 7220-0001 upon payment of said

building authority and may be spent without further appropriation.

SECTION 3B. Notwithstanding the provisions of any law to the contrary, beginning July first, nineteen hundred and seventy-six all revenues received for the purposes of the following listed funds shall be credited to the General Fund; and all expenditures chargeable to the said listed funds shall be charged to the General Fund; and any surplus or deficit balance existing on June thirtieth, nineteen hundred and seventy-six in any of the said listed funds shall be transferred to the General Fund:

- Law Enforcement and Criminal Justice Training Fund
- Inland Fisheries and Game Fund
- Public Access Fund
- Recreational Vehicles Fund
- Agricultural Purposes Fund
- Mass Transportation Fund
- Tourism and Industrial Promotion Fund
- Aquatic Nuisance Control Fund
- Harbor and Inland Waters Fund
- Environmental Fund
- Solid Waste Disposal Fund.

SECTION 3C. Section thirty-seven of chapter seven of the General Laws is hereby repealed.

SECTION 3D. Said chapter 7 is hereby further amended by inserting after section 37 the following section:-

*Section 37A.* There shall be in the executive office for administration and finance, but not subject to its control or supervision, an advisory board on revenue resources and the state economy, consisting of five members who shall be appointed by the governor and serve at his pleasure. At least three of the members shall be experts in the fields of economics and at least one member shall be experienced in each of the fields of taxation and public finance, and econometrics. The governor shall designate one member as chairman. Members of the board shall serve without compensation but shall be paid their necessary expenses incurred in the performance of their duties. The board may employ such technical experts and other assistants as may be required in the performance of its duties.

SECTION 3E. Section 5B of chapter 29 of the General Laws, inserted by section 3A of chapter 844 of the acts of 1974, is hereby further amended by adding the following paragraph:-

On or before October fifteenth, January fifteenth and April fifteenth, said commissioner, with the advice of the advisory board on revenue resources and the state economy established under the provisions of section thirty-seven A of chapter seven, shall prepare and submit to the governor and to the house and senate committees on ways and means revised estimates of revenue available

to meet appropriations and other needs in the current fiscal year, unless, in his opinion, no significant change in his previous estimates of total available revenues is indicated by information then available to him, and he shall accompany his revised estimates with explanations of any changes in his estimates for specific sources of revenue.

**SECTION 3F.** Said chapter 29 is hereby further amended by inserting after section 9B the following four sections:-

**Section 9C.** Whenever, in the opinion of the commissioner of administration, available revenues as determined by him from time to time during any fiscal year under the provisions of section five B will be insufficient to meet all of the expenditures authorized to be made from any fund, whether by appropriation or distribution, he shall immediately notify the governor and the house and senate committees on ways and means of the amount of such probable deficiency of revenue and the governor, within fifteen days of such notification, shall reduce allotments under section nine B or he shall submit to the general court specific proposals to raise additional revenues by a total amount equal to such deficiency.

**Section 9D.** Whenever it appears probable to any officer having charge of any office, department or undertaking, that amounts to be received from the federal government or any other sources for the purposes of such office, department or undertaking will be less than the amounts previously estimated to be received from such sources, such officer shall immediately notify the commissioner of administration and the house and senate committees on ways and means of such anticipated decrease in estimated revenue, and the commissioner shall include such decrease in the deficiency, if any, reported under the previous section.

**Section 9E.** Whenever it appears to any officer having charge of any office, department or undertaking that any appropriation therefor will be insufficient to meet all of the expenditures required in the current fiscal year by any provisions of law, rule, regulation or order not subject to his control, he shall immediately notify the commissioner of administration of the estimated amount of such additional requirements, and such amount shall be added by the commissioner to any deficiency reported under section nine C unless, prior to such report, such provisions are changed to make the estimated additional expenditures unnecessary.

**Section 9F.** On or before the fifth day of each month, the comptroller shall notify the commissioner of administration and each officer having charge of an office, department or undertaking which receives a periodic appropriation, of the amount and per cent of each such appropriation which had been expended at the close of the preceding month and of the amount and per cent of each appropriation, if any, for the same purpose expended during the corresponding period, in the preceding fiscal year.

SECTION 3G. Said chapter 29 is hereby further amended by striking out section 13, as most recently amended by section 47 of chapter 757 of the acts of 1962, and inserting in place thereof the following section:-

*Section 13.* That portion of an appropriation for ordinary maintenance representing encumbrances outstanding on the records of the comptroller's bureau at the close of the fiscal year may be applied to the payment thereof in the four months immediately succeeding such fiscal year; provided, however, that the budget director at the written request of a spending agency may, prior to the close of said four months, extend for an additional two months the recorded encumbrances outstanding and the funds reserved therefor, by furnishing the comptroller with a copy of such request and the approval thereof.

The unencumbered balance of an appropriation for ordinary maintenance mentioned in this section shall revert to the commonwealth at the end of each month.

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 other such transfers 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. Notwithstanding any provision of law to the contrary, amounts appropriated in section two for permanent offices and positions are authorized to be expended for the permanent offices and positions as listed and at the salary rates indicated in the schedule of permanent offices and positions submitted by the personnel director to the house and senate committees on ways and means as adjusted by said committees prior to the passage of this act and on file with said committees and available to the members of the general court prior to the passage of this act, but subject to any changes in said schedule recommended by the conference committee and approved by the general court and subject

further to any change in said schedule made by the general court as a result of this act. Except as otherwise shown on the said adjusted schedules, a copy of which shall be deposited with the personnel director 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 of 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 as authorized 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 such employee. Any person in the employ of the commonwealth on June thirtieth, nineteen hundred and seventy-four, and subsequently terminated or laid off, except for just cause, shall have re-employment 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, that 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 herein-after 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 authori-

zation 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 general court and is based upon a schedule of positions and salary rates approved by said general court, 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 distributing such circulars to 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 committee 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 general court.

SECTION 10. In addition to the payment of regular salaries, sums appropriated for personal services in the fiscal year nineteen hundred and seventy-seven 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-seven 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 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 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 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 shall 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 Law, at the Lemuel Shattuck hospital and the Soldiers' Home in Massachusetts.

SECTION 14. The surplus property agency in the department of education is hereby authorized to expend during the fiscal year nineteen hundred and seventy-seven 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 in 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-seven, 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 19A. Notwithstanding any general or special law to the contrary, the secretary of human services shall, on or before January first, nineteen hundred and seventy-seven, establish a billing and collection system within the department of mental health for the collection of fees for services rendered by the Department including but not limited to third party payments, in accordance with a schedule of fees for such services, established by said Department.

SECTION 20. Notwithstanding any provisions of law to the contrary, during the entire fiscal year nineteen hundred and seventy-seven, for the payment of classified personal services the fiscal year shall be from July first, nineteen hundred and seventy-six through June twenty-fifth, nineteen hundred and seventy-seven. Classified personal services for June twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth, nineteen hundred and seventy-seven, 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-six, 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. Section 29 of chapter 29 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 23A of chapter 684 of the acts of 1975, and inserting in place thereof the following sentence:- Excepting the account entitled "01 Salaries, Permanent Positions", 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 the interchange with any other such 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 chapter 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 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 shall, on or before August first, nineteen hundred and seventy-six, 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-six, 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 four hundred fifty-three thousand six hundred and eighty-four 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. Notwithstanding the provisions of any general or special law to the contrary, payments to be made during the nineteen hundred and seventy-seven 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.

SECTION 26. The budget director is hereby directed to send a copy of sections three to twenty-five A, inclusive, of this act to each departmental, divisional and institutional head immediately following passage of this act.

SECTION 27. The department of public welfare shall require a second medical opinion in all elective medical care as a precondition to reimbursement for such care. Said department shall limit reimbursement for preoperative care in hospitals to one day.

SECTION 28. Notwithstanding the provisions of any law to the contrary, no payment for medical providers shall be authorized at a rate greater than the reasonable cost thereof as determined by the rate setting commission; provided, that any rate increase shall not be greater than seven per cent over the rate in effect on June first, nineteen hundred and seventy-six.

SECTION 28A. The first sentence of the first paragraph of section 2 of chapter 118A of the General Laws, as appearing in section 23 of chapter 1210 of the acts of 1973, is hereby amended by inserting after the word "increased", in line 4, the words: - , subject to appropriation.,.

SECTION 29. Section 20 of chapter 118E of the General Laws is hereby amended by striking out the first sentence, as appearing in section 3 of chapter 758 of the acts of 1975, 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 ninety days after the goods are sold or the services rendered, and the department shall verify no less than ten per cent of said bills with the recipient of said goods or services.

SECTION 30. The department of public welfare shall require the use of generic drugs, to the extent such drugs are available and appropriate, for recipients of medical services authorized by Title XIX of the federal Social Security Act.

SECTION 31. The first paragraph of section 6 of chapter 118E of the General Laws, as most recently amended by chapter 751 of the acts of 1975, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- 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, prescription authorized hearing aids, basic adult dental services, but not including orthodontry or cosmetic dentistry, eyeglasses 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; and provided further than required hospital outpatient services may be performed by a clinic.

SECTION 32. Notwithstanding the provisions of any law to the contrary, no payments shall be made by the department of public welfare under Title XIX for so-called nonmedically necessary days in acute hospitals except as authorized by department regulations for the prevention of undue hardship and suffering.

SECTION 32A. Section 35 of chapter 10 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 1 of chapter 492 of the acts of 1974, and inserting in place thereof the following paragraph:-

The State Lottery Fund shall be expended only for the following purposes: (a) for the payment of prizes to the holders of winning lottery tickets or shares; (b) for the expenses of the commission in administering and operating the lottery, as certified by the commissioner of administration, and the state treasurer shall transfer said amount to the General Fund; (c) the balance of said fund, as determined by the comptroller, on June first and December first of each year, which is attributable to the operation of lotteries, except funds attributable to the operation of number selection games adjusted to include a pro rata share of expenses, shall be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine, and shall be distributed to the several cities and towns in accordance with the provisions of section eighteen C of chapter fifty-eight; and (d) the remaining balance of said fund shall be transferred to the General Fund. Number selection games shall mean any lottery game in

which a person must select the number or numbers on which his wager is placed.

SECTION 32B. Said section 35 of said chapter 10 is hereby further amended by striking out the second paragraph, as most recently amended by section thirty-two A of this act, and inserting in place thereof the following paragraph:-

The state lottery fund shall be expended only for the following purposes: (a) for the payment of prizes to the holders of winning lottery tickets or shares; (b) for the expenses of the commission in administering and operating the lottery, as certified by the commissioner of administration, and the state treasurer shall transfer said amount to the General Fund; (c) the balance of said fund, as determined by the comptroller, on June first and December first of each year, shall be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine, and shall be distributed to the several cities and towns in accordance with the provisions of section eighteen C of chapter fifty-eight.

SECTION 32C. Chapter 161A of the General Laws is hereby amended by striking out section 28A as most recently amended by section 2 of chapter 445 of the acts of 1968, and inserting in place thereof the following section:-

*Section 28A.* In addition to any contract assistance paid to the Authority under the provisions of this chapter or any other general or special law, the executive office of administration and finance, acting on behalf of the commonwealth, shall, on the recommendation of the secretary, enter into a contract or contracts with the Authority providing that for fiscal year nineteen hundred and seventy-seven additional contract assistance, in an amount of seventy-five per cent of the Authority's net additional expense of providing rail service to cities and towns outside the area constituting the Authority under contracts with said cities and towns, shall be paid by the commonwealth to the Authority and shall not be reimbursed by said cities and towns to the Authority.

SECTION 33. 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-six. However, beginning June first, nineteen hundred and seventy-six, 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-six; 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-six,

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-six, as authorized by chapter six hundred and fifty-eight of the acts of nineteen hundred and sixty-seven; provided, said payments are on 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-six. 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-six.

Notwithstanding any law to the contrary not later than December first, nineteen hundred and seventy-six, each secretariat shall submit to the house and senate committees on ways and means schedules of their expected allotments to be approved by the secretary of administration and finance for each account for each allotment period of fiscal nineteen hundred and seventy-seven. Thereafter, at the end of each allotment period each secretary shall notify the secretary of administration and finance and the committees on ways and means of any accounts in which the total expended funds, encumbered funds, and other liabilities incurred but not yet encumbered, exceed funds allotted to that account for the period covered for the year to date. Said total shall be called the total commitments. Starting November first, nineteen hundred and seventy-seven, 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 in 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 34. Sections one to thirty-two A, inclusive, and sections thirty-two C, thirty-six and thirty seven, and sections forty-two, forty-three and forty-four shall take effect as of July

first, nineteen hundred and seventy-six, section thirty-two B shall take effect on July first, nineteen hundred and seventy-seven and section thirty-three and this section shall take effect upon the passage of this act.

SECTION 35. Chapter 3 of the General Laws is hereby amended by striking out section 9, as most recently amended by section 1 of chapter 679 of the acts of 1972, and inserting in place thereof the following section:-

*Section 9.* Except as hereinafter provided each member of the general court shall receive for each regular annual session, compensation equal to that which a state employee classified in Job Group XIX of the general salary schedule in section forty-six of chapter thirty would receive in a calendar year as follows: for the nineteen hundred and seventy-seven session, step 1 of said job group; for the nineteen hundred and seventy-eight session, step 2 of said job group; for the nineteen hundred and seventy-nine session, step 3 of said job group; for the nineteen hundred and eighty session, step 4 of said job group; for the nineteen hundred and eighty-one session, step 5 of said job group; for the nineteen hundred and eighty-two session, step 6 of said job group; for the nineteen hundred and eighty-three session, and thereafter, step 7 of said job group. The president of the senate and the speaker of the house of representatives shall each receive for each regular session an amount equal to two and three quarters times the compensation received by a member; provided, however, such compensation shall not exceed ninety-five per cent of the annual salary received by the governor. The chairman of the senate committee on ways and means and the chairman of the house committee on ways and means shall each receive twice the compensation received by a member; provided, however, that such compensation shall not exceed eighty-five per cent of the salary received by the governor. The floor leaders of each of the major political parties in the senate and house of representatives shall each receive one and three quarters times the compensation received by a member; provided, however, that such compensation shall not exceed eighty per cent of the annual salary received by the governor. The assistant floor leader of each of the major political parties in the senate and house of representatives, the second assistant floor leader of each of the major political parties in the senate and the second and third assistant floor leaders of the minority party in the house of representatives, the vice chairman of the house committee on ways and means and the vice chairman of the senate committee on ways and means and the senate chairman and house chairman of the committee on post-audit and oversight shall each receive one and one-half times the compensation received by a member; provided, however, that such compensation shall not exceed seventy per cent of the annual salary received by the governor. The senate chairman

and the house chairman of each of the joint standing committees not hereinbefore provided for the senate and house chairman of the committees on bills in the third reading and the house vice chairman of the committee on post-audit and oversight and the assistant vice chairman of the house committee on ways and means and the third assistant floor leader of the minority party in the senate shall receive one and one-third times the compensation received by a member; provided, however, that no chairman of a joint standing committee on either branch who serves as chairman of more than one such committee shall receive more than the compensation established for a chairman of one of any such committees; and provided further, that such compensation shall not exceed sixty per cent of the annual salary received by the governor. Each member of the general court shall be entitled to be paid for his compensation for each such session at the rate of one twelfth the amount of compensation for such session for each full month of the session. Such payments shall be to him, upon his request, on the last legislative day in which the general court is in session preceding the fifteenth day of each month and on the date preceding the last legislative day of each month, and shall be for an amount not exceeding the proportion then due at the aforesaid rate; provided, that the state treasurer may, during such regular session, make additional payments on account, in excess of such monthly rate, to any member making written request but the amount of such additional payments shall not exceed, in the aggregate, fifteen hundred dollars in any one such session, or two thousand dollars if such session continues beyond July first, and in no event shall the amount of all payments under this section during such session to any member exceed, in the aggregate, the compensation of such member for such session.

SECTION 36. Notwithstanding any general or special law to the contrary, the amounts appropriated in section two of this act in items 7027-0011, 7027-0012, 7027-0013, 7035-0004 and 7061-0003 shall constitute the total amount to be paid to cities, towns, regional districts, and counties on account of a school year for which payment would fall due in the nineteen hundred and seventy-seven fiscal year under the provisions of sections nine, ten, twelve and eleven of chapter seventy-four, and sections seven A, seven B, sixteen C, sixteen D of chapter seventy-one of the General Laws, respectively; provided, however, that each city, town, regional school district, or county to which a payment is due under any of the said sections shall receive an amount which shall be determined by multiplying the amount which would otherwise have been due by a fraction the numerator of which is the amount appropriated in each item and the denominator of which is the total amount which would otherwise fall due for payment in the nineteen hundred and seventy-seven fiscal year under said sections, as the case may be.

SECTION 37. Notwithstanding any general or special law to the contrary, the state tax commission shall forthwith send to the assessors of the several cities and towns revised estimates of the amounts to be received in the nineteen hundred and seventy-seven fiscal year as distributions or reimbursements based upon the provisions of this act and any other information available to it.

SECTION 38. Section 108L of chapter 41 of the General Laws is hereby amended by striking out the fourth paragraph.

SECTION 39. A city or town which has accepted the provisions of section one hundred and eight L of chapter forty-one of the General Laws may, until June thirtieth, nineteen and seventy-nine, rescind such acceptance in the same manner in which such city or town accepted said section one hundred and eight L.

SECTION 40. Notwithstanding any general or special law to the contrary, the commonwealth shall reimburse each city or town which has accepted the provisions of section one hundred and eight L of chapter forty-one of the General Laws for the cost of career incentive salary increases authorized thereunder in accordance with the following schedule:- for the fiscal year nineteen hundred and seventy-seven, thirty-seven and one half per cent; for the fiscal year nineteen hundred and seventy-eight, twenty-five per cent; and for the fiscal year nineteen hundred and seventy-nine, twelve per cent.

SECTION 41. Sections thirty-eight to forty, inclusive, of this act shall take effect as of July first, nineteen hundred and seventy-six.

SECTION 42. Notwithstanding any provisions of law to the contrary, federal funds not exceeding three hundred and thirty-nine thousand dollars received as reimbursements for costs incurred in the development or administration of a plan for equalization of state and local school finance programs from the United States Office of Education may be expended at the discretion of the commissioner of administration and finance without further appropriation.

SECTION 43. Chapter 1058 of the acts of 1971 is hereby amended by striking out, in line 5, the words "of the town of Mashpee" and inserting in place thereof the following:- In the town of Mashpee without the prior approval of the board of selectmen of said town as certified to said department by the town clerk of said town.

SECTION 44. There is hereby appropriated from the General Fund the sum of fifteen million dollars which shall be used to supplement the several state retirement appropriations where the appropriation is insufficient. The comptroller is hereby authorized to allocate the cost of such transfers to the several state or other funds to which such items of appropriation are charged.

This Bill was returned July 6, 1976 by the Governor to the House of Representatives, the branch in which said Bill originated,

with his objections in writing to the following items therein:-

<u>Item</u>	<u>Reduced to</u>
0640-0000	\$20,345,481.
1100-1402	211,000.
2120-0500	3,690,242.
2250-0900	0.
2270-0100	607,000.
2310-0400	840,000.
2410-9061	2,000,000.
2440-0010	26,599,000.
2444-9001	750,000.
2518-1010	0.
7000-0812	0.
7028-0031	9,200,000.
7035-0001	394,681.
7061-0008	446,000,000.
7220-0001	15,000,000.
7411-1006	8,900,000.
7416-1001	17,464,000.
7501-3004	100,000.
8400-0001	17,500,000.
9091-0211	200,000.
9091-0300	467,500.
9091-0400	450,000.
9212-0001	650,000.

The vote being taken by the House of Representatives on July 19, 1976 on the passage of said items, the objections of the Governor thereto were sustained on items 0640-0000 and 1100-1402; and items 2250-0900, 2270-0100, 2310-0400, 7000-0812, 7028-0031, 7220-0001, 7416-1001, 9091-0211, 9091-0300, 9091-0400 and 9212-0001 were passed notwithstanding said objections and, in concurrence by the Senate, July 21, 1976. The vote being taken by the House of Representatives on July 19, 1976 on the passage of items 2120-0500, 2410-9061, 2518-1010, 7035-0001 and 7411-1006 were passed notwithstanding said objections and, in concurrence, by the Senate, August 3, 1976. The vote being taken by the House of Representatives on July 19, 1976 on the passage of item 7061-0008 was passed notwithstanding said objection and, in concurrence, by the Senate on August 10, 1976. The vote being taken by the Senate on July 21, 1976 on the passage of item 7501-3004, on August 3, 1976 on the passage of items 2444-9001 and 8400-0001 and on August 10, 1976 on the passage of item 2440-0010, the objections of the Governor thereto were sustained. The remainder of the bill was approved by the Governor July 1, 1976.

**Chap. 284** AN ACT PROVIDING FOR THE APPOINTMENT OF THE RECREATION COMMITTEE BY THE TOWN MANAGER OF THE TOWN OF LEXINGTON.

*Be it enacted, etc., as follows:*

SECTION 1. Section 2 of chapter 753 of the acts of 1968 is hereby amended by striking out clause (d) and inserting in place thereof the following clause:-

(d) The town manager shall appoint, subject to the approval of the board of selectmen:-

1. a board of health,
2. a conservation commission, and
3. a recreation committee.

SECTION 2. Clause (e) of said section 2 of said chapter 753 is hereby amended by striking out, in lines 2 and 3, the words "a recreation committee".

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

*Approved, August 13, 1976.*

**Chap. 285** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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 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 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-seven.

BARNSTABLE COUNTY			
Item		<i>Subtotal</i>	<i>Total</i>
1.	For interest on county debt .....		\$111,881 25
2.	For reduction of county debt .....		253,000 00
3.	For county commissioners, salaries and expenses .....		60,092 19
	1. Personal services .....	\$52,142 19	
	2. Contractual services .....	3,210 00	
	3. Supplies and materials .....	1,980 00	
	4. Current charges and obligations .....	2,410 00	
	5. Equipment .....	350 00	
4.	For transportation and expenses of county and acting commissioners .....		1,200 00

Item	<i>Subtotal</i>	<i>Total</i>
5. For clerk of courts, salaries and expenses . . . . .		\$75,682 89
1. Personal services . . . . .	\$69,695 89	
2. Contractual services . . . . .	1,760 00	
3. Supplies and materials . . . . .	3,150 00	
4. Current charges and obligations . . . . .	597 00	
5. Equipment . . . . .	480 00	
6. For county treasurer, salaries and expenses . . . . .		61,190 84
1. Personal services . . . . .	43,276 00	
2. Contractual services . . . . .	2,650 00	
3. Supplies and materials . . . . .	5,050 00	
4. Current charges and obligations . . . . .	10,214 84	
7. For sheriff, salary and expenses . . . . .		28,980 00
1. Personal services . . . . .	19,890 00	
2. Contractual services . . . . .	525 00	
3. Supplies and materials . . . . .	2,165 00	
4. Current charges and obligations . . . . .	400 00	
5. Equipment . . . . .	6,000 00	
8. For registry of deeds, salaries and expenses . . . . .		600,952 64
1. Personal services . . . . .	444,111 78	
2. Contractual services . . . . .	86,710 00	
3. Supplies and materials . . . . .	32,420 00	
4. Current charges and obligations . . . . .	32,123 00	
5. Equipment . . . . .	5,587 86	
8a. For registry of probate, salaries and expenses . . . . .		27,637 55
2. Contractual services . . . . .	16,215 65	
3. Supplies and materials . . . . .	5,025 00	
4. Current charges and obligations . . . . .	800 00	
5. Equipment . . . . .	5,596 90	
9. For law library, salaries and expenses . . . . .		20,800 29
1. Personal services . . . . .	7,740 29	
3. Supplies and materials . . . . .	60 00	
4. Current charges and obligations . . . . .	13,000 00	
10. For highways, including state highways, bridges and land damages . .		57,980 00
2. Contractual services . . . . .	7,980 00	
6. All other . . . . .	50,000 00	
12. For superior court costs . . . . .		279,388 41
1. Personal services . . . . .	99,942 72	
2. Contractual services . . . . .	162,750 00	
3. Supplies and materials . . . . .	5,525 00	
4. Current charges and obligations . . . . .	4,575 00	
6. All other . . . . .	6,595 69	
13. For civil expenses in probate court . . . . .		28,144 40
1. Personal services . . . . .	16,935 40	
2. Contractual services . . . . .	10,750 00	
3. Supplies and materials . . . . .	339 00	
4. Current charges and obligations . . . . .	120 00	
14. For district courts, salaries and expenses		
First District Court of Barnstable . . . . .		549,220 06
1. Personal services . . . . .	505,377 46	
2. Contractual services . . . . .	23,028 60	
3. Supplies and materials . . . . .	14,635 00	
4. Current charges and obligations . . . . .	2,780 00	
5. Equipment . . . . .	3,399 00	
Second District Court of Barnstable . . . . .		363,094 40
1. Personal services . . . . .	314,679 40	
2. Contractual services . . . . .	25,905 00	

Item	Subtotal	Total
3. Supplies and materials .....	\$16,955 00	
4. Current charges and obligations .....	2,060 00	
5. Equipment .....	3,495 00	
15. For medical examiners and commitment of insane .....		\$19,380 00
16. For jail and house of correction, maintenance and operation .....		605,505 84
1. Personal services .....	538,555 84	
2. Contractual services .....	51,950 00	
6. All other .....	15,000 00	
18. For court houses and registry buildings, maintenance and operation .....		394,009 90
1. Personal services .....	151,205 90	
2. Contractual services .....	157,246 50	
3. Supplies and materials .....	78,709 00	
4. Current charges and obligations .....	4,148 80	
5. Equipment .....	939 70	
6. All other .....	1,760 00	
18a. For sewage system .....		5,017 82
20. For agricultural school or county cooperative extension service .....		101,614 92
1. Personal services .....	92,762 92	
2. Contractual services .....	4,937 00	
3. Supplies and materials .....	3,465 00	
4. Current charges and obligations .....	450 00	
22. For hospital .....		1,526,597 72
1. Personal services .....	1,020,524 72	
2. Contractual services .....	141,184 00	
3. Supplies and materials .....	213,150 00	
4. Current charges and obligations .....	112,320 00	
5. Equipment .....	37,669 00	
6. All other .....	1,750 00	
23. For health service .....		161,096 45
1. Personal services .....	138,560 07	
2. Contractual services .....	16,600 00	
3. Supplies and materials .....	3,175 00	
4. Current charges and obligations .....	950 00	
5. Equipment .....	1,811 38	
24. For noncontributory pensions .....		73,876 47
25. For contributory retirement system and supervisory expenses .....		311,200 00
26. For miscellaneous and contingent expenses .....		116,819 00
27. For unpaid bills of previous years .....		28,000 00
28. For reserve fund .....		50,000 00
28b. For nurses' contract .....		13,945 32
28d. For reserve for counsel for indigent defendants .....		40,000 00
28f. For reserve for judges .....		23,000 00
29. For advertising recreational advantages of the county .....		125,000 00
31. For police radio system .....		176,762 25
32a. For maintenance of forest fire apparatus .....		3,000 00
33. For police training school and bureau of criminal investigation .....		131,090 36
35. For the Cape Cod planning and economic development commission .....		86,960 07
36. For police services building .....		14,460 00
37. For drug abuse information bureau .....		49,654 00
38. For county airplane .....		2,630 00
39. For group insurance .....		347,856 00
40. For advertising and promoting county fairs .....		500 00
41. For fire fighting training school .....		14,600 00
42. For home care .....		26,000 00
Total amount of appropriations .....		\$6,967,821 04

Item	Subtotal	Total
Less estimated amount available for reduction of county tax . . . . .		\$2,072,188 22
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 . . . . .		\$4,895,632 82
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
2. For reduction of county debt . . . . .		\$87,000 00
16. For jail and house of correction . . . . .		234,827 20
1. Personal services . . . . .	\$76,827 20	
3. Supplies and materials . . . . .	135,800 00	
4. Current charges and obligations . . . . .	7,510 00	
5. Equipment . . . . .	4,290 00	
6. All other . . . . .	10,400 00	
22. For hospital . . . . .		115,000 00
5. Equipment . . . . .	115,000 00	
Total . . . . .		\$436,827 20

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

*Approved. August 13, 1976.*

## Chap. 286

AN ACT FURTHER REGULATING THE DETERMINATION OF WAGE RATES UNDER CONTRACTS FOR THE TRANSPORTATION OF PUPILS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for further regulating the determination of wage rates under contracts for the transportation of pupils, 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 7A of chapter 71 of the General Laws is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Prior to awarding a contract, the school committee in a city or in a town having a population of sixteen thousand or over shall request the commissioner of labor and industries to determine the rate of wages to be paid to each person to be employed by the bidder under said contract, and shall forward to the commissioner a list of jobs to be performed under the contract. The commissioner shall proceed forthwith to determine the same, and shall furnish said school committee with a schedule of such rate or rates of wages. The determined rate per hour of said wages to be paid to each person employed by the bidder in cities and towns outside of the Massachusetts Bay Transportation Authority shall not be less

than those established by collective agreements or understandings between organized labor and employers in such city or town for operators of motor buses; provided that in cities or towns where such rate or rates have been so established, the wages determined shall not be less than the wages for that type of employment by such bidders. The determined rate per hour of said wages to be paid to each person employed by the bidder in cities and towns within said authority shall not be less than the mean average of those wages established by collective agreements or understandings, relative to the transportation of pupils, between organized labor and employers in the commonwealth for operators of motor buses used solely for the transportation of pupils; provided, that in cities or towns where such rates have been so established, the wages determined shall not be less than the wages paid for that type of employment by such bidders.

SECTION 2. Nothing in this act shall affect any employees of the Massachusetts Bay Transportation Authority.

*Approved August 13, 1976.*

**Chap. 287** AN ACT AUTHORIZING THE TOWN OF GEORGETOWN TO BORROW A SUM OF MONEY TO PAY A FINAL JUDGEMENT.

*Be it enacted, etc., as follows:*

For the purpose of refinancing the payment of a final judgment, including interest, rendered in the case of John Travers et al v. Inhabitants of the Town of Georgetown, the town of Georgetown may borrow such sum, not exceeding sixty thousand dollars, as may be necessary, and may issue notes therefor. Each such note shall bear on its face the words, Georgetown Municipal Purpose Loan, Act of 1976, and shall be payable in not more than five years from its date.

*Approved, August 13, 1976.*

**Chap. 288** AN ACT REQUIRING THE PROBATION OFFICER IN CERTAIN CASES TO NOTIFY THE COURT THAT THE DEFENDANT IS ALREADY ON PROBATION OR PAROLE.

*Be it enacted, etc., as follows:*

The second sentence of section 85 of chapter 276 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 3 and 4, the words "for more than one year".

*Approved, August 13, 1976.*

**Chap. 289**      AN ACT FURTHER REGULATING THE PERIOD OF IM-  
POUNDMENT OF LOST OR STRAY DOGS.

Be it enacted, etc., as follows:

SECTION 1. Section 3 of chapter 49A of the General Laws is hereby amended by striking out paragraph (b), as most recently amended by section 1 of chapter 778 of the acts of 1974, and inserting in place thereof the following paragraph:-

(b) No animal shall be available for delivery in any county except Suffolk county, to a licensee unless (1) it has been impounded for a period of ten days, and (2) it has not, prior to delivery to the licensee, been claimed and redeemed by its owner or by any individual who personally desires it as a pet and has paid the necessary fees, and the expenses for the care of the animal. In Suffolk county, no animal shall be available for delivery to a licensee unless (1) it has been impounded for a period of seven days, and (2) it has not, prior to delivery to the licensee, been claimed and redeemed by its owner or by any individual who personally desires it as a pet and has paid the necessary fees, and the expenses for the care of the animal.

SECTION 2. Chapter 140 of the General Laws is hereby amended by striking out section 151A, as most recently amended by section 2 of said chapter 778, and inserting in place thereof the following section:-

*Section 151A.* In the several cities and towns of the several counties, except Suffolk county, the mayor or selectmen shall annually within ten days after June first issue a warrant to such dog officer or officers directing him or them to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed each such dog which after being detained by or for him or them for a period of ten days shall not then have been licensed, collared or harnessed, and tagged, unless delivery of such dog to an institution licensed under chapter forty-nine A shall be required under the provisions of section three of said chapter forty-nine A; provided, that at the end of ten days such dog officer may, subject to the provisions of said chapter forty-nine A, sell any male or any spayed female dog not found to be diseased, for a sum not less than three dollars and shall keep an account of all moneys received by him from such sales, and shall forthwith pay over such sums to the town treasurer who shall forward all such money to the county treasurer in the same manner as dog license money as provided in section one hundred and forty-seven. Before delivery of any dog so sold, such dog officer shall require the purchaser to procure a

license and tag for such dog from the clerk of the town where the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The county commissioners from time to time shall cause all such places to be inspected and shall make necessary orders in relation thereto. A dog officer having custody of a confined dog shall be allowed the sum of two dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

In the cities and towns of Suffolk county, the mayor or selectmen shall annually within seven days after June first issue a warrant to such dog officer or officers directing him or them to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed each such dog which after being detained by or for him or them for a period of seven days shall not then have been licensed, collared or harnessed, and tagged, unless delivery of such dog to an institution licensed under chapter forty-nine A shall be required under the provisions of section three of said chapter forty-nine A; provided, that at the end of seven days such dog officer may, subject to the provisions of said chapter forty-nine A, sell any male or any spayed female dog not found to be diseased, for a sum of not less than three dollars and shall keep an account of all moneys received by him from such sales, and shall forthwith pay over such sums to the town treasurer who shall forward all such money to the county treasurer in the same manner as dog license money as provided in section one hundred and forty-seven. Before delivery of any dog so sold, such dog officer shall require the purchaser to procure a license and tag for such dog from the clerk of the town where the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The county commissioners from time to time shall cause all such places to be inspected and shall make necessary orders in relation thereto. A dog officer having custody of a confined dog shall be allowed the sum of two dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

SECTION 3. Said chapter 140 is hereby further amended by striking out section 153, as most recently amended by section 3 of said chapter 778, and inserting in place thereof the following section:-

*Section 153.* In the several cities and towns of the several counties except Suffolk county, such warrant may be in the following form:-

### COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

*To \_\_\_\_\_, constable of the city (or town) of*

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed each such dog which, after being detained for a period of ten days, shall not then have been duly licensed, collared or harnessed, and tagged, unless delivery of such dog to an institution licensed under chapter forty-nine A of the General Laws shall be required under the provisions of section three of said chapter forty-nine A; except that any male or any spayed female dog not found to be diseased may be sold for not less than three dollars, and you shall keep an account of any such sale and forthwith pay over the money to the town treasurer. Before delivery of any dog so sold you shall require the purchaser to register and procure a license and tag for such dog from the town clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of chapter one hundred and forty of the General Laws.

Hereof fail not, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next, and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, delivered to an institution licensed under chapter forty-nine A of the General Laws, or sold and the names of the owners or keepers thereof, and whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, delivered to an institution licensed under said chapter forty-nine A, or sold and the names of persons against whom complaints have been made under the

provisions of said chapter one hundred and forty, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said chapter one hundred and forty.

Given under my hand and seal at \_\_\_\_\_  
aforesaid the \_\_\_\_\_ day of \_\_\_\_\_ in the year nineteen  
hundred and \_\_\_\_\_

Mayor of (or Chairman of the Selectmen of)

In the cities and towns of Suffolk county such warrant may be in the following form:-

# COMMONWEALTH OF MASSACHUSETTS

(Seal)

, ss.

To \_\_\_\_\_, *constable of the city (or town) of*

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed each such dog which, after being detained for a period of seven days, shall not then have been duly licensed, collared or harnessed, and tagged, unless delivery of such dog to an institution licensed under chapter forty-nine A of the General Laws shall be required under the provisions of section three of said chapter forty-nine A; except that any male or any spayed female dog not found to be diseased may be sold for not less than three dollars, and you shall keep an account of any such sale and forthwith pay over the money to the town treasurer. Before delivery of any dog so sold you shall require the purchaser to register and procure a license and tag for such dog from the town clerk of the town where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of chapter one hundred and forty of the General Laws.

Hereof fail not, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next, and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed, delivered to an

institution licensed under chapter forty-nine A of the General Laws, or sold and the names of the owners or keepers thereof, and whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed, delivered to an institution licensed under said chapter forty-nine A, or sold and the names of persons against whom complaints have been made under the provisions of said chapter one hundred and forty, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said chapter one hundred and forty.

Given under my hand and seal at \_\_\_\_\_  
aforesaid the \_\_\_\_\_ day of \_\_\_\_\_ in the year nineteen  
hundred and \_\_\_\_\_

Mayor of (or Chairman of the Selectmen of)

*Approved, August 13, 1976.*

## **Chap. 290**

AN ACT AUTHORIZING THE TOWN OF SANDWICH TO ACQUIRE AND ADMINISTER AND MAINTAIN CERTAIN CEMETERY PROPERTY IN SAID TOWN AS A PUBLIC CEMETERY.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Sandwich is hereby authorized to take by eminent domain, or to acquire by purchase or otherwise, title to certain land in said town used, or formerly used, as a private cemetery and owned by the Cedarville Cemetery Association in said town, and thereafter to hold and maintain said land for cemetery purposes, subject to all rights heretofore existing in any burial lots located therein. Upon the acquisition of said land by said town, it shall be and be used as a public burial ground, place 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 said association in trust for the perpetual care of the lots in said cemetery and for other purposes, and also any property devised or bequeathed to said association under the will of any person living at the time of said acquisition or under the will of any deceased person not then probated. Interests and dividends accruing on funds deposited, or funds deposited, in trust with any savings bank as authorized by law, or with any other banking institution, for the benefit of the association, or any burial lot therein, may, after the acquisition by said town, 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 property and property rights acquired by said town 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 or any lots therein shall remain in force to the same extent as if this act had not been passed and such acquisition had not occurred. Any records of the association shall be delivered to the clerk of said town and he may certify copies thereof.

*Approved, August 13, 1976.*

---

**Chap. 291**      AN ACT AUTHORIZING THE TOWN OF EDGARTOWN TO CONVEY CERTAIN PARCELS OF LAND IN CONSIDERATION OF THE CONVEYANCE OF CERTAIN PARCELS OF LAND TO SAID TOWN.

*Be it enacted, etc., as follows:*

SECTION 1. In consideration of the conveyance to the town of Edgartown for conservation purposes by Richard A. Brown, Anne H. Barrett and Joseph R. Barrett, Jr., Milton Jeffers, William H. Brine, Jr., Peter's Field Trust, Inc., a Massachusetts corporation, Evelyn P. Hartell, Anne Lee Stewart, John L. Black, Sherman Hoar and Harriet B. Hoar of certain land as provided in section two the town of Edgartown is hereby authorized to convey to:-

(1) Sherman Hoar and Harriet B. Hoar all the right, title and interest of the town in a parcel of land in the town known as Lots 1 and 2 on a plan entitled "Plan of Land in Edgartown (Chappaquidick)" dated March 16, 1973, prepared by Essex Survey Service, Inc., and recorded in the registry of deeds in the county of Dukes County in Case File 12, Map 69;

(2) Richard A. Brown all the right, title and interest of the town in a parcel of land in the town known as Lot 3 on said plan;

(3) Milton Jeffers all the right, title and interest of the town in a parcel of land in the town known as Lot 4 on said plan;

(4) Evelyn P. Hartell all the right, title and interest of the town in a parcel of land in the town known as Lot 5 on said plan;

(5) Anne Lee Stewart all the right, title and interest of the town in a parcel of land in the town known as Lot 9 and a portion of Lot 13 on said plan;

(6) Richard A. Brown all the right, title and interest of the town in a parcel of land in the town known as Lot 10 and a portion of Lot 13 on said plan;

(7) Peter's Field Trust, Inc. all the right, title and interest of the town in a parcel of land in the town known as Lot 11 and a portion of Lot 13 on said plan;

(8) Anne H. Barrett and Joseph R. Barrett, Jr. all the right, title

and interest of the town in a parcel of land in the town known as Lot 12 and a portion of Lot 13 on said plan.

SECTION 2. In consideration of the conveyances to Sherman Hoar and Harriet B. Hoar, Milton Jeffers, Evelyn P. Hartell, Anne Lee Stewart, Richard A. Brown, Peter's Field Trust, Inc., Anne H. Barrett and Joseph R. Barrett, Jr. by said town of certain parcels of land as provided in section one, the said Anne H. Barrett and Joseph R. Barrett, Jr., Milton Jeffers, William H. Brine, Jr., Peter's Field Trust, Inc., Evelyn P. Hartell, Anne Lee Stewart, John L. Black, and Sherman Hoar and Harriet B. Hoar are hereby authorized to convey to the town of Edgartown the following parcels of land for conservation purposes: Lots 6, 7, 8, 14 and New North Neck road as shown on said plan.

*Approved, August 13, 1976.*

## Chap. 292

AN ACT RELATIVE TO THE GRANTING OF LICENSES BY THE TOWN OF LINCOLN FOR THE SALE THEREIN OF WINE AND MALT BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

*Be it enacted, etc., as follows:*

SECTION 1. The following question shall be placed on the official ballot to be used for the election of officers at the next annual town meeting to be held in the town of Lincoln:

Shall licenses be granted in the town of Lincoln for the sale therein of wine and malt beverages not to be drunk on the premises?

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

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 the calendar year nineteen hundred and seventy-eight, the sale in said town of wine and malt beverages not to be drunk on the premises.

SECTION 2. The state secretary shall cause the following question to be placed on the official ballot to be used in the town of Lincoln at the biennial state election to be held in the year nineteen hundred and seventy-eight and at each biennial state election thereafter until the voters of said town have voted in the affirmative three consecutive times or in the negative three consecutive times:

Shall licenses be granted in the town of Lincoln for the sale therein of wine and malt beverages not to be drunk on the premises?

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

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 town of wine and malt beverages not to be drunk on the premises.

SECTION 3. This act shall take effect upon its passage.  
*Approved, August 13, 1976.*

---

**Chap. 293** AN ACT EXTENDING THE TIME WITHIN THE ELIGIBLE LIST FOR THE POSITION OF MOTOR VEHICLE INVESTIGATOR IN THE REGISTRY OF MOTOR VEHICLES SHALL BE EFFECTIVE.

*Be it enacted, etc., as follows:*

Notwithstanding any general or special law to the contrary, the eligible list for the position of motor vehicle investigator in the registry of motor vehicles, established on March eighth, nineteen hundred and seventy-four, is hereby reactivated and extended until December thirty-first, nineteen hundred and seventy-six.

*Approved, August 17, 1976.*

---

**Chap. 294** AN ACT EXTENDING THE PROVISIONS OF CERTAIN LAWS PROTECTING THE RIGHTS OF TENANTS TO OCCUPANTS OF ROOMING AND LODGING HOUSES.

*Be it enacted, etc., as follows:*

Section 13 of chapter 186 of the General Laws, as most recently amended by chapter 416 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Whenever a tenancy at will of premises occupied for dwelling purposes, other than a room or rooms in a hotel is terminated, without fault of the tenant, either by operation of law or by act of the landlord except as provided in section twelve, no action to recover possession of the premises shall be brought, nor shall the tenant be dispossessed, until after the expiration of a period, equal to the interval between the days on which the rent reserved is payable or thirty days, whichever is longer, from the time when the tenant receives notice in writing of such termination; but such tenant shall be liable to pay rent for such time during the said period as he occupies or detains the premises, at the same rate as theretofore payable by him while a tenant at will.

*Approved, August 17, 1976.*

---

**Chap. 295** AN ACT ALLOWING CERTAIN FIRE DISTRICTS WITHIN THE TOWN OF BARNSTABLE TO SELL WATER OUTSIDE THEIR DISTRICTS.

*Be it enacted, etc., as follows:*

Notwithstanding any provision of law to the contrary, the Barnstable fire district, the Centerville-Osterville fire district or the

Cotuit fire district, all in the town of Barnstable, are hereby authorized by agreements made between any two such districts to sell water to each other or to individuals within said district.

*Approved August 17, 1976.*

---

**Chap. 296.** AN ACT PROVIDING THAT THE BOARD OF SEWER COMMISSIONS IN THE TOWN OF BARNSTABLE BE KNOWN AS THE WATER POLLUTION CONTROL BOARD.

*Be it enacted, etc., as follows:*

Chapter 274 of the acts of 1931 is hereby amended by adding the following section:-

*Section 15.* On and after November first, nineteen hundred and seventy-six, the board of sewer commissioners shall be known as the water pollution control board and shall have the powers and duties as are from time to time conferred upon such sewer commissioners in accordance with law.

*Approved August 17, 1976.*

---

**Chap. 297.** AN ACT PROHIBITING CERTAIN DISCRIMINATION BY BUSINESSES.

*Be it enacted, etc., as follows:*

SECTION 1. The General Laws are hereby amended by inserting after chapter 151D the following chapter:-

**Chapter 151E**

**Prohibition Of Certain Discrimination By Businesses.**

*Section 1.* The following words and phrases as used in this chapter shall have the following meaning unless the context clearly requires otherwise:-

“Business”, the manufacture, processing, sale, purchase, licensing, distribution, provision, or advertising of goods or services, or extension of credit, or issuance of letters of credit, or any other aspect of business.

“Foreign government”, all governments and political subdivisions and the instrumentalities thereof, excepting the government, political subdivisions, and instrumentalities of the United States and the states, commonwealths, territories and possessions of the United States, and the District of Columbia;

“Foreign person”, any person whose principal place of residence, business or domicile is outside the United States, or any person controlled directly or indirectly by such person or persons; provided however that no person shall be deemed a foreign person if after reasonable inquiry and due diligence it cannot be determined that any such person has a principal place of residence, business, or domicile outside the United States or is controlled by such person.

“Foreign trade relationships”, the dealing with or in any foreign country of any person, or being listed on a boycott list or compilation of unacceptable persons maintained by a foreign government, foreign person, or international organization.

“International organization”, any association or organization, with the exception of labor associations, or organizations of which more than a majority of the membership consists of foreign persons or foreign governments; and

“Persons”, one or more of the following or their agents, employees, servants, representatives, directors, officers, partners, members, managers, superintendents, and legal representatives: individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees, in bankruptcy, receivers, fiduciaries, and all other entities recognized at law by this commonwealth.

*Section 2.* It shall be unlawful for any person doing business in the commonwealth:

(i) to enter into any agreement, contract, arrangement, combination, or understanding with any foreign government, foreign person, or international organization, which requires such person to refuse, fail, or cease to do business in the commonwealth with any other person who is domiciled or has a usual place of business in the commonwealth, based upon such other person’s race, color, creed, religion, sex, national origin or foreign trade relationships;

(ii) to execute in the commonwealth any contract with any foreign government, foreign person, or international organization which requires such person to refuse, fail or cease to do business with another person based upon such other person’s race, color, creed, religion, sex, national origin, or foreign trade relationships;

(iii) to refuse, fail or cease to do business in the commonwealth with any other person who is domiciled or has a usual place of business in the commonwealth when such refusal, failure, or cessation results directly or indirectly from an agreement, contract, arrangement, combination, or understanding between the person who refuses, fails or ceases to do business and any foreign government, foreign person, or international organization, and is based upon such other person’s race, color, creed, religion, sex, national origin or foreign trade relationships;

(iv) to discharge or to fail, refuse or cease to hire, promote or appoint in the commonwealth any other person who is domiciled in the commonwealth to any position of employment or employment responsibility when such refusal, failure or cessation results from an agreement, contract, arrangement, combination, or understanding with any foreign government, foreign person, or international organization and is based upon such other person’s race, color, creed, religion, sex, national origin, or foreign trade relationships;

(v) to wilfully and knowingly aid or abet any other person to engage in conduct which is prohibited by this chapter.

It shall not be unlawful under this chapter:

(i) to engage in conduct required by or expressly authorized by acts of the United States Congress, a United States treaty, a United States Regulation, or a United States Executive Order;

(ii) to enter into any agreement with a foreign government or foreign person which requires that a preference or priority be given to the citizens or products of a particular country;

(iii) to enter into any agreement with an international organization entirely composed of member governments or their contracting representatives which requires that a preference or priority be given to the citizens or products of one or more of such member governments;

(iv) to enter into any agreement with respect to the insuring, handling or shipping of goods, or choice of carrier while in international transit.

*Section 3.* The attorney general may institute a civil action to prevent or restrain violations of section two.

A person injured by a violation of section two may maintain an action for damages or for an injunction or both against any person who has committed the violation.

In a proceeding under this section, the court shall determine whether a violation has been committed and enter any judgment or decree necessary to remove the effects of any violation it finds and to prevent continuation or renewal of the violation in the future.

If an application for an injunction is granted, after due notice to all parties, a hearing thereon, and as a disposition on the merits of such application, the complainant may be awarded costs and reasonable attorney's fees.

In an action for damages, if there is a wilful violation of section two, the person injured may be awarded up to three times the amount of actual damages which results from the violation, with costs and reasonable attorney's fees.

An action brought to enforce this section shall be commenced within four years after the cause of action accrues.

For the purpose of this paragraph, a cause of action for a continuing violation accrues at the time of the latest violation.

*Section 4.* The remedies provided in this chapter are cumulative.

*Section 5.* Any provision of any contract or other document or other agreement which violates section two or which, if complied with by the person intended to be bound by the provision, would cause a violation of section two shall be null and void as being against the public policy of the commonwealth.

*Section 6.* This chapter shall not be deemed to supersede, restrict or otherwise limit the continuing applicability of the anti-trust or anti-discrimination laws of the commonwealth.

SECTION 2. The provisions of chapter one hundred and fifty-one E of the General Laws, inserted by section one of this act, shall take effect on January first, nineteen hundred and seventy-seven, and shall not apply to conduct pursuant to contracts entered into prior to January first, nineteen hundred and seventy-seven.

*Approved August 18, 1976.*

**Chap. 298.** AN ACT AUTHORIZING AND DIRECTING THE UNIVERSITY OF MASSACHUSETTS TO CONVEY A CERTAIN PARCEL OF LAND IN THE CITY OF BOSTON TO THE UNITED STATES OF AMERICA FOR THE JOHN FITZGERALD KENNEDY LIBRARY AND AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO ESTABLISH A JOHN FITZGERALD KENNEDY PARK IN THE CITY OF CAMBRIDGE AND FOR OTHER PURPOSES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately authorize and direct the conveyance of land to the United States of America for the John Fitzgerald Kennedy Library and to provide for the establishment of a John Fitzgerald Kennedy Park, 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 general or special law, the board of trustees of the University of Massachusetts, hereinafter called the university, or any officer designated by said board, is hereby authorized and directed to convey on behalf of the commonwealth to the United States of America, without consideration, to provide a site for the presidential archival depository of the John Fitzgerald Kennedy Library, hereinafter called the library, by deed approved as to form by the attorney general, all the right, title, and interest of the commonwealth and the university in and to a certain parcel of land, situated at the northeasterly portion of the peninsula of land known as Columbia Point adjacent to Dorchester Bay in the City of Boston, Suffolk County, Massachusetts, bounded and described as follows:

Beginning at the southeasterly corner of said parcel, said point being N 478,916.51' and E 726,297.22' on the Massachusetts State Coordinate System, said point is also the intersection of the U.S. Pierhead Line and the northerly sideline of a 200-foot sewer easement;

thence running N50° - 08' - 22" W along the northerly sideline of said easement a distance of 954.86 feet;

thence turning and running N 21° - 27' - 34" E a distance of 677.50 feet;

thence turning and running S 68° - 32' - 26" E a distance of 487.54 feet to the U.S. Pierhead Line;

thence turning and running S 1° - 41' - 16" E along the said U.S. Pierhead Line a distance of 1,064.63 feet to the point of beginning;

Containing an area of 545,557 square feet or 12.524 acres, of which about 9.5 acres are above approximate mean high water and about 3.0 acres are below approximate mean high water, as shown on a plan entitled "Plan of Land for John Fitzgerald Kennedy Library, Columbia Point, Boston, Mass." by Harry R. Feldman, Inc. and dated March 15, 1976 and revised April 6, 1976, a copy of which plan is recorded with the Suffolk County Registry of Deeds in Book 8860, End.

The deed conveying said parcel of land shall provide that the United States shall cause a suitable memorial to be placed in a prominent place indicating that the site of the library was a gift from the people of the commonwealth.

SECTION 2. Notwithstanding any provision of general or special law, the board of trustees of the university is authorized, on behalf of the commonwealth, to make agreements with the United States of America, acting by and through the Administrator of General Services, upon such terms and conditions as the board of trustees may consider proper, and also to grant easements in, over or upon other land of the university, such agreements and easements to be for purposes related to or compatible with the library, including without limitation the use of other land, buildings and equipment of the university, the means of access to and utilities for the library, parking for visitors and employees of the library and security arrangements for the library. The board of trustees, acting for and on behalf of the commonwealth, is further authorized to reserve any necessary easements, compatible with the library, in, over or upon the land described in section one.

SECTION 3. Notwithstanding any provision of general or special law, the department of environmental quality engineering is authorized to issue licenses to the United States of America, acting by and through the Administrator of General Services in connection with the library, to permit the filling of land or flats below the high water mark and along the existing shoreline of the parcel described in section one in order to provide a protective embankment or sea wall for said parcel and also to permit such dredging as may be necessary or appropriate in connection with access by water to said parcel and the construction of a wharf or pier for purposes or such access. Any such licenses shall be irrevocable and perpetual.

SECTION 4. Upon the reconveyance by the United States of America to the commonwealth of ten acres of land, more or less, located in the city of Cambridge, county of Middlesex, which was donated to the United States of America pursuant to chapter eight

hundred and sixty-four of the acts of nineteen hundred and sixty-five to provide a site for the library, which site has been and is being used by the Massachusetts Bay Transportation Authority, hereinafter called the MBTA, the Metropolitan District Commission, hereinafter called the MDC, acting on behalf of the commonwealth, is authorized and directed to lay out on the part of said ten-acre parcel shown as parcel 1A on the plan mentioned below, including the pedestrian connector shown thereon, a public reservation to be known as the John Fitzgerald Kennedy Park; to improve, beautify, maintain, and preserve said reservation in its entirety as parkland and for passive recreation; and to cause a suitable memorial to John Fitzgerald Kennedy to be appropriately placed in said park indicating that said park is dedicated by the people of the commonwealth to the memory of John Fitzgerald Kennedy. Said parcel 1A shall be deemed to have been acquired by the commonwealth for purposes enumerated in Article XCVII of the Amendments to the Constitution of the Commonwealth.

Said parcel 1A is shown on a plan entitled "Plan of Land in Cambridge - Mass.", dated May 18, 1976 by William S. Crocker, Inc., Boston, Mass., hereinafter in sections four and five called the plan, recorded with Middlesex South District Registry of Deeds in Book 12984, End, and bounded and described as follows:

*SOUTHEASTERLY* by a curved line at the junction of Boylston Street and Memorial Drive, about twenty-eight and 15/100 (28.15) feet;

*SOUTHERLY AND SOUTHWESTERLY* about nine hundred five and 27/100 (905.27) feet, by Memorial Drive;

*NORTHWESTERLY* by land now or formerly of the Society of St. John the Evangelist, forty-seven and 26/100 (47.26) feet;

*NORTHEASTERLY* by Parcel 1B, as shown on said plan four hundred forty and 92/100 (440.92) feet;

*NORTHWESTERLY* by Parcel 1B, as shown on said plan four hundred seventy-eight and 22/100 (478.22) feet;

*NORTHEASTERLY* forty-five and 20/100 (45.20) feet, by Bennett Street;

*SOUTHEASTERLY* in part by land now or formerly of the Commonwealth of Massachusetts, in part by Parcel 2 and in part by Parcel 2A, as shown on said plan, four hundred eighty-two and 39/100 (482.39) feet;

*NORTHEASTERLY* by Parcel 2A, as shown on said plan three hundred eighteen and 11/100 (318.11) feet;

*NORTHWESTERLY* by Parcel 2A, as shown on said plan one hundred and 00/100 (100.00) feet;

*NORTHEASTERLY* by Parcel 2, as shown on said plan eighteen and 00/100 (18.00) feet;

*SOUTHEASTERLY* by Boylston Street, four hundred two and 98/100 (402.98) feet;

Said parcel 1A containing 220,396 square feet, more or less, or 5.06 acres, more or less.

The use of said parcel 1A for said park shall, however, be subject to the right of the MBTA to occupy and use the portion of parcel 1A located to the northwest of the temporary park division line shown on the Plan, and also, on a non-exclusive basis, the pedestrian connector included in said parcel 1A, including the right to use all existing tracks, equipment, and facilities thereon and any additions or alterations thereto, to permit construction staging, to operate interim mass transportation services, and to operate and charge fees for ongrade public parking, for such period as the MBTA may require, but in no event longer than eight years following the passage of this act; provided that, during all of such period and thereafter, the public shall have continuous access to said park by the use of the pedestrian connector. Such occupancy by the MBTA shall be for such fair rental and on such other terms as the MBTA and the MDC may agree; provided that the MBTA's obligation to pay such rent shall be contingent upon prior approval by the proper federal authorities of the inclusion of such rent as an appropriate charge to a federal construction grant for the extension of the so-called Red Line of said MBTA.

The use of said parcel 1A for said park shall be further subject to the right of the MBTA to occupy and use the portion of parcel 1A located to the southeast of the temporary park division line shown on the plan for such period as the MBTA may require, but in no event longer than six months following the passage of this act.

The MBTA shall, during its occupancy of any part of parcel 1A, be fully responsible for protection and maintenance of the property. The MBTA shall vacate such parcel, and deliver to the MDC full possession thereof, within the time limits specified above for the northwest and southeast portions, respectively, and shall exercise its best efforts to do so as soon as practicable within said limits with respect to each portion. The MBTA shall retain the right, upon vacating said parcel, to remove and salvage, at its option, any tracks or other equipment; provided, however, that the MBTA shall not be responsible for demolition of any existing facilities or for any other preparation of said parcel for reuse. All rents paid by the MBTA for use of parcel 1A and the entire proceeds from the sale of parcel 2A to the President and Fellows of Harvard College, hereinafter call Harvard, as provided in section five of this act shall be credited on the books of the commonwealth to a fund to be known as the John Fitzgerald Kennedy Library and Park Fund, hereinafter called the JFK Fund. The rents and proceeds credited to the JFK Fund pursuant to this section shall be used, subject to appropriation, for the purpose of enabling the MDC to lay out and construct the John Fitzgerald Kennedy Park. All unexpended balances remaining in the JFK Fund at the end of each fiscal year shall be appropriated only for the purposes specified in this section and in section six of this act.

Insofar as practicable, the portion of the park to be located to the southeast of the temporary park division line shown on the Plan shall be constructed contemporaneously with construction by Harvard on said parcel 2A. The MDC shall maintain and operate said park, and for such purposes the MDC is authorized to receive and expend gifts, bequests, devises, or other contributions, public or private. Any gifts, bequests, devises, or contributions received by the MDC pursuant to this section shall be credited to the Metropolitan Parks Trust Fund.

SECTION 5. Upon reconveyance by the United States of America to the commonwealth of the ten-acre parcel of land referred to in section four of this act, the commonwealth, acting by and through the secretary of administration and finance, hereinafter called the secretary, is authorized and directed to sell and convey to Harvard, for purposes of Harvard's John Fitzgerald Kennedy School of Government and related academic uses, by deed approved as to form by the attorney general, all right, title, and interest of the commonwealth in and to parcel 2A as shown on said plan and bounded and described as follows:

*NORTHEASTERLY* three hundred eighteen and 11/100 (318.11) feet, by land now or formerly owned by John Fitzgerald Kennedy Library Incorporated;

*SOUTHEASTERLY* by Parcel 1A on said plan, one hundred and 00/100 (100.00) feet;

*SOUTHWESTERLY* by Parcel 1A on said plan, three hundred eighteen and 11/100 (318.11) feet;

*NORTHWESTERLY* by Parcel 1A on said plan, one hundred and 00/100 (100.00) feet.

Containing 31, 811 square feet, more or less, or 0.730 acres, more or less, in consideration of payment by Harvard to the commonwealth of sixteen dollars per square foot, being the fair market value of said parcel.

SECTION 6. Upon reconveyance by the United States of America to the commonwealth of the ten-acre parcel of land referred to in section four of this act, the commonwealth, acting by and through the secretary is hereby authorized to sell and convey parcel 1B shown on said plan in the manner hereinafter provided; said parcel 1B being bounded and described as follows:

*NORTHEASTERLY*, by Bennett Street a distance of three hundred fifty-seven and 87/100 (357.87) feet;

*SOUTHEASTERLY*, by parcel 1A on said plan a distance of four hundred seventy-eight and 22/100 (478.22) feet;

*SOUTHWESTERLY*, by parcel 1A on said plan a distance of four hundred forty and 92/100 (440.92) feet; and

*NORTHWESTERLY*, in part by land now or formerly of Society of St. John the Evangelist and in part by University Road, four hundred fifty-three and 16/100 (453.16) feet.

Containing 183,354 square feet, more or less, or 4.21 acres, more or less.

The MBTA, however, shall have the right to occupy and use said parcel, including the right to use all existing tracks, equipment, and facilities thereon and any additions or alterations thereto to operate interim mass transportation services, and to operate and to charge fees for on-grade public parking, for such period as the MBTA may require, but in no event longer than two and one-half years following the passage of this act. The MBTA shall make payments for each month or part thereof of such occupancy to the secretary at the rate of seventeen thousand one hundred and twenty-five dollars per month; and such occupancy shall further be subject to such other terms as the MBTA and the secretary may agree. Should the commonwealth, acting by and through the secretary, prior to two and one-half years following the passage of this act, transfer said parcel for reuse in the manner hereinafter authorized, the MBTA shall retain, and the deed conveying the property shall so provide, an option to lease said parcel for the remainder of the two and one-half year period at a monthly rental equal to the greater of the monthly rental provided above or an amount equal to one-twelfth of seven per cent per annum of the consideration paid for such conveyance, and upon the same terms previously agreed to by the MBTA and the secretary.

The MBTA shall, during any occupancy of said parcel, be fully responsible for protection and maintenance of the property. The MBTA shall vacate said parcel and deliver to the title holder of said parcel full possession thereof two and one-half years following the passage of this act, and shall exercise its best efforts to do so as soon as practicable. The MBTA shall not relocate its equipment or facilities from the property to any other location in the city of Cambridge without having consulted with and requested a recommendation from the city council of said city. The MBTA shall, prior to vacating said parcel, demolish and remove the so-called Bennett Street Garage located on said parcel; and the MBTA shall retain the right at its option to remove and salvage any tracks or other equipment; provided, however, that the authority shall not be responsible for demolition of any other existing facilities or for any other preparation of said parcel for reuse.

There shall be established for purposes of this act a Cambridge MBTA Yards Project Review Board, hereinafter called the board. The board shall be comprised of five members, one of whom shall be the state representative of the legislative district in which the development is to be located who shall be the chairman, one of whom shall be the city manager of the city of Cambridge, and three of whom shall be appointed by the governor. Any person or entity proposing to develop commercial, residential, or combined commercial and residential facilities within said parcel 1B shall submit to the commissioner of administration and to the board for review a reuse plan describing in reasonable detail the type of development to be undertaken, the time within which such devel-

opment is to be completed, and proposed means of financing the development, and including a site plan showing at a minimum the location and outlines of proposed buildings, the density of proposed uses, proposed streets, drives, parking areas, walks, landscaping improvements, and open areas within the site, and the relationship of the site to the surrounding neighborhood. No reuse plan shall be approved by the commissioner of administration unless after public hearing on such plan he, after consulting the board, approves of the plan and the financing thereof and further finds that such plan is consistent with the sound needs of the surrounding neighborhood as contemplated by the land use and development policy plans and studies for the Harvard Square area prepared for the city of Cambridge.

Within thirty days after final submission of any reuse plan, the commissioner of administration shall approve or disapprove said plan. Upon approval by the commissioner of administration of a reuse plan, he is authorized and directed to convey, by deed approved as to form by the attorney general, all right, title, and interest of the commonwealth in and to said parcel 1B, to an appropriate public or private entity for development by it or others for commercial, residential, or combined commercial and residential uses in accordance with such approved plan. Such sale must be in return for consideration which equals the fair market value of said parcel at the time of the sale of said parcel, as determined by the average of two independent appraisals by qualified, disinterested appraisers appointed by the commissioner of administration promptly following passage of this act, whose fees may be paid out of the proceeds of such sale or disposition.

The entire proceeds to the commonwealth from the sale or other disposition of parcel 1B in accordance with this section shall be credited to the JFK Fund. Said proceeds shall be used, subject to appropriation, as follows: the first two million dollars shall be donated by the commonwealth, acting by and through the commissioner of administration, to the United States of America, acting by and through the Administrator of General Services, to finance improvements on the site for the library and approaches thereto; and the balance shall be applied by the MDC for the acquisition, laying out, and construction of the John Fitzgerald Kennedy Park, up to an amount which the MDC, after consulting with the board, determines to be required for such purposes, and then for other parks in urban areas of the commonwealth as determined by the secretary of environmental affairs.

*Approved August 19, 1976.*

---

**Chap. 299.** AN ACT PROHIBITING THE USE OF DECOMPRESSION CHAMBERS FOR PUTTING ANIMALS TO DEATH.

*Whereas,* The deferred operation of this act would tend to

defeat its purpose, which is to immediately prohibit the use of a decompression chamber for the purpose of putting an animal to death, 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 seventy-four C of chapter one hundred and forty of the General Laws, inserted by section one of chapter one hundred and thirty-nine of the acts of nineteen hundred and seventy-six, is hereby repealed.

SECTION 2. Chapter 272 of the General Laws is hereby amended by striking out section 80E, inserted by section 2 of said chapter 139, and inserting in place thereof the following section:-

*Section 80E.* Whoever puts any animal to death by the use of a decompression chamber shall be punished by a fine of not less than one hundred dollars.

*Approved August 20, 1976.*

---

**Chap. 300.** AN ACT AUTHORIZING THE AMORY COMMISSION TO GRANT CERTAIN EASEMENTS OVER, ACROSS AND UPON CERTAIN LAND IN THE TOWNS OF LYNNFIELD, READING AND NORTH READING FOR THE TRANSMISSION OF ELECTRIC POWER BY NEW ENGLAND POWER COMPANY.

*Be it enacted, etc., as follows:*

The armory commission, in the name and on behalf of the commonwealth is hereby authorized to grant to New England Power Company, an electric company organized and existing under the laws of the commonwealth, an easement for the construction, maintenance and operation of towers, poles, and wires for the transmission of electricity over, across and upon the two following parcels of land of the commonwealth, which land is under the control of the said armory commission:

*Parcel 1.* Land which is situated in the towns of Lynnfield, Reading and North Reading contains 12.0 acres of land, more or less, and is bounded and described as follows:

Beginning at the southerly corner of said parcel in the Town of Lynnfield at a point on the division line between other land of the Commonwealth of Massachusetts and land of New England Power Company, said point also being on the westerly sideline of an existing 80-foot easement of the Massachusetts Electric Company; thence running N. 59° 36' 12" W. by said land of New England Power Company and by other land of the Commonwealth of Massachusetts crossing the Lynnfield-Reading Town line, 2,456.21 feet to a point at land of the Town of Reading;

thence turning and running N. 88° 43' 48" E. by said land of the Town of Reading, 87.08 feet to a cedar post;

thence turning and running N. 6° 59' 22" E. by said land of the Town of Reading and by land of the Town of North Reading, crossing the North Reading-Reading Town line, 98.83 feet to a point at other land of the Commonwealth of Massachusetts;

thence turning and running S. 64° 08' 52" E. by said other land of the Commonwealth of Massachusetts, crossing the North Reading-Reading Town line and also crossing the Reading-Lynnfield Town line, 2,213.72 feet to a point at land now or formerly of Samuel L. Gerson;

thence turning and running S. 47° 56' 27" W. by said land now or formerly of Samuel L. Gerson, 17.33 feet to a point in a wall;

thence turning and running S. 32° 25' 43" E. by said wall by said land now or formerly of Samuel L. Gerson, 33.85 feet to a point at other land of the Commonwealth of Massachusetts, said point also being on the westerly sideline of the existing 80-foot easement of Massachusetts Electric Company;

thence turning and running S. 3° 44' 22" E. by said other land of the Commonwealth of Massachusetts by said westerly sideline of the existing 80-foot easement of Massachusetts Electric Company, 338.07 feet to the point of beginning.

*Parcel 2.* Land which is situated in the Town of Lynnfield contains 16.9 acres of land, more or less, and is bounded and described as follows:

Beginning at the most southerly corner of said parcel at a point on the division line between other land of the Commonwealth of Massachusetts and land now or formerly of the Town of Lynnfield, said point also being on an angle point of an existing New England Power Company easement;

thence running N. 39° 41' 05" W. by said other land of the Commonwealth of Massachusetts, 164.22 feet to a point;

thence turning and running N. 9° 52' 53" E. by said other land of the Commonwealth of Massachusetts, 4,305.48 feet to a point;

thence turning and running N. 3° 44' 22" W. by other land of the Commonwealth of Massachusetts, 1,618.28 feet to a point at land of New England Power Company;

thence turning and running N. 59° 36' 12" E. by said land of New England Power Company, 151.02 feet to a point;

thence turning and running S. 3° 44' 22" E. by said land of New England Power Company, 1,548.47 feet to a point;

thence turning and running S. 9° 52' 53" W. by said land of New England Power Company, 1,442.23 feet to a point at land now or formerly of Eliot K. Grant et ux;

thence turning and running N. 18° 22' 53" E. by said land now or formerly of Eliot K. Grant et ux, 332.23 feet to a point in a wall;

thence turning and running N. 59° 17' 07" W. by said land now or formerly of Eliot K. Grant et ux by said wall, 52.54 feet to a drill hole at land of New England Power Company;

thence turning and running S. 9° 52' 53" W. by said land of

New England Power Company and by land now or formerly of the Town of Lynnfield, 2,637.43 feet to the point of beginning.

Said easement deed to be in such form and on such terms as the said armory commission may approve and deem proper.

*Approved August 20, 1976.*

---

**Chap. 301.** AN ACT AUTHORIZING THE TOWN OF READING TO GRANT CERTAIN EASEMENTS OVER, ACROSS AND UPON CERTAIN LAND IN READING FOR THE TRANSMISSION OF ELECTRIC POWER, TO NEW ENGLAND POWER COMPANY.

*Be it enacted, etc., as follows:*

The town of Reading is hereby authorized to grant to New England Power Company, an electric company organized and existing under the laws of the commonwealth, an easement for the construction, maintenance and operation of towers, poles and wires for the transmission of electricity over, across and upon certain portions of land in the town of Reading held by it for conservation purposes. Said land in the easement area consists of two certain parcels of land. The first parcel of land contains 2.1 acres of land more or less and is bounded and described as follows:

Beginning at the northeasterly corner of said parcel at a point on the division line between other land of the Town of North Reading and land of the Commonwealth of Massachusetts, said point also being on the Reading-North Reading Town line;

thence running in a general southerly direction by said land of the Commonwealth of Massachusetts, 57 feet more or less to a cedar post;

thence turning and running in a general westerly direction by said land of the Commonwealth of Massachusetts, 560 feet more or less to a point at land of the Town of Reading;

thence turning and running in a general northwesterly direction by said land of the Town of Reading, 440 feet more or less to a point at land of the Town of North Reading, said point also being on the Reading-North Reading Town line;

thence turning and running in a general easterly direction by said land of the Town of North Reading, by land of New England Power Company, by land now or formerly of owners unknown and by other land of the Town of North Reading, 970 feet more or less to the point of beginning, said last course and distance also being by the Reading-North Reading Town line.

The second parcel of land contains 1.5 acres of land more or less and is bounded and described as follows:

Beginning at the northeasterly corner of said parcel at a point on the division line between land of the New England Power Company and land of the Commonwealth of Massachusetts;

thence running in a general southerly direction by said land of New England Power Company, 280 feet more or less to a point at land of the Town of Reading;

thence turning and running in a general westerly direction by said land of the Town of Reading, 580 feet more or less to a point at land of the Commonwealth of Massachusetts;

thence turning and running in a general easterly direction by said land of the Commonwealth of Massachusetts, 460 feet more or less to the point of beginning.

Said easement deed to be in such form and on such terms as the selectmen of the town of Reading may approve and deem proper.

*Approved August 20, 1976.*

**Chap. 302.** AN ACT FURTHER AMENDING THE STATE SCHOOL BUILDING ASSISTANCE PROGRAM.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to assure that eligible school building projects in the cities, towns, counties and regional school districts of the commonwealth shall continue to receive state financial assistance, 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 645 of the acts of 1948 is hereby amended by striking out the sentence inserted by section 1 of chapter 1010 of the acts of 1971 and inserting in place thereof the following sentence:-

Such cost shall include fifty per cent of the interest paid or payable by such city, town or county and the entire interest paid or payable by such regional school district on any bonds or notes issued to finance such project; provided, that in the case of school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board of education to reduce or eliminate racial imbalance, such costs shall include one hundred per cent of interest paid or payable by such city.

SECTION 2. The first paragraph of section 8 of said chapter 645, as most recently amended by section 2 of chapter 471 of the acts of 1961, is hereby further amended by striking out the first sentence and inserting in place thereof the following two sentences:- Forthwith upon receipt of an application under the provisions of section seven, the board of education shall examine such application and any facts, estimates or other information relative thereto, and shall determine whether the proposed construction is in the best interests of the commonwealth and the city, town, regional school district or county, with respect to its site, type of

construction, sufficiency of accommodations, and otherwise. In determining whether the proposed construction is in the best interests of the commonwealth, the said board shall consider the availability of funds under section eight A, the order of priorities under section eight B and the construction procedures and standards under section eight C.

SECTION 3. Said section 8 of said chapter 645, as appearing in chapter 528 of the acts of 1950, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

Within a reasonable time after receipt of such application the board of education shall notify such city, town, district or county of its approval or rejection thereof, and, in the event of its rejection, of the reasons therefor. Notice of approval hereunder shall be accompanied by a statement of the estimated approved cost as determined by the board of education, and an estimate of the amount of school construction grant to which such city, town, district or county may be entitled under the provisions of the following section.

The final approved cost shall be determined by the board of education within a reasonable time after the acceptance of the completed project by the local school committee. Notwithstanding any other provision of this chapter to the contrary, seventy-five per cent of any income received as the result of the investment of the proceeds of bonds or notes which have been issued on account of any school project approved under this chapter shall be deducted from the final approved cost of the project.

SECTION 4. Said chapter 645 is hereby further amended by inserting after section 8 the following three sections:-

*Section 8A.* In approving any school projects as defined in section five, the board of education shall determine (a) the amount of the first annual estimated payments to be made to the cities, towns, regional school districts and counties as a result of the approval of such projects and (b) the fiscal year in which it is anticipated that the first payment of the school construction grant for each such project would be paid. The aggregate amount of such first annual estimated payments to be made in any fiscal year, when combined with the amounts estimated to be required in such fiscal year for items (2) and (3) as specified in the second paragraph of this section, shall not exceed such amount as may be duly authorized as a part of an annual general or supplemental appropriation act or otherwise; provided that school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board of education to reduce or eliminate racial imbalance may be approved only in the event that there is a special authorization sufficient to provide for the first annual estimated payments therefor.

In each fiscal year, commencing with the fiscal year beginning

July first, nineteen hundred and seventy-seven, there shall be appropriated on account of the provisions of this chapter three separate items in accordance with the following clauses, provided that any portion of the said appropriations which is not required to be used in such fiscal year shall be carried over to each succeeding year for the aforesaid purposes: (1) an amount to provide for the first annual payments on any school projects approved on or after July first, nineteen hundred and seventy-five, (2) an amount required for annual payments to be made in the fiscal year on account of school projects approved by the state board of education prior to July first, nineteen hundred and seventy-five and all other projects approved after said date on which the first annual payment has been made, and (3) an amount required for payments in the fiscal year on account of grants and reimbursements (a) for educational, engineering and architectural services for regional school districts as set forth in section six, (b) for surveys made of school building needs and conditions as set forth in section six A and (c) for matching stabilization fund payments as set forth in section nine.

*Section 8B.* The board of education shall approve school projects and reimbursements under this chapter in accordance with the following order of priorities: (1) priority shall be given to school projects needed in the judgement of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the safety of school children, where no alternative exists; (2) priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increasing enrollments or to eliminate existing severe overcrowding; (3) priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation; and (4) priority shall be given to school projects needed in the judgment of said board to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Beginning on July first, nineteen hundred and seventy-six, and every three months thereafter, said board shall publish a list of all project applications received showing the priority assigned to each such project. In the case of school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board to reduce or eliminate racial imbalance, the board of education shall establish and publish a second priority list separate and distinct from the list of all other school projects. Notwithstanding the provisions of section eight, the board may defer its approval or disapproval of any project application for more than ninety days from receipt of the project application if such deferral is necessary for the effective implementation of the provisions of this section. The board may issue regulations to define the procedures pursuant to which the priorities established by this section will be implemented.

*Section 8C.* In order to maximize the cost effective production of efficient and creative school projects the board of education shall require that every school project conform to the following standards and procedures: (1), that the applicant fully consider all available options for satisfying the described need, including tuition agreements with adjacent school districts, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use; (2), that the applicant's site selection is based on the cost and environmental factors including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities; (3), that the applicant enter into contracts, using forms satisfactory to the board of education, for such competent architectural, engineering and other services as may be required; (4), that procedures satisfactory to the state board of education are followed by the applicant throughout the planning and construction of the project such as will assure maximum attention to the cost effects of program and design decisions, materials and systems selections.

The board of education shall issue annually, as hereinafter provided, minimum program standards and minimum cost standards for all proposed school projects. These standards may take into account the type and location of a proposed school project. The program standards shall define minimum space requirements for each specified program activity eligible for state financial assistance. The minimum program standards shall, in the judgment of the board of education, be at least in conformity with the minimum requirements of state law and shall also reflect consideration of cost effects, prevailing educational standards in the commonwealth and the needs of efficient and creative school projects. The cost standards shall be based on the price experience of recently completed and recently bid school projects, taking into account the cost effectiveness of design, construction and programming techniques utilized in such school projects. For the purpose of calculating the state construction grant under section nine, the estimated approved cost and the final approved cost for a school project shall not exceed the cost that would result if the project conformed to minimum program standards and minimum unit costs. The provisions of this section shall not be deemed to preclude a city, town, regional school district or county from including in an approved school project such facilities or design as it determines, in addition to those required to conform to minimum program standards and minimum unit costs, provided, however, that the cost of such additional facilities and design shall not be included in the estimated cost and final approved cost on the basis of which the state construction grant is calculated.

After compliance with section three of chapter thirty A of the

General Laws, the board of education shall not later than the first day of March in each year adopt interim regulations, including minimum program standards and minimum cost standards, for the implementation of this section. Forthwith upon the adoption of such regulations, the said board shall file a copy thereof with the clerks of the senate and house of representatives who, with the approval of the president of the senate and the speaker of the house of representatives, shall refer such regulations to an appropriate committee of the general court. Within thirty days after such filing, the said committee may hold a public hearing on the regulations, shall issue a report, and file a copy thereof with the board of education. Said board shall adopt final regulations making such revisions in the interim regulations as it deems appropriate in view of such report and shall forthwith file a copy of the regulations with the chairperson of the committee of the general court to which the interim regulations were referred and not earlier than thirty days after the date of such filing, the board of education shall file the final regulations with the state secretary and the said regulations shall thereupon take effect.

SECTION 5. Clause (a) of the first paragraph of section 9 of said chapter 645, as appearing in section 18 of chapter 492 of the acts of 1974, is hereby amended by striking out, in lines 8 and 9, the words "total construction grant for such project shall not be less than fifty per cent or more than sixty-five per cent of such approved cost" and inserting in place thereof the words:- portion of said total construction grant which is for interest, as provided in section seven, shall not be less than forty per cent or more than sixty-five per cent of that part of such approved cost which consists of said interest, and that the remainder of said total construction grant shall not be less than fifty per cent or more than sixty-five per cent of the remainder of such approved cost excluding said interest.

SECTION 6. The first sentence of the second paragraph of section 9 of said chapter 645, as appearing in section 1 of chapter 377 of the acts of 1961, is hereby amended by striking out in lines 8 to 10, inclusive, the words "calendar year in which the first payment of principal on account of such indebtedness shall become due and payable" and inserting in place thereof the words:- fiscal year next following the fiscal year in which the construction of such project has been commenced.

SECTION 7. Section 10 of said chapter 645, as amended by chapter 280 of the acts of 1971, is hereby further amended by striking out, in line 3, the word "seventy-six" and inserting in place thereof the word:- eighty-one.

SECTION 8. The provisions of sections eight B of said chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, inserted by section four of this act, shall not apply to school projects approved after the effective date of this act if the

applications for approval thereof were presented to the board of education between November twenty-fifth, nineteen hundred and seventy-five and February twenty-eighth, nineteen hundred and seventy-six.

SECTION 9. The provision of section eight C of said chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, inserted by section four of this act, shall not apply to school projects approved by the board of education prior to the effective date of any regulations adopted under said section eight C.

SECTION 10. Any city, town, regional school district or county which, prior to the effective date of this act, has voted funds to meet the estimated costs of a school project which is approved by the board of education after the effective date of this act shall be entitled to the same grant to which it would have been entitled under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight in effect immediately prior to June thirtieth, nineteen hundred and seventy-six.

SECTION 11. The provisions of this act are hereby declared to be severable and if any such provisions 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 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.

SECTION 12. During the period from the effective date of this act until June thirtieth, nineteen hundred and seventy-seven, the board of education is hereby authorized, in addition to the authorization established by chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six, to approve school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board of education to reduce or eliminate racial imbalance if the aggregate of the first annual payments on account of all such approved projects does not exceed three million two hundred thousand dollars.

SECTION 13. Any city, town, regional school district or county which is eligible for aid under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight and establishes a community education program and wishes to enlarge or construct a school for the purpose of maintaining or expanding such a program shall be eligible for financial assistance in the construction or enlargement of such school in the manner and to the extent provided by this act.

*Approved August 23, 1976.*

---

**Chap. 303.** AN ACT PROVIDING FOR THE USE OF DISTRICT COURT JUDGES TO RELIEVE SUPERIOR COURT CONGESTION.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law, the chief justice of the supreme judicial court may authorize any justice or special justice of a district court, including the municipal court of the city of Boston, to serve in the superior court for a term not to exceed one year; provided that a determination has been made by such chief justice that the authorization shall be beneficial to the administration of justice in the superior court and not detrimental to the administration of justice in the district courts or the municipal court of the city of Boston; and provided further that no more than a total of twenty-five justices or special justices shall be so authorized for service in the superior court during any six consecutive month period. Upon or after the expiration of any such authorization, the chief justice of the supreme judicial court may renew the authorization of any justice or special justice of a district court for service in the superior court. The chief justice of the supreme judicial court may terminate any such authorization at any time.

Upon assignment by the chief justice of the superior court, a justice or special justice as authorized by this section shall have and exercise all the powers and duties which a justice of the superior court has and may exercise in any matter, civil or criminal, over which the superior court has jurisdiction.

The chief justice of the supreme judicial court, having made the same determination with respect to facilities, may also designate district court facilities, including those of the municipal court of the city of Boston, for use by the superior court under the provisions of this section.

No justice or special justice so sitting shall act in a case in which he has either sat or held an inquest in the district court or otherwise has an interest.

The chief justice of the superior court shall provide for the attendance of jurors, clerks, and court officers from the superior court for the respective counties, as the interest of justice and the prompt disposition of cases under this section may require; provided that the number of said clerks and court officers shall not be deemed to be increased by the provisions of this act.

The chief justice of the superior court shall provide for the preservation of testimony in all cases tried under this section.

In the event that by reason of his physical or mental disability, death, resignation, retirement, removal or other disability, any justice or special justice shall fail to perform the duties to be performed by the court pursuant to this section after a verdict is returned or findings of fact and conclusions of law are filed or otherwise fail to fulfill any of the powers and duties granted to

him by this section in the disposition of any matter, the chief justice of the superior court may assign any other justice or special justice assigned to sit in the superior court pursuant to this section, or any justice of the superior court, to have and exercise such powers and duties.

A justice or special justice of a district court, when sitting in the superior court as herein provided, shall receive from the commonwealth, in addition to his regular salary, upon the certificate of the chief justice of the superior court, the amount of expense incurred by him in the discharge of his duties in connection with such sessions and also such compensation for each court day while so sitting as will, when added to the per diem rate of his regular salary, equal that of a superior court justice calculated on a per diem basis.

For each court day that a justice or special justice of a district court sits by assignment in the superior court, under the authority of this section, in a county other than that in which the district court to which he was appointed is located, the county in which he is so assigned shall reimburse the county of the court to which he was appointed for the per diem rate of the regular compensation of said justice or special justice.

When a justice or special justice of a district court sits by assignment in the superior court, as provided by this section, the fact of his assignment shall be entered upon the general records of the superior court but need not be stated in the record of any case heard by said justice or special justice.

SECTION 2. The chief justice of the supreme judicial court may authorize the chief justice of the superior court to transfer any civil case or matter entered or pending in the superior court for Suffolk county to a session of the superior court conducted in the city of Cambridge in Middlesex county.

Any session of the superior court established in Middlesex county for the conduct of judicial proceedings in causes or matters transferred from Suffolk county shall be deemed to have been established in Suffolk county and any justice or special justice of a district court assigned to any such session under the authority of section one of this act or pursuant to section fourteen B of chapter two hundred and twelve of the General Laws shall be deemed to be assigned to a session of the superior court in Suffolk county.

The sheriff of Suffolk county shall, upon the request of the chief justice of the superior court, assign a sufficient number of court officers, duly appointed for service upon the superior court in Suffolk county, for attendance upon civil sessions of the superior court established in Middlesex county sitting in Cambridge for the hearing, trial and disposition of any civil cause or matter transferred from Suffolk county under authority of this act; provided that the number of such court officers shall not be deemed to be increased by the provisions of this act.

Court officers so assigned to attend such sessions of the superior court established in Middlesex county shall, upon the certificate of the chief justice of the superior court, be reimbursed by Suffolk county for all necessary expenses so incurred by them in excess of those expenses incidental to their service in Suffolk county.

The clerk of the superior court for civil business in the county of Suffolk shall, upon the request of the chief justice of the superior court, assign a sufficient number of assistant clerks and clerical personnel, duly appointed for service upon the superior court in Suffolk county, for attendance upon sessions of the superior court established in Middlesex county sitting in Cambridge for the hearing, trial or disposition of any civil cause or matter transferred from Suffolk county under the authority of this act; provided that the number of said assistant clerks and clerical personnel shall not be deemed to be increased by the provisions of this act. Assistant clerks and other clerical personnel so assigned shall, upon the certificate of the chief justice of the superior court, be reimbursed by Suffolk county for all necessary expenses so incurred by them in excess of those expenses incidental to their service in Suffolk county.

The trial of civil jury cases transferred for trial from Suffolk county to Middlesex county sitting in Cambridge shall be with a jury consisting of jurors selected for service in Suffolk county. Upon the request of the chief justice of the superior court, the officers in charge of the central jury pool for the superior court in Suffolk county shall draw by lot the names of a sufficient number of jurors for assignment to sessions of the superior court established in Middlesex county sitting in Cambridge for the trial of cases transferred from Suffolk county. Said jurors shall be compensated and reimbursed for their travel expenses by Suffolk county in accordance with the provisions of section twenty-five of chapter two hundred and sixty-two of the General Laws.

Suffolk county shall annually reimburse Middlesex county for those expenses incurred by Middlesex county for the support and disposition of all causes and matters transferred from Suffolk county under the authority of this section to the extent that those expenses exceed the cost of supporting the sittings of the superior court established for the transaction of judicial business for Middlesex county.

The county commissioners for Middlesex county and the mayor and council of the city of Boston, acting as the county commissioners of Suffolk county, may enter into any appropriate arrangement for providing in the city of Cambridge in Middlesex county suitable facilities for the transaction of judicial business transferred from Suffolk county to Middlesex county under the authority of this section.

SECTION 3. The authority granted under the provisions of this act shall expire on June thirtieth, nineteen hundred and seventy-

eight, except that the proceedings of any cause or matter transferred under the authority of section two of this act before June thirtieth, nineteen hundred and seventy-eight shall not be affected by the expiration of said authority.

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

*Approved August 24, 1976.*

---

**Chap. 304.** AN ACT DETERMINING THE AMOUNT OF COST-OF-LIVING ADJUSTMENTS IN RETIREMENT ALLOWANCES, PENSIONS AND ANNUITIES OF RETIRED PUBLIC EMPLOYEES AND CERTAIN BENEFICIARIES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to establish forthwith the percentage increase in pensions, disbursement allowances and annuities as a result of the increase in the cost of living, 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. Subject to the provisions of section one hundred and two of chapter thirty-two of the General Laws, as most recently amended by section one of chapter one hundred and twenty-six of the acts of nineteen hundred and seventy-six, 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 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, beginning July first, nineteen hundred and seventy-six be increased by five per cent.

SECTION 2. Notwithstanding the provisions of section one, no increase shall be granted to any retired employee or to the spouse or beneficiary of any retired employee whose pensions, retirement allowance, or annuity has been increased by five per cent or more on or after January first, nineteen hundred and seventy-six and prior to July first, nineteen hundred and seventy-six by vote of a city, town, district, housing or redevelopment authority or the Massachusetts Turnpike Authority; provided, that any such pension, retirement allowance or annuity which was so increased by less than five per cent shall be increased by an amount which will total, in the aggregate, five per cent.

SECTION 3. The provisions of this act shall not reduce the amount of increase voted prior to July first, nineteen hundred and seventy-six by any city, town, district, housing or redevelopment authority or the Massachusetts Turnpike Authority to a retired employee or to the spouse or beneficiary of a former employee.

*Approved August 24, 1976.*

**Chap. 305.** AN ACT CLARIFYING THE DUTIES OF LOCAL VETERANS' AGENTS.

*Be it enacted, etc., as follows:*

Section 2 of chapter 115 of the General Laws is hereby amended by striking out the seventh paragraph, as most recently amended by chapter 97 of the acts of 1970, and inserting in place thereof the following paragraph:-

He may, be a written demand signed by him or by his "duly authorized agent" which term, for the purposes of this paragraph, shall be deemed to include local veterans' agents appointed pursuant to section three, require the treasurer of a savings bank, institution for savings, national bank, trust company, co-operative bank, benefit association, insurance company, savings and loan association under the supervision of the commissioner of banks, federal savings and loan association, credit union or safe deposit company, to inform him of the amounts at any time deposited with such corporation or association to the credit of a recipient of veterans' benefits under this chapter, or an applicant therefor, or at any time withdrawn from such corporation or association by such recipient or applicant, or the amounts loaned to such recipient or applicant for the purchase of real property under the terms of a mortgage and the present balance due thereon, and, in like manner, may require the employer of any such recipient or applicant, or of any child of such recipient or applicant living in his household, to inform him of the amount of money at any time paid by such employer to such recipient, applicant or child, and any treasurer or employer who refuses to furnish such information or who wilfully renders false information in reply to such demand shall forfeit fifty dollars to the use of the commonwealth.

*Approved August 24, 1976.*

**Chap. 306.** AN ACT RELATIVE TO INFORMATION REQUIRED OF VOTERS SIGNING NOMINATION PAPERS.

*Be it enacted, etc., as follows:*

Section 7 of chapter 53 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 1 of chapter 200 of the acts of 1974, and inserting in place thereof the following sentence:- Every voter signing a nomination paper shall sign in person as registered or substantially as registered, and shall state the address where he is currently living with the street and number, if any, and his address on January the first preceding, if different, but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence; and, except as provided in section three of chapter fifty-four A, every voter may sign as many

nomination papers for each office as there are persons to be elected thereto, and no more.

*Approved August 24, 1976.*

---

**Chap. 307.** AN ACT AUTHORIZING NONPROFIT HOSPITAL SERVICE CORPORATIONS TO FURNISH SERVICES RELATING TO THE PROVIDING OF HOSPITAL OR OTHER HEALTH SERVICES AND TO MAKE LOANS AND OTHER AGREEMENTS IN CONNECTION WITH DEVELOPING HEALTH MAINTENANCE ORGANIZATIONS, MEDICAL FOUNDATIONS AND OTHER ALTERNATIVE MEANS AND ORGANIZATIONS FOR THE DELIVERY OF HEALTH CARE.

*Be it enacted, etc., as follows:*

Chapter 176A of the General Laws is hereby amended by adding the following section:-

*Section 31.* Any corporation subject to this chapter may contract with any person for the purpose of providing administrative or other services relating to the providing of hospital or other health services or reimbursement therefor. In addition, with the approval of the commissioner of insurance who shall consider the effect upon subscriber agreements and subscriber rates, a hospital service corporation may, after being authorized by its board of directors or by a committee thereof charged with the duty of authorizing transactions under this section, make loans to, guarantee loans of, make investments in hospitals and providers of other health services for the purpose of improving efficiency, reducing costs, or increasing benefits in the delivery of health services to subscriber and others.

*Approved August 24, 1976.*

---

**Chap. 308.** AN ACT AUTHORIZING MEDICAL SERVICE CORPORATIONS TO FURNISH SERVICES RELATING TO THE PROVIDING OF MEDICAL OR OTHER HEALTH SERVICES AND TO MAKE LOANS AND OTHER AGREEMENTS IN CONNECTION WITH DEVELOPING HEALTH MAINTENANCE ORGANIZATIONS, MEDICAL FOUNDATIONS AND OTHER ALTERNATIVE MEANS OR ORGANIZATIONS FOR THE DELIVERY OF HEALTH CARE.

*Be it enacted, etc., as follows:*

Chapter 176B of the General Laws is hereby amended by adding the following section:-

*Section 18.* Any medical service corporation may contract with any person for the purpose of providing administrative or other services relating to the providing of medical or other health services or reimbursement therefor. In addition, with the approval

of the commissioner who shall consider the effect upon subscriber agreements and subscriber rates, a medical service corporation may, after being authorized by its board of directors, or by a committee thereof, charged with the duty of authorizing transactions under this section, make loans to, guarantee loans of and make investments in hospitals and providers of other health services for the purpose of improving efficiency, reducing costs, or increasing benefits in the delivery of health services to subscribers and others.

*Approved August 24, 1976.*

**Chap. 309.** AN ACT CLARIFYING THE PROCEDURE FOR NONBINDING PUBLIC OPINION ADVISORY QUESTIONS ON LOCAL BALLOTS.

*Be it enacted, etc., as follows:*

Chapter 53 of the General Laws is hereby amended by inserting after section 18 the following section:-

*Section 18A.* As used in this section "governing body" shall mean, in a city, the city council acting with the approval of the mayor subject to the provisions of the charter of said city, in a town having a town council, the town council, and in every other town the board of selectmen.

A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town; by vote of the city council of such city, with approval of its mayor where so required by the city charter; by vote of the board of selectmen of a town or by vote of the town council of a town having a town council or by vote of the annual town meeting; or in conformity with the following provision of this section:

A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty days after such certification.

The procedures established by this section shall be available to any city or town; provided, however, that if an alternative procedure is prescribed by a home rule charter, optional plan of government, or special act applying to such city or town, relative to

the placing of public opinion questions upon the local ballot, then such alternative procedure shall apply.

*Approved August 24, 1976.*

---

**Chap. 310.** AN ACT MAKING VOTING LISTS AVAILABLE TO THE PUBLIC ON PAYMENT OF A REASONABLE FEE.

*Be it enacted, etc., as follows:*

SECTION 1. Section 55 of chapter 51 of the General Laws is hereby amended by striking out the sixth sentence, as appearing in chapter 255 of the acts of 1950, and inserting in place thereof the following sentence:- A sufficient number of voting lists shall be printed so that they can be furnished free of charge, upon request, to all duly organized political committees, and to all political candidates for public office in the various districts in which the city or town is located and for a reasonable fee, not to exceed the cost of printing such list, to any person upon request.

SECTION 2. Section 37 of chapter 53 of the General Laws is hereby amended by striking out the third paragraph, as most recently amended by chapter 191 of the acts of 1967, and inserting in place thereof the following paragraph:-

The voting lists used at primaries shall be returned to the city or town clerk to be retained in his custody as long as he retains the ballots cast, whereupon such voting lists shall be transmitted to the registrars of voters for preservation for two years, after the expiration of which they may be destroyed. Said officers shall, upon receiving a written request therefor, signed by any person furnish a copy of said list to such person upon the payment of a reasonable fee or shall allow such person to examine and copy such list without charge under such supervision as the clerk may reasonably require. The party enrolment of each voter, if any, shall be recorded in the current annual register of voters, and whenever a voter shall establish, cancel or change his enrolment it shall likewise be so recorded. In preparing the current annual register of voters, the party enrolment, if any, of each voter included therein, as shown by the register of voters for the preceding year, shall be transferred thereto. Upon receipt of a written request from a primary candidate or any officer of any ward, town or city committee or duly organized political committee for a copy of the party enrolment list of voters in any city or town, the board of registrars or the election commissioners, as the case may be, shall prepare said list and shall furnish at once the said list, free of charge, to the party requesting the same and they shall also furnish a copy of said list to any person on payment of a reasonable fee, not to exceed the cost of printing such list.

SECTION 3. Chapter 54 of the General Laws is hereby amended by striking out section 108, as most recently amended by section 12 of chapter 123 of the acts of 1966, and inserting in place thereof the following section:-

*Section 108.* Upon written request of any person the city or town clerk shall, within a reasonable time, open the envelope in which the voting lists have been enclosed, as provided in section one hundred and seven, and make a copy of the lists as checked. The clerk shall thereupon furnish a copy of said lists to the person making the request on payment of a reasonable fee or shall allow such person to examine and copy said lists without charge under such supervision as the clerk may reasonably require. After any such voting list has been so copied, said clerk shall at once enclose it in an envelope, seal up the same and certify thereon to the identity of such lists.

*Approved August 24, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

August 27, 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 310 of the Acts of 1976, entitled AN ACT MAKING VOTING LISTS AVAILABLE TO THE PUBLIC ON PAYMENT OF A REASONABLE FEE, and the enactment of which received my approval on August 24, 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 provide for the immediate availability of voting lists to the public.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, August 31, 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 twelve o'clock and ten 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 ten of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth*

**Chap. 311.** AN ACT REGULATING FEES TO BE CHARGED CERTAIN PERSONS AND GROUPS FOR THE USE OF STATE-OWNED ICE SKATING RINKS.

*Be it enacted, etc., as follows:*

Chapter 7 of the General Laws is hereby amended by inserting after section 3B the following section:-

*Section 3C.* Notwithstanding the provisions of section three B, fees charged charitable corporations and public and private school groups for the use of state owned ice skating rinks, and individuals and private groups making such use for practice or pleasure and not for profit shall not be increased over fees for such use in effect as of January first, nineteen hundred and seventy-six; provided, however, that the fee charged such corporations, individuals or groups for the use of said rinks during non-prime time shall not exceed thirty dollars per hour. For the purposes of this act, non-prime time shall mean the hours from twelve o'clock midnight to eight o'clock ante meridian Monday through Friday.

*Approved August 24, 1976.*

---

**Chap. 312.** AN ACT PROHIBITING THE ADMINISTRATOR AND CERTAIN EMPLOYEES OF REGIONAL TRANSIT AUTHORITIES FROM HOLDING CERTAIN ELECTIVE OFFICES.

*Be it enacted, etc., as follows:*

SECTION 1. The first sentence of section 4 of chapter 161B of the General Laws, as appearing in section 1 of chapter 1141 of the acts of 1973, is hereby amended by inserting after the word "fourteen", in line 6, the words:- ; and provided, further, that the administrator shall not hold any elective office, except that of town meeting member, in any city or town within the jurisdiction of such authority.

SECTION 2. Clause (d) of section 6 of said chapter 161B, as so appearing, is hereby amended by inserting after the word "employment", in line 4, the words- provided, however, no person employed as administrative or staff personnel shall hold any elective office, except that of town meeting member, in any city or town within the jurisdiction of such authority.

SECTION 3. Any elected official who, on the effective date of this act, is in the employ of a regional transit authority as provided by the provisions of this act shall either request and receive a leave of absence from his position in said authority or resign from the elective position.

SECTION 4. Notwithstanding the provisions of section three of this act, the present administrator of the Lower Pioneer Valley Regional Transit Authority is hereby authorized to complete his current term of office on the Springfield city council.

*Approved August 24, 1976.*

**Chap. 313.** AN ACT RELATIVE TO THE SALARIES OF ASSISTANT DISTRICT ATTORNEYS IN THE MIDDLE DISTRICT.

*Be it enacted, etc., as follows:*

**Section 1.** Chapter 12 of the General Laws is hereby amended by striking out section 16, as most recently amended by section 2 of chapter 835 of the acts of 1975, 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, two assistants, a sum equivalent to ninety per cent of the salary of the district attorney; three assistants, a sum equivalent to eighty per cent of the salary of the district attorney; six assistants, a sum equivalent to seventy per cent of the salary of the district attorney; three assistants, a sum equivalent to fifty per cent of the salary of the district attorney; 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 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 2.** Section 6E of chapter 231 of the General Laws, inserted by section 1 of chapter 233 of the acts of 1976, is hereby amended by striking out the definition of "Party" and inserting in place thereof the following definition:-

“Party”, any person, including any officer or agency of the commonwealth or subdivision thereof, or any authority established by the general court to serve a public purpose.

*Approved August 24, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

August 27, 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 313 of the Acts of 1976, entitled AN ACT RELATIVE TO THE SALARIES OF ASSISTANT DISTRICT ATTORNEYS IN THE MIDDLE DISTRICT, and the enactment of which received my approval on August 24, 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 allow for certain assistant district attorneys in the middle district to serve full-time.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, August 31, 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 twelve o'clock and ten 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 thirteen of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

---

**Chap. 314.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO BORROW MONEY TO CONSTRUCT AND EQUIP A COURT HOUSE IN THE CITY OF FITCHBURG FOR THE DISTRICT COURT OF FITCHBURG.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of providing adequate accommodations and facilities for the district court of Fitchburg, the county commissioners of Worcester county are hereby authorized to purchase the land with the buildings thereon located on Elm, Grove, and Wallace streets in the city of Fitchburg or any other land with or without buildings thereon and to renovate, alter and construct additions to the building or construct a new building and to originally furnish and equip such buildings and any additions thereto.

Said county commissioners are further authorized to cause plans and specifications to be prepared for the renovation, alteration, and additions or new construction of such facilities; provided, that the total cost of such plans and specifications and the cost of acquisition of such land including appraisal fees shall not exceed two hundred and fifty thousand dollars; provided further, that such plans and specifications shall be so drawn that the total cost for the construction and original equipping of said facility shall not exceed one million five hundred thousand dollars; including the cost of renovating, altering, adding to or constructing and originally equipping said court house. 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 set forth in section one, the treasurer of Worcester county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, one million seven hundred and fifty thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, District Court of Fitchburg Court House Loan, Act of 1976. 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 the said securities at public or private sale, upon such terms and conditions as the county commissioner 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.

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

*Approved August 25, 1976.*

---

**Chap. 315.**

AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO ACQUIRE AND REMODEL A CERTAIN PARKING GARAGE AND TO BORROW MONEY FOR SAID PURPOSES, AND ALSO PROVIDING FOR THE LEASING OF SAID GARAGE.

*Be it enacted, etc., as follows:*

SECTION 1. In order to ensure adequate, conveniently located public off-street parking at a reasonable cost in connection with the redevelopment of the Court Square urban renewal area in the city of Springfield, said city is hereby authorized, subject to the city receiving a binding letter of commitment from a developer to develop the urban renewal project in Court Square as provided below; to acquire by purchase, eminent domain or otherwise certain property known as the Civic Center Parking Garage located within said urban renewal area, and more particularly described as follows:

BEGINNING at a point situated in the northerly line of east Court Street, said point being 165.43 feet easterly of the easterly line of Market Street and at the southeasterly corner of land now or formerly of James Shenas; thence N 50° 09' 30" W along land of James Shenas and land now or formerly of James R. Crowe, et al Union Trust Company and Valley Bank & Trust Company, a distance of 411.79 feet to a point situated in the southerly line of Harrison Avenue; thence

N 41° 52' 22" E along the southerly line of Harrison Avenue, a distance of 177.71 feet to a point; thence

Southeasterly by a curve to the right having a radius of 15.00 feet, a distance of 22.96 feet along the southerly line of Harrison Avenue and the westerly line of Dwight Street as relocated by the City of Springfield to a point;

S 50° 25' 30" W along the westerly line of Dwight Street as relocated, a distance of 378.77 feet to a point; thence

Southwesterly by a curve to the right having a radius of 15.00 feet, a distance of 23.91 feet along the westerly line of Dwight Street as relocated and the northerly line of East Court Street to a point; thence

S 40° 53' 24" W along the northerly line of East Court Street, a distance of 178.58 feet to a point, the point of beginning.

The above-described parcel of land contains 79,037 square feet.

The above-described parcel of land contains registered land covered by Certificates of Title No. 14634 and 14635, which are bounded and described as follows:

CERTIFICATE OF TITLE NO. 14634:

BOUNDED Southeasterly by the northwesterly line of New Street sixteen and 005/1000 (16.005) feet;

Southwesterly by land now or formerly of the Springfield Safe Deposit and Trust Company, Trustee, fifty-nine and 09/100 (59.09) feet;

Northwesterly by land now or formerly of the Springfield Safe Deposit and Trust Company sixteen and 01/100 (16.01) feet; and

Northeasterly by Lot A as shown on plan hereinafter mentioned fifty-eight and 88/100 (58.88) feet.

Said parcel being shown as Lot B on said plan.

All of said boundaries are determined by the Court to be

located as shown upon subdivision plan drawn by C. B. Humphrey, Engineer for Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 2998.

CERTIFICATE OF TITLE NO. 14635:

BOUNDED Southeasterly by the northwesterly line of New Street sixteen and 005/1000 (16.005) feet;

Southwesterly by Lot B as shown on plan hereinafter mentioned fifty-eight and 88/100 (58.88) feet;

Northwesterly by land now or formerly of the Springfield Safe Deposit and Trust Company sixteen and 01/100 (16.01) feet; and

Northeasterly by said Springfield Safe Deposit and Trust Company land fifty-eight and 68/100 (58.68) feet.

Said parcel is shown as Lot A on said plan.

All of said boundaries are determined by the Court to be located as shown upon subdivision plan drawn by C. B. Humphrey, Engineer for Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 2998.

First described parcel also contains a portion of registered land contained in Certificate of Title No. 4212 which portion is bounded and described as follows:

Northwesterly by Harrison Avenue one hundred and eighty-six and 42/100 (186.42) feet;

Northeasterly by the southwesterly line of Dwight Street one hundred eighty-eight and 10/100 (188.10) feet;

Southeasterly by New Street one hundred twenty-nine and 49/100 (129.49) feet;

Southwesterly fifty-eight and 68/100 (58.68) feet, and

Southeasterly thirty-two and 02/100 (32.02) feet by land now or formerly of the Springfield Redevelopment Authority;

Southwesterly one hundred and thirty-one and 61/100 (131.61) feet by land now or formerly of Valley Bank and Trust Company;

ALL of said boundaries are determined by the Court to be located as shown on a plan drawn by Durkee, White, Town and Chapdelaine, Civil Engineers, dated May 19, 1970; and after such acquisition the city may remodel, reconstruct, and equip the garage. For said purposes said city may appropriate and expend such sums as may be necessary, not exceeding, in the aggregate, two million six hundred thousand dollars.

SECTION 2. For the purpose of raising said appropriation the city council of said city, with the approval of the mayor, may authorize the borrowing from time to time of such sums as may be necessary, not exceeding, in the aggregate, two million six hundred thousand dollars, and the issuance of bonds therefor which shall bear on their face the words Springfield Parking Garage Loan, Act of 1976. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than

twenty-five years from their dates. The initial payment of principal of each issue shall be made not later than three years from the date of the loan. The maturities of each issue shall be arranged so that, commencing with the first year in which a principal payment is due, the amounts payable in the several years for principal and interest combined shall be as nearly equal as it is practicable to make them in the opinion of the officers authorized to issue the bonds or, in the alternative, in accordance with a schedule providing a more rapid amortization of principal. The bonds may be issued subject to call and prepayment prior to their stated maturities under such terms and conditions as may be fixed by the city prior to the issue of the bonds and a premium may be paid in connection with the prepayment of any bond. The bonds may be issued in coupon or in registered form, or both, and provisions may 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 any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. Indebtedness incurred under this act shall be in excess of any statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 3. The treasurer with the approval of the mayor 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 authorized by the city council under section two.

SECTION 4. At any time after the acquisition of the said off-street parking facility, the city may lease the same, or contract for the maintenance and operation thereof. The city shall not be subject to any statute or ordinance requiring competitive bidding or the solicitation of bids by advertisement in connection with the awarding of any such lease or contract.

SECTION 5. Any lease executed under this act shall:

(a) provide for the payment of rent by the lessee in such amounts as are adequate in order to pay the principal of and interest on all bonds issued by the city under this act as they become due;

(b) provide for payments of rent which include amounts in addition to the amounts required to pay bonds or provide that the lessee may be limited to a specified maximum profit and that any amounts in excess of such specified maximum profit be paid to the city;

(c) obligate the lessee to pay all expenses of operating and maintaining the garage; and

(d) provide for assignment of the lease with the consent of the city;

SECTION 5A. Any lease under this act may:

(a) provide for reservation of not more than fifteen per cent of the parking spaces in the garage for use by patrons of any hotel constructed in the urban renewal area in which the garage is located, provided, however, that any such provision shall be severable, and the validity and enforceability of the lease shall not depend on the validity of any such provision;

(b) contain a lessee's option to purchase the garage from the city for nominal consideration upon payment of the bonds issued under this act, or upon the lessee's making adequate and secure provision for their payment, but only if the city shall determine that the garage is no longer necessary or useful as a public parking garage;

(c) provide that some or all of the lessee's obligations under the lease shall be unconditional and shall be binding and enforceable in all circumstances whatsoever notwithstanding any other provision of law;

(d) obligate the tenant to pay rent before the remodeling, reconstruction and equipping of the garage are completed, to pay rent after the garage had ceased to exist or to be functional to any extent and from any cause whatsoever, or to pay rent regardless of whether the lessee is in possession or is entitled to be in possession of the garage; and

(e) contain such other provisions and covenants relating to the use, maintenance, improvement, enlargement, reconstruction, alteration, equipping and re-equipping of the garage which the city and the lessee may deem necessary for the protection of themselves or others.

SECTION 6. Any lease executed under this act shall be approved by a resolution of the city council, with the approval of the mayor, and shall contain such provisions as to the use of the garage and as to the rates to be charged by the lessee for such use as may be economically feasible and as the city may deem necessary to protect the public interest and facilitate the public use and benefit to be derived from the garage and from the redevelopment of the Court Square urban renewal area. The term of any such lease including any renewals or extensions at the option of the lessee shall be such as the city may deem necessary to facilitate the financing of the garage, the effective use of the garage for the purposes of this act, and the redevelopment of the Court Square urban renewal area.

SECTION 7. All actions of the city in the exercise of its powers under this act shall, unless otherwise provided, be taken or authorized by the Springfield Off-Street Parking Commission, with the approval of the mayor or his designee. The powers conferred upon said commission by this act shall be in addition to all powers conferred by chapter four hundred and eighty-six of the acts of nineteen hundred and fifty-five as amended.

SECTION 8. It is hereby declared that the acquisition and

operation of the garage will serve an essential public and governmental purpose, and as long as the garage is owned by the city the garage shall be exempt from all ad valorem taxes of the commonwealth or any political subdivision thereof.

SECTION 9. (a) The provisions of this act shall be liberally construed in order to effect its purpose.

(b) If any provision of this act shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

(c) 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, including those relating to the leasing of the garage, all action shall be taken which is necessary to meet constitutional requirements whether or not such action is otherwise required by statute; but the validity of bonds and notes issued hereunder shall in no way depend upon the occurrence of such action or the validity of any such lease or lease provision.

SECTION 10. This act shall take effect upon its passage.

*Approved August 27, 1976.*

---

**Chap. 316**      AN ACT AUTHORIZING THE TOWN OF CHELMSFORD TO  
PAY CERTAIN UNPAID BILLS.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Chelmsford is hereby authorized to appropriate money for the payment of certain unpaid bills, and after such appropriation, the treasurer of said town is hereby authorized to pay to the following for services rendered the sums set forth before their respective names:- The sum of thirty-one thousand seven hundred and fourteen dollars and sixty-nine cents to Leo R. Dumont & Sons, Inc., the sum of one thousand one hundred and sixty-eight dollars and fifty cents to J. M. Richards Co., Inc., and the sum of nine hundred and eighty-seven dollars and thirty-six cents to Maxwell Supply Incorporated. Said bills having been incurred by the Chelmsford School Building Committee in connection with the completion of the Chelmsford high school on Graniteville road in said town between September and November, nineteen hundred and seventy-five, said bills being legally unenforceable by reason of their not having been incurred pursuant to the provisions of the General Laws and by-laws of said town.

SECTION 2. 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 certificates have been signed and filed with said town accountant stating under the penalties of perjury that the services for which such bills have been submitted were ordered by an official or an employee of said town and that such services were rendered 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 services which were not rendered to said town shall be punished by imprisonment for not more than one year or by a fine or not more than three hundred dollars, or both.

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

*Approved August 27, 1976.*

**Chap. 317** 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-six and may issue notes therefor, which shall bear on their face the words, Town of Swampscott Funding Loan, Act of 1976. 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 August 27, 1976.*

**Chap. 318.** AN ACT AUTHORIZING THE ISSUANCE OF AN ANNUAL ALCOHOLIC BEVERAGE LICENSE FOR THE ST. ANNE COUNTRY CLUB IN THE TOWN OF AGAWAM.

*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 board of the town of Agawam is hereby authorized to issue to the Sabotin Realty Trust, the owner and operator of the St. Anne Country Club, an annual license to sell all alcoholic beverages, to be drunk on the premises of said country club, to members thereof and 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 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.

*Approved August 27, 1976.*

---

**Chap. 319.** AN ACT AUTHORIZING ISSUANCE OF AN ANNUAL ALCOHOLIC BEVERAGE LICENSE FOR THE OAK RIDGE GOLF CLUB IN THE TOWN OF AGAWAM.

*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 board of the town of Agawam is hereby authorized to issue to Roland B. Collins and Julian R. Breton, d/b/a/ Oak Ridge Golf Club, an annual license to sell all alcoholic beverages at said golf club, to be drunk on its premises to members thereof and 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 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.

*Approved August 27, 1976.*

---

**Chap. 320.** AN ACT REQUIRING THAT PERSONS APPOINTED AS SUPERVISORS OF ATTENDANCE SHALL HAVE ATTAINED AT LEAST TWENTY-ONE YEARS OF AGE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish immediately a minimum age for persons appointed as supervisors of attendance, 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 76 of the General Laws is hereby amended by striking out section 19, as appearing in section 1 of chapter 1073 of the acts of 1973, and inserting in place thereof the following section:-

*Section 19.* Every school committee shall appoint, make regulations governing and fix the compensation of one or more supervisors of attendance, who may be either male or female, and who shall meet such standards of qualifications for such work as shall be established by the department of education; provided, that such supervisors shall have attained the age of twenty-one years. The committees of two or more towns may employ the same supervisors of attendance.

*Approved August 27, 1976.*

**Chap. 321.** AN ACT DESIGNATING THE PEDESTRIAN OVERPASS OVER STATE HIGHWAY ROUTE 125 AT NORTH ANDOVER HIGH SCHOOL IN THE TOWN OF NORTH ANDOVER AS THE WILLIAM F. ROCK MEMORIAL OVERPASS.

*Be it enacted, etc., as follows:*

The pedestrian overpass over state highway route 125 at North Andover high school in the town of North Andover shall be designated and known as the William F. Rock Memorial overpass, in memory of William F. Rock, a former member of the school committee in said town. A suitable marker bearing said designation shall be attached thereto by the department of public works.

*Approved August 27, 1976.*

**Chap. 322.** AN ACT RELATIVE TO THE TIME FOR TERMINATION OF LIENS FOR REAL ESTATE TAXES.

*Be it enacted, etc., as follows:*

The second sentence of section 37 of chapter 60 of the General Laws, as appearing in section 1 of chapter 478 of the acts of 1943, is hereby amended by striking out, in line 2, the word "two" and inserting in place thereof the word:— three.

*Approved August 27, 1976*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

August 27, 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 322 of the Acts of 1976, entitled AN ACT RELATIVE TO THE TIME FOR TERMINATION OF LIENS FOR REAL ESTATE TAXES., and the enactment of which received my approval on August 27, 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 permit the termination of certain liens.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, August 30, 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 three hundred and twenty-two of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth*

### Chap. 323

AN ACT AUTHORIZING THE COMMISSIONER OF PUBLIC HEALTH TO GRANT CERTAIN EASEMENTS ON, OVER AND ACROSS CERTAIN LAND IN THE TOWN OF TEWKSBURY, FOR THE TRANSMISSION OF ELECTRIC POWER, TO NEW ENGLAND POWER COMPANY.

*Be it enacted, etc., as follows:*

The commissioner of public health, in the name and on behalf of the commonwealth, is hereby authorized to grant to New England Power Company, an electric company organized and existing under the laws of the commonwealth, an easement for the construction, maintenance and operation of towers, poles and wires for the transmission of electricity on, over and across the following two parcels of land of the commonwealth under the control of said commissioner in the town of Tewksbury:

*Parcel 1.* Land which is situated in the Town of Tewksbury contains 1,027 square feet of land and is bounded and described as follows:

Beginning at the southeasterly corner of said parcel at a point on the division line between other land of the Commonwealth of Massachusetts and land now of John DiPalma et ux, formerly of the Boston and Maine Railroad;

thence running N. 87° 14' 24'' W. by said other land of the Commonwealth of Massachusetts, 37.06 feet to a point at land of New England Power Company;

thence turning and running N. 45° 00' 00'' E. by said land of New England Power Company, 74.84 feet to a point at land now of John DiPalma et ux, formerly of the Boston and Maine Railroad;

thence turning and running S. 16° 12' 28'' W. by said land now of John DiPalma et ux, formerly of the Boston and Maine Railroad, 56.97 feet to the point of beginning.

*Parcel 2.* Land which is situated in the town of Tewksbury contains 181 square feet of land and is bounded and described as follows:

Beginning at the northerly corner of said parcel at a point on the division line between land now or formerly of Eugene W. McCarthy et ali Trustees of WEM Trust and land now of John DiPalma et ux, formerly of the Boston and Maine Railroad, said point being S. 42° 00' 09'' E., a distance of 75.56 feet from a post;

thence running S. 42° 00' 09'' E. by said land now or formerly of Eugene W. McCarthy et ali Trustees of WEM Trust, 5.73 feet to an iron pipe;

thence continuing along said course, namely S. 42° 00' 09'' E. by said land now or formerly of Eugene W. McCarthy et ali Trustees of WEM Trust, 18.44 feet to a point at other land of the Commonwealth of Massachusetts;

thence turning and running N. 87° 14' 24'' W. by said other land of the Commonwealth of Massachusetts, 21.13 feet to a point at land now of John DiPalma et ux, formerly of the Boston and Maine Railroad;

thence turning and running N. 16° 12' 28'' E. by said land now of John DiPalma et ux, formerly of the Boston and Maine Railroad, 17.65 feet to the point of beginning.

The deed granting such easements shall be in such form and on such terms as the said commissioner may approve and deem proper.

*Approved August 27, 1976.*

**Chap. 324.** AN ACT RELATIVE TO CERTAIN VOTES OF STOCK-HOLDERS OF GAS OR ELECTRIC COMPANIES.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 164 of the General Laws is hereby amended by striking out section 12A, inserted by section 1 of chapter 308 of the acts of 1971, and inserting in place thereof the following section:-

*Section 12A* A corporation subject to this chapter, and sub-

ject to the limitations and restrictions of section fourteen, may, by a vote of the holders of a majority of its shares outstanding and entitled to vote thereon at a meeting called therefor and with the approval of the department, issue debentures to be convertible into stock of said corporation, at the option of the holders of said debentures, in such manner, at such times, upon such terms and at such prices, not less than par, as may be fixed in such vote with the approval of said department and, upon the decision of the department, the shares of stock required for the conversion of said debentures shall be a part of the authorized capital of said corporation, and may be issued from time to time thereafter for the conversion of said debentures without any further authorization, order or decree by the department.

SECTION 2. Section 13 of said chapter 164, as most recently amended by chapter 681 of the acts of 1967, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A corporation subject to this chapter may, by vote of the holders of a majority of its shares outstanding and entitled to vote thereon at a meeting called therefor, and subject to the limitations and restrictions of the following section, issue bonds, at not less than par, to an amount equal to its surplus an amount not exceeding its capital stock actually paid in at the time of such issue and applied to the purposes of the corporation, increased by all cash premiums paid to the corporation thereon and likewise so applied; and the corporation may, subject to said limitations and restrictions, issue additional bonds, at not less than par, to an amount in excess of the amount hereinbefore in this section permitted, provided the holders of a majority of its shares outstanding and entitled to vote thereon at such meeting shall vote to issue such additional bonds and the department shall find the issue of such additional bonds is in the public interest.

SECTION 3. Said chapter 164 is hereby further amended by striking out section 96, as amended by section 1 of chapter 229 of the acts of 1939, and inserting in place thereof the following section:-

*Section 96.* Companies subject to this chapter may, notwithstanding any other provisions of this chapter or of any general or special law, consolidate or merge with one another, or may sell and convey their properties to another of such companies and such other company may purchase such properties, provided that such purchase, sale, consolidation or merger, and the terms thereof, have been approved, at meetings called therefor, by vote of the holders of at least two thirds of each class of stock outstanding and entitled to vote on the question of each of the contracting companies, and that the department, after notice and a public hearing, has determined that such purchase and sale or consolidation or merger, and the terms thereof, are consistent with the public interest.

SECTION 4. Said chapter 164 is hereby further amended by striking out section 97, as amended by chapter 55 of the acts of 1943, and inserting in place thereof the following section:-

*Section 97.* An electric company may, subject to sections ninety-eight to one hundred and one, inclusive, from time to time purchase or acquire any or all of the property of any domestic or foreign corporation or association owning or operating a water storage reservoir or hydro-electric plant with which the lines of the said first mentioned electric company are actually connected, or owning and operating lines for the transmission of electricity within or without the commonwealth and with which the lines of said first named electric company are actually connected; and any such domestic or foreign corporation or association may, subject to sections ninety-eight to one hundred and one, inclusive, the charter thereof and the laws of the state under which such corporation or association, if a foreign corporation or association, is organized, so far as applicable, sell any or all of its property to said first mentioned electric company, or consolidate or merge with said first mentioned electric company, or merge and consolidate its capital stock and property with said first mentioned electric company; but no such purchase and sale of any property exceeding thirty-five thousand dollars in value or merger and consolidation shall be valid or binding until the same and the terms thereof shall have been approved, at meetings called therefor, by vote of the holders of at least two-thirds of each class of stock outstanding and entitled to vote on the question of each of the contracting parties, and until the department, after notice and a public hearing, shall have approved the same and the terms thereof as consistent with the public interest; provided, that such electric company shall not exercise in this commonwealth any powers, rights, locations, licenses or privileges or any franchise so acquired which cannot be lawfully exercised by electric companies under this chapter.

*Approved August 27, 1976.*

---

**Chap. 325.** AN ACT DESIGNATING THE HOSPITAL BUILDING AT THE TEWKSBURY HOSPITAL AS THE THOMAS J. SAUNDERS BUILDING.

*Be it enacted, etc., as follows:*

The hospital building at the Tewksbury Hospital in the town of Tewksbury presently known as the new hospital building shall be designated as the Thomas J. Saunders Building. Suitable markers bearing said designation shall be attached to such building.

*Approved August 27, 1976.*

**Chap. 326.** AN ACT RELATIVE TO THE DATE FOR SUBMITTING THE ANNUAL BUDGET IN THE TOWN OF SHREWSBURY.

*Be it enacted, etc., as follows:*

Section 16 of chapter 559 of the acts of 1953 is hereby amended by striking out, in lines 6 and 7, the words "On or before the twentieth of December of each year" and inserting in place thereof the words:- Not less than ninety days prior to the date of the start of the annual town meeting.

*Approved August 27, 1976.*

---

**Chap. 327.** AN ACT RELATIVE TO THE MERGERS OF CORPORATIONS.  
*Be it enacted, etc., as follows:*

Paragraph (1) of subsection (c) of section 78 of chapter 156B of the General Laws is hereby amended by striking out clause (iii), as amended by section 2 of chapter 70 of the acts of 1975 and inserting in place thereof the following clause:-

(iii) The vote of a majority of each class of stock of each constituent corporation outstanding and entitled to vote on the question shall be necessary for the approval of such agreement. If any such agreement would adversely affect the rights of any class of stock of either constituent corporation, the vote of a majority 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.

*Approved August 27, 1976.*

---

**Chap. 328.** AN ACT AUTHORIZING THE TOWN OF NATICK TO PAY A CERTAIN SUM OF MONEY TO DIAL HELP, INC.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Natick is hereby authorized to appropriate and pay to Dial Help, Inc. a sum not to exceed two thousand five hundred 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 Natick on Article 75 of the warrant for the annual town meeting of said town held on April thirteenth, nineteen hundred and seventy-six, 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 August 27, 1976.*

---

**Chap. 329.** AN ACT DIRECTING THE TOWN OF STONEHAM TO GRANT A CERTAIN PENSION TO FRANCIS E. HUDSON.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of any law to the contrary and in order to promote the public good, the retirement board of the town of Stoneham is hereby authorized and directed to retire fire fighter Francis E. Hudson of the fire department of the town of Stoneham who as the result of injuries sustained by him while in the performance of his duties at a fire is totally and permanently incapacitated for further service as a fire fighter. The annual amount of pension payable to said Francis E. Hudson under this act, shall be fixed in an amount equal to the regular rate of compensation which would have been paid had he continued in service as a fire fighter of said town at the grade held by him at the time of his retirement. Such retirement shall become effective as of the date following the last day on which he received regular compensation. Upon the retirement of Francis E. Hudson, the retirement board of said town shall forthwith pay to him all amounts standing to his credit in the annuity savings fund of the retirement system of said town.

SECTION 2. The provisions of section one hundred of chapter forty-one of the General Laws shall continue to apply to said Francis E. Hudson relative to his indemnification by said town for any hospital, medical and related expenses which may be incurred by him after the date of his retirement as a result of the aforementioned incapacity.

SECTION 3. Upon the death of said Francis E. Hudson, leaving Beverly Hudson, his wife, surviving him, said town shall pay to her for as long as she remains unmarried an annuity in the amount of three fourths of the amount of the pension payable to him at the time of his death. Upon the death of the survivor of said Francis E. Hudson and said Beverly Hudson, the town of Stoneham shall pay to the surviving children of Francis E. and

Beverly Hudson, until the age of eighteen, an annuity of equal proportion to each child which shall total three fourths of the amounts of the pension payable to Francis E. Hudson at the time of his death.

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

*Approved August 31, 1976.*

---

**Chap. 330.** AN ACT RELATIVE TO THE FILING OF RETURNS BY ORGANIZATIONS OPERATING A GAME COMMONLY CALLED BEANO.

*Be it enacted, etc., as follows:*

The first paragraph of section 39 of chapter 10 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 729 of the acts of 1973, and inserting in place thereof the following sentence:- Such return shall include the names and addresses of all persons receiving prizes over five hundred dollars in such game, and the amount of each such prize.

*Approved August 31, 1976.*

---

**Chap. 331.** AN ACT RELATIVE TO APPOINTMENT TO THE FIRE FORCE OF THE CITY OF PITTSFIELD.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of certifying names from the current eligible list to the appointing authority for the city of Pittsfield for appointment to the fire force of said city pursuant to section forty-eight A of chapter thirty-one of the General Laws, the personnel administrator shall treat and consider Thomas J. Lange and Steven W. Duffy, both of whom reside in the town of Dalton, and William J. Hunt, Jr., who resides in the town of Lee, as though Lange, Duffy and Hunt had all in fact resided in the city of Pittsfield for one year next preceding the date of the examination which resulted in the establishment of said list.

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

*Approved September 1, 1976.*

---

**Chap. 332.** AN ACT AUTHORIZING THE TOWN OF STOCKBRIDGE TO CONVEY CERTAIN LAND TO THE STOCKBRIDGE HOUSING AUTHORITY.

*Be it enacted, etc., as follows:*

The town of Stockbridge, through its board of selectmen, is hereby authrozied to convey without consideration, by a deed approved as to form by the town counsel of said town, to the

stockbridge housing authority, a parcel of park land in said town bounded by Heaton Hall property, Pine street and Vine street, described in a deed given by David Dudley Field to the town of Stockbridge dated August fourth, eighteen hundred and ninety-three and bounded and described as follows:- Commencing at the north-easterly corner of the land to be conveyed, thence north-westerly about 500 feet along the southerly side of the road now dedicated by me to the town of Stockbridge to a monument, thence south 52° 25' east about 487 feet, bounded southerly by land of James Dwight to the road leading from the village to Eden Hill, thence along the westerly side of the said railroad about 116 feet to the palce of beginning. Containing about forty-five hundreths of one acre.

*Approved September 1, 1976.*

**Chap. 333.** AN ACT REDEFINING THE STATUS OF CERTAIN EMPLOYEES OF THE DEPARTMENT OF MENTAL HEALTH UNDER THE CIVIL SERVICE LAW.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to define the status of certain employees affected by the imminent closing of certain mental health 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:*

Any employee of the department of mental health who has attained tenure under section nine A, nine B or nine D of chapter thirty of the General Laws as a result of service in an institution under said department shall, for the purpose of a transfer to a similar position under the section sixteen A of chapter thirty-one of the General Laws, be deemed to have been permanently appointed in accordance with the civil service rules and regulations.

*Approved September 2, 1976.*

**Chap. 334.** AN ACT AUTHORIZING THE TOWN OF GEORGETOWN TO ACQUIRE LAND FOR PUBLIC WATER SUPPLY PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of its public water supply system, the town of Georgetown through its board of selectmen is hereby authorized to take by eminent domain or acquire by purchase, gift or otherwise the following described parcel of land situated in said town as shown as lot 15 on sheet 3 of the assessors' map containing 27 acres, more or less.

SECTION 2. Any action taken or any expenditure made or authorized by the board of selectmen of said town pursuant to a

vote under Article 15 of the town meeting of said town held May third, nineteen hundred and seventy-six, is hereby ratified, validated and confirmed.

SECTION 3. The first sentence of section 2 of chapter 281 of the Special Acts of 1915 is hereby amended by striking out, in line 12, the word “acquired” and inserting in place thereof the word:- used.

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

*Approved September 7, 1976.*

---

**Chap. 335.** AN ACT AUTHORIZING THE TOWN OF LINCOLN TO BORROW MONEY FOR THE PURPOSE OF INCREASING AND IMPROVING THE WATER SUPPLY IN SAID TOWN.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of laying and relaying water mains of not less than six inches but less than sixteen inches and for lining such mains with linings of not less than one sixteenth of an inch, the town of Lincoln may borrow, from time to time, such sums as may be necessary, not exceeding, in the aggregate, two hundred and twenty-five thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Lincoln Water Loan, Act of 1976. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty-five years from their dates. Indebtedness incurred under this act shall be in excess of any 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 September 7, 1967.*

---

**Chap. 336.** AN ACT RELATIVE TO THE TRUSTEES OF THE BERKSIRE ATHENAEUM.

*Be it enacted, etc., as follows:*

SECTION 1. On and after the effective date of this act, the powers and duties of the trustees of the Berkshire Athenaeum, their associates and successors all holding office under authority of section one of chapter one hundred and twenty-nine of the acts of eighteen hundred and seventy-one shall cease and their powers and duties shall be transferred to and exercised by a board of trustees appointed under authority of section four of said chapter one hundred and twenty-nine as amended by section two of this act.

SECTION 2. Chapter 129 of the acts of 1871 is hereby amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:-

*Section 3.* The city of Pittsfield, so long as said corporation maintains a public library for the use of the inhabitants thereof in the library building owned by said city and located on a certain parcel of land more particularly shown as Lots 1, 12 and 12B on Pittsfield Assessors' Map 5, is hereby authorized to appropriate and pay money to aid in supporting such institution, the same as may be done by law for the support of public libraries, and to grant to said corporation the exclusive right to occupy and maintain a public library in said building. Said use authorization shall be reviewed every ten years by the mayor and city council and may be withdrawn by a vote of the city council and approval of the mayor. Said corporation may receive such appropriations as may be made. Said right of occupancy shall include full right of access to said building, but not the parking areas adjacent thereto. In consideration of any such appropriations and payments and the grant of such exclusive right of occupancy, said corporation is authorized to convey to said city without further consideration a certain parcel of land owned by said corporation and more particularly described as Lot 25 on Pittsfield Assessors' Map 5 together with all rights appurtenant thereto.

*Section 4.* There shall be fifteen trustees, consisting of three classes, all trustees having the same power of voting and of participating in the management of said corporation as the other trustees, and shall be determined as follows:

(a) Seven self-perpetuating corporate trustees to be chosen by the self-perpetuating corporate trustees then in office, for a term of three years, with no such self-perpetuating corporate trustee to serve as such more than two three year terms consecutively; any vacancies in any such term shall be filled by the remaining self-perpetuating corporate trustees for the balance of said terms; those self-perpetuating corporate trustees initially appointed shall be so appointed only by those trustees of the Berkshire Athenaeum who are not trustees by virtue of elected or appointed public office;

(b) The mayor, the president of the city council, the city treasurer of said city, and one member of the school committee elected from its members to serve for the balance of his or her term of office, each to serve ex officio:

(c) Four trustees appointed by the mayor who shall serve for a term of three years, with no such trustee to serve more than two such three year terms consecutively, provided that of those such trustees initially appointed, one shall serve for a term of one year, two shall serve for a term of two years, and one shall serve for a term of three years, said appointments to be subject to approval by the city council.

SECTION 3. This act shall take effect upon its passage; provided however, it shall not affect the provisions of chapter seven hundred and twenty-six of the acts of nineteen hundred and

seventy-five, as amended by chapter two hundred and twenty-four of the acts of nineteen hundred and seventy-six, which is to be submitted to the voters of the city of Pittsfield at the regular municipal election in the year nineteen hundred and seventy-seven; and provided further, if a majority of the voters voting thereon vote in the affirmative in answer to said question then section four, as appearing in section two of this act, shall become inoperative and the provisions of said chapter seven hundred and twenty-six of the acts of nineteen hundred and seventy-five, as amended, shall be in effect. However, if a majority of the voters voting thereon vote in the negative in answer to said question then the provisions of this act shall continue in full force and effect.

*Approved September 7, 1976.*

---

**Chap. 337.** AN ACT EXTENDING CERTAIN ELIGIBLE LISTS FOR PERMANENT POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith that certain eligible lists for permanent positions in the department of public works be extended until new eligible lists are established, 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 provision of general or special law to the contrary, the eligible lists for the positions of highway and structures engineer, highway engineer, supervising civil engineer and associate civil engineer within the department of public works, established on the respective dates of July twentieth, nineteen hundred and seventy-three, July twenty-seventh, nineteen hundred and seventy-three, December twenty-first, nineteen hundred and seventy-three, and September eighteenth, nineteen hundred and seventy-three, are hereby revived and extended until new eligible lists for such positions are established.

*Approved September 7, 1976.*

---

**Chap. 338.** AN ACT RELATIVE TO THE LEASING OF A BUILDING IN THE TOWN OF WESTBOROUGH FOR A POLICE STATION.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section three of chapter forty of the General Laws or of any other provision of law to the contrary, the town of Westborough may enter into a lease purchase contract for the use of a building by the police

department of said town for a period of ten years with the option to purchase or renew the lease for a second period of ten years.

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

*Approved September 7, 1976.*

**Chap. 339.** AN ACT AUTHORIZING THE TOWN OF DOVER TO INCREASE THE PENSION PAYABLE TO CHESTER F. HEINLEIN.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law and for the purpose of promoting the public good and in recognition of forty years of meritorious service, the selectmen of the town of Dover shall as of the first day of the month next following the effective date of this act, grant to Chester F. Heinlein, former chief of police of said town, an annual retirement allowance in such amount as the town shall from time to time determine, payable in monthly installments.

SECTION 2. Any action taken under authority of this act at the annual town meeting of the town of Dover held in the current year is hereby validated and confirmed in all respects as though this act had been in full force and effect on the date when the warrant for such meeting was posted.

SECTION 3. Chapter seven hundred and twenty-eight of the acts of nineteen hundred and sixty-four is hereby repealed.

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

*Approved September 7, 1976.*

**Chap. 340.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven.

## HAMPDEN COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt .....		\$725,000 00
2. For reduction of county debt .....		610,000 00
3. For county commissioners, salaries and expenses .....		71,530 99
1. Personal services .....	\$59,708 61	
2. Contractual services .....	2,100 00	
3. Supplies and materials .....	1,600 00	
4. Current charges and obligations .....	7,472 38	
5. Equipment .....	650 00	
4. For transportation and expenses of county and acting commissioners .....		600 00
5. For clerk of courts, salaries and expenses .....		332,243 52
1. Personal services .....	\$296,943 52	
2. Contractual services .....	16,000 00	
3. Supplies and material .....	8,000 00	
4. Current charges and obligations .....	8,800 00	
5. Equipment .....	2,500 00	
6. For county treasurer, salaries and expenses .....		90,418 80
1. Personal services .....	77,320 30	
2. Contractual services .....	4,700 00	
3. Supplies and materials .....	2,200 00	
4. Current charges and obligation .....	5,823 50	
5. Equipment .....	375 00	
7. For sheriff, salary and expenses .....		20,465 00
1. Personal services .....	19,890 00	
2. Contractual services .....	350 00	
4. Current charges and obligations .....	225 00	
8. For registry of deeds, salaries and expenses .....		452,678 03
1. Personal services .....	395,729 03	
2. Contractual services .....	7,900 00	
3. Supplies and materials .....	29,000 00	
4. Current charges and obligations .....	20,049 00	
8a. For registry of probate, salaries and expenses .....		32,075 00
2. Contractual services .....	16,250 00	
3. Supplies and materials .....	10,000 00	
4. Current charges and obligations .....	5,500 00	
5. Equipment .....	325 00	
9. For law library, salaries and expenses .....		61,066 40
1. Personal services .....	33,966 40	
2. Contractual services .....	4,000 00	
3. Supplies and materials .....	600 00	
4. Current charges and obligations .....	22,500 00	

10. For highways, including state highways, bridges and land damages .....		12,546 30
1. Personal services .....	11,246 30	
2. Contractual services .....	700 00	
3. Supplies and materials .....	600 00	
12. For superior court costs .....		1,325,143 12
1. Personal services .....	649,684 17	
2. Contractual services .....	632,917 00	
3. Supplies and materials .....	16,600 00	
4. Current charges and obligations .....	23,740 00	
5. Equipment .....	2,201 95	
13. For civil expenses in probate court .....		61,024 80
1. Personal services .....	45,958 80	
2. Contractual services .....	9,195 00	
3. Supplies and materials .....	4,075 00	
4. Current charges and obligations .....	1,796 00	
14. For district courts, salaries and expenses .....		
District Court of Chicopee .....		201,181 95
1. Personal services .....	182,726 45	
2. Contractual services .....	6,450 00	
3. Supplies and materials .....	4,225 00	
4. Current charges and obligations .....	6,040 00	
5. Equipment .....	1,740 50	
District Court of Holyoke .....		328,908 32
1. Personal services .....	294,465 24	
2. Contractual services .....	16,730 08	
3. Supplies and materials .....	8,850 00	
4. Current charges and obligations .....	6,750 00	
5. Equipment .....	2,113 00	
District Court of Eastern Hampden .....		265,180 78
1. Personal services .....	236,140 78	
2. Contractual services .....	15,110 00	
3. Supplies and materials .....	4,500 00	
4. Current charges and obligations .....	9,330 00	
5. Equipment .....	100 00	
District Court of Springfield .....		1,438,201 03
1. Personal services .....	1,324,120 03	
2. Contractual services .....	47,250 00	
3. Supplies and materials .....	45,775 00	
4. Current charges and obligations .....	17,820 00	
5. Equipment .....	3,236 00	
District Court of Western Hampden .....		282,848 85
1. Personal services .....	256,378 85	
2. Contractual services .....	13,900 00	
3. Supplies and materials .....	5,900 00	
4. Current charges and obligations .....	6,670 00	
Springfield Juvenile Court .....		564,170 85
1. Personal services .....	434,737 85	
2. Contractual services .....	71,513 00	
3. Supplies and materials .....	8,775 00	
4. Current charges and obligations .....	49,145 00	
15. For medical examiners and commitments of insane .....		90,000 00

16. For jail and house of correction, maintenance and operation .....		1,498,241 71
1. Personal services .....	1,142,077 71	
2. Contractual service .....	80,000 00	
3. Supplies and materials .....	230,000 00	
4. Current charges and obligations .....	28,500 00	
5. Equipment .....	16,164 00	
6. All other .....	1,500 00	
17. For training school .....		11,582 25
1. Personal services .....	3,887 25	
2. Contractual services .....	1,275 00	
3. Supplies and materials .....	6,400 00	
4. Current charges and obligations .....	20 00	
18. For court houses and registry buildings, maintenance and operations .....		1,147,479 69
1. Personal services .....	700,004 69	
2. Contractual services .....	400,000 00	
3. Supplies and materials .....	14,475 00	
4. Current charges and obligations .....	33,000 00	
20. For agricultural school or county cooperative extension service .....		298,149 44
1. Personal services .....	280,298 44	
2. Contractual services .....	13,695 00	
3. Supplies and materials .....	3,505 00	
4. Current charges and obligations .....	420 00	
5. Equipment .....	231 00	
21. For the Mount Tom state reservation, maintenance and operation .....		78,778 63
24. For noncontributory pensions .....		121,201 62
25. For contributory retirement system and supervisory expenses .....		690,572 97
26. For miscellaneous and contingent expenses .....		109,650 11
27. For unpaid bills of previous years .....		80,000 00
28. For reserve fund .....		150,000 00
28d. For reserve for indigent defendants .....		200,000 00
28e. For special reserve fund .....		250,000 00
28f. For special reserve fund .....		155,000 00
29. For advertising recreational, industrial and agricultural advantages of the county .....		13,500 00
31. For radio system for fire protection .....		1,600 00
39. For group insurance .....		500,000 00

45. For purchasing department .....	28,472 93
Total amount of appropriations .....	\$12,299,513 09
Less estimated amount available for reduction of county tax .....	<u>1,019,000 00</u>
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 .....	\$11,280,513 09

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.

16. For jail and house of correction	
6. All other .....	\$610,000 00

SECTION 2. This act shall take effect upon its passage.  
*Approved September 7, 1976.*

**Chap. 341.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven 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 .....	\$4,572,740 17
2. For contractual services .....	775,510 00
3. For supplies and materials .....	657,325 00
4. For current charges and obligations .....	506,505 00
5. For equipment .....	193,669 00
8. For debt and interest .....	15,000
10. For unpaid bills of previous years .....	2,416 56
11. For reserve fund .....	75,000 00
12. For group insurance .....	<u>345,710 00</u>
For total expenditures .....	\$7,143,875 73

SECTION 2. This act shall take effect upon its passage.  
*Approved September 7, 1976.*

---

**Chap. 342.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven 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 .....	\$1,433,297 37
2. For contractual services .....	90,490 00
3. For supplies and materials .....	331,300 00
4. For current charges and obligations .....	243,525 00
5. For equipment .....	28,953 40
8. For debt and interest .....	10,000 00
10. For unpaid bills of previous year .....	72,551 75
11. For reserve fund .....	20,000 00
11c. For special reserve fund .....	97,627 20
12. For group insurance .....	94,000 00
For total expenditures .....	<u>\$2,421,744 72</u>

SECTION 2. This act shall take effect upon its passage.  
*Approved September 7, 1976.*

---

**Chap. 343.** AN ACT PROVIDING THAT THE POSITION OF LEGAL SECRETARY IN THE LAW DEPARTMENT OF THE CITY OF WALTHAM BE EXEMPT FROM THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

SECTION 1. The position of legal secretary in the law department of the city of Waltham 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 September 7, 1976.*

---

**Chap. 344.** AN ACT AUTHORIZING THE TOWN OF AVON TO PAY A SUM OF MONEY TO HARRIET MANNING AND DONALD KARSTUNEN.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Avon is hereby authorized to appropriate and the treasurer of said town is hereby authorized to pay Harriet Manning the sum of nine hundred and ninety dollars and Donald Karstunen the sum of one thousand two hundred and eighty-seven dollars for the work performed by them as employees of the school department of said town, said payment being for work performed by said Harriet Manning for the period from September, nineteen hundred and seventy-two, through June, nineteen hundred and seventy-five; and said payment being for work performed by said Donald Karstunen for the period from September, nineteen hundred and seventy-one, through June, nineteen hundred and seventy-five.

*Approved September 7, 1976.*

---

**Chap. 345.** AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF DARTMOUTH SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES.

*Be it enacted, etc., as follows:*

SECTION 1. The office of chief of police of the town of Dartmouth shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that the present incumbent of said office who is subject to said chapter thirty-one shall continue to be subject to said chapter.

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

*Approved September 7, 1976.*

---

**Chap. 346.** AN ACT EXTENDING THE OPERATION OF A LAW 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 further 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. Chapter 61 of the acts of 1975 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 July first, nineteen hundred and seventy-eight.

SECTION 2. This act shall take effect as of July third, nineteen hundred and seventy-six.

*Approved September 7, 1976.*

---

**Chap. 347.** AN ACT DIRECTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING TO CONTROL THE DISPOSAL OF CERTAIN DREDGE MATERIAL.

*Whereas,* The deferred operation of this act would tend to defeat its purpose which is, in part, to control the issuance of permits for the disposal of dredged materials within the commonwealth to correct a serious threat to the marine environment and public health, 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:*

The department of environmental quality engineering is hereby authorized and directed to issue permits for the disposal of dredged materials within the marine boundaries of the commonwealth only when it is determined that such disposal and such disposed material will not unreasonably degrade or endanger the marine environment or public health. Said permit shall include such terms and conditions as said department finds necessary to assure conformance with this and any other general or special law within its jurisdiction. No person shall so dispose of dredged material except pursuant to and in accordance with the terms and conditions of such a permit. Any violation of any provision of this law or any rule or regulation promulgated pursuant thereto, shall be punishable by a fine of up to one thousand dollars per day each day that such violation continues.

Said department is further authorized and directed to promulgate rules and regulations for the transportation and disposal of such dredged material within the commonwealth so as to protect and enhance environmental quality, the public health, and natural resources.

*Approved September 7, 1976.*

---

**Chap. 348.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN FOR THE MAINTENANCE OF PLYMOUTH COUNTY, ITS DEPART-

MENTS, 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-seven.

PLYMOUTH COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt .....		\$222,126 25
2. For reduction of county debt .....		821,776 00
3. For county commissioners, salaries and expenses .....		79,341 92
1. Personal services .....	\$70,341 92	
2. Contractual services .....	3,500 00	
3. Supplies and materials .....	3,500 00	
4. Current charges and obligations .....	2,000 00	
4. For transportation and expenses of county and acting commissioners .....		700 00
5. For clerk of courts, salaries and expenses .....		307,002 77
1. Personal services .....	269,691 77	
2. Contractual services .....	14,000 00	
3. Supplies and materials .....	10,000 00	
4. Current charges and obligations .....	8,000 00	
5. Equipment .....	5,311 00	
6. For county treasurer, salaries and expenses .....		83,369 57
1. Personal services .....	69,044 57	
2. Contractual services .....	7,300 00	
3. Supplies and materials .....	4,000 00	
4. Current charges and obligations .....	3,025 00	
7. For sheriff, salary and expenses .....		20,868 00
1. Personal services .....	18,878 00	
2. Contractual services .....	800 00	
3. Supplies and materials .....	700 00	
4. Current charges and obligations .....	145 00	
5. Equipment .....	345 00	

8. For registry of deeds, salaries and expenses .....		481,531 30
1. Personal services .....	404,259 30	
2. Contractual services .....	30,000 00	
3. Supplies and materials .....	22,000 00	
4. Current charges and obligations .....	17,910 00	
5. Equipment .....	7,362 00	
8a. For registry of probate, salaries and expenses .....		111,743 50
1. Personal services .....	6,441 50	
2. Contractual services .....	13,500 00	
3. Supplies and materials .....	78,000 00	
4. Current charges and obligations .....	8,150 00	
5. Equipment .....	5,652 00	
9. For law library, salaries and expenses .....		
Brockton .....		13,879 78
1. Personal services .....	5,759 78	
3. Supplies and materials .....	120 00	
4. Current charges and obligations .....	8,000 00	
Plymouth .....		7,404 92
1. Personal services .....	1,284 92	
3. Supplies and materials .....	120 00	
4. Current charges and obligations .....	6,000 00	
10. For highways, including state highways, bridges and land damages .....		115,800 00
2. Contractual services .....	63,000 00	
3. Supplies and materials .....	2,800 00	
4. Current charges and obligations .....	50,000 00	
12. For superior court costs .....		780,474 06
1. Personal services .....	348,702 36	
2. Contractual services .....	407,500 00	
3. Supplies and materials .....	10,000 00	
4. Current charges and obligations .....	8,555 00	
5. Equipment .....	5,716 70	
13. For civil expenses in probate court .....		145,323 75
1. Personal services .....	69,397 25	
2. Contractual services .....	70,600 00	
3. Supplies and materials .....	3,300 00	
4. Current charges and obligations .....	25 00	
5. Equipment .....	2,001 50	
14. For district courts, salaries and expenses .....		
District Court of Brockton .....		838,796 46
1. Personal services .....	661,770 11	
2. Contractual services .....	29,883 70	
3. Supplies and materials .....	16,900 00	
4. Current charges and obligations .....	92,429 00	
5. Equipment .....	37,813 65	
Second District Court of Plymouth .....		502,189 30
1. Personal services .....	468,268 80	
2. Contractual services .....	12,500 00	
3. Supplies and materials .....	12,750 00	
4. Current charges and obligations .....	6,218 00	
5. Equipment .....	2,452 50	

Third District Court of Plymouth .....		386,959 77
1. Personal services .....	351,547 77	
2. Contractual services .....	17,250 00	
3. Supplies and materials .....	12,525 00	
4. Current charges and obligations .....	3,457 00	
5. Equipment .....	2,180 00	
Fourth District Court of Plymouth .....		340,588 89
1. Personal services .....	280,245 89	
2. Contractual services .....	25,000 00	
3. Supplies and materials .....	8,550 00	
4. Current charges and obligations .....	23,493 00	
5. Equipment .....	3,300 00	
District Court - Juvenile Division .....		216,159 50
1. Personal services .....	205,270 50	
2. Contractual services .....	7,389 00	
3. Supplies and materials .....	2,000 00	
4. Current charges and obligations .....	1,337 00	
5. Equipment .....	163 00	
15. For medical examiners and commitments of insane .....		78,700 00
16. For jail and house of correction, maintenance and operation .....		941,924 07
1. Personal services .....	385,516 32	
2. Contractual services .....	103,377 75	
3. Supplies and materials .....	225,000 00	
4. Current charges and obligations .....	13,900 00	
5. Equipment .....	14,130 00	
6. All other .....	200,000 00	
18. For court houses and registry buildings, maintenance and operation .....		477,703 61
1. Personal services .....	237,418 61	
2. Contractual services .....	160,000 00	
3. Supplies and materials .....	60,000 00	
4. Current charges and obligations .....	7,960 00	
5. Equipment .....	12,325 00	
20. For agricultural school or county cooperative extension service .....		191,665 88
1. Personal services .....	160,405 88	
2. Contractual services .....	18,500 00	
3. Supplies and materials .....	8,445 00	
4. Current charges and obligations .....	2,600 00	
5. Equipment .....	1,715 00	
24. For noncontributory pensions .....		100,000 00
25. For contributory retirement system and supervisory expenses .....		368,598 00
26. For miscellaneous and contingent expenses .....		61,220 85
27. For unpaid bills of previous years .....		35,000 00
28. For reserve fund .....		75,000 00

28d. For reserve for counsel for indigent defendants .....	145,000 00
29. For advertising, recreational, industrial and agricultural advantages of the county .....	105,000 00
31. For police radio system .....	12,400 00
33. For police training school and bureau of criminal investigation .....	94,045 60
37. For human services .....	12,954 00
38. For county airplane .....	2,925 00
39. For group insurance .....	283,000 00
41. For firefighters' training school .....	3,500 00
Total amount of appropriations .....	\$8,464,672 75
Less estimated amount available for reduction of county tax .....	1,190,028 00
And the county commissioners of Plymouth county and hereby authorized to levy as the county tax of said county for current year, in the manner provided by law, the sum of .....	\$7,274,644 75

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.

16. For jail and house of correction Personal services .....	\$450,000 00
---	--------------

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

*Approved September 7, 1976.*

**Chap. 349.** AN ACT INCREASING THE MEMBERSHIP OF THE CONSERVATION COMMISSION IN THE TOWN OF WESTON.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section eight C of chapter forty of the General Laws, the membership of the conservation commission of the town of Weston shall not be less than three and not more than nine members, such members to be appointed by the board of selectmen of said town.

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

*Approved September 7, 1976.*

**Chap. 350.** AN ACT AUTHORIZING THE CITY OF FITCHBURG TO RENEW CERTAIN FEDERAL AND STATE 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 as amended to the contrary, the treasurer of the city of Fitchburg, with the approval of the mayor of said city, is hereby authorized to issue federal aid anticipation notes of the city in the amount of two million one hundred and fifteen thousand dollars, payable in not more than two years from their dates, in order to pay the federal aid anticipation notes of the city in the same amount dated July fourteenth, nineteen hundred and seventy-six and payable November eighteenth, nineteen hundred and seventy-six.

SECTION 2. Notwithstanding any provision of section six A of chapter forty-four of the General Laws as amended to the contrary, the treasurer of the city of Fitchburg, with the approval of the mayor of said city, is hereby authorized to issue state aid anticipation notes of the city in the amount of one million three hundred and thirty-five thousand dollars payable in not more than two years from their dates, in order to pay the water pollution control reimbursement notes of the city in the same amount dated July fourteenth, nineteen hundred and seventy-six and payable November eighteenth, nineteen hundred and seventy-six.

SECTION 3. 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 any 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 4. This act shall take effect upon its passage.

*Approved September 7, 1976.*

**Chap. 351.** AN ACT ESTABLISHING CERTAIN RIGHTS OF CERTAIN SCHOOL PERSONNEL WHOSE POSITIONS ARE SUPERSEDED IN REGIONAL SCHOOL DISTRICTS.

*Be it enacted, etc., as follows:*

Section 42B of chapter 71 of the General Laws, as most recently amended by chapter 307 of the acts of 1971, is hereby further amended by inserting after the second paragraph the following paragraph:-

All such personnel not serving at the discretion of a local school committee of a city or town in the district or of a local board of trustees for vocational education, excepting the superintendent of schools, whose position is superseded by reason of the establishment and operation of a regional school district shall be elected to serve in such district by the regional district school committee; provided, that there is an available position which such person is certified to fill. All such personnel employed by regional school district committees shall initially be placed on the salary schedule of the regional school district committee so that

the compensation paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed by a local school committee or by a local board of trustees for vocational education. Such school personnel shall also be given credit by the regional school district committee for all accumulated sick leave, accumulated time towards service at discretion, and accumulated sabbatical leave years of service, and for terminal compensation due such school personnel on the termination of such service.

*Approved September 7, 1976.*

---

**Chap. 352.** AN ACT FURTHER DEFINING PROFESSIONAL QUALIFICATIONS FOR THE DEPUTY COMMISSIONER OF THE DEPARTMENT OF MENTAL HEALTH.

*Be it enacted, etc., as follows:*

Section 3 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

The deputy commissioner shall have a doctorate or other degree beyond the baccalaureate in the field of medicine or psychology, social work, public health, public administration, business administration, or a field substantially related thereto, and shall have had not less than six years experience in the organization, management or delivery of mental health services or services for the developmentally disabled, no less than two years of which shall have been administrative experience, or shall have not less than six years administrative experience, no less than two of which shall have been administrative experience in the organization, management or delivery of human services. The commissioner or the deputy commissioner shall be a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc.

*Approved September 7, 1976.*

---

**Chap. 353.** AN ACT ABOLISHING THE CITY DEVELOPMENT AUTHORITY OF THE CITY OF LOWELL.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter six hundred and ten of the acts of nineteen hundred and sixty-seven is hereby repealed and the City Development Authority established thereunder is hereby abolished.

SECTION 2. The city of Lowell, hereinafter called the city, shall assume all rights, obligations, contracts, assets, liabilities, including outstanding litigation and responsibilities of the City Development Authority, hereinafter called the Authority. All

bonded indebtedness of the Authority shall become the responsibility of the city and, where necessary, the consent of the secretary of communities and development and any of its subdivisions shall be required to transfer any outstanding bonds.

All petitions, hearings, actions at law or in equity, or other proceedings pending immediately prior to the effective date of this act before any court of law or any administrative tribunal shall continue unabated as if no reorganization has been affected and shall be the responsibility of the city.

All orders, rules, and regulations duly promulgated by the Authority prior to the effective date of this act relating to the execution of urban renewal projects shall remain in full force and effect until superseded, revised, or rescinded in accordance with the law.

All contracts and obligations of the Authority in connection with the execution of urban renewal projects duly in effect immediately prior to the effective date of this act shall continue in full force and effect and shall be contracts and obligations of the city.

All rights, title and interest in any real property held in the name of the Authority shall be transferred to the city.

SECTION 3. It is hereby declared that substandard, decadent or blighted open areas exist in the city and that each of such areas constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the city; that the existence of each of such areas contributes substantially to the spread of disease and crime, necessitating excessive and disproportionate expenditure of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment, and the treatment of juvenile delinquency and for the maintenance of adequate police, fire and accident protection and other public services and facilities, constitutes an economic and social liability, substantially impairs or arrests the sound growth of the city, and retards the provision of housing accommodations; that each of such areas decreases the value of private investments and threatens the sources of public revenue and the financial stability of the city; that because of the economic and social interdependence of the city with neighboring communities the redevelopment of land not only in substandard areas but also in decadent and blighted open areas in accordance with a comprehensive plan to promote the sound growth of the city is necessary in order to achieve permanent and comprehensive elimination of existing slums and substandard conditions and to prevent the recurrence of such slums or conditions or their development in other parts of the city; and that the redevelopment of blighted open areas promotes the clearance of substandard and decadent areas and prevents their creation and occurrence; that the menace of such substandard,

decadent or blighted open 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 substandard, decadent or blighted open conditions thereon and preventing recurrence of such conditions in the area, the removal of structures and improvement of sites, and disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the city and any assistance which may be given by the commonwealth or any other public body in connection therewith, are public uses and purposes for which public money may be expended and the power of eminent domain exercised; that a public exigency exists which makes the acquisition, planning, clearance, rehabilitation or rebuilding of such substandard, decadent or blighted open areas for residential and appurtenant or incidental facilities a public use and benefit for which private property may be acquired by eminent domain or regulated by wholesome and reasonable orders, laws and directions; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

It is hereby further declared that in many areas throughout the city there is a shortage of decent, safe and sanitary dwellings properly planned and related to facilities for governmental, social, business, commercial, cultural and recreational purposes; that this condition is most extreme in areas where substandard, decadent or blighted open areas exist; that the aforesaid conditions cannot be corrected by the ordinary operations of private enterprise without the aids herein provided; that the provisions of this act will stimulate the investment of private capital in projects for the assembly and clearance of land in substandard decadent or blighted open areas, and in the construction, maintenance and operation of such land of needed decent, safe and sanitary dwellings properly planned and related to adequate and convenient appurtenant and incidental facilities; that the construction, maintenance and operations of such facilities on such land in such areas will assist in achieving permanent and comprehensive elimination of existing slums and substandard conditions and in preventing the recurrence of such conditions not only by reason of the clearance and redevelopment of such land but also by reason of its future utilization for decent, safe and sanitary housing.

SECTION 4. The city shall have the same functions, rights, powers, privileges and immunities and be subject to the same duties and obligations as is provided by law in the case of a redevelopment authority and the members thereof in carrying out land assembly and redevelopment projects, community development projects and urban renewal projects and all the provisions of law applicable to redevelopment authorities in cities and

towns, except as specifically provided by this act, with respect to land assembly and redevelopment projects, community development projects and urban renewal projects shall be applicable to the city; and the power to initiate and carry out land assembly and redevelopment projects, community development projects and urban renewal projects in the city shall thereafter be vested solely in the city. Further, the city shall have the following powers which are specifically granted to redevelopment authorities.

*a.* To conduct investigations and disseminate information relative to housing and living conditions, economic matters and on any other subject which is deemed by it to be material in connection with its powers and duties.

*b.* To determine what areas within its jurisdiction constitute substandard, decadent or blighted open areas and to prepare plans for clearance thereof; to provide housing projects for families of low income; to provide projects or parts of projects for the elderly persons of low income; to engage in land assembly and redevelopment projects and urban renewal projects; to take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, any property real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of the housing authority law, or any of its sections, and to sell, exchange, transfer or assign the same; provided, that in case of taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter seventy-nine shall be applicable, except that the security therein required shall be deposited with the city manager of the city; to clear and improve any property so acquired; to engage in or contract for the construction, reconstruction, alteration, remodeling or repair of any clearance or rehabilitation project or parts thereof; to act as agent of, or to cooperate with the federal government in any clearance, land assembly and redevelopment, community development, or urban renewal project, to undertake and provide relocation projects in order to house for a limited period families who are displaced by a land assembly and redevelopment, community development or urban renewal project or other public improvement involving the demolition of dwelling units whenever such a land assembly and redevelopment, community development or urban renewal project or other public improvement is determined upon and the city finds that there exists in the city an acute shortage of housing and there are no adequate means available for immediate relocation of persons and families displaced from the project area.

All of the provisions of chapters one hundred and twenty-one A and one hundred and twenty-one B of the General Laws which pertain to redevelopment authorities in cities and towns which

are not inconsistent with this act shall apply to the city, but in the event that there is a conflict between any provision of this act and said chapters one hundred and twenty-one A and one hundred and twenty-one B, insofar as applicable to redevelopment authorities, the provisions of this act shall govern.

SECTION 5. All contracts, powers, rights, responsibilities and obligations of the Planning Division and Industrial Development Division of the Authority are hereby transferred to the city.

SECTION 6. All present employees of the Authority who are tenured under the applicable provisions of chapter six hundred and ten of the acts of nineteen hundred and sixty-seven, or chapter one hundred and twenty-one B of the General Laws, or who hold civil service status under the provisions of said chapter six hundred and ten are hereby transferred to the employ of the city without impairment of seniority rights or fringe benefits. Employees so transferred shall not be discharged, removed, suspended, laid off, lowered in rank or compensation, nor shall his office or position be abolished, except for just cause and in the manner provided by sections forty-three and forty-five of chapter thirty-one of the General Laws.

In addition, other employees of the Authority who are non-tenured and not subject to the civil service law and rules and who are transferred to the city shall be retained without impairment of seniority or fringe benefits and without reduction in compensation but without tenure or civil service status.

All other persons who may be employed by the city for planning and development purposes shall be nontenured and shall not be subject to the provisions of chapter thirty-one of the General Laws.

SECTION 7. All books, papers, records, documents, plans and personal property in the custody of the authority immediately prior to the effective date of this act shall be transferred to the custody and control of the city.

SECTION 8. 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 invalidity or unconstitutionality 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 be included therein.

SECTION 9. This act shall take effect upon its acceptance by the city council of the city of Lowell and the approval of the city manager.

*Approved September 7, 1976.*

**Chap. 354.** AN ACT AUTHORIZING THE EMPLOYEES OF THE JOINT WENDELL NEW SALEM UNION SCHOOL TO JOIN THE FRANKLIN COUNTY RETIREMENT SYSTEM.

*Be it enacted, etc., as follows:*

Section 2 of chapter 385 of the acts of 1974 is hereby amended by adding the following paragraph:-

For the purpose of joining the Franklin county retirement system, the joint school committee shall have the powers of a district as provided in paragraph (a) of subdivision (4) of section twenty-eight of chapter thirty-two of the General Laws, and said joint school committee may vote to join said Franklin county retirement system according to the provisions of said paragraph (a).

*Approved September 7, 1976.*

**Chap. 355.** AN ACT RELATIVE TO THE REAL PROPERTY INVESTMENTS OF DOMESTIC LIFE INSURANCE COMPANIES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 66B of chapter 175 of the General Laws is hereby amended by striking out the sixth sentence, as appearing in section 2 of chapter 133 of the acts of 1968, and inserting in place thereof the following sentence:- Such book value, excluding all land costs, shall be written down at a reasonable rate per annum, which may vary for each year that the property has been held.

SECTION 2. This act shall apply to real property held by any domestic life insurance company on January first, nineteen hundred and seventy-seven, or thereafter acquired, whether by purchase, lease, gift or otherwise.

*Approved September 7, 1976.*

**Chap. 356.** AN ACT PROVIDING FOR LEGAL ADVICE REGARDING HEARING WAIVERS OR VOLUNTARY ADMISSIONS TO MENTAL HEALTH FACILITIES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 6 of chapter 123 of the General Laws is hereby amended by striking out paragraph (b), as amended by section 4 of chapter 760 of the acts of 1971, and inserting in place thereof the following paragraph:-

(b) Following the filing of a petition for a commitment to a facility or to the Bridgewater state hospital, a hearing shall be held unless waived in writing by the person after consultation with his counsel. In the event the hearing is waived, the person may request a hearing for good cause shown at any time during the period of commitment.

SECTION 2. Section 7 of said chapter 123 is hereby amended by striking out paragraph (c), as amended by section 5 of said chapter 760, and inserting in place thereof the following paragraph:-

(c) Whenever a court receives a petition filed under any provisions of this chapter for an order of commitment of a person to a facility or to the Bridgewater state hospital, such court shall notify the person, and his nearest relative or guardian, of the receipt of such petition and of the date a hearing on such petition is to be held. The hearing shall be commenced within fourteen days of the filing of the petition unless a delay is requested by the person or his counsel.

SECTION 3. Said chapter 123 is hereby amended by striking out section 8, as most recently amended by section 4 of chapter 569 of the acts of 1973, and inserting in place thereof the following section:-

Section 8. (a) After a hearing, unless such hearing is waived in writing, the district court shall not order the commitment of a person at a facility or shall not renew such order unless it finds after a hearing that (1) such person is mentally ill, and (2) the discharge of such person from a facility would create a likelihood of serious harm.

(b) After a hearing, unless such hearing is waived in writing, the district court shall not order the commitment of a person at the Bridgewater state hospital or shall not renew such order unless it finds that (1) such person is mentally ill; (2) such person is not a proper subject for commitment to any facility of the department; and (3) the failure to retain such person in strict custody would create a likelihood of serious harm. If the court is unable to make the findings required by this paragraph, but makes the findings required by paragraph (a), the court shall order the commitment of the person to a facility designated by the department.

(c) The court shall render its decision on the petition within ten days of the completion of the hearing, provided, that for reasons stated in writing by the court, the chief justice of the district courts may extend said ten day period.

(d) The first order of commitment of a person under this section shall be valid for a period of six months and all subsequent commitments shall be valid for a period of one year; provided that if such commitments occur at the expiration of a commitment under any other section of this chapter, other than a commitment for observation, the first order of commitment shall be valid for a period of one year; and provided further, that the first order of commitment to the Bridgewater state hospital of a person under commitment to a facility shall be valid for a period of six months. If no hearing is held before the expiration of the six months commitment, the court may not recommit the person without a hearing.

(e) In the event that the hearing is waived and on the basis of a petition filed under the authority of this chapter showing that a person is mentally ill and that the discharge of the person from a facility would create a likelihood of serious harm, the district court which has jurisdiction over a facility may order the commitment of the person to such facility.

(f) In the event that the hearing is waived and on the basis of a petition filed under the authority of this chapter showing that a person is mentally ill, that the person is not a proper subject for commitment to any facility of the department and that the failure to retain said person in strict security would create a likelihood of serious harm, the district court which has jurisdiction over a facility, if a person is retained in a facility, or the Brockton district court, if a person is retained in the Bridgewater state hospital, may order the commitment of the person to said hospital.

SECTION 4. The first paragraph of section 10 of said chapter 123, as amended by section 48 of chapter 925 of the acts of 1973, is hereby further amended by inserting after the second sentence the following sentence:- Prior to accepting an application for a voluntary admission, the superintendent shall afford the person making the application the opportunity for consultation with an attorney, or with a person who is working under the supervision of an attorney, concerning the legal effect of a voluntary admission.

*Approved September 7, 1976.*

**Chap. 357.** AN ACT AUTHORIZING GAS AND ELECTRIC COMPANIES TO ISSUE AND PLEDGE BONDS TO SECURE OTHER BONDS OF SUCH COMPANIES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 9 of chapter 164 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second sentence.

SECTION 2. Section 13 of said chapter 164, as most recently amended by chapter 681 of the acts of 1967, is hereby further amended by adding the following sentence:- A corporation subject to this chapter may also, by vote of a majority in interest of its stockholders at a meeting called therefor, and subject to the limitations and restrictions of the following section but without regard to the limitations and restrictions of section fifteen, for the purpose of securing other bonds issued by it, issue and pledge bonds secured by prior liens upon all or part of the property mortgaged to secure such other bonds, in a principal amount not exceeding the principal amount of such other bonds, such issue and pledge to be to such extent and upon such terms as the

department may approve; and provided, that such prior lien bonds shall not be counted in applying any limitations of law upon the amount of its outstanding bonds or for purposes of section sixteen.

*Approved September 7, 1976.*

---

**Chap. 358.** AN ACT DESIGNATING STATE HIGHWAY 240 IN THE TOWN OF FAIRHAVEN AS THE HAROLD S. MACOMBER HIGHWAY.

*Be it enacted, etc., as follows:*

State highway route 240 in the town of Fairhaven, known as Route 240, which connects Route 6 and Route 1-195 in the town of Fairhaven, shall be known and designated as the Harold S. Macomber Highway, in memory of Harold S. Macomber, a former fire chief in said town. Suitable markers bearing said designation shall be erected along said roadway by the department of public works in compliance with the standards of said department.

*Approved September 7, 1976.*

---

**Chap. 359.** AN ACT AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO ACCEPT A GIFT OF A CERTAIN PARCEL OF LAND FROM THE SOUTH MOUNTAIN ASSOCIATION WITHIN THE CITY OF PITTSFIELD.

*Be it enacted, etc., as follows:*

SECTION 1. The department of environmental management is hereby authorized to accept, by gift, from the South Mountain Association the conveyance of a parcel of land located on South Mountain, contiguous to Route 7 in the city of Pittsfield and owned by said association bounded and described as follows:

Beginning at a point on the westerly line of South Street being the 1927 alteration of the 1904 and 1905 layout, said point being about opposite Station 37 + 77, thence running westerly along lands of one Pozzetta and Scalise to a point; thence running southerly along land of said Scalise to a point; thence running westerly along land of one Metropole, Shaker, Duval and Ruffer to a point; thence running northerly along land of one Moffett to a point; thence running easterly along land of Western Massachusetts Electric Company and one McCarty to a point; thence running southeasterly, easterly, northerly and easterly along other land of South Mountain Association to a point on the westerly boundary of said South Street; thence running southerly along the westerly boundary of said South Street to the place of beginning. Subject to any easements for overhead or underground utilities that may be in existence at the present time.

The land shall be used by the department for park purposes and as the site for a regional administrative headquarters for the department. The gift of these lands shall be subject to such restrictions as may be agreed upon by the department and the association.

SECTION 2. The department of environmental management is hereby authorized and directed to construct and maintain a regional administrative headquarters building for said department upon terms and agreements as may be determined by the department and the South Mountain Association.

SECTION 3. If the provisions of sections one and two are not agreed upon and completed by July first, nineteen hundred and eighty, then this act shall become inoperative and the South Mountain Association shall have the right of reentry to the said parcel of land described in section one of this act and title therein shall revert to the South Mountain Association.

*Approved September 7, 1976.*

**Chap. 360.** AN ACT ESTABLISHING THE MILLBURY RAILROAD CORPORATION.

*Be it enacted, etc., as follows:*

SECTION 1. Harold Rubenstein, Irma Rubenstein, Cornelius Lucey Jr., Miriam Lucey, Bonnie Cohan, Karen Busenburg, their associates and successors, are hereby made a corporation by the name of the Millbury 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 Penn - Central (Conrail) connection at Millbury junction in the town of Millbury, thence running in a southerly direction 2.7 miles to end of line in Millbury.

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 one hundred thousand dollars and shall be divided into shares of one hundred dollars each. Said corporation may issue bonds for its corporated 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 September 7, 1976.*

---

**Chap. 361.** AN ACT PROVIDING CERTAIN CHANGES IN THE BOUNDARIES OF THE WEYMOUTH BRAINTREE REGIONAL RECREATION CONSERVATION DISTRICT IN THE TOWNS OF WEYMOUTH AND BRAINTREE.

*Be it enacted, etc., as follows:*

Section 1 of chapter 787 of the acts of 1972 is hereby amended by adding the following descriptions:-

*Parcel H.* Parcels of Land in the Town of Braintree located on Liberty Street shown on "Subdivision Plan of Land in Braintree, Massachusetts, Norfolk County, by Gale Engineering Co., Inc." dated October 24, 1972 and recorded in the registry of deeds in Norfolk county, Book No. 901, and bounded and described as follows:

Parcel I - Lot 4 according to said plan with a frontage on said Liberty Street of 57.31 feet, consisting of 31,162 square feet of land, more or less.

Parcel II - A certain parcel of land being part of Lot 3 beginning at the Northeast corner of Lot 4 according to said plan; thence running in a Westerly direction to Liberty Street to a point located Forty-two and 69/100 (42.69) feet North of the Northwestern corner of Lot 4 according to said plan; thence running Southerly 42.69 feet along Liberty Street to the Northwestern corner of Lot 4; thence running Easterly along the Northerly side of Lot 4 to the point of beginning; containing 5,250 square feet of land, more or less.

The district board, in order to acquire said parcel H, may transfer the easement acquired by the district in Lennox drive in the town of Braintree, and shown in the registry of deeds in

Norfolk county, Book 5057, Page 30, to the owners of said Lennox drive.

*Parcel U.* Parcel of land on Summer Street, Weymouth consisting of approximately 24,000 square feet of land, being part of a parcel of land owned by or formerly owned by W. H. Lukeman and J. M. Connell Shoe Co. and shown on Weymouth Assessors' Map 32, Block 358, Lot 7.

*Parcel V.* Parcel of land on Summer Street, Weymouth consisting of approximately 4,100 square feet of land, being part of a parcel of land owned by or formerly owned by Robert W. Cook and Sylvia E. Cook and shown on Weymouth Assessors' Map 32, Block 358, Lot 12.

*Approved September 7, 1976.*

**Chap. 362.** AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF STATE COLLEGES TO SELL AND CONVEY CERTAIN LAND WITH THE BUILDING AND APPURTENANCES THEREON IN THE CITY OF WESTFIELD TO SAID CITY.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate use of certain land in the city of Westfield for public school 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:*

The board of trustees of state colleges, in the name and on behalf of the commonwealth, is hereby authorized to sell and convey to the city of Westfield in consideration of one dollar, by a deed approved as to form by the attorney general, all the rights, title and interest of the commonwealth in and to a certain parcel of land and the building and appurtenances thereon located in said city, bounded and described as follows:-

Beginning at a point at the intersection of the northerly line of School Street with the easterly line of Washington Street and running northerly along the easterly line of Washington Street 175 feet to a point at the intersection of the easterly line of Washington Street and the southerly line of Church Street. Thence running easterly along the southerly line of Church Street 194 feet to a point, thence running southerly 168 feet to a point on the northerly line of School Street, thence running westerly along the northerly line of School Street 175 feet to a point at the intersection of the northerly line of School Street and easterly line of Washington Street and the place of beginning.

Said building, known as the Washington Street Laboratory School, located on above tract, is a single structure with full basement and three upper floors containing approximately 30,000 gross square feet.

Said building and land shall be used by the city of Westfield for whatever purpose it deems desirable.

*Approved September 8, 1976.*

**Chap. 363.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven.

ESSEX COUNTY.

Item	<u>Subtotal</u>	<u>Total</u>
1. For interest on county debt.....		\$786,940 50
2. For reduction of county debt .....		1,605,000 00
3. For county commissioners, salaries and expenses .....		160,533 55
1. Personal services .....	\$154,003 55	
2. Contractual services .....	4,470 00	
3. Supplies and materials .....	1,530 00	
4. Current charges and obligations .....	530 00	
4. For transportation and expenses of county and acting commissioners .....		1,525 00
5. For clerk of courts, salaries and expenses .....		346,109 84
1. Personal services .....	323,654 84	
2. Contractual services .....	12,800 00	
3. Supplies and material .....	6,900 00	
4. Current charges and obligations .....	2,755 00	
6. For county treasurer, salaries and expenses .....		98,192 06
1. Personal services .....	79,917 06	
2. Contractual services .....	2,125 00	
3. Supplies and materials .....	2,700 00	
4. Current charges and obligations .....	650 00	
5. Equipment .....	12,800 00	

7. For sheriff, salary and expenses .....		56,670 34
1. Personal services .....	27,860 34	
2. Contractual services .....	1,450 00	
3. Supplies and materials .....	560 00	
4. Current charges and obligations .....	800 00	
6. All other .....	26,000 00	
8. For registry of deeds, salaries and expenses .....		
Southern District .....		636,821 94
1. Personal services .....	552,867 94	
2. Contractual services .....	15,095 00	
3. Supplies and materials .....	24,000 00	
4. Current charges and obligations .....	44,859 00	
Northern District .....		277,593 17
1. Personal services .....	247,043 17	
2. Contractual services .....	21,000 00	
3. Supplies and materials .....	3,200 00	
4. Current charges and obligations .....	6,150 00	
5. Equipment .....	200 00	
8a. For registry of probate, salaries and expenses .....		44,262 60
1. Personal services .....	8,387 60	
2. Contractual services .....	11,100 00	
3. Supplies and materials .....	8,050 00	
4. Current charges and obligations .....	16,725 00	
9. For law library, salaries and expenses .....		
Salem .....		33,264 45
1. Personal services .....	17,085 60	
2. Contractual services .....	290 00	
3. Supplies and materials .....	137 00	
4. Current charges and obligations .....	14,500 00	
6. All other .....	1,251 85	
Lawrence .....		30,269 73
1. Personal services .....	14,344 73	
2. Contractual services .....	2,165 00	
3. Supplies and materials .....	260 00	
4. Current charges and obligations .....	13,500 00	
10. For highways, including state highways bridges and land damages .....		225,136 34
1. Personal services .....	205,751 34	
2. Contractual services .....	5,065 00	
3. Supplies and materials .....	4,405 00	
4. Current charges and obligations .....	2,670 00	
5. Equipment .....	4,245 00	
6. All other .....	3,000 00	
12. For superior court costs .....		1,198,186 51
1. Personal services .....	373,084 97	
2. Contractual services .....	798,600 00	
3. Supplies and materials .....	5,400 00	
4. Current charges and obligations .....	8,725 00	
6. All other .....	12,376 54	

13. For civil expenses in probate court .....		69,757 60
1. Personal services .....	46,027 60	
2. Contractual services .....	20,800 00	
3. Supplies and materials .....	2,450 00	
4. Current charges and obligations .....	480 00	
14. For district courts, salaries and expenses .....		
First District Court of Essex .....		546,948 97
1. Personal services .....	499,492 97	
2. Contractual services .....	23,400 00	
3. Supplies and materials .....	9,080 00	
4. Current charges and obligations .....	14,976 00	
Second District Court of Essex .....		155,884 83
1. Personal services .....	143,644 83	
2. Contractual services .....	3,480 00	
3. Supplies and materials .....	1,690 00	
4. Current charges and obligations .....	7,070 00	
Third District Court of Essex .....		74,383 25
1. Personal services .....	66,660 75	
2. Contractual services .....	2,699 10	
3. Supplies and materials .....	1,040 00	
4. Current charges and obligations .....	3,566 40	
5. Equipment .....	417 00	
Central District Court of Northern Essex .....		448,433 26
1. Personal services .....	413,713 26	
2. Contractual services .....	23,275 00	
3. Supplies and materials .....	5,530 00	
4. Current charges and obligations .....	6,115 00	
District Court of Eastern Essex .....		296,222 97
1. Personal services .....	245,541 97	
2. Contractual services .....	9,350 00	
3. Supplies and materials .....	4,655 00	
4. Current charges and obligations .....	36,676 00	
District Court of Lawrence .....		503,659 60
1. Personal services .....	477,210 60	
2. Contractual services .....	18,230 00	
3. Supplies and materials .....	5,450 00	
4. Current charges and obligations .....	2,539 00	
5. Equipment .....	230 00	
District Court of Southern Essex .....		561,095 67
1. Personal services .....	514,755 67	
2. Contractual services .....	23,850 00	
3. Supplies and materials .....	8,260 00	
4. Current charges and obligations .....	8,630 00	
6. All other .....	5,600 00	
District Court of Newburyport .....		166,362 55
1. Personal services .....	151,032 55	
2. Contractual services .....	4,870 00	
3. Supplies and materials .....	2,715 00	
4. Current charges and obligations .....	7,745 00	
District Court of Peabody .....		400,899 65
1. Personal services .....	360,578 65	
2. Contractual services .....	9,200 00	
3. Supplies and materials .....	8,795 00	
4. Current charges and obligations .....	22,241 00	
5. Equipment .....	85 00	

District Court — Juvenile Division .....	173,391 41
1. Personal services .....	166,051 41
2. Contractual services .....	6,575 00
3. Supplies and materials .....	300 00
4. Current charges and obligations .....	465 00
Legal counsel for indigent defendants .....	144,000 00
15. For medical examiners and commitments of insane .....	68,000 00
16. For jail and house of correction, maintenance and operation .....	660,056 29
Lawrence .....	
1. Personal services .....	493,572 19
2. Contractual services .....	25,185 00
3. Supplies and materials .....	121,418 00
4. Current charges and obligations .....	3,376 00
5. Equipment .....	14,005 10
6. All other .....	2,500 00
17. For training school .....	74,904 90
1. Personal services .....	42,864 90
2. Contractual services .....	14,000 00
3. Supplies and materials .....	14,000 00
4. Current charges and obligations .....	1,440 00
5. Equipment .....	2,600 00
18. For court houses and registry buildings maintenance and operation .....	724,705 20
1. Personal services .....	549,495 20
2. Contractual services .....	106,221 00
3. Supplies and materials .....	56,110 00
4. Current charges and obligations .....	3,650 00
5. Equipment .....	1,479 00
6. All other .....	7,750 00
20. For agricultural school or county cooperative extension service .....	2,475,197 59
1. Personal services .....	1,902,153 59
2. Contractual services .....	164,000 00
3. Supplies and materials .....	289,000 00
4. Current charges and obligations .....	80,000 00
5. Equipment .....	20,043 00
6. All other .....	20,001 00
24. For noncontributory pensions .....	346,690 47
25. For contributory retirement system and supervisory expenses .....	1,042,640 94
26. For miscellaneous and contingent expenses .....	134,532 95
28. For reserve fund .....	80,000 00
28e. For reserve for child care .....	50,000 00
28f. For reserve for collective bargaining .....	327,226 45

29. For advertising recreational, industrial and agricultural advantages of the county . . . . .	180,000 00
180,000 00	
30. For forest fire patrol . . . . .	3,000 00
32. For forest development . . . . .	3,699 04
34. For conservation district . . . . .	15,000 00
35. For county planning . . . . .	44,647 63
39. For group insurance . . . . .	740,000 00
45. For centralized purchasing department . . . . .	227,831 60
Total amount of appropriations . . . . .	\$16,239,678 85
Less estimated amount available for reduction of county tax . . . . .	2,761,715 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, the sum of . . . . .	\$13,477,963 85

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.

16. For jail and house of correction Salem	
1. Personal services . . . . .	\$600,371 02
2. Contractual services . . . . .	36,219 95
3. Supplies and materials . . . . .	133,663 00
4. Current charges and obligations . . . . .	2,951 00
5. Equipment . . . . .	30,431 95
6. All other . . . . .	1,400 00
Total . . . . .	\$805,036 92

SECTION 2. This act shall take effect upon its passage.  
*Approved September 8, 1976.*

**Chap. 364.** AN ACT INCREASING THE TIME FOR AMORTIZATION OF CERTAIN MORTGAGE LOANS.

*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 first sentence and inserting in place thereof the following sentence:- A mortgage loan not exceeding eighty per cent of the value of the real estate, or, in the case of a mortgage loan on a leasehold interest created pursuant to section twenty-two E of chapter forty, or chapter three hundred and fifty-four of the acts of nineteen hundred and fifty-two, as amended, seventy per cent of the value of

such leasehold interest, payable not more than thirty-five years from the date of the note.

SECTION 2. Paragraph 6A of said section 35 of said chapter 168 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A mortgage loan not exceeding ninety per cent of the value of the real estate, payable not more than thirty-five years from the date of the note; provided, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; and provided further, that the terms of the note or mortgage shall require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall be not less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty-five years; and provided further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate, that the mortgagor shall furnish to the board of investment an affidavit that the mortgagor does not require junior financing and that the board of investment shall certify in writing that the dwelling has a useful life beyond the term said loan has to run.

SECTION 3. Paragraph 6B of said section 35 of said chapter 168 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- A mortgage loan not exceeding ninety-five per cent of the value of the real estate, payable not more than thirty-five years from the date of the note; provided, that the loan shall be secured by a mortgage on real estate improved with a dwelling designed to be occupied by not more than four families and occupied or to be occupied in whole or in part by the mortgagor; and provided further, that the terms of the note or mortgage shall require monthly payments in such amounts that the aggregate principal reduction at any time during the term of the loan shall be not less than that which would be required in the case of a note of like amount and interest rate providing for complete amortization by equal monthly payments over a period of thirty-five years; and provided further, that construction of the dwelling on the mortgaged property shall be completed prior to the making of any disbursement on the loan in excess of eighty per cent of the value of the real estate, that the mortgagor shall furnish to the board of investment an affidavit that the mortgagor does not require junior financing and that the board of investment shall certify in writing that the dwelling has a useful life beyond the term said loan has to run; and provided further, that that portion of the unpaid balance of the loan which exceeds eighty per cent of the value of

the real estate 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 (Public Law 91-351), 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 September 8, 1976.*

---

**Chap. 365.** AN ACT ESTABLISHING THE TRI-TOWN BUILDING INSPECTOR BOARD.

*Be it enacted, etc., as follows:*

SECTION 1. A Tri-Town Building Inspector Board is hereby established comprised of the towns of Lunenburg, Shirley and Townsend for the purpose of employing a building inspector as required by section three of chapter one hundred and forty-three of the General Laws. Said board shall establish the salary of the building inspector and determine the estimated budgetary needs of the board and the proportionate share of such budget for each town shall be submitted to the selectmen of each town no later than ten days prior to the end of the calendar year. Payments of said budgetary needs shall be made to the treasurer of the town designated by the board as the agent acting for the board and such payments shall be available for expenditure without further appropriation. Said building inspector shall be eligible for retirement, group insurance and other benefits as though he were an employee of the town acting as agent for the board.

SECTION 2. Fees for building inspections shall be paid into the treasury of the town where the inspections are made.

SECTION 3. The agreement set forth in section one may be terminated by a two thirds vote of the annual meeting of any of the member towns provided that such vote shall not be effective for twelve months during which period of time all member towns shall be required to take further action to ensure compliance with the provisions of chapter one hundred and forty-three of the General Laws.

*Approved September 8, 1976.*

---

**Chap. 366.** AN ACT ASCERTAINING THE WILL OF THE PEOPLE RELATIVE TO THE SUNDAY OPENING OF RETAIL STORES INCLUDING PACKAGE LIQUOR STORES, SO CALLED.

*Be it enacted, etc., as follows:*

For the purpose of ascertaining the will of the voters relative to the Sunday opening of retail stores, including package liquor stores, so called, the following question shall be placed on the official ballot to be used in the cities and towns at the biennial

state election to be held in the current year; "Shall retail stores including package liquor stores, so called, be allowed to open for business on Sunday?" If a majority of the votes cast in answer to said question is in the affirmative it shall be deemed to be the will of the people that retail stores including package liquor stores shall be allowed to open for business on Sunday.

*Approved September 21, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

September 20, 1976

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 366 of the Acts of 1976, entitled AN ACT ASCERTAINING THE WILL OF THE PEOPLE RELATIVE TO THE SUNDAY OPENING OF RETAIL STORES INCLUDING PACKAGE LIQUOR STORES, SO CALLED., and the enactment of which received my approval on September 21, 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 permit the placement of this question on the official ballot to be used at biennial state election in the current year.

Sincerely,  
Thomas P. O'Neill, III  
*Lieutenant Governor/Acting*  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, September 21, 1976.

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 three 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 sixty-six of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth.*

**Chap. 367.** AN ACT MAKING A CORRECTIVE CHANGE IN THE LAW PROVIDING FOR AN ENVIRONMENTAL CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to make forthwith a corrective change in an environmental capital outlay program for 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 803 of the acts of 1972 is hereby amended by striking out, in line 2, the word “one” and inserting in place thereof the word:- two.

*Approved September 23, 1976.*

---

**Chap. 368.** AN ACT INCREASING THE TERM OF OFFICE OF THE MAYOR OF THE CITY OF LYNN.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 340 of the Special Acts of 1917 is hereby amended by striking out section 3 and inserting in place thereof the following section:-

*Section 3.* The chief executive officer of the city shall be a mayor, elected by and from the qualified voters of the city, for the term of four years from the first Monday of January following his election and until his successor is elected and qualified, except as is provided in section fifty-seven.

SECTION 2. The state secretary shall place upon the official ballot for the biennial state election in the city of Lynn in the current year the following question:- “Shall the term of office of the mayor of this city be increased from two to four years?” If a majority of the votes in answer to said question is in the affirmative, then section one of this act shall take full effect, but not otherwise.

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

*Approved September 28, 1976.*

---

**Chap. 369.** AN ACT ESTABLISHING A SOUTH ESSEX OCEAN SANCTUARY.

*Be it enacted, etc., as follows:*

Chapter 132A of the General Laws is hereby amended by adding after section 17, added by chapter 130 of the acts of 1975, the following section:-

*Section 18.* There is hereby established to and in a seaward direction from the Massachusetts coastline, a protected ocean area to be known as the South Essex Ocean Sanctuary.

Said South Essex Ocean Sanctuary is bounded and described as follows: Beginning at Pickworth Point in the Town of Manchester, thence by a line bearing south southeasterly  $150^{\circ}$  seaward to a distance of three miles, thence southerly along a line parallel to and three miles from the line of mean low water of the Commonwealth to the point of intersection with the extension of the boundary line between the city of Lynn and the town of Swampscott, then northwesterly along said boundary extension to the line of mean low water, thence easterly, southeasterly, northeasterly, northwesterly and northeasterly along the line of mean low water of the Commonwealth to the point or place of beginning.

Except as otherwise provided herein, the following activities shall be prohibited in the ocean sanctuary; the building of any commercial structure on the seabed or under the subsoil; the construction of electric generating stations; the removal of any sand, gravel or other minerals, gases or oils; the discharge of any commercial or industrial wastes; commercial advertising; the incineration of solid waste material or refuse on, or in, vessels moored or afloat within the boundaries of the ocean sanctuary described herein; provided, however, that nothing in this section shall be deemed to prohibit the construction, reconstruction or operation and maintenance of industrial liquid coolant discharge and intake systems and other facilities and activities in conjunction with the public and private supply of electrical power as allowed and licensed by the division of water pollution control, the department of environmental quality engineering or the department of environmental management, or the operation and maintenance of existing municipal, commercial and industrial facilities under the authority and in accordance with such approvals and licenses from federal and state agencies as may otherwise be required by law, nor shall this section prohibit discharges from municipal waste treatment facilities which are constructed prior to January first, nineteen hundred and seventy-eight; provided, that such a discharge is in accordance with plans developed under the provisions of clause (10) of section twenty-seven of chapter twenty-one, which plans shall be subject to the approval of the division of water pollution control after a public hearing conducted by said division.

This section is not intended to prohibit the laying of cables approved by the department of public utilities or channels 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.

Nothing in this section shall interfere with the harvesting or propagation of fish and shellfish in all forms, so long as the department of fisheries, wildlife and recreational vehicles is satisfied that such activities are carried on in accordance with sound conservation practices, nor with the issuance or joint permits by the department of fisheries, wildlife and recreational vehicles the department of environmental management and the department of public works for temporary educational and scientific purposes.

The attorney general shall take such actions as may be necessary from time to time to enforce the provisions of this section. The superior court shall have jurisdiction to enforce the provisions of this section.

*Approved October 1, 1976.*

---

**Chap. 370.** AN ACT AUTHORIZING THE TOWN OF ANDOVER TO PAY A SUM OF MONEY TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

*Be it enacted, etc., as follows:*

The town of Andover is hereby authorized to appropriate and pay to the Massachusetts Bay Transportation Authority the sum of one thousand nine hundred and nine dollars and thirty cents for passenger rail transportation provided by said Authority during the period of January first, nineteen hundred and seventy-five through June thirtieth, nineteen hundred and seventy-five.

*Approved October 1, 1976.*

---

**Chap. 371.** AN ACT PROVIDING FOR THE LIMITED EXTENSION OF MEDICAL BENEFITS FOR CERTAIN PERSONS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 175 of the General Laws is hereby amended by inserting after section 110F, inserted by section 2 of chapter 470 of the acts of 1974, the following section:-

*Section 110G.* Whenever a member of a contributory group hospital, surgical or medical insurance plan, other than the one authorized under the provisions of chapter thirty-two A or chapter thirty-two B, becomes ineligible for continued participation in such group plan because of involuntary layoff or death, the coverage originally provided by such plan for the member, his spouse and dependents shall be continued as provided herein for a period of thirty-nine weeks from the date of such ineligibility or until such member, his spouse and dependents become eligible for benefits under another group plan, whichever occurs first but in no event shall such continuation period exceed the period during which the member was most recently covered under such group plan. For purposes of this section, "contributory group

hospital, surgical or medical insurance plan” means a group hospital, surgical or medical insurance plan to which contributions are made directly in whole or in part by members of said group (or their spouses or dependents) during a period when said members are actively employed by the employer sponsoring the plan. The employer or policyholder shall notify the involuntary laid-off member, surviving spouse of a deceased member and dependents of their eligibility to participate in such plans. The involuntary laid-off member, surviving spouse of a deceased member and dependents may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or policyholder and such member or surviving spouse or dependents, as the case may be, shall be responsible for the payment of premiums due for such coverage to the employer or policyholder throughout the extension period. After timely receipt of the premium payment from the responsible individual, if the employer or policyholder fails to make payment to the insurer or hospital or medical service corporation with the result that coverage is terminated, the employer or policyholder shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated. Timely receipt of premium payment shall mean the employer’s or policyholder’s receipt of the premium or subscription fee for the extended coverage from such member, surviving spouse or dependent as the case may be within the dates or by the date indicated by the employer or policyholder at the time of the election of extended coverage. Failure to give such notice or to make such premium or subscription fee payment as hereinabove provided shall constitute a waiver of option to have such extended coverage.

SECTION 2. Chapter 176A of the General Laws is hereby amended by inserting after section 8C, inserted by section 2 of chapter 595 of the acts of 1975, the following section:-

*Section 8D.* Whenever a subscriber of a contributory group non-profit hospital service contract, other than one authorized under the provisions of chapter thirty-two A or chapter thirty-two B, becomes ineligible for continued participation in such group contract because of involuntary lay-off or death, the coverage originally provided by such contract for the subscriber and his dependents shall be continued as provided herein for a period of thirty-nine weeks from the date of such ineligibility or until such subscriber and his dependents become eligible for benefits under another group plan, whichever occurs first but in no event shall such continuation period exceed the period during which the member was most recently covered under such group plan. “Contributory group non-profit hospital service contract” means a group non-profit hospital service contract to which contributions are made directly in whole or in part by members of said

group (or their spouses or dependents) during a period when said members are actively employed by the employer who holds such contract. The employer or policyholder shall notify the involuntary laid-off member, surviving spouse of a deceased member and dependents of their eligibility to participate in such plans. The involuntary laid-off member or surviving dependents, as the case may be, may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or policyholder and such member or surviving dependents shall be responsible for the payment of premiums due for such coverage to the employer or policyholder throughout the extension period. After timely receipt of the premium payment from the responsible individual, if the employer or policyholder fails to make payment to the insurer or hospital or medical service corporation with the result that coverage is terminated, the employer or policyholder shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated. Timely receipt of premium payment shall mean the employer's or policyholder's receipt of the premium or subscription fee for the extended coverage from such member or his dependents within the dates or by the date indicated by the employer or policyholder at the time of the election of extended coverage. Failure to give notice or to make premium payments as hereinabove provided shall constitute a waiver of the option to have such extended coverage.

SECTION 3. Chapter 176B of the General Laws is hereby amended by inserting after section 6 the following section:-

*Section 6A* Whenever a subscriber of a contributory group non-profit medical service plan, other than the one authorized under the provisions of chapter thirty-two A or chapter thirty-two B, becomes ineligible for continued participation in such group plan because of involuntary lay-off or death, the coverage originally provided by such plan for the subscriber and his dependents shall be continued as provided herein for a period of thirty-nine weeks from the date of such ineligibility or until such subscriber and his dependents become eligible for benefits under another group plan, whichever occurs first but in no event shall such continuation period exceed the period during which the member was most recently covered under such group plan. For purposes of this section, "contributory group non-profit medical service plan" means a group non-profit medical service plan to which contributions are made directly in whole or in part by members of said group (or their spouses or dependents) during a period when said members are actively employed by the employer sponsoring the plan. The employer or policyholder shall notify the involuntary laid-off member, surviving spouse of a deceased member and dependents of their eligibility to participate in such

plans. The involuntary laid-off subscriber or surviving dependents of a deceased subscriber may elect to continue participation in such plan by giving at least thirty days written notice thereof to the employer or certificate holder and such member or surviving dependents, as the case may be, shall be responsible for the payment of premiums due for such coverage to the employer or certificate holder throughout the extension period. After timely receipt of the premium payment from the responsible individual, if the employer or certificate holder fails to make payment to the insurer or hospital or medical service corporation with the result that coverage is terminated, the employer or certificate holder shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated. Timely receipt of premium payment shall mean the employer's or certificate holder's receipt of the premium or subscription fee for the extended coverage for such member or dependents within the dates or by the date indicated by the employer at the time of the election of extended coverage. Failure to give such notice or to make premium payments as hereinabove provided shall constitute a waiver of the option to have such extended coverage.

*Approved October 1, 1976.*

---

**Chap. 372.** AN ACT PROVIDING THAT FOR A TEMPORARY PERIOD OF TIME THE CIVIL SERVICE LAW AND CERTAIN PROVISIONS OF LAW RELATIVE TO TENURE SHALL NOT APPLY TO PERSONS APPOINTED OR EMPLOYED BY CRIME CONTROL DEMONSTRATION PROJECTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to clarify the status of persons currently employed by crime control demonstration 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. Persons employed by a crime control demonstration project, established by federal or state law enforcement grants to municipal corporations, may be assigned for demonstration purposes, with the consent of the department heads concerned, to municipal departments; provided, however, that no such assignment shall be made to a police or fire department to perform the regular functions of a police officer or fire fighter, unless approved by the civil service commission. Section nine A of chapter thirty and chapter thirty-one of the General Laws shall not apply to such persons.

SECTION 2. Nothing in this act shall be deemed to abrogate, impair, set aside or waive the provisions of any collective bar-

gaining agreements in force and effect between any city or town and an employee organization.

SECTION 3. Any employee of a crime control project assigned to any police or fire department prior to August first, nineteen hundred and seventy, may continue to be so assigned without interruption of his services.

SECTION 4. The provisions of this act shall take effect on July first, nineteen hundred and seventy-six, and shall become in-operative on July first, nineteen hundred and eighty-two.

*Approved October 4, 1976.*

**Chap. 373.** 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 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 on the easterly sideline of the existing Woodhaven Trunk Sewer easement, said point bearing S 15°-23'-03" W and 217.81 feet distant from a point of curvature of 205.00 feet radius; thence leaving said easement line N 71°-00'-00" E, 253.88 feet; thence N 63°-00'-00" E, 279.16 feet; thence N 58°-00'-00" E, 296.94 feet; thence N 49°-00'-00" E, 598.03 feet; thence N 56°-27'-34" E, 165.24 feet; thence S 13°-26'-00" W, 61.43 feet; thence S 52°-36'-36" W, 114.10 feet; thence S 49°-00'-00" W, 601.97 feet; thence S 58°-00'-00" W, 303.06 feet; thence S 63°-00'-00" W, 302.84 feet; thence S 71°-00'-00" W, 291.59 feet to another point on the aforesaid Woodhaven Trunk Sewer easement line; thence following said easement line N 15°-23'-03" E, 60.59 feet to the point of beginning, all as shown on a plan entitled "Plan Of Sewer Easement From Existing Sewer Easement To Marrett Road, Lexington, Mass., Scale 1" = 100', July 27, 1976, James E. Chase, Town Engineer" filed in the office of the Lexington town clerk on July twenty-eighth, nineteen hundred and seventy-six.

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

*Approved October 4, 1976.*

**Chap. 374.** AN ACT AUTHORIZING THE APPROPRIATION OF CERTAIN FUNDS OF THE CITY OF QUINCY, PREVIOUSLY RAISED BY BOND ISSUE, FOR CERTAIN PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law, the city of Quincy may, by a two-thirds vote of the members of its city council, appropriate sums not exceeding one hundred and forty-five thousand dollars, in the aggregate, from the proceeds of a loan issued under authority of city council order number two hundred and fourteen of the year nineteen hundred and seventy-three, which proceeds are not presently necessary for the purposes specified in the authorization of said loan, for any purpose for which said city may borrow money.

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

*Approved October 4, 1976.*

**Chap. 375.** AN ACT PLACING THE POSITION OF DIRECTOR OF THE VETERANS AID AND SERVICE DEPARTMENT OF THE CITY OF MARLBOROUGH UNDER THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

The position of director of the veterans aid and service department of the city of Marlborough shall, upon the effective date of this act, be subject to the provisions of chapter thirty-one of the General Laws.

*Approved October 4, 1976.*

**Chap. 376.** AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE UNIVERSITY OF MASSACHUSETTS TO SELL AND CONVEY A CERTAIN PARCEL OF LAND IN THE COUNTY OF FRANKLIN TO SAID COUNTY.

*Be it enacted, etc., as follows:*

The board of trustees of the University of Massachusetts are hereby authorized and directed to sell and convey to the county of Franklin for highway purposes, by deed approved as to form by the attorney general, all the rights, title and interest of the commonwealth in and to certain parcels of land located in the town of Deerfield. Said land to be acquired from the commonwealth for the proposed relocation of River Road in the town of Deerfield, being parcels #1, #3, #4, and #5, bounded and described as follows:-

**PARCEL #1**

Beginning at a point on the east line of the proposed relocation of River Road, said point being S 72° - 39' - 20" E 60.0 feet from bound #0 and running thence N 17° - 20' - 40" E 490.0 feet

to the angle point opposite bound #1; Thence N  $17^{\circ} - 26' - 20''$  E 303.75 feet to the angle point opposite bound #2; Thence N  $18^{\circ} - 23' - 25''$  E 232.30 feet to the angle point opposite bound #3; Thence N  $31^{\circ} - 01' - 50''$  E 210.95 feet to the angle point opposite bound #4; Thence N  $38^{\circ} - 48' - 57''$  E 198.70 feet to the angle point opposite bound #5; Thence N  $31^{\circ} - 53' - 34''$  E about 85.0 feet to the east line of the 1911 layout of River Road; Thence southerly along said east line about 1545.0 feet; Thence S  $72^{\circ} - 39' - 20''$  E 25.0 feet to the place of the beginning.

Containing 0.92 acres of land more or less.

**PARCEL #3.**

Beginning at the intersection of the east line of the 1911 layout of River Road with the east line of the proposed relocation of River Road and running thence N  $31^{\circ} - 53' - 34''$  E about 30.0 feet to the angle point opposite bound #6; Thence N  $21^{\circ} - 25' - 49''$  E 193.35 feet to the angle point opposite bound #7; Thence N  $11^{\circ} - 37' - 47''$  E 206.53 feet to the angle point opposite bound #8; Thence N  $15^{\circ} - 41' - 23''$  E. 174.88 feet to the angle point opposite bound #11; Thence N  $28^{\circ} - 00' - 39''$  E 187.56 feet to the angle point opposite bound #12; Thence N  $35^{\circ} - 50' - 50''$  E 258.00 feet to the angle point opposite bound #13; Thence N  $33^{\circ} - 01' - 34''$  E 467.12 feet to the angle point opposite bound #14; Thence N  $37^{\circ} - 09' - 02''$  E 195.78 feet to the angle point opposite bound #15; Thence N  $45^{\circ} - 01' - 13''$  E 174.67 feet to the angle point opposite bound #16; Thence N  $48^{\circ} - 27' - 31''$  E 196.18 feet to the angle point opposite bound #17; Thence N  $41^{\circ} - 32' - 29''$  W 25.0 feet to the east line of the 1911 layout of River Road; Thence southerly along said east line 1678.0 feet to the west line of the proposed relocation; Thence S  $27^{\circ} - 20' - 41''$  E about 22.0 feet to bound #8; Thence S  $11^{\circ} - 37' - 47''$  W about 102.0 feet to the east line of the 1911 layout of River Road; Thence southerly along said east line about 332.0 feet to the place of beginning.

Containing 1.52 acres of land more or less.

**PARCEL #4.**

Beginning at bound #12 on the west line of the proposed relocation of River Road and running thence N  $35^{\circ} - 50' - 50''$  E 260.63 feet to bound #13 and the west line of the 1911 layout of River Road; Thence southerly along said west line about 300.0 feet to the west line of the proposed relocation of River Road; Thence N  $28^{\circ} - 00' - 39''$  E about 32.0 feet to the place of beginning.

Containing 900 square feet of land more or less.

**PARCEL #5.**

Beginning at bound #16 on the west line of the proposed relocation of River Road and running thence N  $48^{\circ} - 27' - 31''$  E 197.98 feet to bound #17 and the west line of the 1911 layout of River Road; Thence southerly along said west line about 330.0

feet to the west line of the proposed relocation of River Road; Thence N 45° - 01' - 13" E about 132.0 feet to the place of beginning.

Containing 600 square feet of land more or less.

*Approved October 4, 1976.*

**Chap. 377** AN ACT PROVIDING THAT CERTAIN LICENSES FOR FILL AND STRUCTURE IN CERTAIN TIDEWATERS OF THE NORTHERLY SIDE OF BOSTON INNER HARBOR BE IRREVOCABLE.

*Be it enacted, etc., as follows:*

Notwithstanding any provision of general or special law to the contrary, license No. 5327, dated November 22, 1967, issued by the department of public works, division of waterways, and license No. 291 issued by harbor and land commission to J.F. & S. Realty Corporation, recorded with Suffolk County Registry of Deeds, Book 8169, page 600, for bulkheads and fill in the South Boston District of Boston: Beginning at point "A" as shown in said License No. 5327, in the northerly side line of East First Street and the northwesterly property line of the licensee and running northeasterly in said property line 510 feet, more or less, to point "B"; thence running in the mean high water line on the slope of existing fill in a general northwesterly direction 218 feet, more or less, to point "C"; thence continuing in said mean high water line in a northeasterly, easterly and southeasterly direction 147 feet, more or less, to point "D"; thence continuing in said mean high water line in a southeasterly and southerly direction to point "E" in the northwesterly side line of Dorchester Street; thence running in said side line of Dorchester Street in a southwesterly direction 440 feet, more or less, to point "F" in the northerly side line of East First Street; running about westerly in said side line of East First Street 330 feet, more or less, to the "A" point of beginning, are hereby made irrevocable.

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 not exceed the actual 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 of any such acquisition, or the date such other cost was incurred.

*Approved October 4, 1976.*

**Chap. 378.** AN ACT DESIGNATING A CERTAIN BRIDGE IN THE TOWN OF NEWBURY AS THE MARTIN H. BURNS BRIDGE.

The bridge over the Parker river on United States highway

route 1 in the town of Newbury shall be known and designated as the Martin H. Burns bridge, in honor of Martin H. Burns, a former selectman in the town of Newbury. A suitable marker bearing such 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 October 4, 1976.*

---

**Chap. 379.** AN ACT RELATIVE TO CERTAIN FEES PAID TO THE TOWN CLERK IN THE TOWN OF SUDBURY.

*Be it enacted, etc., as follows:*

SECTION 1. The town clerk of the town of Sudbury shall, commencing July first, nineteen hundred and seventy-seven, and on the first Monday of each month thereafter, pay over to the town treasurer, that part of the dog license funds formerly retained by such clerk under the provisions of section one hundred and forty-seven of chapter one hundred and forty of the General Laws, and that part of the fish and game license funds formerly retained by such clerk under the provisions of section seventeen of chapter one hundred and thirty-one of the General Laws; provided that the town clerk's salary, to be effective July first, nineteen hundred and seventy-seven, shall, in addition to any general salary increases voted from time to time for elected officials, include an amount substantially equal to the fees retained under the above two sections of the General Laws during the fiscal year July first, nineteen hundred and seventy-five, to June thirtieth, nineteen hundred and seventy-six.

SECTION 2. The town clerk of the town of Sudbury shall continue to pay over to the town treasurer on the first Monday of each month, fees collected under sections thirty-four and thirty-four A of chapter two hundred and sixty-two of the General Laws.

SECTION 3. Money paid over to the town treasurer under sections one and two above shall become part of the estimated receipts of the town of Sudbury.

SECTION 4. This act shall take effect upon its acceptance by the town of Sudbury.

*Approved October 4, 1976.*

---

**Chap. 380.** AN ACT RELATIVE TO THE POWERS OF ARREST IN FRESH PURSUIT BY RAILROAD, RAILWAY, RAILWAY EXPRESS OR STEAMBOAT POLICE OFFICERS.

*Be it enacted, etc., as follows:*

Section 93 of chapter 159 of the General Laws is hereby

amended by striking out the second sentence, added by chapter 362 of the acts of 1962, and inserting in place thereof the following sentence:- In addition to the aforementioned powers, said railroad, railway, railway express or steamboat police officers shall possess and exercise such other powers to arrest without a warrant on the premises, cars, vehicles, vessels and boats of such corporation or company and at the wharves and landing places owned or used by such carrier by water, as are conferred on police officers of the cities and towns of the commonwealth, or may arrest without a warrant off such premises when in fresh and continued pursuit for a violation for which such officers are empowered to arrest without a warrant on such premises.

*Approved October 4, 1976.*

**Chap. 381.** AN ACT RELATIVE TO PAYMENT OF FEES FOR  
ANTLERLESS DEER PERMITS.

*Be it enacted, etc., as follows:*

Section 11 of chapter 131 of the General Laws is hereby amended by striking out the seventh paragraph, as amended by section 10 of chapter 430 of the acts of 1973, and inserting in place thereof the following paragraph:-

A person shall not kill or possess any species of game birds or mammals for which a permit is required unless he shall first have paid the established fee. A fee of fifty cents shall accompany each bear permit application. A fee of two dollars shall be paid for each antlerless deer permit application granted, except that no fee shall be charged those persons qualifying for either a farmer or landowner antlerless deer permit as determined by the director.

*Approved, October 4, 1976.*

**Chap. 382.** AN ACT REQUIRING POLICE AUTHORITIES TO NOTIFY  
THE REGISTRAR OF MOTOR VEHICLES OF MOTOR  
VEHICLE ACCIDENTS INVOLVING FATALITIES AND  
SERIOUS INJURIES.

*Be it enacted, etc., as follows:*

Section 29 of chapter 90 of the General Laws is hereby amended by inserting after the seventh sentence the following sentence:- The Police department having jurisdiction over the place or the way where such accident occurred shall notify the registrar forthwith of any fatal accident or accident involving serious injury.

*Approved October 4, 1976.*

**Chap. 383.** AN ACT AUTHORIZING THE TOWN OF METHUEN TO SELL AND CONVEY CERTAIN PARK LAND IN SAID TOWN TO MALDEN MILLS, INC.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Methuen, acting through its town administrator, with the approval of its town council, is hereby authorized to sell and convey to Malden Mills, Inc. the following two parcels of land now held for park purposes and bounded and described as follows:

*Parcel 1:* Beginning at a point in the westerly line of French Street distant two hundred (200) feet northerly from the north-westerly corner of French and Stafford Streets; thence running Northerly by French Street two hundred fifty (250) feet to land formerly of Bertha Behn; thence Westerly by said land formerly of Behn one hundred fifty (150) feet, more or less, to a wire fence at land retained by the grantor; thence Southerly by said wire fence on land retained by the grantor two hundred thirty-five (235) feet, more or less, to the northwest corner of the second parcel of land described in a deed of registered land conveyed by the William Whitman Company, Inc., to the Town of Methuen on October 8, 1948; thence Easterly by said second parcel of land, land now or formerly of Clara Reed and the first parcel of land described in said deed of registered land one hundred fifty (150) feet to the point of beginning.

The granted premises comprise the parcel conveyed to the grantor by deed of William Whitman Company, Inc., dated October 5, 1948, recorded with North District of Essex Registry of Deeds, Book 720, Page 464.

*Parcel 2:* All of the land situated in the said Town of Methuen which is the subject of Transfer Certificate of Title No. 3471, and is described therein as provided in the copy of said Transfer Certificate which is annexed hereto and made a part hereof.

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

*Approved October 5, 1976.*

---

**Chap. 384.** AN ACT CHANGING THE DATE OF THE ANNUAL TOWN ELECTION FOR THE TOWN OF NORWOOD.

*Be it enacted, etc., as follows:*

Chapter 197 of the acts of 1914 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*Section 1.* The annual meeting for the appropriations of the town of Norwood shall be held on the third Monday of January and the annual meeting for the election of town officers shall be held on the first Monday of April beginning with the year nineteen hundred and seventy-seven. Those persons holding elected town offices in the town of Norwood prior to the effective date

of this act shall continue to hold said offices for the term to which they were duly elected and until their successors are elected and qualified.

*Approved October 6, 1976.*

**Chap. 385.** AN ACT AUTHORIZING THE COMMONWEALTH TO GUARANTEE CERTAIN SCHOOL CONSTRUCTION BONDS AND NOTES ISSUED BY THE TOWN OF MASHPEE.

*Be it enacted, etc., as follows:*

The commonwealth, acting by and through the secretary of administration and finance, is hereby authorized to guarantee bonds or notes, including temporary notes issued in anticipation of a serial loan, of the town of Mashpee to an aggregate principal amount not exceeding four million two hundred and six thousand dollars, said bonds or notes having been authorized for school planning and construction purposes by the votes of said town adopted under article sixteen of the warrant for a special town meeting held on December second, nineteen hundred and seventy-five and under articles one and two of the warrant for a special town meeting held on June twenty-ninth, nineteen hundred and seventy-six. The guarantee by the commonwealth shall be executed on each bond or note by said secretary and shall be in substantially the following form: "The Commonwealth of Massachusetts hereby unconditionally guarantees to the holder of this bond (note) the punctual payment of the principal thereof and the interest thereon as the same shall become due and payable and hereby pledges its full faith and credit to the performance of this guarantee." The signature of said secretary upon any such bond or note may be an engraved, printed or stamped facsimile of this signature, provided that he has, by a writing bearing his written signature and filed in the executive office of administration and finance, authorized his facsimile signature to be placed thereon and any such facsimile signature shall have the same validity and effect as the secretary's written signature. If any such secretary in office at the time of execution of such guarantee shall cease to hold such office before the delivery of any bonds or notes so guaranteed, his signature or facsimile signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

The full faith and credit of the commonwealth is hereby pledged to the performance of any guarantee authorized by this act.

*Approved October 6, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 6, 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 385 of the Acts of 1976, entitled, AN ACT AUTHORIZING THE COMMONWEALTH TO GUARANTEE CERTAIN SCHOOL CONSTRUCTION BONDS AND NOTES ISSUED BY THE TOWN OF MASHPEE., and the enactment of which received my approval on October 6, 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 provide for the immediate guarantee of certain school construction bonds and notes issued by the town of Mashpee.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 7, 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 fifty-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 eighty-five of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth*

---

**Chap. 386.** AN ACT AUTHORIZING THE CITY OF BROCKTON TO REFUND 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 or any amendments thereto to the contrary, the treasurer of

the city of Brockton, with the approval of the mayor of said city, is hereby authorized to refund the three hundred and fifty thousand dollars federal aid anticipation notes originally dated October eighteenth, nineteen hundred and seventy-four, the one hundred and fifty thousand dollars federal aid anticipation notes originally dated January tenth, nineteen hundred and seventy-five and the thirty thousand dollars federal aid anticipation note originally dated february twentieth, nineteen hundred and seventy-six by the issue, at one time or at different times, of federal aid anticipation notes under authority of this act, provided that the period from the original date of each loan as indicated hereinabove to the date of maturity of any refunding loan relating thereto shall not be more than three years.

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

*Approved October 7, 1976.*

**Chap. 387.** AN ACT AUTHORIZING THE TOWN OF FRANKLIN TO APPROPRIATE AND PAY A SUM OF MONEY TO THE WIDOW OF ALDEN MUCCIARONE.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Franklin 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 sum of one thousand six hundred and sixteen dollars and ninety-one cents to Florence Mucciarone, the widow of Alden Mucciarone, for services rendered by said Alden Mucciarone to said town for the calendar years nineteen hundred and seventy through nineteen hundred and seventy-four for vacation time not taken by him.

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

*Approved October 7, 1976.*

**Chap. 388.** AN ACT REPEALING THE CERTIFICATION OF A CERTAIN CIVIL SERVICE LIST FOR PROMOTION TO POLICE SERGEANT IN THE TOWN OF BRAINTREE.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter ninety-three of the acts of nineteen hundred and seventy-five is hereby repealed.

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

*Approved October 7, 1976.*

**Chap. 389.** AN ACT FURTHER REGULATING THE ADMINISTRATION OF THE DEPARTMENT OF PUBLIC SAFETY.

*Whereas,* The deferred operation of this act would tend to

defeat its purpose, which is to clarify forthwith certain provisions of the law further regulating the administration of the division of state police, 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 20 of chapter 31 of the General Laws, as appearing in chapter 196 of the acts of 1969, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Appointments and promotions in such police and fire forces of cities and towns as are within the official service, in the detective force of the state department of public safety, in the capitol police force and in the police force of the metropolitan district commission shall be made only by competitive examination, except detective promotions under the provisions of section nine P of chapter twenty-two and as otherwise provided in this chapter.

SECTION 2. Section 9P of chapter 22 of the General Laws, as most recently amended by section 5 of chapter 639 of the acts of 1974, is hereby further amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Any vacancy that occurs in the grade of deputy superintendent in the division of state police shall be filled by the commissioner from the grades of lieutenant colonel or major; provided that any officer who is promoted to the grade of said deputy superintendent shall not serve in that grade upon attaining the age of fifty years.

SECTION 3. Chapter 639 of the acts of 1974 is hereby amended by adding the following section:-

Section 6. Any person appointed to the state police under the provisions of section six of chapter twenty-two of the General Laws who is promoted under the provisions of section nine P of said chapter twenty-two, as amended by section five of this act, shall serve in the position to which he is promoted without impairment of seniority, retirement or other rights.

SECTION 4. This act shall take effect as of July twenty-ninth, nineteen hundred and seventy-four.

*Approved October 7, 1976.*

---

**Chap. 390.** AN ACT PLACING THE POLICE DEPARTMENT OF THE TOWN OF HALIFAX UNDER THE DIRECTION OF THE BOARD OF SELECTMEN OF SAID TOWN.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of law, the acceptance by the town of Halifax 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 incumbent of the office of chief of police or of any other office within the police department of the town of Halifax.

*Approved October 7, 1976.*

**Chap. 391.** AN ACT INCREASING THE AMOUNT FOR WHICH POLICIES AND ANNUITY CONTRACTS MAY BE WRITTEN BY SAVINGS AND INSURANCE BANKS.

*Be it enacted, etc., as follows:*

Chapter 178 of the General Laws is hereby amended by striking out section 10, as most recently amended by chapter 117 of the acts of 1958, and inserting in place thereof the following section:-

*Section 10.* No savings and insurance bank shall write any policy or annuity contract binding it to pay more than fifteen thousand dollars, exclusive of dividend or profits upon the death of any one person, except under such agreement as it may make to pay an amount equal to a cash surrender value which may exceed fifteen thousand dollars and except under such agreement as it may make that upon the death of the payor of the premiums under any policy issued by the bank on the life of a minor or on the life of a husband, wife or child of such payor, it will make such policy paid up or waive certain or all future premiums thereunder and except for such amount, if any, as it may be bound to pay upon the death of such person under an employee's group policy, or under an annuity contract embodying an agreement to refund, upon the death of the holder, to his estate or to a specified payee, a sum not exceeding the premiums paid thereon with compound interest, nor shall it write any annuity contract otherwise binding it to pay in any one year more than twelve hundred dollars, exclusive of dividends or profits. The aggregate amount of savings bank life insurance which may be issued or in force at any time on any one life, in all savings and insurance banks, shall not exceed an aggregate amount which would be equal to one thousand dollars in each savings and insurance bank, exclusive of group insurance, payor insurance, dividends and profits.

*Approved October 7, 1976.*

**Chap. 392.** AN ACT AUTHORIZING PETITIONS TO THE SUPERIOR COURT OR MUNICIPAL COURT OF THE CITY OF BOSTON FOR LEAVE TO FILE A REQUEST FOR HEARING LATE UNDER THE WORKMEN'S COMPENSATION LAW.

*Be it enacted, etc., as follows:*

Section 8A of chapter 152 of the General Laws, as most recently amended by section 3 of chapter 742 of the acts of 1972, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

A party who has by accident, mistake or through other reasonable cause, omitted to request a hearing from a written order filed under section seven within the time limited therein or who has failed to petition the division for leave to request such a hearing within the time limited in this section, or omitted to claim a review from a decision rendered under section eight within the time limited under section ten, may, within two years from the filing of such order or decision with the division, petition the superior court for the county in which the injury occurred, or for the county of Suffolk, or the municipal court of the city of Boston, if the injury occurred in Suffolk county, for leave to request such hearing or to claim such review, and the court may grant such petition and permit such request or such claim to be filed if it finds that justice and equity require it, notwithstanding that a decree has previously been rendered on such order or decision as provided in section eleven.

*Approved, October 7, 1976.*

---

**Chap. 393.** AN ACT FURTHER REGULATING THE ASSESSMENT OF TAXES IN CASES WHERE APPROPRIATIONS HAVE NOT BEEN VOTED FOR THE NEXT FISCAL YEAR.

*Be it enacted, etc., as follows:*

Section 23 of chapter 59 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in chapter 43 of the acts of 1975, and inserting in place thereof the following paragraph:-

If, prior to June first 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 next 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 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 year an amount equal to the aggregate appropriations voted for the annual budget for the then current fiscal year.

*Approved October 7, 1976.*

---

**Chap. 394.** AN ACT DESIGNATING THE "E" BUILDING AT THE NORTHAMPTON STATE HOSPITAL AS THE FLORENCE L. EATON BUILDING.

*Be it enacted, etc, as follows:*

The building presently known as the “E” building at the Northampton state hospital shall be designated and known as the Florence L. Eaton building, in honor of Florence L. Eaton, a former director of nurses at said hospital. A suitable marker bearing said designation shall be attached thereto by the department of mental health.

*Approved October 7, 1976.*

**Chap. 395.** AN ACT AUTHORIZING THE CITY OF MALDEN TO ESTABLISH A BOARD OF PARK COMMISSIONERS.

*Be it enacted, etc., as follows:*

SECTION 1. There shall be established within the city of Malden a board of park-commissioners, consisting of five persons appointed by the mayor with the approval of the city council, who shall hold office for terms of one, two, three, four and five years, respectively, from the first Monday in May next following such appointment or until their successors are qualified; and thereafter the mayor, with the approval of the city council, shall annually, before the first Monday in May, appoint one such commissioner for a term of five years from the first Monday in May. No member of the city council nor the clerk or treasurer of said city shall be appointed to said board. A vacancy on said board shall be filled in like manner for the residue of any unexpired term. A commissioner may be removed by a vote of two thirds of all the members of the city council. Such commissioners shall serve without compensation. Said board shall have all the powers of a board of park commissioners created pursuant to chapter forty-five of the General Laws.

SECTION 2. Section 2 of chapter 384 of the acts of 1954 is hereby amended by striking out, in line 4, the words “park commission”.

SECTION 3. Said section 2 of said chapter 384 is hereby further amended by striking out, in line 15, the words “the park commission,”.

SECTION 4. Said chapter 384 is hereby further amended by striking out section 3 and inserting in place thereof the following section:-

*Section 3.* There shall be within the department of public works, but subject to the control of the commission, a division of highways, a division of water works and a division of engineering. Each such division shall assume such management and control as shall be determined by the commission.

SECTION 5. All the powers, duties, facilities, properties and appropriations formerly within the jurisdiction of the division of forestry and parks within the public works commission under the

authority of chapter three hundred and eighty-four of the acts of nineteen hundred and fifty-four shall be under the control of the board of park commissioners established under section one.

SECTION 6. Any provision of law which is inconsistent with this act is hereby repealed.

*Approved October 7, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 7, 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 365 of the Acts of 1976, entitled AN ACT AUTHORIZING THE CITY OF MALDEN TO ESTABLISH A BOARD OF PARK COMMISSIONERS., and the enactment of which received my approval on October 7, 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 provide for the immediate establishment of a board of park commissioners.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 8, 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 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 three hundred and ninety-five of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 396.**

AN ACT ASCERTAINING THE WILL OF THE VOTERS OF THE TOWN OF CHELMSFORD RELATIVE TO SECURING FULL-TIME PROFESSIONAL MANAGEMENT OF 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 Chelmsford, 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 the board of selectmen initiate action to secure full-time professional management for the town either through a charter petition drive or a special act of the legislature to be approved by town meeting prior to its submission?”

*Approved October 7, 1976.*

**Chap. 397.** AN ACT MAKING CLARIFYING CHANGES IN THE LAW REGULATING MEETINGS OF GOVERNMENTAL BODIES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to make clarifying changes in certain provisions of the open meeting law, so called, which took effect on January first, nineteen hundred and seventy-six, 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 11A of chapter 30A of the General Laws, as appearing in section 1 of chapter 303 of the acts of 1975, is hereby further amended by striking out the definition of “Governmental body” and inserting in place thereof the following definition:-

“Governmental body”, a state board, committee, special committee, subcommittee or commission, however created or constituted 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.

SECTION 2. The fourth paragraph of section 11B of said chapter 30A, as so appearing, is hereby amended by striking out clause (3) and inserting in place thereof the following clause:-

(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.

SECTION 3. Said section 11B of said chapter 30A, as so appearing, is hereby amended by striking out the eleventh, twelfth,

and thirteenth paragraphs and inserting in place thereof the following three paragraphs:-

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 any justice of the superior court sitting in the county in which the governmental body customarily meets or in the absence of such sitting of court then any justice of the superior court sitting in Suffolk 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 complaint 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 complaint 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 complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaint the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such complaint were in accordance with and authorized by this section, by section twenty-three B of chapter thirty-nine 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 any provisions of this section has been violated, provided that such complaint 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 4. Section 9G of chapter 34 of the General Laws, as appearing in section 2 of said chapter 303, is hereby amended by striking out the tenth to the thirteenth paragraphs, inclusive, and inserting in place thereof the following four paragraphs:-

The district attorney of the county 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 complaint of three or more registered voters, by the attorney general, or by the district attorney for the county in which the district is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint 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 complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaint the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven B of chapter thirty A, 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 complaint 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 any provision of this section has been violated, provided that such complaint 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 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 5. Section 23A of chapter 39 of the General Laws, as appearing in section 3 of said chapter 303, is hereby further amended by striking out the definition of "Governmental body" and inserting in place thereof the following definition:-

"Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority.

SECTION 6. Said chapter 39 is hereby further amended by striking out section 23B, as so appearing, and inserting in place thereof the following section:-

*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 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 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 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, 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 regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or 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 the 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 county in which the violation 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 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 complaint of three or more reg-

istered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint 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 complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven B of chapter thirty A, 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 orders may invalidate any action taken at any meeting at which any provision of this section has been violated, providing that such complaint 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 created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 7. Chapter 66 of the General Laws is hereby amended by striking out section 17C, inserted by section 4 of said chapter 303, and inserting in place thereof 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 complaint of three or more registered voters, by the attorney general, or by the district attorney for the county in which the governmental body acts. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint 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 complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of any such complaint the burden shall be on the respondent to show by a preponderance of the evidence that the actions complained of in such complaint were in accordance with and authorized by section eleven B of chapter thirtyA, by section nine G of chapter thirty-four 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.

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 A, by section nine G of chapter thirty-four or by section twenty-three B of chapter thirty-nine. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy.

SECTION 8. This act shall take effect as of January first, nineteen hundred and seventy-six.

*Approved October 12, 1976.*

**Chap. 398.** AN ACT CHANGING THE TIME FOR REPORTING NON-PAYMENT OF THE MOTOR VEHICLE EXCISE TO THE REGISTRAR OF MOTOR VEHICLES.

*Be it enacted, etc., as follows:*

SECTION 1. Section 2A of chapter 60A of the General Laws, as most recently amended by chapter 139 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- If an excise assessed under this chapter remains unpaid for fourteen days after a demand therefor made not less than thirty days after such excise becomes due and payable, the local tax collector or the commissioner, as the case may be, may at any time and from time to time, in the calendar year in which the excise is first committed and billed or in the next calendar year, transmit to the registrar of motor vehicles, hereinafter in this section called the registrar, upon a form approved by the state tax commission, a notice of such nonpayment, specifying the name and address of the person to whom the excise is assessed, the amount of the excise due and such information as to the motor vehicle or trailer assessed as was transmitted by the registrar to the commissioner under sec-

tion two; provided however, that no notice shall be transmitted to the registrar under this section at a time when there is pending before the local board of assessors or the state tax commission, as the case may be, a duly filed application for the abatement of such excise in whole or in part nor within thirty days after action upon any such application by the local board of assessors or the state tax commission, as the case may be.

SECTION 2. The provisions of section one of this act shall apply to excises committed on or after July first, nineteen hundred and seventy-six.

*Approved October 12, 1976.*

---

**Chap. 399.** AN ACT INCREASING THE AMOUNT WHICH MAY BE BORROWED BY THE COUNTY COMMISSIONER OF HAMPSHIRE COUNTY FOR COURT HOUSE AND HALL OF RECORDS CONSTRUCTION AND RENOVATION PURPOSES.

*Be it enacted, etc., as follows:*

Section 3 of chapter 454 of the acts of 1972, as most recently amended by chapter 661 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- For the purposes authorized in sections one and two, the treasurer of said county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, four million one hundred twenty-five thousand dollars, and may issue bonds or notes of the county therefor which shall bear on their face the words, Hampshire County Court House Building Loan, Act of 1972.

*Approved October 12, 1976.*

---

**Chap. 400.** AN ACT EXEMPTING FACILITIES OPERATED FOR THE RELIGIOUS OF THE ROMAN CATHOLIC CHURCH FROM INSPECTION BY THE DEPARTMENT OF PUBLIC HEALTH.

*Be it enacted, etc., as follows:*

Chapter 111 of the General Laws is hereby amended by inserting after section 73A the following section:-

*Section 73B.* Nothing in this chapter or in any rule or regulation adopted pursuant thereto, shall be construed to authorize or require any facility which is operated for only those duly ordained priests, or for the members of the religious orders of the Roman Catholic Church in their own locations, buildings, residences or headquarters to provide care, shelter, treatment and medical assistance for any of the said duly ordained priests or members of the said religious orders, to be licensed or inspected;

except under laws, rules or regulations pertaining to sanitation, fire, safety, and building construction codes; nor shall personnel while working at such facility be subjected to any requirements of medical supervision, regulation, or control in connection with the operation of any such facility.

*Approved October 12, 1976.*

**Chap. 401.** AN ACT AUTHORIZING CORPORATIONS TO BE INSURANCE ADVISERS.

*Be it enacted, etc., as follows:*

Section 177B of chapter 175 of the General Laws is hereby amended by inserting after the second paragraph, inserted by chapter 144 of the acts of 1969, the following paragraph:-

The license described in this section may be issued to a corporation if the majority of the officers of said corporation is found by the commissioner to be in all respects qualified for licenses as advisers under this section. The provisions of section one hundred and seventy-four shall, so far as they are not inconsistent with this section, apply to every such corporation license.

*Approved October 12, 1976.*

**Chap. 402.** AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO CONVEY A TWENTY-FIVE FOOT STRIP OF LAND LOCATED IN THE TOWN OF WARE TO MITCHELL KOWYNIA OF SAID TOWN.

*Be it enacted, etc., as follows:*

The metropolitan district commission is hereby authorized to sell and convey, in the name and on behalf of the commonwealth, to Mitchell Kowynia by a deed approved as to its form by the attorney general, and at a price to be negotiated between the parties, a certain parcel of land located on the southerly side of state highway route 9, in the town of Ware, bounded and described as follows:- Beginning at a point 1040' more or less easterly of a Massachusetts Highway Bound in the town of Ware, located on the southerly sideline of Route 9 and station 231 + 43.31 of the 1931 State Highway Layout, thence running generally southeasterly 250', 25' wide to land of said Mitchell Kowynia.

*Approved October 12, 1976.*

**Chap. 403.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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 nineteen hundred and seventy-seven.

BRISTOL COUNTY.

Item	Subtotal	Total
1. For interest on county debt . . . . .		\$45,255 00
2. For reduction of county debt . . . . .		190,000 00
3. For county commissioners, salaries and expenses . . . . .		59,726 81
1. Personal services . . . . .	\$53,631 81	
2. Contractual services . . . . .	3,000 00	
3. Supplies and materials . . . . .	2,700 00	
4. Current charges and obligations . . . . .	395 00	
4. For transportation and expenses of county and acting commissioners . . . . .		1,750 00
5. For clerk of courts, salary and expenses . . . . .		315,541 35
1. Personal services . . . . .	276,790 35	
2. Contractual services . . . . .	24,300 00	
3. Supplies and materials . . . . .	7,500 00	
4. Current charges and obligations . . . . .	1,251 00	
5. Equipment . . . . .	5,700 00	
6. For county treasurer, salaries and expenses . . . . .		136,127 80
1. Personal services . . . . .	118,977 80	
2. Contractual services . . . . .	11,525 00	
3. Supplies and materials . . . . .	4,500 00	
4. Current charges and obligations . . . . .	1,125 00	
7. For sheriff, salary and expenses . . . . .		30,818 40
1. Personal services . . . . .	28,618 40	
2. Contractual services . . . . .	1,200 00	
3. Supplies and materials . . . . .	500 00	
4. Current charges and obligations . . . . .	500 00	
8. For registry of deeds, salaries and expenses . . . . .		

Northern District.....	193,128 10
1. Personal services.....	163,388 10
2. Contractual services.....	19,750 00
3. Supplies and materials.....	6,580 00
4. Current charges and obligations.....	1,260 00
5. Equipment.....	2,150 00
Southern District.....	186,042 35
1. Personal services.....	165,707 35
2. Contractual services.....	7,300 00
3. Supplies and materials.....	12,300 00
4. Current charges and obligations.....	435 00
5. Equipment.....	300 00
Fall River District.....	183,927 85
1. Personal services.....	159,640 85
2. Contractual services.....	13,622 00
3. Supplies and materials.....	4,335 00
4. Current charges and obligations.....	720 00
5. Equipment.....	5,610 00
8a. For registry of probate, salaries and expenses.....	37,390 00
1. Personal services.....	5,000 00
2. Contractual services.....	11,000 00
3. Supplies and materials.....	10,100 00
4. Current charges and obligations.....	8,280 00
5. Equipment.....	3,010 00
9. For law library, salaries and expenses.....	
Taunton.....	28,825 35
1. Personal services.....	11, 185 35
2. Contractual services.....	495 00
3. Supplies and materials.....	150 00
4. Current charges and obligations.....	16,695 00
5. Equipment.....	300 00
New Bedford.....	49,480 90
1. Personal services.....	11,595 90
2. Contractual services.....	605 00
3. Supplies and materials.....	885 00
4. Current charges and obligations.....	34,500 00
5. Equipment.....	1,895 00
Fall River.....	28,941 35
1. Personal services.....	10,716 35
2. Contractual services.....	1,040 00
3. Supplies and materials.....	235 00
4. Current charges and obligations.....	16,700 00
5. Equipment.....	250 00
10. For highways, including state highways, bridges and land damages.....	75,000 00
6. All other.....	75,000 00
12. For superior court costs.....	1,064,247 00
1. Personal services.....	271,038 00
2. Contractual services.....	776,750 00
3. Supplies and materials.....	14,313 00
4. Current charges and obligations.....	1,646 00
5. Equipment.....	500 00

13. For civil expenses in probate court.....		\$52,746 75
1. Personal Services.....	\$30,616 75	
2. Contractual services.....	18,000 00	
3. Supplies and materials.....	1,865 00	
4. Current charges and obligations.....	210 00	
5. Equipment.....	2,055 00	
14. For district courts, salaries and expenses		
First District Court of Bristol.....		301,404 21
1. Personal services.....	264,822 50	
2. Contractual services.....	13,048 00	
3. Supplies and materials.....	6,000 00	
4. Current charges and obligations.....	8,647 00	
5. Equipment.....	7,685 00	
6. All other.....	1,201 71	
Second District Court of Bristol.....		558,533 05
1. Personal services.....	467,996 05	
2. Contractual services.....	30,900 00	
3. Supplies and materials.....	15,845 00	
4. Current charges and obligations.....	42,792 00	
5. Equipment.....	1,000 00	
Third District Court of Bristol.....		633,536 57
1. Personal services.....	583,918 57	
2. Contractual services.....	22,335 00	
3. Supplies and materials.....	12,900 00	
4. Current charges and obligations.....	12,075 00	
5. Equipment.....	2,308 00	
Fourth District Court of Bristol.....		274,654 50
1. Personal services.....	243,467 50	
2. Contractual services.....	18,310 00	
3. Supplies and materials.....	5,750 00	
4. Current charges and obligations.....	5,477 00	
5. Equipment.....	1,650 00	
Bristol County Juvenile Court.....		451,674 66
1. Personal services.....	393,182 10	
2. Contractual services.....	32,165 00	
3. Supplies and materials.....	7,880 00	
4. Current charges and obligations.....	6,796 56	
5. Equipment.....	11,651 00	
15. For medical examiners and commitments of insane.....		54,850 00
16. For jail and house of correction, maintenance and operation.....		959,775 73
1. Personal services.....	667,415 73	
2. Contractual services.....	70,000 00	
3. Supplies and materials.....	200,000 00	
4. Current charges and obligations.....	8,760 00	
5. Equipment.....	13,600 00	
18. For court houses and registry buildings, maintenance and operation.....		520,852 42
1. Personal services.....	355,520 15	
2. Contractual services.....	99,540 00	
3. Supplies and materials.....	62,160 00	
4. Current charges and obligations.....	2,525 00	
5. Equipment.....	1,107 27	

20. For agricultural school or county cooperative extension service.....	1,110,729 01
1. Personal services.....	803,428 51
2. Contractual services.....	110,700 00
3. Supplies and materials.....	150,000 00
4. Current charges and obligations.....	27,690 00
5. Equipment.....	18,910 50
24. For noncontributory pensions.....	100,000 00
25. For contributory retirement system and supervisory expenses.....	365,145 00
26. For miscellaneous and contingent expenses.....	78,162 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.....	190,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....	150,000 00
34. For soil conservation district.....	50,000 00
36. For Dutch elm disease.....	20,000 00
39. For group insurance.....	350,000 00
40. For bicentennial promotion.....	25,000 00
Total amount of appropriations.....	\$9,018,266 38
Less estimated amount available for reduction of county tax.....	2,032,665 90
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.....	\$6,985,600 48

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

2. For reduction of county debt.....	\$400,000 00
--------------------------------------	--------------

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

*Approved October 13, 1976.*

---

**Chap. 404.** AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW MONEY FOR CLOSING A LANDFILL AREA, OPENING A NEW LANDFILL AREA OR MAKING IMPROVEMENTS TO AN EXISTING LANDFILL AREA.

*Whereas,* The deferred operation of this act would tend to

defeat its purpose, which is to immediately authorize cities and towns to borrow money for closing a landfill area, opening a new landfill area or making improvements to an existing landfill area, 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 7 of chapter 44 of the General Laws is hereby amended by striking out clause (24), added by chapter 189 of the acts of 1976, and inserting in place thereof the following clause:-

(24) For the purpose of closing out a landfill area, opening a new landfill area, or making improvements to an existing landfill area, fifteen years; provided, however, that no indebtedness shall be incurred hereunder until plans relating to the project shall have been submitted to the department of public health and the approval of said department has been granted therefor.

*Approved October 13, 1976.*

### Chap. 405.

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY—SEVEN 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-seven.

#### MIDDLESEX COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$1,695,735 03
2. For reduction of county debt.....		3,024,900 00
3. For county commissioners, salaries and expenses.....		414,612 51
1. Personal services.....	401,862 51	
2. Contractual services.....	1,750 00	
3. Supplies and materials.....	100 00	
4. Current charges and obligations.....	10,900 00	

4. For transportation and expenses of county and acting commissioners.....		1,500 00
5. For clerk of courts, salaries and expenses.....		1,024,541 20
1. Personal services.....	966,088 20	
2. Contractual services.....	3,853 00	
3. Supplies and materials.....	30,250 00	
4. Current charges and obligations.....	24,350 00	
6. For county treasurer, salaries and expenses.....		202,162 23
1. Personal services.....	164,562 23	
2. Contractual services.....	35,000 00	
3. Supplies and materials.....	150 00	
4. Current charges and obligations.....	2,450 00	
7. For sheriff, salary and expenses.....		21,401 19
1. Personal services.....	21,101 19	
4. Current charges and obligations.....	300 00	
8. For registry of deeds, salaries and expenses.....		
Northern District.....		325,922 11
1. Personal services.....	303,026 31	
2. Contractual services.....	17,000 00	
3. Supplies and materials.....	1,134 80	
4. Current charges and obligations.....	4,761 00	
Southern District.....		1,572,440 93
1. Personal services.....	1,462,200 93	
2. Contractual services.....	76,230 00	
3. Supplies and materials.....	14,000 00	
4. Current charges and obligations.....	20,010 00	
8a. For registry of probate, salaries and expenses.....		122,205 00
1. Personal services.....	17,589 00	
2. Contractual services.....	41,025 00	
3. Supplies and materials.....	35,340 00	
4. Current charges and obligations.....	27,091 00	
5. Equipment.....	1,160 00	
10. For highways, including state highways, bridges and land damages.....		994,029 45
1. Personal services.....	885,829 45	
2. Contractual services.....	15,000 00	
3. Supplies and Materials.....	12,200 00	
4. Current charges and obligations.....	1,000 00	
5. Equipment.....	5,000 00	
6. All other.....	75,000 00	
12. For superior court costs.....		3,071,527 21
1. Personal services.....	1,296,967 21	
2. Contractual services.....	1,765,350 00	
3. Supplies and materials.....	2,450 00	
4. Current charges and obligations.....	6,760 00	

13. For civil expenses in probate court.....		303,575 54
1. Personal services.....	130,386 10	
2. Contractual services.....	143,825 00	
3. Supplies and materials.....	18,300 00	
4. Current charges and obligations.....	10,314 44	
5. Equipment.....	750 00	
14. For district courts, salaries and expenses		
District Court of Lowell.....		865,806 48
1. Personal services.....	803,023 48	
2. Contractual services.....	35,460 00	
3. Supplies and materials.....	20,225 00	
4. Current charges and obligations.....	6,772 00	
5. Equipment.....	326 00	
District Court of Somerville.....		\$749,342 15
1. Personal services.....	\$710,529 15	
2. Contractual services.....	26,650 00	
3. Supplies and materials.....	8,165 00	
4. Current charges and obligations.....	3,998 00	
District Court of Newton.....		411,255 55
1. Personal services.....	382,430 55	
2. Contractual services.....	17,200 00	
3. Supplies and materials.....	6,000 00	
4. Current charges and obligations.....	5,625 00	
District Court of Marlborough.....		312,035 72
1. Personal services.....	294,399 22	
2. Contractual services.....	8,760 70	
3. Supplies and materials.....	3,775 00	
4. Current charges and obligations.....	5,100 80	
District Court of Natick.....		204,868 35
1. Personal services.....	185,683 35	
2. Contractual services.....	5,755 00	
3. Supplies and materials.....	2,300 00	
4. Current charges and obligations.....	11,130 00	
First District Court of Eastern Middlesex.....		743,614 80
1. Personal services.....	704,361 38	
2. Contractual services.....	20,375 00	
3. Supplies and materials.....	12,425 00	
4. Current charges and obligations.....	6,453 42	
Second District Court of Eastern Middlesex.....		506,905 38
1. Personal services.....	482,395 38	
2. Contractual services.....	13,825 00	
3. Supplies and materials.....	6,600 00	
4. Current charges and obligations.....	4,085 00	
Third District Court of Eastern Middlesex.....		1,494,081 21
1. Personal services.....	1,405,098 11	
2. Contractual services.....	21,211 00	
3. Supplies and materials.....	13,575 00	
4. Current charges and obligations.....	54,197 10	
Fourth District Court of Eastern Middlesex.....		685,008 08
1. Personal services.....	642,594 08	
2. Contractual services.....	28,542 00	
3. Supplies and materials.....	8,550 00	
4. Current charges and obligations.....	5,322 00	

First District Court of Northern Middlesex .....		418,866 80
1. Personal services .....	397,851 80	
2. Contractual services .....	11,750 00	
3. Supplies and materials .....	4,675 00	
4. Current charges and obligations .....	2,990 00	
5. Equipment .....	1,600 00	
First District court of Southern Middlesex .....		784,938 14
1. Personal services .....	741,378 14	
2. Contractual services .....	21,500 00	
3. Supplies and materials .....	11,950 00	
4. Current charges and obligations .....	8,610 00	
5. Equipment .....	1,500 00	
District Court of Central Middlesex .....		540,088 71
1. Personal services .....	504,723 71	
2. Contractual services .....	25,925 00	
3. Supplies and materials .....	4,690 00	
4. Current charges and obligations .....	4,750 00	
District Court - Juvenile Division .....		346,237 25
1. Personal services .....	318,357 25	
2. Contractual services .....	21,350 00	
3. Supplies and materials .....	3,700 00	
4. Current charges and obligations .....	2,830 00	
Defenders .....		160,000 00
1. Personal services .....	160,000 00	
15. For medical examiners and commitments of insane .....		140,500 00
16. For jail and house of correction, maintenance and operations		
Cambridge .....		1,435,255 77
1. Personal services .....	1,435,255 77	
17a. For multi-service center .....		68,819 44
1. Personal services .....	50,786 86	
2. Contractual services .....	9,000 00	
3. Supplies and materials .....	1,700 00	
4. Current charges and obligations .....	7,332 58	
18. For court houses and registry buildings, maintenance and operation .....		4,015,981 54
1. Personal services .....	2,148,061 54	
2. Contractual services .....	1,543,500 00	
3. Supplies and materials .....	201,660 00	
4. Current charges and obligations .....	122,760 00	
20. For agricultural school or county cooperative extension service .....		291,251 25
1. Personal services .....	266,984 25	
2. Contractual services .....	20,000 00	
3. Supplies and materials .....	3,440 00	
4. Current charges and obligations .....	827 00	
24. For noncontributory pensions .....		422,625 44

25. For contributory retirement system and supervisory expenses.....	1,896,049 76
26. For miscellaneous and contingent expenses.....	285,000 00
27. For unpaid bills of previous years.....	78,505 79
28. For reserve fund.....	125,000 00
28d. For reserve for counsel for indigent defendants.....	50,000 00
28e. For reserve for child care.....	35,000 00
28f. For reserve for salary increases.....	25,000 00
29. For advertising recreational, industrial and agricultural advantages of the county.....	42,700 00
39. For group insurance.....	1,297,600 00
45. For central purchasing department.....	<u>473,432 20</u>
Total amount of appropriation.....	\$31,680,322 21
Less estimated amount available for reduction of county tax.....	<u>4,030,128 31</u>

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..... \$27,650,193 90

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

9. For law library, salaries and expenses	
Cambridge	
1. Personal services.....	57,498 35
2. Contractual services.....	50 00
4. Current charges and obligations.....	40,000 00
Lowell	
1. Personal services.....	27,642 28
2. Contractual services.....	700 00
3. Supplies and materials.....	125 00
4. Current charges and obligations.....	35,000 00
5. Equipment.....	150 00
16. For jail and house of correction	
Billerica	
1. Personal services.....	\$1,407,059 34
2. Contractual services.....	110,675 00
3. Supplies and materials.....	381,800 00
4. Current charges and obligations.....	101,997 68
5. Equipment.....	4,395 00
Cambridge	
2. Contractual services.....	29,750 00
3. Supplies and materials.....	49,000 00

4. Current charges and obligations.....	46,187 60
5. Equipment.....	3,500 00
Total	\$2,295,530 25

SECTION 2. This act shall take effect upon its passage.  
*Approved October 15, 1976.*

**Chap. 406.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUDNRED AND SEVENTY—SEVEN 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-seven.

NORFOLK COUNTY.

Item	Subtotal	Total
1. For interest on county debt.....		\$223,300 00
2. For reduction of county debt.....		385,000 00
3. For county commissioners, salaries and expenses.....		187,792 03
1. Personal services.....	\$175,756 23	
2. Contractual services.....	7,500 00	
3. Supplies and materials.....	1,300 00	
4. Current charges and obligations.....	2,020 00	
5. Equipment.....	1,215 80	
4. For transportations and expenses of county and acting commissioners.....		4,000 00
5. For clerk of courts, salaries and expenses.....		351,496 29
1. Personal services.....	316,041 55	
2. Contractual services.....	16,271 30	
3. Supplies and materials.....	14,000 00	
4. Current charges and obligations.....	3,771 46	
5. Equipment.....	1,411 98	

6.	For county treasurer, salaries and expenses.....	164,636 35
1.	Personal services.....	133,146 35
2.	Contractual services.....	19,800 00
3.	Supplies and materials.....	5,300 00
4.	Current charges and obligations.....	5,545 00
5.	Equipment.....	845 00
7.	For sheriff, salary and expenses.....	21,139 84
1.	Personal services.....	19,899 84
2.	Contractual services.....	350 00
3.	Supplies and materials.....	600 00
4.	Current charges and obligations.....	300 00
8.	For registry of deeds, salaries and expenses.....	735,630 77
1.	Personal services.....	606,056 77
2.	Contractual services.....	47,625 00
3.	Supplies and materials.....	30,725 00
4.	Current charges and obligations.....	48,904 00
5.	Equipment.....	2,320 00
8a.	For registry of probate, salaries and expenses.....	123,487 20
1.	Personal services.....	1,000 00
2.	Contractual services.....	69,000 00
3.	Supplies and materials.....	25,000 00
4.	Current charges and obligations.....	15,950 00
5.	Equipment.....	12,537 20
9.	For law library, salaries and expenses.....	29,040 20
1.	Personal services.....	11,540 20
2.	Contractual services.....	450 00
3.	Supplies and materials.....	800 00
4.	Current charges and obligations.....	16,250 00
10.	For highways, including state highways, bridges and land damages.....	383,303 05
1.	Personal services.....	250,238 05
2.	Contractual services.....	37,250 00
3.	Supplies and materials.....	6,500 00
4.	Current charges and obligations.....	2,115 00
5.	Equipment.....	12,200 00
6.	All other.....	75,000 00
12.	For superior court costs.....	1,497,056 77
1.	Personal services.....	784,540 77
2.	Contractual services.....	677,000 00
3.	Supplies and materials.....	22,180 00
4.	Current charges and obligations.....	8,968 00
5.	Equipment.....	4,368 00
13.	For civil expenses in probate court.....	167,994 01
1.	Personal services.....	95,474 01
2.	Contractual services.....	68,325 00
3.	Supplies and materials.....	3,000 00
4.	Current charges and obligations.....	495 00
5.	Equipment.....	700 00

14. For district courts, salaries and expenses		
District Court of Northern Norfolk		585,139 75
1. Personal services	538,401 75	
2. Contractual services	27,750 00	
3. Supplies and materials	12,142 50	
4. Current charges and obligations	4,625 00	
5. Equipment	2,220 50	
District Court of East Norfolk		1,132,667 69
1. Personal services	990,893 18	
2. Contractual services	98,000 00	
3. Supplies and materials	25,800 00	
4. Current charges and obligations	6,994 00	
5. Equipment	10,980 51	
District Court of Western Norfolk		487,405 57
1. Personal services	444,178 37	
2. Contractual services	22,575 00	
3. Supplies and materials	13,630 00	
4. Current charges and obligations	3,167 20	
5. Equipment	2,605 00	
6. All other	1,250 00	
District Court of Southern Norfolk		\$322,247 40
1. Personal services	\$288,315 00	
2. Contractual services	18,200 00	
3. Supplies and materials	7,230 00	
4. Current charges and obligations	2,560 00	
5. Equipment	5,942 40	
Municipal Court of Brookline		387,663 50
1. Personal services	335,613 50	
2. Contractual services	28,480 00	
3. Supplies and materials	16,850 00	
4. Current charges and obligations	3,420 00	
5. Equipment	3,300 00	
District Court - County Defenders		84,836 00
1. Personal services	84,836 00	
15. For medical examiners and commitments of insane		69,000 00
16. For jail and house of correction, maintenance and operation		838,989 95
1. Personal services	838,989 95	
18. For court houses and registry buildings, maintenance and operations		953,564 14
1. Personal services	456,528 98	
2. Contractual services	288,500 00	
3. Supplies and materials	153,045 00	
4. Current charges and obligations	31,900 00	
5. Equipment	22,390 16	
6. All other	1,200 00	
19. For construction of county buildings and purchase of land		50,000 00
20. For agricultural school or county cooperative extension service		1,188,441 08

1. Personal services.....	812,699 08
2. Contractual services.....	142,042 00
3. Supplies and materials.....	109,472 00
4. Current charges and obligations.....	21,900 00
5. Equipment.....	87,828 00
6. All other.....	14,500 00
24. For noncontributory pensions.....	307,910 04
25. For contributory retirement system and supervisory expenses.....	591,783 83
26. For miscellaneous and contingent expenses.....	161,924 57
27. For unpaid bills of previous year.....	134,396 94
28. For reserve fund.....	75,000 00
28d. For reserve for counsel for indigent defendants.....	75,000 00
28e. For reserve for federal grants.....	22,715 00
28f. For reserve for collective bargaining.....	51,316 34
29. For advertising recreational, industrial and agricultural advantages of the county.....	100,000 00
37. For human services.....	6,000 00
39. For group insurance.....	406,836 00
40. For rape prevention unit.....	58,952 20
45. For Wollaston recreational facility.....	<u>165,933 24</u>
Total amount of appropriations.....	\$12,531,599 75
Less estimated amount available for reduction of county tax.....	1,755,105 76
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.....	\$10,776,493 99

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

2. For reduction of county debt.....	175,000 00
16. For jail and house of correction, maintenance and operation.....	346,954 50
2. Contractual services.....	50,085 00
3. Supplies and materials.....	230,00 00
4. Current charges and obligations.....	5,000 00

5. Equipment.....	19,853 50	
6. All other.....	42,016 00	
Total		\$521,954 50

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

*Approved October 15, 1976.*

**Chap. 407** AN ACT RELATIVE TO THE CONNECTION OF A SEWERAGE LINE IN A CERTAIN PORTION OF THE TOWN OF DANVERS.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of promoting the public good and providing for the health requirements of that portion of the town of Danvers known as Lobao Acres, the town of Danvers is hereby authorized to connect a sewerage line serving that portion of the town of Danvers known as Lobao Acres to the existing sewer line serving the Ivan G. Smith Elementary school, and that such connection shall not operate to deprive the town of Danvers of its reimbursement from the commonwealth, pursuant to chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, section six A of chapter three hundred and forty-six of the acts of nineteen hundred and fifty-four, and section eighteen of chapter four hundred and ninety-two of the acts of nineteen hundred and seventy-four, for the construction of the sewer line in conjunction with the construction of the Ivan G. Smith Elementary school, nor shall it diminish the reimbursement to the town of Danvers by the commonwealth, for such construction in any manner.

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

*Approved October 15, 1976.*

**Chap. 408.** AN ACT AUTHORIZING THE TOWN OF NORTH READING TO OBTAIN WATER FROM THE IPSWICH RIVER.

*Be it enacted, etc., as follows:*

SECTION 1. The town of North Reading may, in accordance with such conditions as may be set forth by the department of environmental quality engineering, for the purpose of extinguishing fires and for domestic and other purposes for the use of the inhabitants of said town, draw water not to exceed five million gallons per day from the Ipswich river in said town during the period from December first to May thirty-first, inclusive, in any year; provided, that the flow rate of the river as measured at the so called South Middleton dam is a minimum of ten million gallons per day. Said town may, under other conditions, draw water for

such purposes at such times as may be authorized by said department.

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

*Approved, October 15, 1976.*

---

**Chap. 409.** AN ACT FURTHER REGULATING HEALTH CARE DELIVERY SYSTEMS IN THE COMMONWEALTH.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to reorganize immediately the health care delivery system of Massachusetts in an equitable and feasible manner for all the citizens of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience and health.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 6A of the General Laws is hereby amended by striking out section 31, inserted by section 2 of chapter 1229 of the acts of 1973, and inserting in place thereof the following section:-

*Section 31.* As used in sections thirty-two to forty-six, inclusive, unless the context clearly requires otherwise, 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.

“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 the 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 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.

“Commission”, the rate setting commission established under section thirty-two.

“Eligible person”, a person who qualifies for financial assistance from a governmental unit in meeting all or part of the cost of general health supplies, care, social, rehabilitative or educational services and accommodations.

“General health supplies, care, social, rehabilitative or educational services and accommodations,” all supplies, care and ser-

vices of medical, optometric, dental, surgical, podiatric, psychiatric, therapeutic, diagnostic, rehabilitative, educational, supportive or geriatric nature, including inpatient and outpatient hospital care and services, and accommodations in hospitals, sanatoria, infirmaries, convalescent and nursing homes, rest homes, facilities established, licensed, or approved pursuant to the provisions of chapter one hundred and eleven B, and similar institutions including those providing treatment, training, instruction and care of children and adults.

“Governmental unit”, the commonwealth, any department, agency, board or commission of the commonwealth, and any political subdivision of the commonwealth.

“Hospital”, any hospital licensed under section fifty-one of chapter one hundred and eleven, the teaching hospital of the University of Massachusetts Medical School, and any psychiatric facility licensed under section twenty-nine of chapter nineteen.

“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 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.

“Provider of health care services”, any person, corporation, partnership, governmental unit, state institution and other entity which furnishes general supplies, care, services and accommodations to an eligible person.

“State institution”, any hospital, sanatorium, infirmary, clinic and other such facility owned, operated or administered by the commonwealth or by any department, agency, board or commission of the Commonwealth, which furnishes general health supplies, care, social rehabilitative or educational services and accommodations.

SECTION 2. The first paragraph of section 33 of said chapter 6A, as appearing in said section 2 of said chapter 1229, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission, subject to appropriation, shall establish such bureaus as may be necessary to carry out its duties as set forth in this chapter, including but not limited to a bureau of hospitals and a bureau of long-term care facilities.

SECTION 3. Said chapter 6A is hereby further amended by inserting after section 34 the following section:-

*Section 34A.* There shall be a rate setting commission hospital policy review board, in this section called the board, consisting of two members designated by the secretary of the executive office of

human services and nine members appointed by the governor, two from a list of at least six recommendations submitted by the Massachusetts Hospital Association, one representing a teaching hospital and one representing a nonteaching hospital; one physician from a list of at least three recommendations submitted by the Massachusetts Medical Society; a nonprovider member of the governing board of a health system agency designated pursuant to Title XV of the federal Public Health Services Act; one representing nonprofit hospital service corporations under chapter one hundred and seventy-six A; one representing companies authorized to sell accident and health insurance under chapter one hundred and seventy-five; and three nonproviders with experience in or knowledge of the delivery or financing of hospital services and who shall represent the interests and concerns of business, labor and the elderly, respectively. Each member appointed by the governor shall serve for a term of three years and until his successor is duly qualified; provided, that in making his initial appointments to the board under this section, the governor shall appoint three members for terms of one year each, three members for terms of two years each and three members for terms of three years each. The governor shall fill any vacancy for the remainder of the unexpired term. All appointed members shall be reimbursed for their necessary expenses incurred in the performance of their duties. The board shall annually elect a chairman from the appointed members. The board shall meet at least four times annually and upon call of the chairman or written application to the chairman of any two members. The board shall adopt operating procedures governing the conduct of its activities.

The board shall have the right to at least sixty days prior review and comment on any proposed rule or regulation of the commission, except for rules or regulations promulgated on any emergency basis, issued pursuant to sections thirty-seven to forty-six, inclusive. The commission shall issue an explanatory statement which shall accompany its proposed regulations. The board shall consider any item within the purview of sections thirty-seven to forty-six, inclusive, recommended by the commission, the chairman of the board or any two board members. The board shall, within thirty days of receipt of a proposed rule or regulation, submit written comments to the commission recommending approval, disapproval or partial approval. In the event the commission determines not to accept any such recommendation, it shall prepare a written statement of its reasons for disagreement, which statement shall be submitted to the board within twenty days of receipt of the board's recommendations, and shall, together with the board's recommendations be included in the record of any public hearing held on such proposed rule or regulation. Any member of the board may participate in any such public hearing by presenting reports, studies, witnesses and testimony. The commission shall

not promulgate any rule or regulation or part thereof which is the subject of a board recommendation of disapproval for at least twenty-one days after submission of such a statement in order to provide the board an opportunity, upon the call of a majority of those members present, to hold a public hearing on its recommendations. The board shall, upon call of at least four of its members, hold a public hearing on matters relating to the commission's policies and activities carried out pursuant to sections thirty-seven to forty-six, inclusive.

The board shall report periodically, but at least as often as annually, to the governor and the general court, with copies to the joint legislative committee on health care, on its findings, opinions and recommendations for legislation.

The commission shall, subject to appropriation, afford office and meeting space, clerical assistance and funds for necessary expenses for the board.

SECTION 4. Said chapter 6A is hereby further amended by adding the following ten sections:-

*Section 37.* 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 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 modifications 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; (b) any increase beyond that allowed by virtue of application of such index results from increase 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 elected representatives of health systems agencies designated pursuant to Title XV of the federal Public Health Service Act, the Massachusetts Hospital Association, and companies authorized to sell accident and health insurance under chapter one hundred and seventy-five.

*Section 38.* 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 actions, 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 is less than the hospital's base period ratio of total patient care costs to total patient care charges.

*Section 39.* For each fiscal year beginning with the fiscal year nineteen hundred and seventy-eight, every hospital, whether or not proposing to modify its charges or implement any new charge, shall, at least sixty days prior to the start of its fiscal year, file with the commission a copy of its budget, including projected and actual costs, volume and revenue data, the charge schedule supporting the revenue projection, and such other information as the

commission shall require, including pertinent information, if any, regarding anticipated changes in intensity of service and medical practice, or either of them. The budget of any hospital proposing no modification of its charges nor implementation of any new charge shall not be subject to approval or disapproval in whole or part by the commission unless the commission determines by application of the standards and criteria specified in section thirty-seven and in regulations of the commission issued thereunder that the filing hospital's ratio of total patient care costs to total patient care charges shall be below ninety-five per cent or such ratio for the hospital's base year; in which event the commission shall approve or disapprove in whole or part total patient care costs and total patient care charges.

*Section 40.* Not later than October first, nineteen hundred and seventy-nine, the commission shall, for the purpose of thereafter receiving applications submitted under section thirty-seven or section thirty-eight and budgets filed under section thirty-nine, develop and adopt, by regulations issued hereunder, a methodology for reasonably grouping and comparing hospitals by any or all of the following criteria: size, service, department and other criteria appropriate for comparison. Such methodology shall be adopted by the commission only upon consultation with representatives of nonprofit hospital service corporations incorporated under chapter one hundred and seventy-six A, elected representatives of health systems agencies designated pursuant to Title XV of the federal Public Health Service Act, companies authorized to sell accident and health insurance under chapter one hundred and seventy-five and the Massachusetts Hospital Association, and provided that, in acting on any such application, or on any such budget when such action shall be required, the commission shall approve or disapprove in whole or in part only the total patient care costs and total patient care charges projected by the applicant or filing hospital.

*Section 41.* 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 thirty-seven or section thirty-eight, 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 thirty-seven for modifications in charges or under section thirty-eight for new charges, whichever is applicable, shall be applied by the commis-

sion 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 42.* Any hospital aggrieved by any action of the commission on any application submitted under section thirty-seven or section thirty-eight, or on any budget filed under section thirty-nine, may file an appeal in accordance with section thirty-six of chapter six A.

*Section 43.* 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.

*Section 44.* Any hospital which makes a charge or accepts payment based upon a charge in excess of that approved by the commission under sections thirty-seven, thirty-eight and thirty-nine or which fails to file with the commission data, statistics or schedules or other information required 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 penalty 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 the provisions of sections thirty-seven to forty-six, inclusive.

*Section 45.* The commission may, by regulations issued hereunder, specify standard systems for determining, reporting, and auditing the costs and charges of every hospital, including methods by which each hospital shall allocate its costs and revenues and shall record its assets, liabilities, units of service, and departmental data; which recording shall not be in variance with generally accepted accounting principles. Such regulations shall provide for appropriate variations in such systems designed to reflect differences in size, scope of services, and administrative capacity of hospitals.

*Section 46.* For the purposes of any experimental or demonstration project designed to test the relative advantages and disadvantages of alternative methods of determining, reporting, and auditing the costs and charges of any hospital or hospitals or to promote, through financial incentives, the more efficient use of the personnel and facilities of any hospital or hospitals, the com-

mission may with the written agreement of any such hospital or hospitals, and of any third-party purchasers of patient care services, supplies, and accommodations therefrom as may choose to participate in such project, develop and implement criteria and procedures for action as to such hospital or hospitals which may differ from such criteria and procedures previously established.

SECTION 5. Not later than October first, nineteen hundred and seventy-eight, the rate setting commission shall develop and adopt a definition of "total patient care charges" which shall reflect actual revenue received by each hospital for all patient care services, supplies, and accommodations and a definition of "total patient care costs" which shall reflect the reasonable financial requirements of each hospital for providing patient care services, supplies and accommodations. Such definitions shall be adopted by the commission only upon consultation with representatives of nonprofit hospital service corporations incorporated under chapter one hundred and seventy-six A of the General Laws, elected representatives of health systems agencies designated pursuant to Title XV of the federal Public Health Service Act, companies authorized to sell accident and health insurance under the provisions of chapter one hundred and seventy-five and the Massachusetts Hospital Association; provided, however, that until such definitions have been adopted the following words as used in section thirty-two to forty-six, inclusive, of chapter six A of the General Laws, unless the context clearly requires otherwise, shall have the following meanings:-

"Total patient care charges", total gross earnings less contractual adjustments for publicly aided individuals, unless otherwise defined pursuant to section thirty-eight of said chapter six A.

"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, unless otherwise defined pursuant to section thirty-eight of said chapter six A.

Upon adoption of the definitions as required by this section, the provisions of section thirty-seven of chapter six A of the General Laws, inserted by section four of this act, relating to the ratio of total patient care costs to total patient care charges shall become void, and for purposes of section thirty-nine of said chapter six A, as so inserted, total projected cost and total projected charges shall be subject to approval or disapproval in whole or in part by said commission.

SECTION 5A. Each hospital shall file with the rate setting 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.

SECTION 6. The joint legislative committee on health care shall determine the necessity for appointment of an unbiased and com-

petent third party to resolve disputes that may arise between the parties during the development of the methodology required by section forty of chapter six A of the General Laws, inserted by section four of this act, or during the development of regulations required by section five of this act. Such recommendations, if deemed appropriated, shall be submitted in proper form to the general court within thirty days of submission of the request to the health care committee. Such recommendations shall carry requests for appropriate funds to conduct the arbitration.

SECTION 7. Chapter four hundred and twenty-four of the acts of nineteen hundred and seventy-five is hereby repealed.

SECTION 8. The provisions of this act are hereby declared to be severable and if any such provisions or the application of such provisions to any person or circumstances shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality 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.

*Approved October 15, 1976.*

---

**Chap. 410.** AN ACT INCREASING THE SALARY OF THE CLERK OF THE DISTRICT COURT OF DUKES COUNTY.

*Be it enacted, etc., as follows:*

SECTION 1. *Class I* of paragraph (1) of section 79 of chapter 218 of the General Laws, as appearing in chapter 634 of the acts of 1974, is hereby amended by inserting after the line reading "district court of Chelsea" the following line:- district court of Dukes county.

SECTION 2. *Class III* of said paragraph (1) of said section 79 of said chapter 218, as so appearing, is hereby amended by striking out the line reading "district court of Dukes county."

*Approved October 15, 1976.*

---

**Chap. 411.** AN ACT FURTHER REGULATING JUDICIAL REVIEW UNDER THE LAW RELATIVE TO STATE ADMINISTRATIVE PROCEDURE.

*Be it enacted, etc., as follows:*

SECTION 1. Clause (1) of the first paragraph of section 14 of chapter 30A of the General Laws, as appearing in section 3 of chapter 1114 of the acts of 1973, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- The action shall, except as provided in section thirty-two of chapter six, be commenced in the court within thirty days after receipt of notice of the final decision of the agency or if a

petition for rehearing has been timely filed with the agency, within thirty days after receipt of notice of agency denial of such petition for rehearing.

SECTION 2. Clause (2) of said first paragraph of said section 14 of said chapter 30A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Service shall be made upon the agency and each party to the agency proceeding in accordance with the Massachusetts Rules of Civil Procedure governing service of process.

*Approved October 15, 1976.*

**Chap. 412.** AN ACT RELATIVE TO THE LAW PROVIDING CARE AND SERVICES FOR CERTAIN CHILDREN.

*Be it enacted, etc., as follows:*

SECTION 1. The sixth paragraph of section 39E of chapter 119 of the General Laws, as appearing in section 5 of chapter 1073 of the acts of 1973, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Notice of the hearing shall be given to the department of youth services and to the department of public welfare.

SECTION 2. The first paragraph of section 39G of said chapter 119, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:-

(c) subject to the provisions of sections thirty-two and thirty-three and subject, further, to such conditions and limitations as the court may prescribe, commit the child to the department of public welfare.

*Approved October 15, 1976.*

**Chap. 413.** AN ACT INCREASING THE SALARY OF THE CLERK OF THE DISTRICT COURT OF NATICK.

*Be it enacted, etc., as follows:*

SECTION 1. Class IV of paragraph (1) of section 79 of chapter 218 of the General Laws, as appearing in chapter 634 of the acts of 1974, is hereby amended by striking out the line reading "district court of Natick".

SECTION 2. Class I of said paragraph (1) of said section 79 of said chapter 218, as so appearing, is hereby amended by inserting after the line reading "district court of Newton" the following:- district court of Natick.

SECTION 3. This act shall take effect on July first, nineteen hundred and seventy-seven.

*Approved October 15, 1976.*

**Chap. 414.** AN ACT AUTHORIZING THE BROCKTON POLICE RELIEF ASSOCIATION TO PAY CERTAIN SUMS OF MONEY TO ITS MEMBERS UPON THEIR RETIREMENT.

*Be it enacted, etc., as follows:*

The Brockton Police Relief Association, 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 October 15, 1976.*

---

**Chap. 415.** AN ACT RELATIVE TO THE ADMINISTRATION OF STATE TAXATION.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 10 of the General Laws is hereby amended by striking out section 39, as most recently amended by section 3 of chapter 492 of the acts of 1974, and inserting in place thereof the following section:-

*Section 39.* Any organization operating or conducting a game under section thirty-eight shall file a return with the commissioner of corporations and taxation in accordance with section eighteen of chapter sixty-two C and shall pay therewith a tax of five per cent of the gross receipts derived from such game. Such returns and the amounts of all such payments shall be public records.

All provisions of chapter sixty-two C relative to the administration of taxes shall, so far as pertinent and consistent, be applicable to taxes imposed by this section. Every officer, employee or member of an organization which fails to pay any sum required by this section to be paid shall be personally and individually liable therefor to the commonwealth.

All sums received by said commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interest or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth and shall be credited as follows:-

(a) Two fifths of all such sums received shall be credited to the State Lottery Fund established under the provisions of section thirty-five and subject to appropriation, the state lottery commission may expend such sums for the expenses incurred in the administration of sections thirty-seven and thirty-eight.

(b) Three fifths of all such sums received shall be credited to the General Fund.

(c) Any unappropriated balance remaining in the State Lottery

Fund from the sums credited under clause (a), as determined by the comptroller as of June first and December first of each year, shall be credited to the Local Aid Fund established under the provisions of section two D of chapter twenty-nine to be distributed in accordance with the provisions of section eighteen C of chapter fifty-eight.

SECTION 2. Section 6 of chapter 58A of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 37 of chapter 684 of the acts of 1975, and inserting in place thereof the following sentence:-

The board shall have jurisdiction to decide appeals under the provisions of section forty-two E of chapter forty; of sections two and fourteen of chapter fifty-eight; of clauses Seventeenth and Twenty-second of section five of chapter fifty-nine; of sections seven, seven A, thirty-nine, sixty-four, sixty-five, sixty-five B, seventy-three and eighty-one of said chapter fifty-nine; of section two of chapter sixty A; of sections thirty-nine, sixty-seven and sixty-eight of chapter sixty-two C; of section two of chapter sixty-three; of section twenty-six of chapter sixty-five; of section four of chapter sixty-five A; and under any other provision of law wherein such jurisdiction is or may be expressly conferred.

SECTION 3. Section 13 of said chapter 58A, a most recently amended by section 5 of chapter 1114 of the acts of 1973, is hereby further amended by striking out the tenth sentence and inserting in place thereof the following two sentences:- If the order grants an abatement of a tax assessed by the commissioner and the tax has been paid, the amount abated with interest computed in accordance with section thirty-three of chapter sixty-two A and if costs are ordered against the commission, the amount thereof, shall be paid to the taxpayer by the state treasurer. If the order grants an abatement of a tax assessed by the board of assessors of a town and the tax has been paid, the amount abated with interest at the rate of six per cent per annum from the time when the tax was paid, and, if costs are ordered against a board of assessors, the amount thereof, shall be paid to the taxpayer by the town treasurer, and, if unpaid, execution therefor may issue against the town as in actions at law.

SECTION 4. Chapter 60A of the General Laws is hereby amended by striking out section 2, as most recently amended by chapter 211 of the acts of 1974, and inserting in place thereof the following section:-

*Section 2.* Except as otherwise provided in section one, if the owner of the motor vehicle or trailer registered is an individual inhabitant of the commonwealth, or a partnership, voluntary association or corporation having a principal place of business in the commonwealth or if the owner of the motor vehicle or trailer registered is not such an individual, partnership, voluntary

association or corporation but the vehicle or trailer is customarily kept in any particular municipality in the commonwealth, the board of assessors shall assess the excise imposed by section one, and commit the same to the collector of taxes with their warrant for the collection thereof. Otherwise the excise so imposed shall be assessed and collected by the commissioner. The excise shall be assessed to the owner of the motor vehicle or trailer registering the same, and the registrar of motor vehicles shall promptly transmit to the commissioner a notice of the registration of a motor vehicle or trailer subject to this excise, giving the name and residential address of the owner, if an individual, or the name and principal place of business in this commonwealth, if any, otherwise that outside the commonwealth, if a corporation, partnership or voluntary association, the municipality in which the motor vehicle or trailer is customarily to be kept if it is to be kept in the commonwealth, the name of the maker, the year of manufacture as designated by the manufacturer, the model and type of vehicle or trailer, and the type of transmission. The commissioner may require from the owner such further information as may be necessary for the purposes of this chapter. If an application for the registration of a motor vehicle or trailer contains a statement that the motor vehicle or trailer is customarily to be kept in any particular district, section or part of a city or town, the commissioner shall determine in what city or town said district, section or part is located, and shall transmit the information to the assessors. The commissioner shall, within eight months of the receipt of such information, transmit to the board of assessors the information received relative to registration with respect to motor vehicles and trailers locally assessable sent to him by the registrar of motor vehicles, and, under such provisions as he deems best, make available to the local assessors information showing the values as determined under section one. The excise hereunder shall be due and payable at the expiration of sixty days from the date upon which the notice was issued by the collector or the commissioner pursuant to this section. The collector of taxes or the commissioner, as the case may be, shall seasonably notify the owner of the excise assessed and the due date, but failure to receive notice shall not affect the validity of the excise. The owner, if aggrieved by the excise assessed by the board of assessors, may on or before December thirty-first of the year next succeeding the year to which the excise relates apply for an abatement to the board of assessors, and, from a decision of the board of assessors upon such application, an appeal may be taken to the county commissioners or to the appellate tax board, all in accordance with section sixty-four or sixty-five of chapter fifty-nine. If an abatement is granted of an excise assessed by a board of assessors, any overpayment with interest thereon at the rate of six per cent per annum from the date of payment shall be refunded by

the city or town treasurer from any available funds, upon certificate by the collector of taxes and approval for payment as required by section fifty-two of chapter forty-one, without any appropriation therefor by the municipality. Owners who neglect to pay the excise assessed under this chapter shall pay interest at the rate of eight per cent per annum from the time when such excise was payable until paid. The notice issued pursuant to this section shall bear on its face a statement of the time within which petitions for abatement of the excise may be filed.

The provisions of chapter sixty-two C shall apply to the excises assessed by the commissioner.

SECTION 5. Said chapter 60A is hereby further amended by striking out section 3, as most recently amended by section 3 of chapter 480 of the acts of 1938, and inserting in place thereof the following section:-

*Section 3.* In the collection of this excise the collectors of taxes shall have all the remedies provided by chapter sixty.

SECTION 6. Subsection (b) of section 6 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 paragraph (2) and inserting in place thereof the following paragraph:-

(2) Any individual entitled to claim any credit pursuant to paragraph one of this subsection and not otherwise required to file a return under section six of chapter sixty-two C may obtain a refund in the amount of such credit by filing a return and claiming a refund. Any refund to which an individual is entitled under the provisions of this paragraph shall be made in the same manner as other refunds under section thirty-six of chapter sixty-two C. No refund or credit shall be allowed pursuant to this paragraph unless such credit or refund is claimed on a return filed on or before the fifteenth day of the fourth month following the close of the taxable year or within any extension of time granted for filing such return.

SECTION 7. Section 9 of said chapter 62 is hereby amended by striking out the first paragraph, as appearing in section 2 of chapter 644 of the acts of 1957, and inserting in place thereof the following paragraph:-

Estates of deceased persons, if assessed within the time limited by section twenty-six of chapter sixty-two C, shall be subject to the taxes imposed by this chapter upon all income received by such persons during their lifetime, except that estates of deceased persons who were non-residents at the time of their death shall be subject only to the taxes imposed by section five A.

SECTION 8. Section 11 of said chapter 62 is hereby amended by striking out the first sentence, as appearing in section 3 of chapter 592 of the acts of 1955, and inserting in place thereof the following sentence:- Any inhabitant of the commonwealth who receives, is

entitled to, or to whom income is available from one or more trustees or other fiduciaries who are not subject to taxation under this chapter, shall be subject to the taxes imposed by this chapter upon such income according to the nature of the income received by such trustees, or other fiduciaries, and shall include such income in a return as required by section six of chapter sixty-two C.

**SECTION 9.** Section 11B of said chapter 62, as appearing in section 3 of chapter 913 of the acts of 1973, is hereby amended by striking out, in lines 5 and 6, the words “this chapter and chapter sixty-two B” and inserting in place thereof the words:- chapter sixty-two C.

**SECTION 10.** Section 13 of said chapter 62, as most recently amended by section 4 of chapter 644 of the acts of 1957, is hereby further amended by striking out, in line 10, the word “twenty-five” and inserting in place thereof the words:- six of chapter sixty-two C.

**SECTION 11.** Said chapter 62 is hereby further amended by striking out section 15, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 15.* Every corporation liable to taxation under the preceding section shall make the returns prescribed by section six of chapter sixty-two C and shall be subject to the penalties imposed by said chapter.

**SECTION 12.** Said chapter 62 is hereby further amended by striking out section 19, as appearing in section 18 of chapter 698 of the acts of 1966, and inserting in place thereof the following section:-

*Section 19.* Section seventeen of this chapter and section seven of chapter sixty-two C shall not apply to corporate trusts, and nothing in said sections shall affect other provisions of this chapter so far as the same relate to such corporate trusts.

**SECTION 13.** Chapter 62 of the General Laws is hereby further amended by striking out section 25, as most recently amended by chapter 592 of the acts of 1955, and inserting in place thereof the following section:-

*Section 25.* Every individual who while an inhabitant of the commonwealth, and every executor, administrator, trustee or other fiduciary who while such an inhabitant or while acting under an appointment derived from a court of the commonwealth, has received any income taxable under this chapter, and the estate of every deceased inhabitant of the commonwealth, shall be subject to the taxes imposed by this chapter.

**SECTION 14.** Said chapter 62 is hereby further amended by striking out section 42, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 42.* Executors, administrators, trustees or other fiduciaries shall be personally liable for any tax under this chapter

which is assessed on income received by them and may be allowed in their accounts for the amounts paid by them.

SECTION 15. Chapter 62B of the General Laws is hereby amended by striking out section 5, as most recently amended by section 42 of chapter 684 of the acts of 1975 and inserting in place thereof the following section:-

*Section 5.* Every employer required to deduct and withhold from an employee a tax under section two or who would have been required under said section to deduct and withhold a tax if the employee had not claimed any personal exemption or dependency exemptions shall furnish to each such employee in respect of the wages paid by such employer to such employee during the calendar year, on or before January thirty-first of the succeeding year, or, if his employment is terminated before the close of such calendar year, within thirty days from the day on which the last payment of wages is made, a written statement in duplicate showing the name of the employer, the name of the employee and his social security account number, if any, the total amount of wages subject to taxation under chapter sixty-two, and the total amount deducted and withheld as tax. Said statement may contain such other information as the commissioner, with the approval of the commission, may prescribe. The commissioner may grant reasonable extensions of time, not exceeding sixty days, for the furnishing of such statement.

Every employer who fails to withhold or pay to the commissioner any sums required by this chapter to be withheld or paid shall be personally and individually liable therefor to the commonwealth. The term "employer", as used in this paragraph and in section eleven, includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to withhold and pay over taxes in accordance with this section and section two. Any sum or sums withheld in accordance with the provisions of section two shall be deemed to be held in trust for the commonwealth.

If an employer in violation of the provisions of this chapter fails to withhold the tax in accordance with section two, and thereafter the tax against which such tax may be credited, pursuant to section nine, is paid, the tax so required to be withheld shall not be collected from the employer; but this paragraph shall in no case relieve the employer from liability for any penalties or addition to the tax otherwise applicable in respect of such failure to withhold.

SECTION 16. Chapter 62B of the General Laws is hereby amended by striking out section 6, as most recently amended by section 2 of chapter 577 of the acts of 1967, and inserting in place thereof the following section:-

*Section 6.* In the event an employer fails to withhold and pay over to the commissioner any amount required to be withheld

under section two, such amount shall be assessed against such employer, under the provisions of sections twenty-six to twenty-nine inclusive, of chapter sixty-two C.

SECTION 17. Section 7 of said chapter 62B, as appearing in chapter 17 of the acts of 1959, is hereby amended by striking out paragraphs (a), (b) and (c) and inserting in place thereof the following three paragraphs:-

(a) Whenever any employer fails to deduct and withhold taxes, file returns relating thereto, or pay over such taxes to the commissioner at the time and in the manner prescribed by this chapter or by chapter sixty-two C or by any regulation issued thereunder, and is notified, by notice delivered in hand to such employer, of any such failure, then all the requirements of paragraph (b) shall be complied with. In the case of a corporation, partnership or trust, notice delivered in hand to an officer, partner or trustee, shall, for the purposes of this section be deemed to be notice delivered in hand to such corporation, partnership or trust and to all officers, partners, trustees and employees thereof.

(b) Any employer who is required by this chapter or by chapter sixty-two C to deduct and withhold taxes, file returns relating thereto and pay over such taxes to the commissioner, if notice has been delivered to such employer in accordance with paragraph (a), shall withhold the taxes required by section two to be withheld after the delivery of such notice, and, not later than the end of the second banking day after any amount of such taxes is withheld, deposit the same in a separate account in a national bank doing business in the commonwealth or in a trust company chartered by the commonwealth, and shall keep the amount of such taxes so withheld in such account until payment over to the commissioner. Any such account shall be designated as a special fund in trust for the commonwealth, payable to the commonwealth by such employer as trustee.

(c) Whenever the commissioner is satisfied, with respect to any notification made under paragraph (a), that all the requirements of this chapter and of section ten of chapter sixty-two C and the regulations thereunder will thereafter be complied with, he may cancel such notification. Such cancellation shall take effect at such time as is specified in the notice of such cancellation.

SECTION 18. Said chapter 62B is further amended by striking out section 11, as most recently amended by chapter 408 of the acts of 1968, and inserting in place thereof the following section:-

*Section 11.* (a) An employer who is required under the provisions of section five to furnish a statement to an employee, and who wilfully fails to furnish the statement required by said section shall, for each such offense be subject to a penalty of fifty dollars payable to the commissioner as hereinafter provided, and shall be punished by a fine of not more than one thousand dollars, or by

imprisonment for not more than one year, or both.

(b) An employee who wilfully furnishes his employer with a false or fraudulent withholding exemption certificate or who wilfully fails to supply a new certificate to his employer which would increase the tax to be withheld from him shall be subject to a penalty of fifty dollars payable to the commissioner as hereinafter provided, and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

(c) Any employer who, knowing that he is required by this chapter to withhold or pay over a tax to the commissioner, wilfully fails to withhold or pay over such tax shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SECTION 19. Said chapter 62B is hereby further amended by striking out section 12, as amended by section 39 of chapter 698 of the acts of 1966, and inserting in place thereof the following section:-

*Section 12.* All taxes deducted and withheld by an employer and paid over to the commissioner pursuant to section five shall be deemed and credited as payments on account of the tax imposed on income for the taxable year under chapter sixty-two.

SECTION 20. Section 13 of said chapter 62B is hereby amended by striking out the first sentence, as amended by section 1 of chapter 159 of the acts of 1960, and inserting in place thereof the following sentence:- Every taxpayer who in any taxable year can reasonably expect to receive income in excess of five hundred dollars taxable under chapter sixty-two from sources other than wages upon which a tax is required to be withheld under section two, shall file a declaration of his estimated tax for such year.

SECTION 21. Said chapter 62B is hereby further amended by striking out section 17, as amended by section 41 of chapter 698 of the acts of 1966, and inserting in place thereof the following section:-

*Section 17.* All payments of estimated tax made by any taxpayer pursuant to section fourteen shall be deemed and credited as payments on account of the tax imposed on income for the taxable year under chapter sixty-two, and any taxes in addition thereto.

SECTION 22. The General Laws are hereby amended by inserting after chapter 62B, the following chapter:-

#### CHAPTER 62C.

#### ADMINISTRATIVE PROVISIONS RELATIVE TO STATE TAXATION.

*Section 1.* The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:-

“Commission”, the state tax commission.

“Commissioner”, the commissioner of corporations and taxation.

“Code”, the Internal Revenue Code of the United States, as amended on January first, nineteen hundred and seventy-one.

“Tax”, any tax, excise, interest, penalty, or addition to tax imposed by this chapter or the statutes referred to in section two.

*Section 2.* The provisions of this chapter shall, so far as pertinent and consistent, apply to the taxes imposed by chapter sixty A; by chapters sixty-two through sixty-five C, inclusive; by section thirty-nine of chapter ten; by section ten of chapter one hundred and twenty-one A; by section twenty-one of chapter one hundred and thirty-eight by section seven A of chapter two hundred and seventy-one, and by any act in addition thereto or amendment thereof.

*Section 3.* The administration of this chapter, and of the statutes referred to in section two, is vested in the commissioner. All forms necessary and proper for the enforcement of this chapter and the statutes referred to in section two shall be prescribed and furnished by the commissioner with the approval of the commission. The commission may prescribe regulations and rulings, not inconsistent with law, to carry into effect the provisions of said statutes, which regulations and rulings, when reasonably designed to carry out the intent and purposes of said provisions, shall be prima facie evidence of their proper interpretation. Any regulations issued by the commission for the interpretation and enforcement of the provisions of chapter sixty-five C shall conform so far as the commission may deem practicable to the regulations relating to the estate tax laws of the United States.

*Section 4.* The commission may by regulation provide with respect to any amount required to be shown on a form prescribed by the commissioner for any return, statement, or other document that, if such amount is other than a whole dollar amount, the fractional part of a dollar shall be disregarded unless it amounts to one half dollar or more, in which case the amount determined without regard to the fractional part of a dollar shall be increased by one dollar.

The provisions of the above paragraph shall not be applicable to items which must be taken into account in making the computations necessary to determine the amount required to be shown on the form, but shall be applicable only to such final amount.

In the assessment or collection of any tax, or in the allowance of any amount as a credit, refund, or abatement, the commissioner or the commission, as the case may be, may, under regulations issued by the commission, disregard a fractional part of a dollar unless it amounts to fifty cents or more, in which case it shall be increased to one dollar.

*Section 5.* Returns required by this chapter shall be filed with the commissioner in such form as the commissioner, with the approval of the commission, prescribes; shall contain such information as the commissioner deems pertinent; and shall contain a written declaration that they are made under the penalties of perjury. The commissioner shall prepare blanks for such returns and shall cause them to be distributed; but no person shall be excused from making a return by failure of the commissioner to send or give one of the blanks to him.

*Section 6. (a.)* Every individual inhabitant of the commonwealth who receives or accrues during the taxable year Massachusetts gross income, as defined in section two of chapter sixty-two, in excess of two thousand dollars shall make a return of such income.

Every nonresident, whose Massachusetts gross income, determined in accordance with section five A of chapter sixty-two, exceeds two thousand dollars, or the personal exemption to which he may be entitled under section three of chapter sixty-two, whichever is the lesser, every corporate trust taxable under section eight of chapter sixty-two, and every other corporate trust doing business within the commonwealth and every other partnership, association or trust whose federal gross income, as defined in section one of chapter sixty-two, exceeds one hundred dollars, shall make a return of such income.

Every individual, not otherwise required to file a return under the foregoing provisions of this section, who is a resident for a portion of a twelve-month period beginning on the first day of a taxable year and a nonresident for a portion of the same twelve-month period and whose Massachusetts gross income, as defined in section two of chapter sixty-two, exceeds two thousand dollars shall make separate returns as a resident and a nonresident of his income subject to taxation under chapter sixty-two.

A husband and wife may make a single return jointly of income taxes under chapter sixty-two, even though one of the spouses has neither income nor deductions, provided that their taxable years begin on the same day and either end on the same day or on different days solely because of the death of either or both. Such return shall be known as a joint return and shall include the income, exemptions and deductions of both spouses. Each spouse shall be jointly and severally liable for the entire tax.

*(b.)* Every executor, administrator, trustee, guardian, conservator, trustee in bankruptcy, assignee for the benefit of creditors and receiver, other than a receiver of a domestic corporation, every fiduciary referred to in section twenty-five of chapter sixty-two and every other person receiving income taxable under chapter sixty-two, shall make an annual return of his taxable income. An executor or administrator shall file a return under this section if his

decedent received any such amount not returned by the decedent as to which a tax under chapter sixty-two may still be assessed within the time limited by section twenty-six of this chapter. If a person has been appointed executor or administrator after January first in any year, the return of such income received by his decedent but not reported by him shall be due and shall be filed on or before the fifteenth day of the fourth month after the date of such appointment. Every such fiduciary intending to make final distribution of an estate or trust before the end of any year shall file immediately prior to such distribution a return under this section of all such income received by him and by his decedent during said year and prior to such distribution, and the taxes thereon shall become due and payable forthwith.

(c) Except as otherwise provided, returns under this section shall be made on or before the fifteenth day of the fourth month following the close of each taxable year.

*Section 7.* Every partnership, other than a corporate trust as defined in chapter sixty-two, having a usual place of business in the commonwealth shall file, on or before the fifteenth day of the fourth month following the close of each taxable year, an information return sworn to by a member of the partnership. Such return shall include the partnership's income or losses from sources taxable under chapter sixty-two, any deductions or credits attributable thereto, the names and addresses of the partners and the distributive shares of the various classes of partnership income, losses, deductions or credits apportioned to each, and such other information as the commissioner may require in order to determine the taxable income of each partner.

*Section 8.* Every individual, corporation, partnership, association, trust, estate, organization, society, club, governmental agency or any other entity doing business in the commonwealth shall report annually to the commissioner, in such form as he may from time to time prescribe, giving the names and addresses of all residents of the commonwealth and other persons deriving income in the commonwealth to whom it has paid any income subject to taxation under chapter sixty-two during the preceding calendar year on the same basis as is required by the federal government under the Code and state in such report the amount of such income so paid by it. The same basis of reporting shall be utilized for income that is subject to taxation under chapter sixty-two but is not subject to taxation under the Code.

Every trustee or other fiduciary who is an inhabitant of or has derived his appointment from a court of the commonwealth and who in such capacity receives income which, if received by an individual inhabitant of the commonwealth, would be taxable under chapter sixty-two, but which is not so taxable to such trustee or fiduciary, shall file with the commissioner for each calendar year

during which he has distributed to such an inhabitant any such income not previously returned, and upon final distribution of the estate or trust in case any such income is distributed as aforesaid, a return in such form as the commissioner may from time to time prescribe, giving the name and residence of every such inhabitant and the amount and kind of income so distributed to him which is taxable under chapter sixty-two.

The returns and reports required by this section shall be made on or before June first in each year; but the commissioner may authorize them to be made at any other date and in connection with any other reports or returns that may be required to be filed with him.

*Section 9.* If any person fails to file an income tax return required by section six or seven of this chapter, any justice of the supreme judicial or the superior court, on petition of the commissioner or of any ten taxable inhabitants of the commonwealth, shall issue a writ of mandamus requiring such person to file such return. The order of notice on the petition shall be returnable not later than ten days after the filing thereof. 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. The judgment shall include costs in favor of the prevailing party. All writs and processes may be issued from the clerk's office in any county, and, except as aforesaid, shall be returnable as the court orders.

*Section 10.* Every employer who is required to deduct and withhold taxes under section two of chapter sixty-two B shall file returns and make payments 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 Code.

*Section 11. (a.)* Every domestic business corporation and every foreign corporation, both as defined in section thirty of chapter sixty-three, every domestic manufacturing corporation and every domestic research and development corporation, both as defined in section thirty-eight C of chapter sixty-three, and every foreign manufacturing corporation and every foreign research and development corporation, both as defined in section forty-two B of chapter sixty-three, shall, on or before the fifteenth day of the third month following the close of each taxable year, make a return giving such information as the commissioner may deem necessary for the determination of the taxes imposed upon them by chapter sixty-three.

*(b.)* Every corporation subject to chapter sixty-three C shall,

on or before the fifteenth day of the third month following the close of each taxable year, make a return giving such information as the commissioner may deem necessary for the determination of the tax imposed by chapter sixty-three C.

*Section 12. (a.)* Every bank, as defined in section one of chapter sixty-three, shall, on or before the fifteenth day of the third month following the close of each taxable year, make a return to the commissioner giving such information as the commissioner may deem necessary for the determination of the tax imposed by section two of chapter sixty-three.

If any bank shall have participated in filing a consolidated return of income to the federal government, it shall file with the commissioner a statement of net income showing its gross income and deductions in accordance with the law and regulations governing the usual federal returns of corporations not so participating.

*(b.)* Every savings bank, every co-operative bank and every state or federal savings and loan association shall semiannually on or before the twenty-fifth day of the seventh month of its taxable year and on or before the twenty-fifth day of the first month following the close of its taxable year, make a return to the commissioner, giving such information as the commissioner may deem necessary for the determination of the tax imposed by section eleven of chapter sixty-three.

*(c)* Every savings and insurance bank shall annually, on or before November twenty-fifth, make a return to the commissioner, giving such information as the commissioner may deem necessary for the determination of the tax due under section eighteen of chapter sixty-three for the preceding fiscal year.

*(d)* Every life insurance company shall annually, on or before March fifteenth, make a return to the commissioner giving such information as the commissioner may deem necessary for the determination of the tax due under sections twenty and twenty-one of chapter sixty-three for the preceding calendar year.

*(e)* Every insurance company liable to taxation under sections twenty-two, twenty-two A or twenty-three of chapter sixty-three shall annually, on or before March fifteenth, make a return to the commissioner giving such information as the commissioner may deem necessary for the determination of the excise thereby imposed.

*(f)* Every marine, or fire and marine, insurance company liable to taxation under section twenty-nine A of chapter sixty-three shall annually, on or before the fifteenth day of May, make a return to the commissioner, setting forth the underwriting profit or loss, ascertained as provided in said section twenty-nine A, for the taxable year or years required by the pertinent paragraph of subsection (6) thereof, giving such other information as the commissioner may deem necessary for the determination of the excise imposed by that section.

(g) Every utility corporation shall, on or before the fifteenth day of the third month following the close of each taxable year, make a return to the commissioner giving such information as the commissioner may deem necessary for the determination of the tax imposed by section fifty-two A of chapter sixty-three.

(h) Every corporation organized under general or special laws of the commonwealth for purposes of business or profit, having a capital stock divided into shares, except banks otherwise taxable under chapter sixty-three, except insurance companies with capital stock and mutual insurance companies with a guaranty capital or permanent fund whose premiums are otherwise taxable under chapter sixty-three, and except corporations taxable under sections thirty to forty-two B, inclusive and fifty-two A of chapter sixty-three, in addition to all returns required by this chapter, and in addition to any returns otherwise required under chapter sixty-three, shall annually, on or before the fifteenth day of March, make a return to the commissioner stating the name and place of business of the corporation, and setting forth as of January first of the year in which the return is made:

First. The total authorized amount of its capital stock; the amount issued and outstanding and the amount then paid thereon; the classes, if any, into which it is divided; the par value and number of its share; the market value of the shares of each class of its stock outstanding.

Second. A statement of the assets, both within and without the commonwealth, belonging to the corporation, with the value thereof, and of the liabilities of the corporation.

Third. A statement of the profit or loss resulting from the business of the corporation for the twelve months ending with December thirty-first preceding the year in which the return is made.

(i) Every corporation subject to taxation under section sixty-seven of chapter sixty-three and owning an interest in any ship or vessel shall on or before the fifteenth day of the third month following the close of each taxable year, make a return to the commissioner, setting forth in detail the name of the ship or vessel, the interest of the corporation therein, and the value of such interest.

(j) Every corporation subject to taxation under section ten of chapter one hundred twenty-one A shall on or before March fifteenth of each year make a return for the preceding calendar year giving such information as the commissioner requires for the determination of the tax imposed by said section.

**Section 13.** The commissioner may require from any corporation, company, organization or association required to file a return under sections eleven or twelve of this chapter to report in such return such information as the commissioner deems necessary relative to tangible personal property situated in this commonwealth with respect to which such corporation, company,

organization or associaiton is either lessor or lessee. Failure to supply such information when required shall make the return an insufficient return under section twenty-eight of this chapter.

*Section 14.* Every taxpayer subject to taxation under chapter sixty-three A shall on or before April fifteenth of each year make a return to the commissioner of the total amount of its gross receipts for the preceding calendar year and compute the amount of the tax prescribed by section two of chapter sixty-three A.

*Section 15.* Returns required by sections eleven to fourteen, inclusive, shall be signed by the treasurer or assistant treasurer, or in their absence or incapacity by any other principal officer, of the corporation, company, organization or association making the return.

*Section 16.* (a) Every distributor and unclassified exporter, as defined in paragraphs (c) and (j), respectively, of section one of chapter sixty-four A, shall, on or before the last day of each month, except June and on or before the twentieth day of June file with the commissioner a return stating the number of gallons of fuel sold by him in the commonwealth or exported or caused to be exported from the commonwealth during the preceding calendar month, and such other information as the commissioner may deem necessary.

Every unclassified importer, as defined in paragraph (i) of section one of chapter sixty-four A, shall, on or before the last day of each month, except June and on or before the twentieth day of June, file with the commissioner a return stating the number of gallons of fuel imported or caused to be imported into the commonwealth during the preceding calendar month, and such other information as the commissioner may deem necessary.

(b) Every person subject to taxation under chapter sixty-four B shall file with the commissioner a return for each calendar month. The commission may be regulation require returns under this section to be filed on a quarterly or such other basis as it may determine and to have different filing periods for different groups of taxpayers. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

(c) Every licensee under section two of chapter sixty-four C, other than an unclassified acquirer or a retailer, shall, on or before the twentieth day of each calendar month file with the commissioner a return for each place of business maintained, stating the number of cigarettes sold by such licensee in the commonwealth during the preceding calendar month and such return shall contain or be accompanied by such further information as the commissioner shall require; provided, that if a licensee ceases to sell cigarettes within the commonwealth he shall forthwith file with the commissioner such a return for the period ending with such cessation. Each unclassified acquirer shall, upon importation or ac-

quisition of cigarettes into or within the commonwealth, file with the commissioner a return stating the number of cigarettes imported or acquired and such other information as the commissioner may deem necessary.

(d) All stampers, as defined in section one of chapter sixty-four C, shall file with the commissioner, monthly reports on or before the twentieth day of each calendar month showing the number of stamps on hand at the beginning of the month, the number purchased during the month, the number on hand at the end of the month, the number affixed or otherwise disposed of during the month, and such other information as the commissioner may deem necessary.

(e) Every person licensed under chapter sixty-four E, other than a user, shall, on or before the last day of each month, except June and on or before the twentieth day of June, file with the commissioner a return stating the number of gallons of special fuels sold or used by him in the commonwealth during the preceding calendar month, and such further information as the commissioner may deem necessary.

(f) Every person licensed under chapter sixty-four F shall, on or before the last day of April, July, October and January of each year, file with the commissioner a return stating the number of gallons of fuel or special fuels used by him in the commonwealth during the preceding calendar quarter, and such further information as the commissioner may deem necessary.

(g) Every operator, as defined in section one of chapter sixty-four G, subject to taxation under chapter sixty-four G shall file a return with the commissioner for each calendar month. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

(h) Each vendor who has made any sale taxable under the provisions of chapter sixty-four H or sixty-four I shall file a return with the commissioner for each calendar month. The commission may by regulation require returns under this section to be filed on a quarterly rather than a monthly basis or on such other basis as it may determine and to have different filing periods for different groups of vendors. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

(i) Every purchaser who is required to pay a tax under chapter sixty-four I shall file a return with the commissioner for each calendar month. The commission may by regulation require returns under this section to be filed on a quarterly rather than a monthly basis. Such returns shall show the total sales prices of all tangible personal property purchased at retail sale upon which the tax imposed has not been paid by the purchaser to vendors, the amount of tax for which the purchaser is liable, and such other information as the commissioner deems necessary for the computa-

tion and collection of the tax. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

The return filed by a purchaser shall include the sales prices of all tangible personal property purchased at taxable retail sale during the calendar month or other period for which the return is filed and upon which the tax imposed has not been reimbursed by the purchaser to vendors.

(j) Every person subject to taxation under section twenty-one of chapter one hundred and thirty-eight shall file a return with the commissioner for each calendar month covering his sales of all alcoholic beverages or alcohol and all malt beverages imported into the commonwealth by him. Every such return shall be filed within twenty days after the expiration of the period covered thereby.

*Section 17.* (a) In all cases where the federal gross estate of a decedent exceeds sixty thousand dollars the executor, as defined in chapter sixty-five C, shall make a return within nine months after the date of the decedent's death with respect to the tax imposed by chapter sixty-five C. 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.

*Section 18.* (a) Every organization operating or conducting a game under section thirty-eight of chapter ten shall within ten days after such game is held file a return with the commissioner giving such information as he deems necessary for the determination of the tax imposed by said section. Such return shall also include the names and addresses of all persons receiving prizes over twenty-five dollars in such game, and the amount of each such prize.

(b) Every organization conducting or operating a raffle or bazaar under section seven A of chapter two hundred and seventy-one shall within ten days after the raffle or bazaar is held file a return with the commissioner giving such information as he deems necessary for the determination of the tax imposed by said section.

*Section 19.* For good cause the commissioner may grant a reasonable extension of time for filing any return required by this chapter, provided that the taxpayer, on or before the date prescribed for payment of the tax, files a tentative return, in such form as the commissioner may require, and pays therewith the amount of tax reasonably estimated to be due.

An extension of three months for filing any return required by sections eleven or twelve of this chapter shall be allowed any cor-

poration if, in such manner and at such time as the commissioner may prescribe, such corporation files a request, in such form as the commissioner may require, and pays, on or before the date prescribed for payment of the tax, the amount of tax reasonably estimated to be due under this chapter; but this extension may be terminated at any time by the commissioner by mailing to the corporation notice of such termination at least ten days prior to the date for termination fixed in such notice.

Failure to pay fifty per cent of the tax due with respect to returns required by sections eleven or twelve of this chapter or eighty per cent of the tax due with respect to other returns required by this chapter on or before the date the tax imposed is required to be paid shall void any extension of time and the return shall be subject to penalty as a late return.

*Section 20.* Returns shall be open to the inspection of the commissioner, and his deputies, assistants and clerks when acting under his authority. The books, accounts and other records in the hands of the commissioner, except returns, shall be open to the inspection of the state auditor, and his deputies, assistants and clerks when acting under his authority for the purpose of auditing the accounts of the commissioner

*Section 21. (a)* 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, to any person but the taxpayer or his representative, of any information contained in or set forth by any return or document filed with the commissioner, other than the name and address of the person filing it, except in proceedings to determine or collect the tax or for the purpose of criminal prosecution under this chapter, is prohibited.

(b) Nothing herein shall be construed to prevent

(1) the disclosure of information contained in inventories filed under section seventeen of this chapter;

(2) the inspection of returns or documents filed pursuant to section seventeen of this chapter or section twenty-two of chapter sixty-five by persons, or their representatives, likely to become charged with the payment of taxes in connection therewith;

(3) the disclosure of information contained in returns filed pursuant to subsections (a) and (i) of section sixteen and subsection (a) of section eighteen of this chapter;

(4) the publication of statistics so classified as to prevent the identification of particular returns or reports and the items thereof;

(5) the disclosure of information as provided in section thirty T of chapter seven;

(6) 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 twenty-two and twenty-three of this chapter;

(7) the disclosure of information as to whether a vendor, as defined in chapters sixty-four H or sixty-four I, is registered pursuant to section sixty-seven of this chapter; or

(8) the disclosure as to whether any designated person has filed a return under section six of this chapter for the current or any prior year.

(c) Any violation 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, and by disqualification from holding office in the commonwealth for such period, not exceeding three years, as the court determines.

*Section 22.* The commissioner may permit the Secretary of the Treasury of the United States or his delegate, or the proper tax officer of any territory, state or political subdivision thereof, or any agent or agency designated under the laws of any territory, state or political subdivision thereof to be the representative of such territory, state or political subdivision to inspect any return required to be filed with the commissioner, or may furnish to such officer or his authorized representative an abstract of any such return or supply him with information concerning any item contained in any such return, or disclosed by any investigation of tax liability due under any such return, whether or not filed, but such permission shall be granted or such information furnished to such officer or his representative only if the laws of the United States or of such other territory, state or political subdivision thereof, as the case may be, generally restrict the disclosure of such information except for the purpose of administering tax laws, grant substantially similar privileges to the commissioner and such information is to be used exclusively for the purpose of administering the tax laws of the United States or of such territory, state or political subdivision thereof; and provided further, the commissioner may furnish to the Secretary of the Treasury of the United States or his delegate, or to the proper tax officer of any territory, state or political subdivision or to any agent or agency designated under the laws of any territory, state or political subdivision thereof copies of tax returns filed with him and other tax information, as he may consider proper, for use in court actions or proceedings involving exclusively the administration of the tax laws of the United States, of any territory, or state or any political subdivision thereof, whether civil or criminal, if a written request therefor has been made to the commissioner by the Secretary of the Treasury of the United States or his delegate or by the proper tax officer of any territory, state or political subdivision thereof or of any agent or agency designated under the laws of any territory, state or political subdivision thereof, provided that the laws of the United States or of any territory, state or political subdivision grant substantially similar

powers to the Secretary of the Treasury of the United States or his delegate or to the proper tax officer of any territory, state or political subdivision thereof or to any agent or agency designated under the laws of any territory, state or political subdivision thereof. If the commissioner has so authorized use of returns or other information in such actions or proceedings, the commissioner or any employee delegated by him may testify in such actions or proceedings in respect to such returns or other information.

*Section 23.* The commissioner may participate jointly with the Secretary of the Treasury of the United States or his delegate, or with the proper tax officer of any territory, state or political subdivision thereof or with any agent or agency designated under the laws of any territory, state or political subdivision thereof in the examination, verification, assessment, audit or other activity to determine the proper tax liability due on any tax return required to be filed with him. Pursuant to regulations of the state tax commission, the commissioner may participate jointly with said tax officers in the examination, verification, assessment, audit or other activity to determine the proper tax liability due on any tax return required to be filed with the Internal Revenue Service or with any territory, state or political subdivision thereof to the extent that the tax of the federal government or of the territory, state or political subdivision thereof is similar to a tax imposed by the commonwealth. A certificate by the commissioner that the tax of the federal government or of such other territory, state or political subdivision thereof is similar to a tax imposed by the commonwealth shall be prima facie evidence of such similarity.

*Section 24.* For the purpose of verifying any return filed under this chapter, the commissioner or his duly authorized representative may at any time within three years after the date prescribed for filing the return, or the date filed, whichever is later, examine the books, papers, records and other data of the taxpayer which shall be open to such person for verification.

Stocks of unused stamps and any metering machines in the possession of stampers, as defined in section one of chapter sixty-four C, shall be open to inspection by the commissioner or his duly authorized representative at all reasonable times.

*Section 25.* Every distributor, unclassified importer, unclassified exporter or purchaser referred to in section one of chapter sixty-four A, every taxpayer required to register under chapter sixty-four B, every stamper appointed under section thirty of chapter sixty-four C, every user-seller, supplier or user of special fuels, as defined in section one of chapter sixty-four E, every motor carrier required to be licensed under chapter sixty-four F, every operator required to register under chapter sixty-four G, every vendor required to register under chapters sixty-four H or

sixty-four I and every licensee referred to in section twenty-one of chapter one hundred thirty-eight shall keep and preserve suitable records of taxable charges and such other books, papers, records, and data as the commissioner may require to determine the amount of the tax due under the provisions of those respective chapters. Such records shall be open to inspection and examination at any reasonable time by the commissioner or his duly authorized representative and such records shall, unless the commissioner consents in writing to an earlier destruction be preserved for three years after the date the return was filed or the date it was due, whichever occurs later, and for such further period as may be agreed upon for the assessment of any additional tax.

*Section 26.* (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-three 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 therefore 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 arithmetic 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 a nonresident fails to file a return of income derived by him from sources within the commonwealth, as required by section SLT, the tax imposed by section five A of chapter sixty-two

shall be assessed on the basis of his gross income from such sources. The commissioner shall determine such income according to his best information and belief and may assess the tax, with penalties and interest, and without allowance for deductions or exemptions.

(f) If an executor, as defined in chapter sixty-five C, omits from the gross estate items includable in such gross estate as exceed in amount twenty-five per cent of the gross estate stated in the return filed pursuant to section seventeen, the estate 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.

(g) The provisions of this section shall not apply to assessments of taxes imposed by chapters sixty-five or sixty-five A.

*Section 27.* If, before the expiration of the time prescribed under section twenty-six for the assessment of any tax, the commissioner and the taxpayer consent in writing to extend the time for the assessment of the tax, the commissioner of his duly authorized representative may examine the books, papers, records, and other data of the taxpayer, may give any notice required by section twenty-six and may assess the tax at any time prior to the expiration of the extended time. The period so extended by the commissioner and the taxpayer may be further extended by subsequent agreements in writing made before the expiration of the time last extended.

*Section 28.* If a person who has been notified by the commissioner that he has failed to file a return or has filed an incorrect or insufficient return refuses or neglects within thirty days after the date of such notification to file a proper return, or if a person has filed a false or fraudulent return or has filed a return with a willful attempt in any manner to defeat or evade the tax, the commissioner may determine the tax due, according to his best information and belief, and may assess the same at not more than double the amount so determined, which additional tax shall be in addition to the other penalties provided by this chapter.

*Section 29.* If the commissioner believes that the collection of any tax will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax together with all interest and penalties, as provided by law. Such tax, penalties and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the commissioner for the payment thereof. Upon failure or refusal to pay such tax, penalty and interest, the commissioner shall proceed forthwith to the collection thereof.

*Section 30.* If the federal taxable income of a person subject to taxation under chapter sixty-two is finally determined by federal government to be different from the taxable income as originally reported, such final determination shall be reported, accompanied by payment of any additional tax due with interest as provided in section thirty-three, to the commissioner within one year of receipt of notice of such final determination. If the taxable income of a person subject to taxation under chapter sixty-three or sixty-three C is finally determined by the federal government to be different from the taxable income as originally reported, such final determination, shall be reported, accompanied by payment of any additional tax due with interest as provided in section thirty-three, to the commissioner within three months of receipt of notice of such final determination. The report shall include a statement of the reasons for the difference in such form as the commissioner may require. If from such report or upon investigation it shall appear that any tax under chapter sixty-two or that the tax with respect to income under chapters sixty-three or sixty-three C has not been fully assessed, the commissioner shall, notwithstanding the three-year limitation in section twenty-six, assess an additional tax, if any, with respect thereto, with interest as provided in section thirty-three. An assessment under this section shall be made in the manner provided in section twenty-six within one year of the receipt of such report or within two years of the receipt by the commissioner of information from the federal government that it has made a final determination of such person's federal taxable income different from that reported where no report is filed with the commissioner and shall be limited to changes in such person's tax liability under chapters sixty-two, sixty-three or sixty-three C arising out of or related to the items which resulted in the change in federal taxable income.

If, as a result of the change by the federal government in a person's federal taxable income, such person believes that a lesser tax was due the commonwealth than was paid, he may apply in writing to the commission for an abatement thereof under section thirty-seven with one year of the date of notice of such final determination by the federal government. The commission shall not be limited in its consideration of such application to the items which comprise the federal change but shall abate only such portion of the tax assessed or paid as exceeds the proper tax due under chapters sixty-two, sixty-three, or sixty-three C, as the case may be.

Any person failing to comply with the provisions contained in the first paragraph hereof shall be assessed a penalty in the sum of one hundred dollars, or ten per cent of the additional tax found due, whichever sum is smaller, said penalty to become part of the additional tax found due. For reasonable cause shown, the com-

mission may, in its discretion, abate such penalty in whole or in part.

For the purposes of this section, the term "person" shall include any individual, partnership, trust, corporate trust or any other fiduciary subject to taxation under chapter sixty-two or any corporation subject to taxation under chapter sixty-three or chapter sixty-three C.

*Section 31.* 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, the amount of any balance due and the time when the same is required to be paid. Failure to receive such notice shall not affect the validity of the tax.

*Section 32.* Taxes shall be due and payable at the time when the tax return is required to be filed, determined without regard to any extension of time for filing the return. Taxes assessed under section twenty-six, twenty-seven, twenty-eight and thirty shall include interest as provided in section thirty-three to the date when the tax so assessed, or any unpaid balance thereof, is required to be paid, which shall be the thirtieth day following the date of the notice of the tax due.

*Section 33.* If any return is not filed with the commissioner on or before its due date or within any extension of time granted by him, there shall be added to and become a part of the tax, as an additional tax, a penalty of one per cent of the amount required to be shown as the tax on such return for each month or fraction thereof, during which such failure continues, not exceeding, in the aggregate, twenty-five per cent of said amount. If any amount of tax is not paid to the commissioner on or before its statutory due date, there shall be added to and become a part of the tax interest at the rate of eight per cent per annum from said date to the date that such tax is paid.

In computing the penalty for a later return, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

For good and sufficient cause the penalty for a late return may be waived by the commissioner, or a penalty which has been assessed may be abated by the commission, in whole or in part.

*Section 33A.* 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 ten or under chapter 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.

*Section 34.* If any person required to file a return, list or report of a payment to another person under section eight fails to file the same within the time prescribed by said section, he shall become liable to a penalty at the rate of one dollar for each such return, list or report of a payment to another person not so filed; provided, however, that the total penalty imposed on a delinquent person for all such failures during any calendar year shall not exceed one thousand dollars. If any partnership required to file a return under section seven fails to file the return within the time therein provided, it shall become liable to a penalty of five dollars for every day during which it is in default. Such penalty shall be paid upon notice by the commissioner and shall be assessed and collected in the same manner as a tax. For good and sufficient cause such penalty may be waived by the commissioner, or a penalty which has been assessed may be abated by the commissioner in whole or in part.

*Section 35.* If any check in payment of any tax, interest, penalty, fee or other charge 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. This section shall not apply if the person tendered such check in good faith and with reasonable cause to believe that it would be duly paid. The commissioner may, in his discretion, abate any such penalty in whole or in part.

*Section 36.* If, on the verification of a return or otherwise, the commissioner determines that an overpayment of the full amount of any tax, and interest and penalties thereon, due with respect to

such return has been made by the taxpayer, the amount of such overpayment may, in his discretion, be deducted from any unpaid amounts of any other taxes due from the taxpayer. The balance of such overpayment shall be refunded to the taxpayer if it exceeds ten dollars; if such balance is ten dollars or less, it may be refunded in the discretion of the commissioner or upon the application of the taxpayer. Interest upon such refund shall be paid in accordance with section forty.

*Section 37.* Any person aggrieved by the assessment of a tax, other than a tax assessed under chapters sixty-five or sixty-five A, may apply in writing to the commission, on a form approved by it, for an abatement thereof at any time within three years from the last day for filing the return for such tax, determined without regard to any extension of time, within two years from the date the tax was assessed or deemed to be assessed, or within one year from the date that the tax was paid, whichever is later.

The commission shall, if requested, give the applicant a hearing upon his application; and if the commission finds that the tax is excessive in amount or illegal, it shall abate the tax, in whole or in part, accordingly. The commission shall give notice to the applicant of its decision upon the application.

If such person is a taxpayer as defined in section one of chapter sixty-four B, an operator as defined in section one of chapter sixty-four G, or a vendor as defined in section one of chapter sixty-four H or section one of chapter sixty-four I, who has collected such tax, no actual refund of money shall be made to such person until he establishes to the satisfaction of the commission, under such regulations as it may prescribe, that he has repaid to the purchaser the amount for which the application for refund is made.

*Section 38.* No tax assessed on any person liable to taxation shall be abated unless the person assessed shall have filed, at or before the time of bringing his application for abatement, a return as required by this chapter for the period to which his application relates; and if he failed without good cause to file his return within the time prescribed by law, or filed a fraudulent return, or having filed an incorrect or insufficient return, has failed, after notice, to file a proper return, the commission shall not abate the tax below double the amount for which the person assessed was properly taxable under this chapter.

*Section 39.* 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 decision of the commission as to the value of an asset of the estate for purposes of chapter sixty-five C shall

be made by filing a petition with the clerk of the appellate tax board;

(b) appeals from the decision of the commission as to all other matters arising under chapter sixty-five C 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;

(c) appeals from the commission's refusal to abate any other tax shall be made by filing a petition with the clerk of the appellate tax board. 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 and interest computed in accordance with section forty.

*Section 40.* If any refund of any tax is made pursuant to sections thirty-six, thirty-seven, or thirty-nine of this chapter, or sections twenty-seven or twenty-seven A of chapter sixty-five, or section six of chapter sixty-five A, the state treasurer shall repay to the taxpayer the amount of such refund with interest thereon at the rate of six per cent from the time when the tax was paid or the due date of the return, whichever is later; provided, however, that in cases where an overpayment arises from the fact that the total of the credit allowed under section nine of chapter sixty-two B and the aggregate payments on account of the declaration of estimated tax pursuant to said chapter sixty-two, interest shall be paid at the rate of six per cent per annum from a date six months after the date of the payment of the tax or six months from the date upon which the return for the taxable year, or the application for abatement where no return is required, was actually filed, whichever is later; and provided that in cases where an overpayment arises from the fact that the aggregate payments on account of the declaration of estimated tax pursuant to chapter sixty-three B exceeds the tax imposed by chapter sixty-three, interest shall be paid at the rate of six per cent per annum from a date six months after the date of the payment of the tax or six months from the date upon which the return for the taxable year was actually filed, whichever is later.

No interest shall be paid on a refund made pursuant to Article VIII of the Compact on Taxation of Motor Fuels Consumed By Interstate Buses, as appearing in section one of chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-three. No interest shall be paid on a refund of the tax imposed by chapter sixty-four D, or on a refund under sections seven or seven A of chapter sixty-four A, or section five of chapter sixty-four E, or section four of chapter sixty-four F, or section seven A of chapter sixty-four G.

*Section 41.* The remedies provided by section thirty-seven to

forty inclusive, shall be exclusive, whether or not the tax is wholly illegal. But the word “exclusive” in this section shall not be construed to deprive any person of a right of action at law in any federal court.

*Section 42.* Taxes with interest and costs thereon, due to the commonwealth, which are unpaid and uncollectible, may be abated by the appellate tax board on the recommendation of the commission at any time after the expiration of two years from the date when the same became payable.

*Section 43.* The commission is authorized to abate the unpaid portion of the assessment of any tax, or any liability in respect thereof, if the amount due does not exceed ten dollars and the commission determines, under uniform rules prescribed by it, that the administration and collection costs involved would not warrant collection of the amount due.

*Section 44.* (a) If any vendor liable for any amount under chapters sixty-four H or sixty-four I sells out his business or stock of goods or quits the business, his successors or assigns shall withhold a sufficient portion of the purchase price to cover such amount until the former owner produces a certificate from the commissioner showing that it has been paid or that no amount is due.

(b) If the purchaser of a business or stock of goods fails to withhold the portion of the purchase price as required by paragraph (a) he shall become personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price valued in money. Within ninety days after receiving a written request from the purchaser for a certificate, the commissioner shall either issue the certificate or mail a notice to the purchaser at his address as it appears on the records of the commissioner of the amount that must be paid as a condition of issuing the certificate. Failure of the commissioner to mail the notice shall release the purchaser from any further obligation to withhold purchase price as above provided. The time within which the obligation of the successor may be enforced shall start to run at the time the vendor sells out his business or stock of goods or at the time the assessment against the vendor becomes final, whichever event occurs later.

*Section 45.* The commissioner is authorized, subject to the approval of the state treasurer, to designate any bank doing business in the commonwealth as a depositary and fiscal agent for the purpose of receiving any tax imposed under the provisions of chapters sixty-two to sixty-five C, inclusive, and section twenty-one of chapter one hundred and thirty-eight in such manner, at such times and under such conditions as the commissioner may prescribe and as approved by the commission. He shall also prescribe the manner, times and conditions under which the

receipt of any such tax by a designated bank is to be treated as payment of such tax to the commissioner. The designated bank shall transmit to the commissioner the taxes collected by it on his behalf at such times and in such manner as the commissioner may prescribe and as approved by the commissioner.

*Section 46.* The commissioner shall have for the collection of taxes all the powers and remedies provided by chapter sixty for the collection of taxes on personal estate by collectors of towns. Any warrant for the collection of a tax 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 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.

*Section 47.* The commissioner may recover any unpaid tax in an action of contract brought in the name of the commonwealth.

*Section 48.* The lessee of real estate or tangible personal property of any corporation, company or association subject to taxation under chapter sixty-three shall also be liable for the payment of the tax due from the lessor under chapter sixty-three. Upon such payment, the lessee may, in the absence of an agreement to the contrary, retain it out of the rent of the property, or recover it in an action against the lessor.

*Section 49.* Taxes due from a company, association or corporation may be collected by an information brought in the supreme judicial court by the attorney general at the relation of the commissioner. The court may issue an injunction upon such information, restraining the further prosecution of the business of the company, association or corporation until such taxes, with interest and costs thereon, have been paid and until the returns required by this chapter have been filed.

*Section 50.* (a) If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount, including any interest, additional amount, addition to tax, assessable penalty or forfeiture, together with any costs that may accrue in addition thereto, shall be a lien in favor of the commonwealth upon all property and rights to property, whether real or personal, belonging to such person. The lien shall arise at the time the assessment is made or deemed to be made and shall continue until the liability for the amount assessed or deemed to be assessed is satisfied. Said lien shall in any event terminate not later than six years from the date it was created.

(b) The lien imposed by this section shall not be valid as

against any mortgagee, pledgee, purchaser or judgment creditor until notice hereof has been filed by the commissioner:

(1) With respect to real property or fixtures, in the registry of deeds of the county where such property is situated, and

(2) With respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a mortgage or comparable nonpossessory security interest in tangible personal property belonging to the person named in the relevant notice. The filing of a notice of any such lien or of a waiver or release of any such lien shall be received and registered or recorded without payment of any fee.

(c) Even though notice of a lien provided in this section has been filed in the manner prescribed in subsection (b), the lien shall not be valid with respect to a security, as hereinafter defined, as against any mortgagee, pledgee or purchaser or such security, for an adequate and full consideration in money or money's worth, 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 subsection, the term "security" means any bond, debenture, note or certificate or other evidence of indebtedness issued by any corporation, including one issued by a governmental 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, warrant or right to subscribe to or purchase, any of the foregoing; negotiable instrument; or money.

(d) If notice of a lien has been filed under subsection (b), the commission may provide by regulation the extent to which, and the conditions under which, information as to the amount of the outstanding obligation secured by such lien may be disclosed.

(e) In any case where there has been a refusal or neglect to pay any tax, or to discharge any liability in respect thereof, whether or not levy has been made, the commissioner, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the commonwealth under this section with respect to such tax or liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such tax or liability.

(f) Subject to such regulations as the commission may prescribe, the commissioner may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

*Section 51.* At least five days prior to the sale or transfer,

otherwise that in the ordinary course of business, of all or substantially all of the assets situated in the commonwealth of a domestic or foreign business corporation, except in cases where a waiver shall be given as hereinafter provided, the corporation or any person in interest shall notify the commissioner in writing of the proposed sale or transfer, and of the price, terms and conditions thereof, and of the character and location of the assets and cause to be filed with the commissioner all such tax returns as may be necessary to determine the taxes due and to become due and payable to the commonwealth to and including the date of such sale or transfer, and shall pay to the commonwealth all such taxes owing to said date of sale or transfer. At the time of any such sale or transfer, except in cases where a waiver shall have been given such taxes shall thereupon become due and payable. In the event of a failure to notify the commissioner and so to file such return or returns and pay such taxes at or before the time of such sale or transfer, the commonwealth shall have for its exclusive benefit a lien upon all of the assets of the corporation in the commonwealth effective immediately prior to such sale or transfer to the extent necessary to satisfy said taxes. Said lien shall terminate not later than three years after the date of said sale or transfer and until such termination may be enforced under and in accordance with the provisions of chapter two hundred and fifty-four in the case of real estate and sections fifty-three to sixty-four of this chapter in the case of personal property, but the ten-day notice provided in said section fifty-three shall not be applicable to this section. Prior to the date of such sale or transfer the commissioner, and after such date, the commission, may waive such lien and any or all of the other requirements of this section. Such waiver shall be in writing and shall constitute final and conclusive evidence as to any person other than the corporation that said lien has not arisen or has terminated, and it may be recorded with the appropriate register of deeds or city or town clerk as the case may be, and the said register, city or town clerk shall receive the same upon the payment of the fee prescribed by law. This section shall not apply to sales or transfers by receivers, assignees under a voluntary assignment for the benefit of creditors, trustees in bankruptcy, or public officers acting under judicial process. This section shall apply to transfers hereafter made as security for the performance of an obligation which is not incurred in good faith by the corporation for the purposes of its business but otherwise shall not apply to transfers by way of security.

*Section 52.* The commissioner or commission, as the case may be, is hereby authorized to issue to any corporation, upon written request of its treasurer or other principal officer, a waiver of the lien under section fifty-one or a certificate evidencing that such corporation is in good standing with respect to any and all returns due

and taxes payable to the commissioner as of the date of issuance of said certificate. There shall be charged and collected a fee of five dollars for each such waiver or certificate issued and two dollars for each duplicate copy thereof.

*Section 53.* (a) If any person liable to pay any tax neglects or refuses to pay the same within ten days after demand, it shall be lawful for the commissioner to collect such tax, and such further sum as shall be sufficient to cover the expenses of the levy, by levy upon all property and rights to property, except such property as is exempt under section twenty-four of chapter sixty, belonging to such person or on which there is a lien provided in this chapter or in chapter sixty-five or sixty-five C for the payment of such tax. If the commissioner makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the commissioner and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the ten-day period provided in this section.

(b) The term "levy" as used in this chapter includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the commissioner may levy upon property or rights to property, he may seize and sell such property or rights to property, whether real or personal, tangible or intangible.

(c) Whenever any property or right to property upon which levy has been made by virtue of subsection (a) is not sufficient to satisfy the claim of the commonwealth for which levy is made, the commissioner may, thereafter, and as often as may be necessary, proceed to levy in like manner upon any other property liable to levy of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

*Section 54.* (a) Except as otherwise provided in subsection (b), any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made shall, upon demand of the commissioner, surrender such property or rights, or discharge such obligation, to the commissioner, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) (1) A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the commissioner for payment of the amount described in paragraph (2) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay over such amount ninety days after service of notice of levy. Such notice shall include a certification by the commissioner that a copy of such notice has

been mailed to the person against whom the tax is assessed at his last known address.

(2) Such levy shall be deemed to be satisfied if such organization pays over to the commissioner the amount which the person against whom the tax is assessed could have had advanced to him by such organization on the date prescribed in paragraph (1) for the satisfaction of such levy, increased by the amount of any advance, including contractual interest, thereon, made to such person on or after the date such organization had actual notice or knowledge of the existence of the lien with respect to which such levy is made, other than an advance, including contractual interest thereon, made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(3) The satisfaction of a levy under paragraph (2) shall be without prejudice to any civil action for the enforcement of any lien imposed by section fifty with respect to such contract.

(c) (1) Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the commissioner, shall be liable in his own person and estate to the commonwealth in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interests on such sum at the rate of eight per cent per annum from the date of such levy. Any amount, other than costs, recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to fifty per cent of the amount recoverable under paragraph (1). No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(d) Any person in possession of, or obligated with respect to, property or rights to property subject to levy upon which a levy has been made, who, upon demand by the commissioner, surrenders such property or rights to property, or discharges such obligation, to the commissioner, or who pays a liability under paragraph (1) of subsection (c) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. In the case of a levy which is satisfied pursuant to subsection (b), such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.

*Section 55.* If a levy has been made or is about to be made on any property, or right to property, any person having custody or

control of any books or records, containing evidence or statements relating to the property, or right to property subject to levy, shall, upon demand of the commissioner, exhibit such books or records to the commissioner.

*Section 56. (a)* As soon as practicable after seizure of property, notice in writing shall be given by the commissioner to the owner of the property, or, in the case of personal property, the possessor thereof, or shall be left at his usual place of abode or business, if he has such within the commonwealth. If the owner cannot be readily located, or has no dwelling or place of business within the commonwealth, the notice may be mailed to his last known address. Such notice shall specify the sum demanded and shall contain, in the case of personal property, an account of the property seized and, in the case of real property, a description with reasonable certainty of the property seized.

*(b)* The commissioner shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection *(a)*, and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or, if there be no newspaper published or generally circulated in such county, shall post such notice at the city or town hall nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold and the time, place, manner and conditions of the sale thereof. Whenever levy is made without regard to the ten-day period provided in section fifty-three, public notice of sale of the property seized shall not be made within such ten-day period unless section fifty-seven is applicable.

*(c)* If any property liable to levy is not divisible, so as to enable the commissioner by sale of a part thereof to raise the whole amount of the tax and expenses, the whole of such property shall be sold.

*(d)* The time of sale shall be not less than ten days nor more than forty days from the time of giving public notice under subsection *(b)*. The sale may be adjourned from time to time but such adjournments shall not be for a period to exceed in all one month.

*(e)* (1) Before the sale the commissioner shall determine a minimum price for which the property shall be sold, and if no person offers for such property at the sale the amount of the minimum price, the property shall be declared to be purchased at such price for the commonwealth; otherwise the property shall be declared to be sold to the highest bidder. In determining the minimum price, the commissioner shall take into account the expense of making the levy and sale.

(2) The commission may by regulations prescribe the manner and other conditions of the sale of property seized by levy.

(3) If payment in full is required at the time of acceptance of a bid and is not then and there paid, the commissioner shall forth-

with proceed to again sell the property in the manner provided in this subsection. If the conditions of the sale permit part of the payment to be deferred, and if such part is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or such part thereof as has not been paid, together with interest at the rate of eight per cent per annum from the date of the sale; or, in the discretion of the commissioner, the sale may be declared by the commissioner to be null and void for failure to make full payment of the purchase price and the property may again be advertised and sold as provided in subsections (b) and (c) and this subsection. In the event of such readvertisement and sale any new purchaser shall receive such property, or rights to property, free and clear of any claim or right to the former defaulting purchaser, of any nature whatsoever, and the amount paid upon the bid price by such defaulting purchaser shall be forfeited.

*Section 57.* If the commissioner determines that any property seized is liable to perish or become greatly reduced in price or value by keeping, or that such property cannot be kept without great expense, he shall appraise the value of such property and, if the owner of the property can be readily found, shall give him notice of such determination of the appraised value of the property. The property shall be returned to the owner if, within such time as may be specified in the notice, the owner either pays to the commissioner an amount equal to the appraised value, or gives bond in such form, with such sureties, and in such amount as the commissioner shall prescribe, to pay the appraised amount at such time as the commissioner determines to be appropriate in the circumstances.

If the owner does not pay such amount or furnish such bond in accordance with this section, the commissioner shall as soon as practicable make public sale of the property in accordance with such regulations as may be prescribed by the commission.

*Section 58 (a)* Any person whose property has been levied upon shall have the right to pay the amount due, together with the expenses of the proceeding, if any, to the commissioner at any time prior to the sale thereof, and upon such payment the commissioner shall restore such property to him, and all further proceedings in connection with the levy of such property shall cease from the time of such payment.

(b) (1) The owners of any real property sold as provided in section fifty-six their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within one hundred and twenty days after the sale thereof.

(2) Such property or tract of property shall be permitted to be redeemed upon payment to the purchaser, or in case he cannot be

found in the county in which the property to be redeemed is situated, then to the commissioner for the use of the purchaser, his heirs, or assigns, the amount paid by such purchaser and interest thereon at the rate of twenty per cent per annum.

(c) When any lands sold are redeemed as provided in this section, the commissioner shall cause entry of the fact to be made upon record mentioned in section sixty-one and such entry shall be evidence of such redemption.

*Section 59. (a)* In the case of property sold as provided in section fifty-six the commissioner shall give the purchaser a certificate of sale upon payment in full of the purchase price. In the case of real property, such certificate shall set forth the real property purchased, for whose taxes the same was sold, the name of the purchaser and the price paid therefor.

(b) In the case of any real property sold as provided in section fifty-six and not redeemed in the manner and within the time provided in section fifty-eight, the commissioner shall execute to the purchaser of such real property at such sale, upon his surrender of the certificate of sale, a deed of the real property so purchased by him, reciting the facts set forth in the certificate.

(c) If the real property is declared purchased by the commonwealth at a sale pursuant to section fifty-six the commissioner shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the proper registry of deeds.

*Section 60. (a)* In all cases of sale pursuant to section fifty-six of property, other than real property, the certificate of such sale—

(1) Shall be prima facie evidence of the right of the commissioner to make such sale and conclusive evidence of the regularity of his proceedings in making the sale; and

(2) Shall transfer to the purchaser all right, title and interest of the party delinquent in and to the property sold; and

(3) If such property consists of stocks, shall be notice, when received, to any corporation, company or association of such transfer, and shall be authority to such corporation, company or association to record the transfer on its books and records, in the same manner as if the stocks were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether cancelled or not; and

(4) If the subject of sale is securities or other evidences of debt, shall be a good and valid receipt to the person holding the same, as against any person holding or claiming to hold possession of such securities or other evidences of debt; and

(5) If such property consists of a motor vehicle, shall be notice, when received, to the registrar of motor vehicles of the commonwealth, or to any public official charged with the registration of title to motor vehicles in any other state, of such transfer and shall be authority to the registrar or to such official to record the transfer on his books and records in the same manner as if the

certificate of title to such motor vehicle were transferred or assigned by the party holding the same, in lieu of any original or prior certificate, which shall be void, whether cancelled or not.

(b) In the case of the sale of real property pursuant to section fifty-six the deed of sale given pursuant to section fifty-nine shall be prima facie evidence of the facts therein stated; and if the proceedings of the commissioner as set forth have been substantially in accordance with the provisions of law, such deed shall be considered and operate as a conveyance of all the right, title and interest the party delinquent had in and to the real property thus sold at the time the lien of the commonwealth attached thereto.

(c) A certificate of sale of personal property given or a deed to real property executed pursuant to section fifty-nine shall discharge such property from all liens, encumbrances and title over which the lien of the commonwealth with respect to which the levy was made had priority.

*Section 61.* The commissioner shall keep a record of all sales of real property under section fifty-six and of all redemptions of such property. The record shall set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed and all proceedings in making such sale, the amount of expenses, the names of the purchasers and the date of the deed. A copy of such record, or any part thereof, certified by the commissioner shall be the evidence in any court of the truth of the facts therein stated.

*Section 62.* The commissioner shall determine the expenses to be allowed in all cases of levy and sale.

*Section 63.* Any money realized by proceedings under sections fifty-three through sixty-four whether by seizure, by surrender under section fifty-four except pursuant to paragraph (2) of subsection (c) thereof, or by sale of seized property, or by sale of property redeemed by the commonwealth shall be applied as follows:-

First, against the expenses of the proceedings;

The amount, if any, remaining after payment of such expenses shall be applied against the liability in respect of which the levy was made or the sale was conducted.

Any surplus proceeds remaining thereafter shall, upon application and satisfactory proof in support thereof, be credited or refunded by the commissioner to the person or persons legally entitled thereto.

*Section 64.* (a) It shall be lawful for the commissioner, under regulations prescribed by the commission, to release the levy upon all or part of the property or rights to property levied upon where the commissioner determines that such action will facilitate the collection of the liability, but such release shall not operate to prevent any subsequent levy.

(b) If the commissioner determines that property has been wrongfully levied upon, it shall be lawful for the commissioner to return-

- (1) The specific property levied upon,
- (2) An amount of money equal to the amount of money levied upon, or
- (3) An amount of money equal to the amount of money received by the commonwealth from a sale of such property.

Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of nine months from the date of such levy. For purposes of clause (3), if property is declared purchased by the commonwealth at a sale pursuant to subsection (e) of section fifty-six relating to manner and conditions of sale, the commonwealth shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or, if larger, the amount received by the commonwealth from the resale of such property. For purposes of clauses (2) and (3), the commissioner shall certify the amount of such money to the state treasurer, who shall pay it forthwith without specific appropriation, from the proceeds of the tax to which such money was originally credited.

*Section 65.* (a) Taxes imposed by chapter sixty-five C 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 seventeen. Where any question relative to the taxes imposed by chapter sixty-five C 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 of chapter sixty-five C.

*Section 66.* The commissioner may require any person required to be licensed or registered by any provision of chapters sixty-four A through sixty-four C or chapters sixty-four E through sixty-four I or subject to taxation under section twenty-one of chapter one hundred and thirty-eight, to file with him a bond, satisfactory to the commissioner, in such amount as the commissioner may determine, with a surety company authorized to transact business in the commonwealth as surety, to secure the payment

of any tax, including any interest or penalty thereon, due or which may become due from such person under said chapters, provided, however, that the amount of such bond required from a vendor under chapter sixty-four H or sixty-four I shall not exceed the amount which the commissioner shall determine to be such vendore's average tax liability for a six-month period.

In lieu of a surety bond a licensee or registrant may deposit with the state treasurer bonds or other negotiable obligations of the commonwealth or of the United States of such aggregate face amount as the commissioner may from time to time deem necessary adequately to secure payment of the taxes, including any interest or penalty thereon, imposed under said chapters; provided, that bonds need not be accepted by the state treasurer unless in registered form and of denominations satisfactory to him. In case of such deposit of bonds or other negotiable obligations, the state treasurer shall, while in possession thereof, remit to such person as aforesaid, or persons entitled thereto, the interest accruing and payable thereon; and, if the taxes imposed under said chapters and all interest and penalties shall be paid in full and if the person is no longer a licensee or registrant under said chapters, the state treasurer shall return such bonds or obligations to the persons entitled thereto. If the tax together with all interest and penalties shall not be paid, the state treasurer may sell all or any part of such bonds or of obligations to satisfy the amount due the commonwealth and shall return to the persons entitled thereto any excess left in his hands, provided, however, that the person is no longer a licensee or registrant under said chapters.

*Section 67.* Each vendor, as defined in chapters sixty-four H or sixty-four I, each taxpayer as defined in chapter sixty-four B, and each operator as defined in chapter sixty-four G who desires to obtain a certificate of registration as required by those chapters, and each person who desires to obtain a license as a distributor, unclassified importer, or unclassified exporter, as defined in chapter sixty-four A, as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transportation company, or retailer, as defined in chapter sixty-four C, as a user-seller, supplier, or user of special fuels, as defined in chapter sixty-four E, or as a motor carrier, as defined in chapter sixty-four F 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, provided, however, that in the instance of an application for a wholesaler's license, as defined in chapter sixty-four C, the commission shall require, in addition to such other information as may be deemed necessary, the filing of affidavits from three licensed manufacturers, as defined in said chapter sixty-four C, stating that the manufacturer will supply the wholesaler if the applicant is granted a license.

All licenses, other than licenses, other than licenses for manufacturers, wholesalers, vending machine operators, unclassified acquirers, transportation companies and retailers as defined in chapter sixty-four C, shall expire on the thirty-first day of December each year. Licenses for said manufacturers, wholesalers, vending machine operators, unclassified acquirers and transportation companies shall expire on the thirtieth day of June each year. Licenses for said retailers shall expire on the thirtieth day of June of each even year.

Registration certificates shall be issued for each place of business. Licenses for said manufacturers, wholesalers, vending machine operators, unclassified acquirers and retailers shall be issued for each place of business. Licenses for users of special fuels shall be issued for each vehicle propelled by special fuels. In addition to the license issued to a motor carrier, licenses shall be issued for 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.

The fee for each registration shall be ten dollars.

The fees for licenses and each renewal thereof shall be as follows: distributors, one hundred dollars; unclassified importers, one hundred dollars; unclassified exporters, one hundred dollars; manufacturers, twenty-five dollars; wholesalers, one hundred dollars; vending machine operators, one hundred dollars; unclassified acquirers, one hundred and fifty dollars; transportation companies, five dollars; retailers, two dollars; user-sellers, one dollar; suppliers, one dollar; users of special fuels, one dollar; motor carriers, one dollar; except that in the case of a manufacturer, wholesaler or vending machine operator who maintains more than one place of business the fee for each additional place of business shall be one half of the fee prescribed above. No fee, nor part of any fee, shall be refunded by reason or relinquishment, suspension or revocation of a license.

In the event that the holder of a license, or registration certificate removes his business to another location within the commonwealth, the license or registration certificate with respect to the former place of business shall, without the payment of an additional fee, be reissued for the new location for the balance of the unexpired term.

Registrations and licenses shall not be assignable and shall be displayed conspicuously by the holder thereof in the manner prescribed by the commissioner.

As a condition precedent to granting a license to a distributor, unclassified importer, or unclassified exporter the commissioner shall require the applicant to furnish a bond pursuant to section sixty-six.

An application for a registration or license may be denied by the

commissioner if the registration, license or permit of the applicant has been previously cancelled for cause by the commissioner or if, in the opinion of the commissioner, such application is filed by some person as a subterfuge for the real person in interest whose registration or license has previously been cancelled for cause by the commissioner, or if the applicant fails to pay the prescribed fee or to file such bond as the commissioner requires pursuant to section sixty-six.

Any person aggrieved by the refusal of the commissioner to grant a registration or license may within sixty days of the date of notice of such refusal appeal to the appellate tax board, whose decision shall be final.

*Section 68.* The commissioner may suspend or revoke any license or registration issued pursuant to section sixty-seven for failure of the licensee or registrant to comply with any provision of the tax laws of the commonwealth or regulations thereunder, or if he has ceased to act in the capacity for which the license was issued.

Any person aggrieved by such suspension or revocation may appeal therefrom to the appellate tax board within ten days after written notice of the decision has been mailed or delivered to him. The appellant shall at the time of taking an appeal filed with said board a surety company bond running to the commonwealth, with a surety company authorized to do business in the commonwealth as surety, in such sum as said board shall fix, conditioned to prosecute the appeal to effect and to comply with the orders and decrees of said board in the premises. Such appeals shall be preferred cases to be heard, unless cause appears to the contrary, in priority to other cases. During the pendency of any such appeal the decision of the commissioner so appealed from shall, unless otherwise ordered by said board, be inoperative. Said board may grant such relief as may be equitable. If the appeal shall have been taken without probable cause, the board may tax double or triple costs, as the case shall demand; and, upon all such appeals which may be denied, costs may be taxed against the appellant at the discretion of the board; provided, that no costs shall be taxed against the commonwealth.

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 69.* The commissioner may, with the approval of the commission, after the lapse of three years from the date of their receipt, or three years after the end of the taxable period to which they relate, whichever occurs earlier, destroy copies, returns and

statements made under sections forty-nine, eighty-three and eighty-six of chapter fifty-nine and any returns and documents filed with him for the purposes of taxation; provided however, that such copies, returns, statements or documents may be destroyed at any time if microfilm or other copies thereof are retained.

*Section 70.* The commissioner may take testimony and proofs under oath with reference to any matter within the official purview of the department of corporations and taxation, 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 71.* Any notice authorized or required under the provisions of this chapter may be served personally or may be given by mailing the same, postage prepaid, to the person for whom it is intended, addressed to such person at his address as it appears in the records of the commissioner or the commission.

*Section 72.* Sections seventy-three and seventy-seven shall apply to individuals and corporations acting in any fiduciary capacity. In the case of a corporation, the penalty may be imposed on the corporation, on the officers whose duty it was to make the return, or on both.

In the case of a partnership one or more members of which are inhabitants of the commonwealth and which has a usual place of business in the commonwealth, the penalties imposed by this chapter may be inflicted upon any member of the partnership who is an inhabitant of the commonwealth and who has any active part in the management of the affairs of the partnership, and if there is no such member, upon the person in charge of its affairs in this commonwealth. In the case of a corporate trust, the penalties imposed by this chapter for failure to file a return may be inflicted upon the trustees, managers or officers whose duty it was to make the return.

*Section 73.* Any person who wilfully fails to file a return required by this chapter when due, or wilfully files an incorrect or insufficient return, or, with intent to evade taxation, files no return, or, with intent to evade taxation, files no return or a false or fraudulent return or submits a false certificate, affidavit or other statement to the commissioner or the commission relating to the amount of tax for which he is liable, shall be punished by a fine of

not less than on hundred nor more than ten thousand dollars, or by imprisonment for not more than one year, or both.

Any person, who wilfully aids or assists in, procures, counsels or advises the preparation or filing under, or in connection with any matter arising under this chapter, of a return, application or other document, which is fraudulent or is false and known by such person to be false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person required to file such return, application or document, shall be punished by a fine of not less than one hundred dollars nor more than ten thousand dollars, or by imprisonment for not more than one year, or both.

Any person who, in connection with the preparation of a tax return for another, the filing of a tax return or the payment of any tax, receives money from such other person on the understanding that it is to be paid over to the commissioner to discharge, in whole or in part, such other person's tax liability and fails to pay the same over to the commissioner shall be punished by a fine of not less than one hundred nor more than ten thousand dollars, or by imprisonment for not more than one year, or both.

*Section 74.* No person engaged in the business of preparing tax returns shall disclose any information obtained in the conduct of such business, unless such disclosure is consented to in writing by the taxpayer in a separate document, or is expressly authorized by state or federal law, or is necessary to the preparation of the return, or is made pursuant to court order.

For the purposes of this section, a person is engaged in the business of preparing tax returns if he advertises, or gives publicity to the effect that he prepares or assists others in the preparation of tax returns, or if he prepares or assists others in the preparation of tax returns for compensation.

Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment in jail for not more than six months, or both.

*Section 75.* If any return required by sections eleven or thirty contain a false statement which is known or, by the exercise of reasonable care might have been known to the officer making it to be false, such officer and the corporation shall be liable for the amount of tax thereby lost to the commonwealth, and in addition shall be punished by a fine of not less than five hundred nor more than five thousand dollars.

*Section 76.* Any person who conducts any business in the commonwealth for which a registration or license issued pursuant to section sixty-seven is required and who is not in possession of such registration or license 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 person from doing business in the commonwealth without such

registration or license.

*Section 77.* Any individual, partnership, association, trust, corporate trust or corporation failing without reasonable excuse to file a return, list or report, or otherwise give information, as required by section eight, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

**SECTION 23.** Chapter 63 is hereby amended by striking out section 18, as most recently amended by section 29 of chapter 555 of the acts of 1971, and inserting in place thereof the following section:-

*Section 18.* Every savings and insurance bank authorized to do business under chapter one hundred and seventy-eight shall annually pay an excise of two per cent upon all new and renewal premiums received by it during the twelve months ending October thirty-first of the year for which the excise is due and payable on all policies issued by it, or assumed by it under the provisions of section twenty-five of chapter one hundred and seventy-eight. Every such savings and insurance bank shall annually pay, as part of its excise under this section, an amount equal to one per cent of its total gross investment income earned from the assets of its insurance department during the twelve months ending October thirty-first of the year for which the excise is due and payable, as reported in its annual statement for said year filed with the commissioner of insurance and as shown in Exhibit 3 of said statement. If said statement has not been filed; and the amount of such gross investment income is not available on or before the due date of the return, the commissioner may extend the time for filing said return.

The word "premiums", as used in this section, shall include all amounts received as consideration for life insurance policies, annuity contracts, total and permanent disability or accidental death benefits, and shall include dividends applied to purchase additional insurance or to shorten the premium paying period. In determining the amount of the excise payable hereunder, there shall be deducted, to the extent that they are properly allocable to premiums taxable hereunder, (a) all premiums returned to policyholders during the said twelve months but not including cash surrender values, and (b) dividends which during said twelve months have been paid or credited to policyholders or applied to purchase additional insurance or to shorten the premium paying period.

Liability for said excise shall be incurred by reason of the transaction of business at any time within the twelve months ending October thirty-first of the fiscal year for which the excise is due and payable.

If any savings and insurance bank reinsures all of its outstanding insurance policies and annuity contracts as provided in section twenty-five of chapter one hundred and seventy-eight, it shall forthwith make a return in accordance with section twelve of chapter sixty-two C. The amount of the excise shall be an amount

proportionate to such part of its then current fiscal year as had expired at the close of business on the day next preceding the effective date of such reinsurance.

**SECTION 24.** Section 20 of said chapter 63 is hereby amended by striking out the last paragraph, as appearing in section 4 of chapter 558 of the acts of 1960.

**SECTION 25.** Said chapter 63 is hereby further amended by striking out section 24, as most recently amended by section 3 of chapter 721 of the acts of 1945, and inserting in place thereof the following section:-

*Section 24.* In determining the amount of the tax payable under sections twenty-two and twenty-three, there shall be deducted all premiums on policies written but not taken, or cancelled through default of payment, and all premiums returned or credited to policyholders during the year for which the tax is determined, but not including premiums returned or credited on reinsurance assumed, provided that all premiums for which deduction is claimed have been included as premium receipts in a return made under section twelve of chapter sixty-two C and a tax assessed thereon.

**SECTION 26.** Said chapter 63 is hereby further amended by striking out section 26, as most recently amended by section 54 of chapter 654 of the acts of 1953, and inserting in place thereof the following section:-

*Section 26.* The books, papers and accounts of every insurance company and of its agents shall be opened at all times to inspection and examination by the commissioner and the commissioner of insurance, or their duly authorized representatives, for the purpose of verifying the accuracy of the returns made under section twelve of chapter sixty-two C.

**SECTION 27.** Section 28 of said chapter 63, as most recently amended by section 9 of chapter 558 of the acts of 1960, is hereby further amended by striking out the first paragraph of section 28 and inserting in place thereof the following paragraph:-

Every insurance company liable to taxation under sections twenty to twenty-three, inclusive, and twenty-nine A shall pay to the commissioner at the time fixed for filing its return under the applicable section of chapter sixty-two C the amount of the excise thereby imposed.

**SECTION 28.** Said chapter 63 is hereby further amended by striking out section 29, as amended by section 10 of chapter 558 of the acts of 1960, and inserting in place thereof the following section:-

*Section 29.* Every domestic or foreign insurance company shall be liable for the full amount of all taxes assessed under this chapter upon it or its agents.

**SECTION 29.** Section 29A of said chapter 63 is hereby amended by striking out subsection (7), as amended by section 11 of chapter 558 of the acts of 1960.

SECTION 30. Said chapter 63 is hereby further amended by striking out section 29B, inserted by section 4 of chapter 488 of the acts of 1947, and inserting in place thereof the following section:-

*Section 29B.* Every attorney in fact of a reciprocal or inter-insurance exchange defined in section ninety-four A of chapter one hundred and seventy-five and authorized to transact business in the commonwealth under the provisions of sections ninety-four A to ninety-four M, inclusive, of said chapter, shall be subject to the provisions of sections twenty-two to twenty-nine, inclusive, and section twelve of chapter sixty-two C unless said provisions and their context clearly show that said provisions were not intended to apply to the plan and method of exchanging reciprocal or inter-insurance contracts; provided, that the word "premiums" in section twenty-two and section twenty-three shall, with respect to reciprocal or inter-insurance exchanges, mean "premium deposits"; and provided, further, that in section twenty-four, the word "premiums", shall be construed to mean, when applied to reciprocal or inter-insurance exchanges, premium deposits credited or returned to subscribers.

SECTION 31. Section 33 of said chapter 63 is hereby amended by striking out the third paragraph, as appearing in section 1 of chapter 303 of the acts of 1933, and inserting in place thereof the following paragraph:-

Such a domestic business corporation shall incorporate in the tax returns required under section eleven of chapter sixty-two C such information as the commissioner may reasonably require for determination of the excise pursuant to the provisions of this section, and failure to so incorporate such information shall subject the corporation and its officers to the penalties provided by section seventy-four of chapter sixty-two C.

SECTION 32. Said chapter 63 is hereby further amended by striking out section 38C, as most recently amended by section 4 of chapter 634 of the acts of 1970, and inserting in place thereof the following section:-

*Section 38C.* Every corporation organized under or subject to chapter one hundred and fifty-six B which is engaged in manufacturing, or in research and development of products capable of being manufactured in this commonwealth, shall for the purposes of this chapter be deemed to be a domestic manufacturing corporation, or a domestic research and development corporation. Every domestic manufacturing corporation shall be taxed in the same manner and shall have the same duties under this chapter and chapter sixty-two C as a domestic business corporation, except insofar as the determination of the excise under this chapter may be affected by reason of the exemption from local taxation of the machinery of a domestic manufacturing corporation. A domestic research and development corporation for the purposes

of this section is one whose principal activity is research and development and which, during the taxable year, derives more than two thirds of its receipts from such activity and derives more than one third of its receipts from the research and development of tangible personal property capable of being manufactured in this commonwealth. Nothing in this section shall be construed to provide for an exemption from local taxation of the machinery of a corporation deemed to be a domestic research and development corporation which is not deemed to be a domestic manufacturing corporation.

**SECTION 33.** Section 39A of said chapter 63 is hereby amended by striking out the third paragraph, as appearing in section 2 of chapter 303 of the acts of 1933, and inserting in place thereof the following paragraph:-

Such a corporation shall incorporate in its tax return required under section eleven of chapter sixty-two C such information as the commissioner may reasonably require for determination of the excise pursuant to the provisions of this section, and failure to so incorporate such information shall subject the corporation and its officers to the penalties provided by section seventy-four of chapter sixty-two C.

**SECTION 34.** Said chapter 63 is hereby further amended by striking out section 42B, as most recently amended by section 5 of chapter 634 of the acts of 1970, and inserting in place thereof the following section:-

*Section 42B.* Every corporation, association or organization established, organized or chartered under laws other than those of the commonwealth, which has a usual place of business in the commonwealth and is engaged in manufacturing therein, or engaged therein in research or development of products capable of being manufactured therein, shall, for the purposes of this chapter, be deemed to be a foreign manufacturing corporation or a foreign research and development corporation. Every foreign manufacturing corporation shall be taxed in the same manner and shall have the same duties under this chapter and chapter sixty-two C as other foreign corporations, except insofar as the determination of the excise under this chapter may be affected by reason of the exemption from local taxation of the machinery of a foreign manufacturing corporation. A foreign research and development corporation for the purposes of this section is one whose principal activity herein is research and development and which derives more than two thirds of its receipts assignable to the commonwealth from such activity and derives more than one third of its receipts assignable to the commonwealth from the research and development of tangible personal property capable of being manufactured in this commonwealth. Nothing in this section shall be construed to provide for an exemption from local taxation of the machinery of a corporation deemed to be a foreign research and development corporation which is not deemed to be a foreign manufacturing corporation.

SECTION 35. Said chapter 63 is hereby further amended by striking out section 52. as most recently amended by section 2 of chapter 611 of the acts of 1955, and inserting in place thereof the following section:-

*Section 52.* If the provisions of section thirty-two imposing an excise on domestic business corporations and, by reference in section thirty-eight C, on domestic manufacturing corporations as therein defined are declared unconstitutional or inoperative by a final judgment, order or decree of the supreme court of the United States or of the supreme judicial court of the commonwealth, such portion of the law relating to business corporations, and domestic manufacturing corporations as so defined, as set forth in sections thirty to forty-two B, inclusive, as relates solely to domestic business corporations, and domestic manufacturing corporations as so defined, shall be null and void, and such portion of said law as relates in part to domestic business corporations, and domestic manufacturing corporations as so defined, shall become inapplicable to such corporations. In such event, all laws applicable to domestic business corporations, including domestic manufacturing corporations as so defined, which were repealed or were made inoperative as to, or inapplicable to, such corporations by chapter three hundred and fifty-five of the General Acts of nineteen hundred and nineteen shall thereupon be revived and become operative and applicable in respect to such corporations and shall be continued in full force and effect from the first day of January antedating by five years the first day of January of the calendar year in which such final judgment, order or decree is entered, to the same extent as if said chapter three hundred and fifty-five had not been enacted. If the provisions of section thirty-nine imposing an excise on foreign corporations and, by reference in section forty-two B, on foreign manufacturing corporations as therein defined are declared unconstitutional or inoperative by any such final judgment, order or decree, such portion of the law relating to business corporations, and foreign manufacturing corporations as so defined, as set forth in sections thirty to forty-two B, inclusive, as relates solely to foreign corporations and foreign manufacturing corporations as so defined shall be null and void, and such portion of said law as relates in part to foreign corporations and foreign manufacturing corporations as so defined shall become inapplicable to such corporations. In such event, all laws applicable to foreign corporations, including foreign manufacturing corporations as so defined, which were repealed, or were made inoperative as to, or inapplicable to, such corporations or to the property thereof by said chapter three hundred and fifty-five shall thereupon be revived and become operative and applicable in respect to such corporations and the property thereof and shall be continued in full force and effect from the first day of January antedating by five years the first day of January of the calendar year in which such final judgment, order or decree is entered, to

the same extent as if said chapter three hundred and fifty-five had not been enacted. The commissioner and the local assessors shall as soon as may be assess all taxes for which liability has been incurred under the laws revived, made operative or applicable or continued in force by the foregoing provisions or any of them. The time for assessing such taxes shall be extended for a period of one year from the date of entry of such final judgment, order or decree and, for performing any duty subsequent to assessment, the time shall be extended for a further period after such assessment commensurate with the period which would have obtained under the laws hereby revived and again made operative, applicable and continued in force. Privileges and rights granted shall be correspondingly extended. Excises declared invalid by reason of the foregoing premises, which were assessed on or after the date when the laws repealed or made inoperative or inapplicable by said chapter three hundred and fifty-five are revived, made operative or applicable or continued in force as herein provided, shall, to the extent that such excises have been paid and are unrefunded, be credited against the taxes assessed for the same period under the laws revived and again made operative, applicable and continued in force; provided, that if such credit exceeds the taxes due, the excess shall be refunded upon warrant of the state tax commission to the state treasurer. There shall be no further or other recovery of the amounts thus credited or refunded. If any part, section or subdivision of said sections thirty to forty-two B, inclusive, other than the provisions in section thirty-two, thirty-eight C, thirty-nine or forty-two B imposing an excise, shall be declared unconstitutional or inoperative, the remaining parts of said sections thirty to forty-two B, inclusive, shall not be affected thereby.

SECTION 36. Section 52A of said chapter 63 is hereby amended by striking out subdivisions (4), (5), (6) and (7) and inserting in place thereof the following two subdivisions:-

(4) Any taxes assessed upon any utility corporation pursuant to this section shall be in lieu of any and all other taxes under this chapter.

(5) All tax revenue collected under the provisions of this section shall be credited to the General Fund.

SECTION 37. The first paragraph of section 55 of said chapter 63, as appearing in section 12 of chapter 641 of the acts of 1951 is hereby amended by striking out, in line 4, the word "fifty-three" and inserting in place thereof the words:- twelve of chapter sixty-two C.

SECTION 38. Said chapter 63 is hereby further amended by striking out section 58, as amended by section 14 of chapter 641 of the acts of 1951, and inserting in place thereof the following section:-

*Section 58.* Every corporation required to file a return under subsection (h) of section twelve of chapter sixty-two C shall an-

nually pay a tax upon its corporate franchise, after making the deductions provided for in section fifty-five, at a rate equal to the average of the annual rates for three years preceding that in which such assessment is laid, said annual rates to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during each of the said three years, as returned by the assessors of the several towns under section forty-seven of chapter fifty-nine, upon the aggregate valuation of all towns for each of the said three years, as returned under said section forty-seven.

SECTION 39. Said chapter 63 is further amended by striking out section 67, as most recently amended by section 2 of chapter 365 of the acts of 1963, and inserting in place thereof the following section:-

*Section 67.* The commissioner shall annually assess as of the last day of the taxable year, as defined in paragraph numbered six of section thirty, an excise tax upon the interest of every corporation organized under the laws of this commonwealth and having a place of business therein, in any ship or vessel which has, during the period of its business in the year preceding such day, been engaged in interstate or foreign carrying trade or engaged exclusively in fishing and documented and carrying "papers" under the laws of the United States, which tax shall be one third of one per cent upon the value of such interest as determined by him. If the commissioner is satisfied of the truth of the return filed pursuant to section twelve of chapter sixty-two C he shall deduct said value from the value of its corporate franchise, if it is taxable under section fifty-eight. If a corporation filing said return is subject to taxation under section fifty-two A, it shall include in said return the amount of income received on its interest in any such ship or vessel during the taxable year and the commissioner in assessing the tax under section fifty-two A shall first deduct such income from the net income computed pursuant to said section.

SECTION 40. Said chapter 63 is hereby further amended by striking out section 79, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 79.* Any corporation, company or association, liable to taxation under section fifty-eight, neglecting to make the returns required by subsection (h) of section twelve of chapter sixty-two C, or refusing or neglecting, when required, to submit to the examinations provided for in section sixty-nine of this chapter, shall forfeit such sum not greater than two per cent upon the par value of its capital stock as the court may deem just and equitable.

SECTION 41. Said chapter 63 is hereby further amended by striking out section 80, as so appearing, and inserting in place thereof the following section:-

*Section 80.* Penalties and forfeitures imposed by this chapter or by section seventy-four of chapter sixty-two C may be collected by an action of contract under section forty-seven of chapter

sixty-two C or by an information under section forty-nine of chapter sixty-two C.

SECTION 42. Section 2 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, in line 5, the words "chapter sixty-three" and inserting in place thereof the words:- section eleven or twelve of chapter sixty-two C.

SECTION 43. The third sentence of paragraph (a) of section 6 of said chapter 63B, as so appearing, is hereby amended by striking out, in line 4, the words "chapter sixty-three" and inserting in place thereof the words:- chapter sixty-two C.

SECTION 44. Said chapter 63B is hereby further amended by striking out section 10, as so appearing, and inserting in place thereof the following section:-

*Section 10.* Any addition of tax or penalty imposed by this chapter shall be assessed and collected by the commissioner in the same manner as taxes imposed upon domestic business corporations under chapter sixty-three.

SECTION 45. Section 4 of chapter 63C, as appearing in section 21 of chapter 14 of the acts of 1966, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Such corporation shall incorporate in its tax return required under section eleven of chapter sixty-two C such information as the commissioner may reasonably require for the determination of the income tax pursuant to the provisions of this section, and failure to so incorporate such information shall subject the corporation and its officers to the penalties provided by section seventy-four of chapter sixty-two C.

SECTION 46. Section 1 of chapter 64A of the General Laws is hereby amended by adding the following paragraph:-

(j) "Unclassified exporter", any person licensed as a distributor in another state who exports or causes to be exported fuel, as herein defined, for use, distribution or sale outside the commonwealth, but who does not qualify as a distributor under paragraph (c).

SECTION 47. Said chapter 64A is hereby further amended by striking out section 2, as most recently amended by section 2 of chapter 565 of the acts of 1973, and inserting in place thereof the following section:-

*Section 2.* Any person who qualifies under paragraph (c), or paragraph (i), or paragraph (j) of section one may apply to the commissioner, in accordance with section sixty-seven of chapter sixty-two C, for a license as a distributor, as an unclassified importer, or as an unclassified exporter, as the case may be. No distributor or unclassified importer shall make any sale of fuel in the commonwealth, except a sale which is exempt under the constitution and laws of the United States, without such a license.

SECTION 48. Chapter 64A is hereby further amended by striking

out section 4, as most recently amended by chapter 565 of the acts of 1973, and inserting in place thereof the following section:-

*Section 4.* At the time of filing a return required by subsection (a) of section sixteen of chapter sixty-two C, every distributor and unclassified exporter shall pay to the commissioner for the account of the purchaser an excise of seven and one half cents on each gallon of fuel sold by him in the commonwealth during the calendar month covered by the return.

At the time of filing a return required by subsection (a) of section sixteen of chapter sixty-two C, every unclassified importer shall pay to the commissioner for the account of the ultimate purchaser an excise of seven and one half cents on each gallon of fuel imported or caused to be imported during the calendar month covered by the return.

SECTION 49. Said chapter 64A is hereby further amended by striking out section 8A, as most recently amended by section 1 of chapter 540 of the acts of 1959, and inserting in place thereof the following section:-

*Section 8A.* A distributor duly licensed in this commonwealth may sell fuel tax-free to another person who is licensed as a distributor in this commonwealth. He may sell fuel tax-free to any person who is a licensed distributor in another state, provided, that the entire quantity purchased is to be exported forthwith from this commonwealth prior to use or resale, and provided, further, that such person is licensed by the commissioner as an unclassified exporter. He may sell fuel commonly or commercially known or sold as aviation fuel, tax-free, provided that he complies with such rules and regulations as the state tax commission may prescribe, including, but not limited to, rules and regulations to insure that such fuel is used for aviation purposes.

SECTION 50. Said chapter 64A is further amended by striking out section 11, as amended by section 12 of chapter 617 of the acts of 1957, and inserting in place thereof the following section:-

*Section 11.* Any distributor, unclassified exporter, unclassified importer, or purchaser of fuel who violates any provision of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SECTION 51. Chapter 64B of the General Laws is hereby amended by striking out section 2, as most recently amended by section 1 of chapter 901 of the acts of 1971, and inserting in place thereof the following section:-

*Section 2.* An excise is hereby imposed at the rate of five per cent upon taxable charges, except as otherwise provided in this chapter. The commissioner, with the approval of the commission, shall issue a tax schedule in such form, including the number and size of the brackets as he may determine, showing the total tax due for each bracket of taxable charges. A taxpayer shall not be required to state, charge, or collect the amount of tax separately. To the extent that the excise is separately stated reimbursement

for the excise shall be paid by the purchaser to the taxpayer. Each taxpayer shall collect from the purchaser the full amount of the excise imposed and such excise shall be a debt from the purchaser to the taxpayer and shall be recoverable at law in the same manner as other debts. The commission shall prescribe the method of determining the portion of an entire charge which is applicable to meals in the event that such charge is in part for meals and in part for lodging or any other item or service. The excise shall be paid by the taxpayer to the commissioner at the time provided for filing the return required by subsection (b) of section sixteen of chapter sixty-two C.

SECTION 52. The first sentence of section 1 of chapter 64C of the General Laws, as appearing in section 1 of chapter 547 of the acts of 1945, is hereby amended by striking out, in line 17, the words "persons licensed under this chapter" and inserting in place thereof the word "licenses", and by striking out, in line 39, the words "licensed under this chapter" and inserting in place thereof the words:- licensed as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transportation company or retailer pursuant to section sixty-seven of chapter sixty-two C; "licensee", a person licensed as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transportation company or retailer pursuant to section sixty-seven of chapter sixty-two C.

SECTION 53. Said chapter 64C is hereby further amended by striking out section 2, as amended by chapter 90 of the acts of 1956, and inserting in place thereof the following section:-

*Section 2.* No person shall sell cigarettes or act as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transportation company or retailer, in the commonwealth unless licensed to do so in accordance with section sixty-seven of chapter sixty-two C. If a manufacturer, wholesaler, vending machine operator or unclassified acquirer acts in more than one of said capacities at any one place of business he shall procure a license for each capacity in which he acts. Every machine operated or maintained for the purpose of vending cigarettes shall for the purposes of this chapter be deemed to constitute a place of retail business, and no person shall maintain or cause to be operated such a machine without procuring a retailer's license. Each license so issued or a duplicate copy thereof shall be prominently displayed on the premises covered by the license and in the case of vending machines there shall be attached to the same a disc or marker to be furnished by the commissioner showing it to have been licensed. The licensing of the operation of cigarette vending machines is retained exclusively by the commonwealth and no city, town or other political subdivision of the commonwealth may license such operation.

SECTION 54. Section 5 of said chapter 64C, as appearing in sec-

tion 1 of chapter 547 of the acts of 1945, is hereby amended by striking out, in lines 32 and 33, the words "under this chapter", and by striking out, in lines 58 and 59, the words "under section two".

SECTION 55. Said chapter 64C is hereby further amended by striking out section 6, as most recently amended by section 1 of chapter 245 of the acts of 1971, and inserting in place thereof the following section:-

*Section 6.* Every licensee who is required to file a return under section sixteen of chapter sixty-two C shall, at the time of filing such return, pay to the commissioner an excise equal to eight mills for each cigarette so sold during the calendar month covered by the return; provided, that cigarettes with respect to which the excise under this chapter has once been imposed and has not been refunded, if paid, shall not be subject upon a subsequent sale to the excise imposed by this chapter. Each unclassified acquirer shall, at the time of filing a return required by section sixteen of chapter sixty-two C, pay to the commissioner an excise equal to eight mills for each cigarette so imported or acquired and held for sale or consumption, and cigarettes, with respect to which such excise has been imposed and has not been refunded if paid, shall not be subject, when subsequently sold, to any further excise under this chapter. The commissioner may, in his discretion, require reports from any common carrier who transports cigarettes to any point or points within the commonwealth and from any other person who, under contract, so transports cigarettes, and from any bonded warehouseman or bailee who has in his possession any cigarettes, such reports to contain such information concerning shipments of cigarettes as the commissioner shall determine. All such carriers, bailees, warehousemen and other persons shall permit the examination by the commissioner or his duly authorized agent of any records relating to the shipment of cigarettes into or from, or the receipt thereof within, the commonwealth.

SECTION 56. Section 8 of said chapter 64C, as appearing in section 1 of chapter 547 of the acts of 1945, is hereby amended by striking out in line 9, the word "six" and inserting in place thereof the words "sixteen of chapter sixty-two C", and by striking out, in lines 9 and 10 and in lines 33 and 34, the words "under section two".

SECTION 57. Section 10 of said chapter 64C, as amended by section 3 of chapter 435 of the acts of 1966, is hereby amended by striking out the third sentence, as so appearing, and inserting in place thereof the following sentence:- Any person who shall sell, offer for sale or possess with intent to sell any cigarettes, or otherwise act as a manufacturer, wholesaler, vending machine operator, transportation company or retailer, without being licensed so to do, shall, in addition to any other penalty provided

by this chapter. be punished by a fine of not more than fifty dollars.

SECTION 58. Section 28 of said chapter 64C, as most recently amended by section 3 of chapter 245 of the acts of 1971, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) Two mills of the excise imposed by section six and a proportionate amount of all sums received as penalties, forfeitures, interest, cost of suits and fines shall be credited to the General Fund and used solely toward meeting the requirements of section twenty-five B of chapter fifty-eight; 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 refunded or abated under section thirty-six or thirty-seven of chapter sixty-two C, together with any interest or costs paid on account of such abatements or refunds.

SECTION 59. Said chapter 64C is hereby further amended by striking out section 30, as amended by section 3 of chapter 361 of the acts of 1969, and inserting in place thereof the following section:-

*Section 30.* Every stamper shall purchase cigarette excise stamps from the commissioner and shall affix them, in the manner and within the time prescribed by the commission, to each package of cigarettes to be sold within the commonwealth in an aggregate denomination not less than the amount of the excise upon the contents thereof before such cigarettes are offered for sale or otherwise disposed of. If authorized, a stamper may use a metering machine in lieu of adhesive stamps to evidence payment of the excise upon each package of cigarettes. The commission may by regulation provide for the cancellation of such stamps or meter impression. Any person subsequently receiving such stamped packages of cigarettes shall not be liable for said excise. The commissioner shall furnish such stamps in such quantities as may be necessary, and he shall provide for the custody of the stamps, dies, plates and other materials and supplies used in the manufacture of said stamps in such manner as he deems expedient. The commissioner, with the approval of the commission, may, whenever he deem it advisable, provide for the issuance and exclusive use of stamps of a new design, and forbid the use of stamps of any other design. The commissioner shall make provisions for the sale of such stamps and the setting of metering machines at such places and at such times as he may deem expedient.

The commissioner may appoint as stampers licensed manufacturers and such licensed wholesalers and licensed vending machine operators who bring or cause to be brought into the commonwealth unstamped cigarettes purchased directly from the

manufacturers thereof, and such licensed unclassified acquirers as he deems necessary. Only a stamper shall affix stamps to be used in paying the said excise, or, if authorized, use a metering machine for the purpose of evidencing payment thereof, unless the commission otherwise prescribes. A stamper may affix such stamps only on cigarettes which are to be sold by him in the regular course of the business in which he is engaged and for which he is licensed, and on cigarettes for such other licensees as the commissioner has in writing specifically authorized and in accordance with such conditions as the commissioner may impose.

Every such stamper who has complied with the provisions of this chapter and the pertinent rules and regulations made thereunder may withhold and retain from each payment to be made by him for such stamps, as compensation for service rendered in compliance with this chapter, one dollar and sixty cents for each six hundred cigarette excise adhesive or meter stamps purchased, and a proportionate amount for any fraction thereof.

No such compensation shall be allowed on any sale of less than one hundred dollars. The commissioner, in his discretion, may permit a stamper to pay for such stamps within thirty days after the date of purchase; provided the stamper furnishes a bond pursuant to section sixty-six of chapter sixty-two C. A stamper authorized to use a metering machine to evidence payment of said excise shall make prepayment covering the amount of the excise for which the meter is set, less any allowable compensation, if any. The commissioner, in his discretion, may permit such a stamper to make payment upon the same terms and conditions as in the case of the purchase of stamps.

SECTION 60. Section 33 of said chapter 64C, as appearing in section 5 of chapter 435 of the acts of 1966, is hereby amended by striking out, in line 1 and in line 4, the words "under section two".

SECTION 61. Section 34 of said chapter 64C, as so appearing, is hereby amended by striking out, in line 24, the words "person licensed under this chapter" and inserting in place thereof the word "licensee" and by striking out, in line 34, the words "under section two".

SECTION 62. Section 39 of said chapter 64C, as so appearing, is hereby amended by striking out, in line 6, the words "under this chapter".

SECTION 63. Chapter 64D of the General Laws is hereby amended by striking out section 4, as most recently amended by section 87 of chapter 654 of the acts of 1953, and inserting in place thereof the following section:-

*Section 4.* If any stamps have been erroneously affixed, the person who has overpaid the tax may apply to the state tax commission for an abatement in accordance with section thirty-seven of chapter sixty-two C.

SECTION 64. Chapter 64E of the General Laws is hereby amended by striking out section 2, as amended by section 1 of chapter 819 of the acts of 1975, and inserting in place thereof the following section:-

*Section 2.* The commissioner may grant licenses to persons as user-sellers, suppliers, or users of special fuels in accordance with section sixty-seven of chapter sixty-two C.

No person other than a licensed supplier shall maintain storage facilities for special fuels and dispense special fuels therefrom into any fuel tank attached to a motor vehicle unless such person is the holder of an uncanceled license as a user-seller issued by the commissioner.

No person shall sell or deliver special fuels within this commonwealth to a licensed user-seller unless such person is the holder of an uncanceled license as a supplier issued by the commissioner.

No person owning or leasing a motor vehicle propelled by special fuels shall use the highways of this commonwealth with said motor vehicle unless such person is the holder of an uncanceled license as a user of special fuels issued by the commissioner for each such motor vehicle.

The commissioner shall furnish each licensed supplier with a list of the names and business addresses of licensed user-sellers at the beginning of each calendar year and shall thereafter, during such year, supplement such list at least quarterly.

The commissioner as a condition of issuing any license under this section may require that the applicant state, under the penalties of perjury, that he will purchase special fuels or accept delivery of special fuels only from a person licensed under this chapter.

SECTION 65. Said chapter 64E is hereby further amended by striking out section 4, as most recently amended by section 4 of chapter 497 of the acts of 1971, and inserting in place thereof the following section:-

*Section 4.* At the time of filing a return required by section sixteen of chapter sixty-two C, every licensee, other than a user, shall pay to the commissioner for the account of the purchaser an excise of seven and one half cents on each gallon of special fuels sold or used by him in the commonwealth during the calendar month covered by the return.

SECTION 66. Section 11 of said chapter 64E, as amended by chapter 64 of the acts of 1961, is hereby further amended by striking out, in lines 2 and 3, the words “, or who files any false return, affidavit or statement,”.

SECTION 67. Chapter 64F of the General Laws is hereby amended by striking out section 2, as amended by section 3 of chapter 819 of the acts of 1975, and inserting in place thereof the following section:-

*Section 2.* No person subject to the excise imposed by section

three shall act as a motor carrier unless such person is the holder of an uncanceled motor carrier license issued by the commissioner pursuant to section sixty-seven of chapter sixty-two C.

SECTION 68. Said chapter 64F of the General Laws is hereby further amended by striking out section 6, as most recently amended by section 7 of chapter 497 of the acts of 1971, and inserting in place thereof the following section:-

*Section 6.* At the time of filing a return required by section sixteen of chapter sixty-two C, every licensee shall pay to the commissioner the excise due at the rate of seven and one half cents on each gallon of fuel and special fuels used by him in the commonwealth during the calendar quarter covered by the return.

SECTION 69. Said chapter 64F is hereby amended by striking out section 12, as appearing in section 2 of chapter 619 of the acts of 1956, and inserting in place thereof the following section:-

*Section 12.* Any motor carrier who violates any provision of this chapter shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

SECTION 70. Section 3 of chapter 64G of the General Laws, as appearing in section 25 of chapter 14 of the acts of 1966, is hereby amended by adding the following paragraph:-

The operator shall pay the excise to the commissioner at the time provided for filing the return required by section sixteen of chapter sixty-two C.

SECTION 71. Said chapter 64G is hereby further amended by striking out section 6, as so appearing, and inserting in place thereof the following section:-

*Section 6.* No person shall operate a hotel, lodging house or motel in this commonwealth unless a certificate of registration has been issued to him in accordance with section sixty-seven of chapter sixty-two C.

SECTION 72. Section 7A of said chapter 64G, inserted by chapter 699 of the acts of 1970, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any operator who has paid to the commissioner an excise under section three upon an account later determined to be worthless shall be entitled to an abatement of the excise paid on such worthless account.

SECTION 73. Section 1 of chapter 64H of the General Laws is hereby amended by striking out paragraph (11), as appearing in section 1 of chapter 757 of the acts of 1967.

SECTION 74. Section 2 of said chapter 64H, as amended by section 59 of chapter 684 of the acts of 1975, is hereby further amended by adding the following sentence:- The excise shall be paid by the vendor to the commissioner at the time provided for filing the return required by section sixteen of chapter sixty-two C.

SECTION 75. Said chapter 64H is hereby further amended by striking out section 7, as amended by section 65 of chapter 684 of the acts of 1975, and inserting in place thereof the following section:-

*Section 7.* No person shall do business in this commonwealth as a vendor unless a registration shall have been issued to him for each place of business in accordance with section sixty-seven of chapter sixty-two C.

SECTION 76. Section 9 of said chapter 64H, as appearing in section 1 of chapter 757 of the acts of 1967, is hereby amended by striking out the first three sentences.

SECTION 77. Section 16 of said chapter 64H, as so appearing, is hereby amended by striking out the first sentence.

SECTION 78. Section 1 of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “, return”.

SECTION 79. Section 2 of said chapter 64I, as amended by section 67 of chapter 684 of the acts of 1975, is hereby further amended by adding the following sentence:- The excise shall be paid by the taxpayer to the commissioner at the time provided for filing the returns required by section sixteen of chapter sixty-two C.

SECTION 80. Said chapter 64I is hereby further amended by striking out section 9, as so appearing, and inserting in place thereof the following section:-

*Section 9.* No person, engaged in business as a vendor, shall sell tangible personal property for storage use or other consumption in the commonwealth unless a registration has been issued to him in accordance with section sixty-seven of chapter sixty-two C.

SECTION 81. Section 11 of said chapter 64I, as so appearing, is hereby amended by striking out the first three sentences.

SECTION 82. Section 17 of said chapter 64I, as so appearing, is hereby amended by striking out the first sentence.

SECTION 83. Chapter 65 of the General Laws is hereby amended by striking out section 27, as most recently amended by section 59 of chapter 555 of the acts of 1971, and inserting in place thereof the following section:-

*Section 27.* The tax due upon any estate or part thereof or upon any interest taxable under this chapter shall be deemed to be assessed at the time when the return required by section twenty-two is filed and at the amount shown as the tax due on said return or at the amount properly due under this chapter, whichever is less.

If the commissioner determines from the verification of the return, or otherwise, that the full amount of any tax due under this chapter, or any portion thereof, has not been assessed or is not deemed to be assessed, he may assess the same with interest as provided in section thirty-three of chapter sixty-two C, at any time

within one year after the date when the return and all supplementary information and documents required by the commissioner, including a copy of the final determination of federal estate tax liability in cases involving a federal estate tax return, are filed or within six months after the date of the final determination of value under sections twenty-five and twenty-six, whichever is later. He shall certify the additional amount so due and payable to the person by whom the tax is payable. Any tax so assessed shall be due and payable thirty days from the date of the certification.

Any assessment and certification may be made upon account of the tax payable upon the estate generally or upon account or in full for any part thereof or any interest therein. Payment of the amount so certified upon account shall be a discharge of the tax pro tanto and upon subsequent assessment and certification of the full amount of the tax payable upon the estate generally or upon any interest therein or part thereof, payment of the full amount of said tax shall, except as hereinafter provided, be a discharge of the tax. If upon final assessment and certification it shall appear that any payments made on account are in excess of the tax in full as so determined, the commission shall refund such excess without further application and without any appropriation therefor by the general court.

In determining the amount of any tax under this chapter, the commissioner shall not be required to consider any payments on account of debts or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. In lieu of allowing any itemized deductions on account of debts, expenses of administration or federal estate taxes, the commissioner shall allow a standard deduction for aggregate values subject to taxation under this chapter of less than one hundred thousand dollars, determined under a table of deductions issued by him and approved by the commission. Such standard deduction shall represent a reasonable amount for debts, expenses and taxes for each bracket of such aggregate property. If an executor, administrator, trustee or any person liable to taxation under this chapter, who qualifies for the standard deduction does not elect on the return required under section twenty-two to itemize deductions on account of debts, expenses of administration and federal estate taxes, the standard deduction under said table of deductions shall be used to compute and assess the tax due under this chapter.

If after assessment and certification of the full amount of the tax upon an estate or any interest therein or part thereof the estate shall receive or become entitled to property in addition to that shown in the inventory or disclosed to the commissioner at or before the time of the assessment and certification of the tax in full, the executor, administrator, trustee or other fiduciary shall

forthwith notify the commissioner who shall, upon being thus or otherwise informed, assess the amount of additional tax, if any, due and payable thereon and shall certify the said amount to the person by whom such tax is payable, which amount shall be due and payable thirty days from the date of the certification; provided, that a fiduciary shall be personally liable to pay only so much of said additional tax as is computed on the additional property actually received by him and that a beneficiary receiving any part of such additional property shall be liable to pay so much of the tax thereon as is not chargeable as aforesaid to a fiduciary.

An executor, administrator, trustee, grantee, donee, survivor or beneficiary aggrieved by any determination of the commissioner or commission, as the case may be, may, within one year after the payment of any such tax, apply by a petition in equity to the probate court having jurisdiction of the estate of the decedent for the abatement of the tax, or any part thereof. If the court adjudges that the tax, or any part thereof, was wrongly exacted it shall order an abatement of such part thereof as was assessed without authority of law. Upon a final decision ordering an abatement of any part of such a tax, the state treasurer shall pay the amount adjudged to have been illegally exacted, with interest as provided in section forty of chapter sixty-two C, without any further appropriation therefor by the general court.

SECTION 84. Said chapter 65 is hereby further amended by striking out section 31, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 31.* Upon petition of the commissioner the probate court shall, after such notice to the owners of any real estate or separate parcel thereof as said court shall order, determine the amount of taxes imposed by this chapter and by corresponding provisions of earlier laws which have become payable, and of interest on said taxes, for which such real estate or separate parcel thereof is charged with a lien under this chapter. After such determination the commissioner may collect said taxes and interest by sale in the manner provided by chapter sixty for the collection of taxes by sale by a collector of taxes so far as applicable, or by levy under sections fifty-three to sixty-four of chapter sixty-two C.

SECTION 85. Section 32 of said chapter 65 is hereby amended by striking out the last sentence, as amended by section 60 of chapter 555 of the acts of 1971, and inserting in place thereof the following sentence:- Whenever the circumstances of a case require, the probate court may extend the time for payment of said tax, with interest in accordance with section thirty-three of chapter sixty-two C.

SECTION 86. Section 2 of chapter 65A of the General Laws, as amended by section 62 of said chapter 555 is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- If the tax is not paid when

due, interest shall be charged and collected pursuant to section thirty-three of chapter sixty-two C.

SECTION 87. Said chapter 65A is hereby further amended by striking out section 4, as amended by section 10 of chapter 601 of the acts of 1970, and inserting in place thereof the following section:-

*Section 4.* The provisions of chapters sixty-two C and sixty-five relative to the determination, certification and collection of the tax imposed by chapter sixty-five, relative to the refund or recovery of taxes assessed and collected without authority of law and relative to the determination of questions concerning the tax and all necessary administrative provisions of said chapters shall also be effective in reference to all corresponding matters arising in connection with the tax hereunder, except that no lien shall attach to any property of any estate on account of the tax imposed hereunder. The commissioner shall have authority to require all persons or corporations liable for the payment of taxes hereunder to file returns in such form as he may prescribe.

SECTION 88. Section 5 of said chapter 65A, as most recently amended by section 73 of chapter 684 of the acts of 1975, is hereby further amended by striking out paragraph (4) and inserting in place thereof the following paragraph:

(4) For the purposes of the apportionment of the tax levied or assessed under the provisions of this chapter, or under the provisions of chapter sixty-five C, 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.

SECTION 89. Subsection (b) of section 2 of chapter 65C of the General Laws, as appearing in section 74 of chapter 684 of the acts of 1975 is hereby amended by adding the following sentence:- For purposes of this subsection, the Massachusetts taxable estate shall include the value of any property subject to a power of appointment to the extent that such value has been excluded from the computation in subsection (a) because a tax had been paid thereon pursuant to section fourteen of chapter sixty-five.

SECTION 90. Said chapter 65C is hereby amended by striking out section 4, as so appearing, and inserting in place thereof the following section:-

*Section 4.* (a) A tax is hereby imposed on the transfer of a nonresident decedent's real and tangible personal property having an actual situs in Massachusetts, if such property would have been included in the Massachusetts gross estate had the decedent been a resident.

(b) The tax imposed under subsection (a) shall be an amount which bears the same ratio to the tax that would be due if the

decedent had been a resident as (i) the value of all real and tangible personal property having an actual situs in Massachusetts, the transfer of which is subject to tax under subsection (a) bears to (ii) the value of the decedent's Massachusetts gross estate determined as if he had been a resident.

SECTION 91. Chapter 65C of the General Laws is hereby amended by striking out section 8, as appearing in section 74 of chapter 684 of the acts of 1975, and inserting in place thereof the following section:-

*Section 8.* 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.

SECTION 92. Paragraph (b) of section 10 of said chapter 65C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- 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 thirty-two of chapter sixty-two C such amount is paid.

SECTION 93. Said chapter 65C is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

*Section 28.* Any person who 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 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 94. The fifth paragraph of section 10 of chapter 121A of the General Laws, as appearing in section 7 of chapter 827 of the acts of 1975, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- All provisions of chapter sixty-two C relative to the administration of taxes shall, so far as pertinent and consistent, be applicable to the excise imposed by this section. Said excise shall be paid to the commissioner of corporations and taxation at the time provided for filing the return required by section twelve of chapter sixty-two C.

SECTION 95. Chapter 138 of the General Laws is hereby

amended by striking out section 21, as most recently amended by chapter 316 of the acts of 1974, and inserting in place thereof the following section:-

*Section 21.* Every licensed manufacturer of alcoholic beverages or alcohol as defined in this chapter and every holder of a wholesaler's and importer's license for the sale and importation thereof and every licensee under section seventy-six shall, in addition to the license fees elsewhere provided in this chapter, be liable for and pay to the commonwealth an excise, for the privilege enjoyed by him as such manufacturer, wholesaler and importer, or licensee under section seventy-six, to be levied on sales within the commonwealth of alcoholic beverages or alcohol, other than wines to be used for sacramental purposes only and other than malt beverages imported into the commonwealth, and to be levied on importations of malt beverages into the commonwealth, as follows:

(a) For each barrel of thirty-one gallons, or fractional part of a barrel, aforesaid, of malt beverages, at the rate of two dollars and forty 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 two cents 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 forty cents per wine gallon;

(d) For each wine gallon, or fractional part thereof, of champagne and all other sparkling wines, at the rate of fifty 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 eighty 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 two dollars and ninety-five 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 two dollars and ninety-five cents per proof gallon. The words "proof gallon" when used in this section with reference to an alcoholic beverage, shall be held to be a gallon of the alcoholic beverage which contains one half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. Every person

subject of this section shall keep a true and accurate account of all alcoholic beverages or alcohol sold by him other than malt beverages imported into the commonwealth by him, and a like account of all malt beverages imported into the commonwealth by him. The excise imposed by this section shall be paid to the commissioner of corporations and taxation at the time provided for filing the return required by section sixteen of chapter sixty-two C. The state tax commission by rule or regulation shall provide for the waiver of payment of the excise in respect to any alcoholic beverages or alcohol if it appears that an excise has already been paid under the provisions of this section in respect thereto; provided, however, that alcoholic beverages or alcohol manufactured within or imported into the commonwealth and exported therefrom shall be exempt from such excise. Alcohol for the purpose of this section shall not include alcohol sold for scientific, chemical, mechanical, manufacturing, industrial, culinary, pharmaceutical or medical purposes in containers greater in capacity than one wine gallon, and shall not include absolute alcohol, so-called, sold for such purposes in any containers. The taxes imposed by this section shall also be applicable to sales of alcoholic beverages, upon which an excise has not already been paid under the provisions of this section, made by railroad or car corporations or the owner or operator of any vessel or shipping company licensed to sell alcoholic beverages under the provisions of section thirteen.

Any person who shall knowingly purchase, sell or possess any alcoholic beverages or alcohol not manufactured in or imported into the commonwealth by a licensed manufacturer or a holder of a wholesaler's and importer's license for the sale and importation thereof or a licensee under section seventy-six, or a railroad or car corporation or the owner or operator of any vessel or shipping company licensed under section thirteen, or a person holding a permit for importation under section twenty-two A, or any person specifically exempted by section two, shall, in addition to any other penalties provided for violation of any provisions of this chapter, be subject to a fine equal to double the amount of the excise which would have been payable by a licensee subject to this section if such alcoholic beverages or alcohol had been imported or sold by such licensee. The state police and all local police authorities shall have authority to enforce, and shall, at the request of the commissioner or his duly authorized agent, enforce the provisions of this paragraph.

The administration of the tax imposed by this section shall be vested in the commissioner of corporations and taxation and governed by the provisions of chapter sixty-two C.

**SECTION 96.** Section 7A of chapter 271 of the General Laws, inserted by chapter 810 of the acts of 1969, is hereby amended by striking out the eighth and ninth paragraphs and inserting in place thereof the following two paragraphs:

Any organization conducting or operating a raffle or bazaar under this section shall, at the time provided for filing the return required by section eighteen of chapter sixty-two C, pay to the commissioner of corporations and taxation a tax of five per cent of the gross proceeds derived from such raffle or bazaar.

All provisions of chapter sixty-two C relative to the administration of taxes shall, so far as pertinent and consistent, be applicable to taxes imposed by this section. All sums received by said commissioner from the tax imposed by this section as taxes, interest thereon, fees, penalties, forfeitures, costs of suits or fines, less all amounts refunded thereon, together with any interest or costs paid on account of such refunds, shall be paid into the treasury of the commonwealth.

SECTION 97. Section 97 of chapter 684 of the acts of 1975 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- 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 appointment 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; provided, however, the provisions of chapter sixty-five A of the General Laws shall remain in force and effect with respect to such estates.

SECTION 98. Section five of chapter fourteen of the General Laws is hereby repealed.

SECTION 99. Sections twenty-six A, twenty-six B, thirty, and thirty-one A to fifty-one, inclusive, of chapter fifty-eight of the General Laws are hereby repealed.

SECTION 100. Sections eighteen, twenty-two to twenty-four, inclusive, twenty-six to forty-one, inclusive, forty-three to forty-six, inclusive, forty-eight, and fifty-five to sixty, inclusive, of chapter sixty-two of the General Laws are hereby repealed.

SECTION 101. Sections eight and nineteen of chapter sixty-two B of the General Laws are hereby repealed.

SECTION 102. Sections three, four, thirteen, eighteen A, twenty-five, twenty-seven, thirty-five, thirty-six, forty, forty-four to fifty-one inclusive, fifty-three, sixty, sixty-eight B, and seventy to seventy-six A, inclusive of chapter sixty-three of the General Laws are hereby repealed.

SECTION 103. Sections three and four of chapter sixty-three A of the General Laws are hereby repealed.

SECTION 104. Section eleven of chapter sixty-three B of the General Laws is hereby repealed.

SECTION 105. Section five and six of chapter sixty-three C of the General Laws are hereby repealed.

SECTION 106. Sections five, six and ten of chapter sixty-four A of the General Laws are hereby repealed.

SECTION 107. Sections three, four, seven, nine, twenty-two to twenty-five, inclusive, and thirty-two of chapter sixty-four C of the General Laws are hereby repealed.

SECTION 108. Section five of chapter sixty-four D of the General Laws is hereby repealed.

SECTION 109. Sections six to eight, inclusive and section sixteen of chapter sixty-four E of the General Laws are hereby repealed.

SECTION 110. Sections seven to nine, inclusive, eleven and sixteen of chapter sixty-four F of the General Laws are hereby repealed.

SECTION 111. Sections seven to ten, inclusive, of chapter sixty-four G of the General Laws are hereby repealed.

SECTION 112. Sections ten to fifteen, inclusive, sections seventeen to twenty-two, inclusive, twenty-four, twenty-eight, thirty and thirty-one of chapter sixty-four H of the General Laws are hereby repealed.

SECTION 113. Sections ten, twelve to sixteen, inclusive, eighteen to twenty-three, inclusive, twenty-five, twenty-nine to thirty-one, inclusive, and thirty-two of chapter sixty-four I of the General Laws are hereby repealed.

SECTION 114. Sections eleven, twenty-eight, thirty-three, thirty-four and thirty-five of chapter sixty-five of the General Laws are hereby repealed.

SECTION 115. Sections nine, eleven, twelve, seventeen to twenty, inclusive, twenty-two, twenty-three, and twenty-five and chapter sixty-five C of the General Laws are hereby repealed.

SECTION 116. Sections ninety-four to ninety-seven, inclusive, shall take effect as of January first, nineteen hundred and seventy-six and shall apply only with respect to estates of decedents dying on or after January first, nineteen hundred and seventy-six. Sections one to ninety-three, inclusive, and ninety-eight to one hundred and fifteen, inclusive, shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 15, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 15, 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 415 of 1976, entitled AN ACT RELATIVE TO THE ADMINISTRATION OF STATE TAXATION, and the enactment of which received my approval on October 15, 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 provide for the immediate administration of state taxation.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 15, 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 two o'clock and ten 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-six.

PAUL GUZZI,  
*Secretary of the Commonwealth.*

**Chap. 416.** AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH RECYCLING COMMISSIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 5 of chapter 40 of the General Laws is hereby amended by adding after clause (68) added by chapter 574 of the acts of 1975 the following clause:-

(69) For the maintenance of a recycling commission. In addition a city or town may appropriate money in any year to a recycling fund of which the treasurer shall be custodian. He may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in cooperative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth, and any income there-

from shall be credited to the fund. Monies in the fund may be expended by said commission for any purpose, other than a taking by eminent domain.

SECTION 2. Said chapter 40 is hereby further amended by inserting after section 8G the following section:-

*Section 8H.* A city or town which accepts this section may establish a recycling commission, hereinafter called the commission, for the promotion and development of programs to recycle paper, metal and glass solid wastes. Said commission shall research local recycling areas and shall coordinate the activities of groups organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets necessary for its work. The commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report. The commission shall consist of not less than three nor more than seven members, and shall include the superintendent of public works or the person acting in that capacity in said city or town. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, except towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. The terms of the first members of the commission shall be for one, two or three years, and so arranged that the term of one of the members expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

A commission shall, within three years of acceptance of this section by a city or town, establish a plan for recycling paper, metal and glass. The recycling plan may be established for said city or town, or for a group of cities or towns, upon the agreement of all cities or towns involved in a joint program.

In cities and towns in which solid waste is collected curbside, recycling programs shall include curbside collection of the recyclable paper, metal, and glass. In cities and towns in which solid waste is taken by each inhabitant to a municipal dump, the recycling plan may include curbside recycling or a system available at said dump. No recycling program shall require the participation of all residents in the city or town.

Each recycling program shall be approved by the authority which appointed the recycling commission members before taking

effect. The bureau of solid waste disposal shall cooperate with commissions on these programs.

*Approved October 15, 1976.*

**Chap. 417.** AN ACT DIRECTING THE COMMISSIONER OF PUBLIC HEALTH TO ISSUE CERTIFICATES OF NEED TO THE ST. JOSEPH MANOR NURSING HOME INC. AND TO THE CAPE COD HOSPITAL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for necessary health care services in certain areas 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:*

Notwithstanding the provisions of chapter seven hundred and seventy-six of the acts of nineteen hundred and seventy-two or any other contrary provisions of law, the department of public health is hereby authorized and directed to issue a certificate of need to St. Joseph Manor Nursing Home, Inc. and an appropriate nursing home license to St. Joseph Manor Nursing Home, Inc. to authorize the construction and operation thereof, in addition to its twenty-eight Level II and twenty-eight Level III beds, of twelve new Level I/II beds, thirty-two new Level III beds and twenty new Level IV beds, for a total bed complement of one hundred and twenty beds at the estimated capital expenditure of one million thirty-nine thousand eight hundred and six dollars, and to Cape Cod hospital to authorize the development of radiation therapy service at the estimated capital expenditure of between three hundred and eighty-five thousand dollars and four hundred and sixty-one thousand dollars.

House of Representatives, October 12, 1976.

This Bill having been returned by His Excellency the Governor with his objections thereto in writing (see House 4587) has been passed by the House of Representatives, notwithstanding said objections, two thirds of the House (147 yeas to 66 nays) having agreed to pass the same.

Sent to the Senate for its action.

Passed by the Senate, notwithstanding the objections of His Excellency the Governor, two thirds of the members present (26 yeas to 2 nays) having approved the same.

**Chap. 418.** AN ACT PROVIDING FOR THE RETENTION OF STUDENT ACTIVITIES FEES BY THE PRESIDENTS OF THE REGIONAL COMMUNITY COLLEGES.

*Be it enacted, etc., as follows:*

Section 37 of chapter 15 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 737 of the acts of 1964, and inserting in place thereof the following sentence:- All student activities fees and all receipts from student activities shall be retained by the president of the college in a revolving fund or revolving funds, and shall be expended as the president of the college may direct in furthering student activities; provided, that the foregoing shall not authorize any action in contravention of the requirements of section one of Article LXII of the Amendments to the Constitution.

*Approved October 15, 1976.*

---

**Chap. 419.** AN ACT ESTABLISHING THE HAMPSHIRE COUNTY HOUSING AUTHORITY.

*Be it enacted, etc., as follows:*

SECTION 1. There is hereby created in Hampshire county, hereinafter referred to as the county, a public body politic and corporate to be known as the Hampshire County Regional Housing Authority, hereinafter referred to as the authority. The authority shall be managed, controlled and governed by eleven members, six of whom shall constitute a quorum. Nine members shall be appointed by the county commissioners of Hampshire county, provided, that not more than one of the members shall be chosen from any one town or city. Three members shall be appointed for an initial term of one year, two members shall be appointed for an initial term of two years, two members shall be appointed for an initial term of four years, two members shall be appointed for an initial term of five years and two members shall be appointed by the department of community affairs, hereinafter referred to as the department, for an initial term of three years, their successors to be appointed in the same manner and by the same body for terms of five years from the expiration of the terms of the original appointees.

Membership in the authority shall be restricted to residents of Hampshire county, who shall serve until the qualification of their respective successors unless sooner removed.

Members may be removed or suspended by the county commissioners in the same manner as removal by the city council or board of selectmen in accordance with the provisions of section six of chapter one hundred and twenty-one B of the General Laws. A member of the authority who ceases to be a resident of the county shall be removed upon the date of his change of residence by operation of law.

The clerk of the county commissioners for Hampshire county shall, as soon as possible after the event occurs, file a certificate

with the department and a duplicate certificate with the state secretary, of any appointment, resignation or removal of a member of the authority. If the state secretary shall find that the authority has been organized and the members thereof appointed according to law, he shall issue to it a certificate of organization, and such certificate shall be conclusive evidence of the lawful organization of the authority and of appointment of the members thereof.

**SECTION 2.** 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 city or town the authority shall be deemed to be, and within every city and 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 any city or town. Every city and town in the county shall have the same rights, powers, and obligations with respect to projects and other activities of the authority in such town as are provided in said chapter one hundred and twenty-one B for a city or town in which a housing authority has been created.

In addition, any local housing authority organized in a city or 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 authority.

The relationship within any city or town between the authority and any local housing authority regarding operating procedures and management of projects or programs shall be as specified in any resolution approved as provided in section three and on matters not covered by such resolution, shall be as mutually agreed upon by the two authorities, or in the absence of such agreement, as shall be determined by the department of community affairs, not inconsistent with the department's regulations.

The authority shall annually make a report of its activities, receipts, and expenditures to the county commissioners, to the department of community affairs, to the state auditor, and to the selectmen and housing authority, if any, of each of the cities and towns in the county, in accordance with the provisions of section twenty-nine of said chapter one hundred and twenty-one B.

**SECTION 3.** Prior to taking, purchasing, or otherwise acquiring the fee in any real property, the authority shall submit a resolution authorizing such acquisition to the housing authority of the city or town in which the real property is located, or if no housing authority has been organized in said town, to its board of selectmen.

No such taking, purchase or acquisition shall be completed until thirty calendar days have elapsed following the approval of such resolution by the local housing authority or selectmen, as the case may be, or unless approved by vote of the town meeting as provided below. Upon the expiration of thirty calendar days from the date of submittal without either approval or disapproval by the housing authority or selectmen, as the case may be, the resolution shall be deemed approved. The local housing authority or selectmen shall include in their consideration of each such resolution the housing needs, the consistency of the proposed action with local plans, and the health, safety, welfare and convenience of all the persons residing in the town.

If, prior to the expiration of thirty calendar days following approval or disapproval of such a resolution by the local housing authority or board of selectmen, the town clerk certifies receipt of written requests from a sufficient number of voters, as specified in section ten of chapter thirty-nine of the General Laws, that an article to approve the proposed purchase, taking or acquisition be placed on the warrant for a town meeting to be held within sixty days of said submission, the selectmen shall call such town meeting and no taking, purchase, or acquisition of fee in real property shall be made except following an affirmative vote of the town meeting to approve such action.

The provisions of section thirty-nine of chapter one hundred and twenty-one B of the General Laws, limiting the powers of a local housing authority to erect or to contract for financial assistance for the construction of new projects for the housing of elderly persons shall not apply to any housing project erected by the authority.

SECTION 4. For the purpose of defraying costs and expenses of the authority as provided in section nineteen of said chapter one hundred and twenty-one B, the county treasurer may pay such sums to the authority as may be appropriated therefor, and shall be repaid such sums in the manner provided in said section nineteen.

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

*Approved October 16, 1976.*

---

**Chap. 420.** AN ACT CONFORMING STATE LAW TO A FEDERAL ACT GUARANTEEING ABSENTEE VOTING RIGHTS IN STATES TO UNITED STATES CITIZENS RESIDING OUTSIDE THE UNITED STATES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is, in part, to comply with the provisions of the Overseas Citizens Voting Rights Act of 1975, 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 definition of "Federal service personnel" of section 103B of chapter 54 of the General Laws, as amended by chapter 783 of the acts of 1971, is hereby further amended by inserting after the word "district", in line 8, the words:- ; and citizens residing outside the United States, who claim Massachusetts as their last domicile immediately prior to departure from the United States, who could have met all the qualifications to vote, except for age, when domiciled in Massachusetts.

SECTION 2. Section 103C of said chapter 54, as appearing in section 1 of chapter 511 of the acts of 1962, is hereby amended by inserting after the word "therein", in line 4, the words:- or any citizen residing outside the United States, who claims Massachusetts as his last domicile immediately prior to departure from the United States, who could have met all the qualifications to vote, except for age, when domiciled in Massachusetts; and who has a card of identity or a valid passport issued by the Secretary of State of the United States of America.

SECTION 3. Section 103 O of said chapter 54, as appearing in section 3 of chapter 800 of the acts of 1974, is hereby amended by inserting after paragraph (b) the following paragraph:-

(B½) Blank forms of affidavit to be printed on envelope for enclosing absent voting ballot furnished to United States citizens living outside the United States who claim Massachusetts as their last residence before departure, worded substantially as follows:

I, \_\_\_\_\_, a United States citizen residing outside of the United States, do hereby make oath that Massachusetts was my last domicile immediately prior to departure from the United States, that I last resided at \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_ street and number \_\_\_\_\_ city or town \_\_\_\_\_, and that I now live at \_\_\_\_\_, \_\_\_\_\_ street and number \_\_\_\_\_ city or town \_\_\_\_\_, that I was born on \_\_\_\_\_ in \_\_\_\_\_ country \_\_\_\_\_ date of birth \_\_\_\_\_ city \_\_\_\_\_ or town and state or country \_\_\_\_\_.

I do hereby make oath that I shall request a ballot only from Massachusetts and only from \_\_\_\_\_ in Massachusetts; that \_\_\_\_\_ city or town \_\_\_\_\_

I have a card of identity or a valid passport issued by the Secretary of State of the United States of America; that I have carefully read the instructions forwarded to me with the ballot herein enclosed; and that I have marked and sealed the within ballot as stated hereon by the person taking my oath.

\_\_\_\_\_  
signature of voter

Subscribed and sworn to before me by the above person this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; and I hereby certify

that such person has signed his name in my presence, or was prevented by physical disability from so doing, and that when I was alone with him, he showed me the ballot herein enclosed, unmarked, and then in my presence marked the same without my seeing how he marked it, after which he sealed the said ballot in this envelope, I had no communication with the voter as to how he was to vote.

Signature of official or officer \_\_\_\_\_

Residence or unit \_\_\_\_\_

Official title or military or naval rank \_\_\_\_\_

Date of expiration of commission of Notary Public or  
Justice of the Peace \_\_\_\_\_

*Approved, October 16, 1976.*

**Chap. 421.** AN ACT PROVIDING FOR CERTAIN RIGHTS OF FATHERS OF CHILDREN BORN OUT OF WEDLOCK TO ADOPT SUCH CHILDREN.

*Be it enacted, etc., as follows:*

Chapter 210 of the General Laws is hereby amended by inserting after section 4 the following section:-

*Section 4A.* Whenever the mother of a child born out of wedlock has surrendered the child in accordance with section two, or whenever the right of such mother to withhold consent for adoption has been terminated in accordance with section three, notice of such surrender or termination and a right to petition for adoption shall be afforded to any person who, prior to such surrender or termination, has filed a declaration seeking to assert the responsibilities of fatherhood, hereinafter called a parental responsibility claim, or has been adjudicated the father of the child, except when a decree has been adjudicated the suant to section three dispensing with the need of consent of said father. The paternal responsibility claim shall be filed with the department of public welfare, hereinafter called the department, on a form prescribed by the department. The department shall provide the person filing with evidence of the filing within five days and shall at the same time, send notice of the filing to such mother by registered mail at her address as stated on the paternal responsibility claim or to such other address as the department determines to be correct after making every reasonable effort to locate such mother. Such filing shall constitute an acknowledgment and admission of paternity.

Upon request of any person or agency receiving a child for the purpose of adoption, the department shall examine all paternal responsibility claims filed with it and shall within five days provide an affidavit to such person or agency stating whether or not there has been a paternal responsibility claim filed with respect to such child. If such a paternal responsibility

claim has been filed, the department shall, notify the person claiming paternity by registered mail, at the address stated on said paternal responsibility claim, that the child is in the care of a licensed placement agency which is planning for the adoption of the child. A copy of the notice shall be sent to the person or agency requesting the affidavit. The person claiming paternity may within thirty days from the date of mailing of said notice by the department file a petition for adoption or custody of such child in the probate court of the county where the agency is located. If he fails to do so, he shall not be entitled to notice of any subsequent proceeding concerning custody, guardianship, or adoption of the child. The court shall consider the case as expeditiously as possible, and, without regard to other potential adoptive parents, shall allow the petition of the person claiming paternity if it finds that such adoption or custody is in the child's best interest and if it finds that such person is the father of the child. The court on its own motion may order the production of any evidence to determine if the petitioner is the father of the child. Any such petition shall be subject to clause (E) of section two A. Any costs incurred for the temporary care of the child pending the hearing on the petition of the person claiming paternity shall be borne by said person.

No other petition for adoption shall be allowed without proof of compliance with this section.

*Approved October 16, 1976.*

**Chap. 422.** AN ACT RELATIVE TO THE INVESTMENT OF FUNDS USED IN CONNECTION WITH A DEFERRED COMPENSATION PROGRAM FOR PUBLIC EMPLOYEES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to immediately insure that the law relative to the investment of funds used in connection with a deferred compensation program for public employees conforms to certain requirements of federal 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 38 of chapter 29 of the General Laws is hereby amended by striking out the introductory paragraph, as most recently amended by section 2 of chapter 807 of the acts of 1972, and inserting in place thereof the following paragraph:-

With the exception of funds used in connection with a deferred compensation program for state employees, and funds of the state employees' retirement system or the teachers' retirement system, all funds over which the commonwealth has exclusive control shall be invested by the state treasurer with the

approval of the governor and council as follows:-

SECTION 2. Said section 38 of said chapter 29 is hereby further amended by adding the following paragraph:-

Funds in connection with a deferred compensation program for state employees may be invested by the treasurer pursuant to section sixty-four; provided, however, that such funds, whether or not invested, shall remain in the sole control of the treasurer, and may be used by the commonwealth at any time and for any purpose.

SECTION 3. Chapter 29 of the General Laws is hereby amended by inserting after section 38A the following new section:-

*Section 38B.* There shall be in the office of the state treasurer a deferred compensation committee, consisting of three members, one of whom shall be appointed by the governor, shall represent the employees who contract with the state treasurer for a deferred compensation program under section sixty-four, and shall be chairman, one of whom shall be appointed by the commissioner of insurance, and one of whom shall be appointed by the state treasurer. Said committee shall meet from time to time and shall oversee the operation of the day to day operation of the deferred compensation program. The members of said committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

SECTION 4. Said chapter 29 of the General Laws, added by section 3 of chapter 807 of the acts of 1972, is hereby further amended by striking out section 64 and inserting in place thereof the following section:-

*Section 64.* The state treasurer may contract with an employee to defer a portion of that employee's income, and may for the purposes of funding a deferred compensation program for said employee, invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual funds, or a bank investment trust. The treasurer shall, before making any such investment, solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter one hundred and seventy-five, mutual fund managers, and banks, which bids shall be sealed, and which shall be opened at one time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, or bank investment trust to fund the deferred compensation program shall clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees, and such other information as the treasurer may require. Any contract entered into between an employee and the treasurer pursuant to this section shall

include all such information in terms the employee can reasonably be expected to understand. As used in this section, the word "employee" shall have the same meaning as "employee", "employee of the general court", and "head of his department", as defined in section one of chapter thirty-two. In no event shall the amount invested for a future benefit and the employee's nondeferred income for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Such a deferred compensation program shall exist and serve in addition to, and shall not be a part of any retirement or pension system as provided in chapter thirty-two and any other benefit program provided by law for employees of the commonwealth. Any income deferred under such a plan shall continue to be included as regular compensation, as defined in section one of chapter thirty-two, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

SECTION 5. Chapter 35 of the General Laws is hereby amended by striking out section 57, added by section 2A of chapter 430 of the acts of 1973, and inserting in place thereof the following section:-

*Section 57.* The treasurer of any county may contract with an employee to defer a portion of that employee's income, and may, for the purposes of funding a deferred compensation program for said employee, invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual funds, or a bank investment trust. The treasurer shall, before making any such investment, solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter one hundred and seventy-five, mutual fund managers, and banks, which bids shall be sealed, and which shall be opened at one time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, or bank investment trust to fund the deferred compensation program shall clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees, and such other information as the treasurer may require. Any contract entered into between an employee and the treasurer pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand. As used in this section, the word "employee" shall have the same meaning as "employee", "employee of the general court", and "head of his department", as defined in section one of chapter thirty-two. In no event shall the amount invested for a future benefit and the employee's

nondeferred income for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Such a deferred compensation program shall exist and serve in addition to and shall not be part of any retirement or pension system as provided in chapter thirty-two and any other benefit program provided by law for such employees. Any income deferred under such a plan shall continue to be included as regular compensation, as defined in section one of chapter thirty-two for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

SECTION 6. Chapter 44 of the General Laws is hereby amended by striking out section 67, added by section 5 of chapter 807 of the acts of 1972, and inserting in place thereof the following section:-

*Section 67.* The treasurer of any city or town may contract with an employee to defer a portion of that employee's income, and may, for the purposes of funding a deferred compensation program for said employee, invest the deferred portion of the employee's income in a life insurance or annuity contract, mutual funds, or a bank investment trust. The treasurer shall, before making any such investment, solicit bids from insurance companies authorized to conduct business within the commonwealth pursuant to chapter one hundred and seventy-five, mutual fund managers, and banks, which bids shall be sealed, and which shall be opened at one time and place designated by the treasurer. Any bid submitted by an insurance company, mutual fund, or bank investment trust to fund the deferred compensation program shall clearly indicate the interest rate which shall be paid on the deferred funds, any commissions which will be paid to salesmen, any load imposed for the purpose of administering the funds, mortality projections, expected payouts, tax implications for participating employees, and such other information as the treasurer may require. Any contract entered into between an employee and the treasurer pursuant to this section shall include all such information in terms the employee can reasonably be expected to understand. As used in this section, the word "employee" shall have the same meaning as "employee", "employee of the general court", and "head of his department" as defined in section one of chapter thirty-two. In no event shall the amount invested for a future benefit and the employee's nondeferred income for any year exceed the total annual salary or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Such a deferred compensation program shall exist and serve in addition to, and shall not be a part of any retirement or pension system provided in chapter thirty-two and any other benefit program provided by law for such employees. Any in-

come deferred under such a plan shall continue to be included as regular compensation, as defined in section one of chapter thirty-two, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

SECTION 7. Nothing in this act shall be construed so as to render invalid any contract entered into by an employee of any county, or an employee of a city or town pursuant to chapter eight hundred and seven of the acts of nineteen hundred and seventy-two, prior to the effective date of this act.

*Approved October 18, 1976.*

---

**Chap. 423.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven 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 .....	\$2,400,001.75
2.	For contractual services .....	105,000.00
3.	For supplies and materials .....	440,915 00
4.	For current charges and obligations .....	290,000.00
5.	For equipment .....	32,220.00
8.	For debt and interest .....	82,825.00
10.	For unpaid bills of previous years .....	89,810.20
11.	For reserve fund .....	50,000.00
12.	For group insurance .....	125,000.00

---

For total expenditures \$3,615,771.95

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

*Approved October 18, 1976.*

**Chap. 424.** AN ACT PROVIDING FOR THE CONSTRUCTION OF CERTAIN DRAINAGE AND FLOOD CONTROL FACILITIES BY THE METROPOLITAN DISTRICT COMMISSION IN A CERTAIN SECTION OF THE CITY OF MALDEN.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 293 of the acts of 1975 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

*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, and for constructing such tunnels and surface conduits and appurtenant works as may be necessary from Center street in the city of Malden approximately twelve hundred feet southerly into the Malden river, 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. This act shall take effect upon its passage.

*Approved October 18, 1976.*

---

**Chap. 425.** AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO DO CERTAIN ADDITIONAL WORK IN THE CITY OF QUINCY IN CONNECTION WITH ITS SEWERAGE PROGRAM.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 745 of the acts of 1970 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

For the purpose of further carrying out the sewerage projects and works authorized by section one of chapter seven hundred and five of the acts of nineteen hundred and forty-five, by section one of chapter six hundred and six of the acts of nineteen hundred and forty-nine, by section two of chapter six hundred and forty-five of the acts of nineteen hundred and fifty-one, and any acts in addition thereto and in amendment thereof, and to construct a storm detention and chlorination station in the vicinity of the city of Boston's existing Calf Pasture pumping station and a trunk sewer along Mount Vernon street from said pumping station in said city to connect with existing metropolitan sewerage district installations, the metropolitan district commission, subject to all applicable provisions of the aforesaid acts and to the conditions hereinafter provided, may expend and unexpended and uncommitted balance of the previously authorized amounts, and in addition thereto, sums not exceeding in the aggregate, ten million dollars, of which six hundred thousand dollars shall be allocated for reconstructing, rehabilitating, repairing and making improvements to the metropolitan sewerage district's Squantum pumping station in the city of Quincy, and for constructing a trunk sewer from the corner of Quincy Shore Drive and East Squantum street to the vicinity of East Squantum street and Victory road in the city of Quincy, and one hundred and fifty thousand dollars shall be allocated for making improvement to the Merrymount pumping station in said city of Quincy. Engineering and administrative expenses, including, but not limited to, personnel, materials, supplies and transportation costs, incurred under this act and all aforesaid prior acts shall be considered as part of the direct costs of the projects and works for which they are incurred.

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

*Approved October 18, 1976.*

---

**Chap. 426.** AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN 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-seven.

WORCESTER COUNTY.

Item	<i>Subtotal</i>	<i>Total</i>
1. For interest on county debt .....		\$456,457 19
2. For reduction of county debt .....		1,455,000 00
3. For county commissioners, salaries and expenses .....		93,224 99
1. Personal services .....	\$87,404 99	
2. Contractual services .....	735 00	
3. Supplies and materials .....	3,575 00	
4. Current charges and obligations .....	850 00	
5. Equipment .....	660 00	
4. For transportation and expenses of county and acting commissioners .....		3,879 00
5. For clerk of courts, salaries and expenses .....		509,440 70
1. Personal services .....	488,280 70	
2. Contractual services .....	8,050 00	
3. Supplies and materials .....	8,000 00	
4. Current charges and obligations .....	2,320 00	
5. Equipment .....	2,790 00	
6. For county treasurer, salaries and expenses .....		164,213 67
1. Personal services .....	141,623 67	
2. Contractual services .....	4,470 00	
3. Supplies and materials .....	6,500 00	
4. Current charges and obligations .....	10,820 00	
5. Equipment .....	800 00	
7. For sheriff, salary and expenses .....		23,075 00
1. Personal services .....	19,890 00	
2. Contractual services .....	700 00	
3. Supplies and materials .....	1,560 00	
4. Current charges and obligations .....	925 00	
8. For registry of deeds, salaries and expenses .....		
Worcester District .....		633,645 55

1.	Personal services .....	491,105 55	
2.	Contractual services .....	82,000 00	
3.	Supplies and materials .....	35,450 00	
4.	Current charges and obligations.....	13,300 00	
5.	Equipment .....	11,790 00	
	Northern District .....		109,334 00
1.	Personal services .....	93,220 00	
2.	Contractual services .....	7,720 00	
3.	Supplies and materials .....	4,800 00	
4.	Current charges and obligations.....	2,155 00	
5.	Equipment .....	1,439 00	
8a.	For registry of probate, salaries and expenses .....		47,625 50
1.	Personal services .....	6,000 00	
2.	Contractual services .....	18,850 00	
3.	Supplies and materials .....	9,750 00	
4.	Current charges and obligations.....	7,000 00	
5.	Equipment .....	6,025 50	
9.	For law library, salaries and expenses Worcester .....		74,331 20
1.	Personal services .....	35,716 20	
2.	Contractual services .....	2,375 00	
3.	Supplies and materials .....	1,100 00	
4.	Current charges and obligations.....	35,000 00	
5.	Equipment .....	140 00	
	Fitchburg .....		20,450 00
1.	Personal services .....	10,410 40	
2.	Contractual services .....	300 00	
3.	Supplies and materials .....	90 00	
4.	Current charges and obligations.....	9,650 00	
10.	For highways, including state highways, bridges and land damages.....		505,136 84
1.	Personal services .....	472,041 84	
2.	Contractual services .....	3,900 00	
3.	Supplies and materials .....	9,800 00	

4.	Current charges and obligations.....	3,320 00	
5.	Equipment .....	1,075 00	
6.	All other .....	15,000 00	
12.	For superior court costs .....		1,185,169 83
1.	Personal services.....	575,892 83	
2.	Contractual services .....	575,880 00	
3.	Supplies and materials .....	10,300 00	
4.	Current charges and obligations.....	5,050 00	
5.	Equipment .....	4,747 00	
6.	All Other .....	13,300 00	
13.	For civil expenses in probate court .....		55,145 95
1.	Personal services .....	41,965 95	
2.	Contractual services .....	9,225 00	
3.	Supplies and materials .....	1,455 00	
4.	Current charges and obligations.....	1,450 00	
5.	Equipment .....	1,050 00	
14.	For districts courts, salaries and expenses .....		1,034,363 21
	Central District Court of Worcester .....		
1.	Personal services .....	967,183 26	
2.	Contractual services .....	11,745 00	
3.	Supplies and materials .....	45,450 00	
4.	Current charges and obligations.....	5,455 00	
5.	Equipment .....	4,529 95	
	District Court of Fitchburg .....		324,884 15
1.	Personal services .....	296,474 15	
2.	Contractual services .....	8,635 00	
3.	Supplies and materials .....	10,500 00	
4.	Current charges and obligations.....	7,575 00	
5.	Equipment .....	1,700 00	
	District Court of Leominster.....		146,180 16
1.	Personal services .....	129,410 16	
2.	Contractual services .....	5,600 00	
3.	Supplies and materials .....	7,000 00	

4. Current charges and obligations.....	4,170 00	
District Court of Winchendon .....		104,381 75
1. Personal services .....	92,710 75	
2. Contractual services .....	1,575 00	
3. Supplies and materials.....	1,400 00	
4. Current charges and obligations.....	5,786 00	
5. Equipment .....	2,910 00	
First District Court of Northern Worcester .....		372,736 71
1. Personal services .....	344,351 71	
2. Contractual services .....	11,315 00	
3. Supplies and materials.....	9,350 00	
4. Current charges and obligations.....	7,720 00	
First District Court of Eastern Worcester .....		400,827 02
1. Personal services .....	375,664 02	
2. Contractual services .....	10,750 00	
3. Supplies and materials.....	10,400 00	
4. Current charges and obligations.....	2,433 00	
5. Equipment .....	1,600 00	
Second District Court of Eastern Worcester .....		197,641 95
1. Personal services .....	182,341 95	
2. Contractual services .....	5,550 00	
3. Supplies and materials.....	8,275 00	
4. Current charges and obligations .....	1,475 00	
First District Court of Southern Worcester .....		325,760 05
1. Personal services .....	305,238 05	
2. Contractual services .....	8,250 00	
3. Supplies and materials.....	9,700 00	
4. Current charges and obligations.....	1,652 00	
5. Equipment .....	920 00	
Second District Court of Southern Worcester .....		166,933 70
1. Personal services .....	156,774 70	
2. Contractual services .....	4,150 00	
3. Supplies and materials.....	4,700 00	

4. Current charges and obligations .....	1,071 00	
5. Equipment .....	238 00	
Third District Court of Southern Worcester .....		219,519 30
1. Personal services .....	197,094 30	
2. Contractual services .....	6,750 00	
3. Supplies and materials .....	9,450 00	
4. Current charges and obligations .....	5,230 00	
5. Equipment .....	995 00	
District Court of Western Worcester .....		110,037 25
1. Personal services .....	95,377 25	
2. Contractual services .....	5,275 00	
3. Supplies and materials .....	4,400 00	
4. Current charges and obligations .....	4,985 00	
Worcester Juvenile Court .....		433,972 88
1. Personal services .....	364,437 88	
2. Contractual services .....	20,225 00	
3. Supplies and materials .....	6,415 00	
4. Current charges and obligations .....	41,760 00	
5. Equipment .....	1,135 00	
District Court — Northern Juvenile District .....		151,418 20
1. Personal services .....	138,858 20	
2. Contractual services .....	10,200 00	
3. Supplies and materials .....	1,800 00	
4. Current charges and obligations .....	310 00	
5. Equipment .....	250 00	
District Court — Southern Juvenile District .....		142,425 80
1. Personal services .....	130,915 80	
2. Contractual services .....	9,250 00	
3. Supplies and materials .....	1,470 00	
4. Current charges and obligations .....	140 00	
5. Equipment .....	650 00	
15. For medical examiners and commitments of insane .....		73,850 00
16. For jail and house of correction, maintenance and operation .....		889,316 85

1.	Personal services .....	301,786 85	
2.	Contractual services .....	170,000 00	
3.	Supplies and materials .....	380,000 00	
4.	Current charges and obligations .....	26,120 00	
5.	Equipment .....	9,910 00	
6.	All other .....	1,500 00	
18.	For court houses and registry buildings, maintenance and operation .....		823,421 60
1.	Personal services .....	539,806 60	
2.	Contractual services .....	176,995 00	
3.	Supplies and materials .....	95,075 00	
4.	Current charges and obligations .....	6,660 00	
5.	Equipment .....	4,885 00	
18a.	For bindery department .....		28,243 00
20.	For agricultural school or county cooperative extension service .....		253,149 01
1.	Personal services .....	227,060 01	
2.	Contractual services .....	15,000 00	
3.	Supplies and materials .....	8,400 00	
4.	Current charges and obligations .....	1,570 00	
5.	Equipment .....	1,119 00	
21.	For the Purgatory Chasm state reservation, maintenance and operation .....		32,116 00
1.	Personal services .....	27,746 00	
2.	Contractual services .....	1,120 00	
3.	Supplies and materials .....	1,850 00	
4.	Current charges and obligations .....	900 00	
6.	All other .....	500 00	
24.	For noncontributory pensions .....		374,000 00
25.	For contributory retirement system and supervisory expenses .....		922,170 47
26.	For miscellaneous and contingent expenses .....		188,132 44
27.	For unpaid bills of previous years .....		225,000 00
28.	For reserve fund .....		125,000 00
28d.	For reserve for counsel for indigent defendants .....		100,000 00

28f. For reserve for special accounts .....	177,849 36
29. For advertising recreational, industrial and agricultural advantages of the county .....	75,000 00
31. For radio system for fire protection .....	1,500 00
36. For Dutch elm disease .....	10,000 00
39. For group insurance .....	431,700 00

---

Total amount of appropriations .....	\$14,197,660 68
Less estimated amount available for reduction of county tax .....	1,556,610 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 ..... \$12,641,150 68

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 approval thereof.

Item

16. For jail and house of correction

1. Personal services .....	\$1,000,000 00
----------------------------	----------------

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

*Approved October 18, 1976.*

---

**Chap. 427.** AN ACT DESIGNATING THE WESTERN EXPRESSWAY  
OVERPASS OVER PRESIDENT AVENUE IN THE CITY OF  
FALL RIVER AS THE JEAN BAPTISTE LEPAGE OVERPASS.

*Be it enacted, etc., as follows:*

The Western Expressway overpass over President avenue in  
the city of Fall River shall be known and designated as the Jean  
Baptiste Lepage overpass, in memory of Jean Baptiste Lepage,  
who was killed in action while a member of the armed forces of  
the United States during World War I. Suitable markers bear-  
ing said designation shall be erected thereon by the department  
of public works in compliance with the standards of said de-  
partment, and as authorized by the federal highway administra-  
tion.

*Approved October 18, 1976.*

**Chap. 428.** AN ACT AUTHORIZING THE METROPOLITAN DISTRICT-COMMISSION TO CONVEY A CERTAIN PARCEL OF LAND TO THE CITY OF MEDFORD IN EXCHANGE FOR ANOTHER PARCEL OF LAND.

*Be it enacted, etc., as follows:*

The metropolitan district commission is hereby authorized to convey to the city of Medford a certain parcel of land located in the vicinity of Medford high school in consideration of certain land owned by said city and located in the same vicinity, said land being shown on "Plan of Land Transfer City of Medford and Metropolitan District Commission", drawn by J. Chiofilo and dated December 17, 1975.

*Approved October 18, 1976.*

**Chap. 429.** AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO GRANT CERTAIN EASEMENTS OVER, ACROSS AND UPON CERTAIN LAND IN SAUGUS FOR THE TRANSMISSION OF ELECTRIC POWER TO NEW ENGLAND POWER COMPANY.

*Be it enacted, etc., as follows:*

The metropolitan district commission for and in behalf of the commonwealth is hereby authorized to grant to New England Power Company, an electric company organized and existing under the laws of the commonwealth, an easement for the construction, maintenance and operation of towers, poles and wire for the transmission of electricity over, across and upon certain portions of land of the commonwealth, which land is under the control of said commission. Said land contained in the easement consists of three certain parcels of land.

The first parcel of land which is situated in the town of Saugus contains 1.42 acres of land and is bounded and described as follows:

Beginning at the southwesterly corner of said parcel at a point on the northerly side of Water Street at other land of the Commonwealth of Massachusetts, said point also being on the easterly sideline of an existing 210 foot easement of New England Power Company;

thence running N. 13° 47' 35" W. by said other land of the Commonwealth of Massachusetts by said easterly sideline of said existing 210 foot easement of New England Power Company, 1,516.51 feet to a point;

thence turning and running N. 8° 39' 02" W. by said other land of the Commonwealth of Massachusetts by said sideline of said existing 210 foot easement of New England Power Company, 289.93 feet to a point in a stone wall at or near the Saugus River at land now or formerly of Edward J. Koschei;

thence turning and running S.  $29^{\circ} 02' 21''$  E. by said land now or formerly of Edward J. Koschei, by said wall, 72.52 feet to a drill hole;

thence turning and running S.  $35^{\circ} 54' 00''$  E. by said land now or formerly of Edward J. Koschei, by said wall, 42.38 feet to a drill hole;

thence turning and running N.  $58^{\circ} 27' 00''$  E. by said land now or formerly of Edward J. Koschei, by said wall, 82.71 feet to a point at other land of the Commonwealth of Massachusetts;

thence turning and running S.  $4^{\circ} 17' 19''$  W. by said other land of the Commonwealth of Massachusetts, 369.79 feet to a point;

thence turning and running S.  $13^{\circ} 47' 35''$  E. by said other land of the Commonwealth of Massachusetts, 1,386.87 feet to a point on the northerly side of Water Street;

thence turning and running N.  $69^{\circ} 24' 54''$  W. by said Water Street, 30.29 feet to the point of beginning.

The second parcel of land which is situated in the town of Saugus contains 5,354 square feet of land and is bound and described as follows:

Beginning at the northwesterly corner of said parcel at a point on the southerly side of Water Street at other land of the Commonwealth of Massachusetts, said point also being on the easterly sideline of an existing 210 foot easement of New England Power Company;

thence running S.  $69^{\circ} 24' 54''$  E. by said Water Street, 30.29 feet to a point at other land of the Commonwealth of Massachusetts;

thence turning and running S.  $13^{\circ} 47' 35''$  E. by said other land of the Commonwealth of Massachusetts, 191.70 feet to a point at land of New England Power Company;

thence turning and running S.  $28^{\circ} 11' 12''$  W. by said land of New England Power Company, 37.38 feet to a point at other land of the Commonwealth of Massachusetts, said point also being on the easterly sideline of said existing 210 foot easement of New England Power Company;

thence turning and running N.  $13^{\circ} 47' 35''$  W. by said other land of the Commonwealth of Massachusetts by said easterly sideline of said existing 210 foot easement of New England Power Company, 236.59 feet to the point of beginning.

The third parcel of land which is situated in the town of Saugus contains 4,391 square feet of land and is bounded and described as follows:

Beginning at a point on the northerly side of Main Street at other land of the Commonwealth of Massachusetts, said point being S.  $39^{\circ} 57' 08''$  E., a distance of 87.67 feet from a stone bound situated on the northerly side of Main Street, said point

also being on the easterly sideline of an existing 200 foot easement of New England Power Company:

thence running N. 28° 11' 12" E. by said other land of the Commonwealth of Massachusetts by said easterly sideline of said existing 200 foot easement of New England Power Company, 269.09 feet to a point;

thence turning and running S. 21° 35' 22" W. by said other land of the Commonwealth of Massachusetts, 284.06 feet to a point on the northerly side of Main Street;

thence turning and running N. 39° 57' 08" W. by Main Street, 35.17 feet to the point of beginning.

Said easement deed to be in such form and on such terms as said commission may approve and deem proper.

*Approved October 18, 1976.*

**Chap. 430.** AN ACT PROVIDING TENURE TO CERTAIN PERSONS IN THE OFFICE OF THE COMMISSIONER OF PROBATION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide tenure to certain persons in the office of the commissioner of probation, 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 five of chapter thirty-one of the General Laws or any other law or rule to the contrary, any employee in the office of the commissioner of probation who, on the effective date of this act, is employed therein following appointment after certification from a civil service eligible list to fill a permanent position shall be deemed to be permanently appointed to such position under the provisions of said chapter thirty-one and the tenure of employment of said employee shall be unlimited, subject, however, to the provisions of said chapter.

*Approved October 19, 1976.*

**Chap. 431.** AN ACT RELATIVE TO CHARITABLE CONTRIBUTIONS AND CERTAIN OTHER DONATIONS BY CO-OPERATIVE BANKS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to regulate the charitable contributions and donations of co-operative banks, 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 36 of chapter 170 of the General Laws, as appearing

in section 1 of chapter 371 of the acts of 1950, is hereby amended by inserting after the word "that", in line 9, the words:- contributions may be made by such corporation to any educational institution for the purpose of providing scholarships for residents of that community, excluding any member of the immediate family of a director, officer or employee of said corporation; and provided further, that — and by adding the following sentence:- Said corporation shall file annually a statement in a form approved by the commissioner relative to such contributions to educational institutions.

*Approved, October 19, 1976.*

---

**Chap. 432.** AN ACT TERMINATING THE COMMONWEALTH'S POSSIBILITY OF REVERTER IN CERTAIN LANDS UPON ACQUISITION THEREOF BY THE GOVERNMENT LAND BANK.

*Be it enacted, etc., as follows:*

Section 5 of chapter 212 of the acts of 1975 is hereby amended by adding the following sentence:- Upon the recording of a deed conveying to the bank all of the interest of the United States of America in and to any lands included within the United States Navy Yard, Boston, Massachusetts, title to which was granted by the commonwealth to the United States of America by and pursuant to chapter five hundred and thirty-five of the acts of nineteen hundred and forty-one, all right, title and interest of the commonwealth in and to any such lands shall pass to the bank.

*Approved October 19, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 19, 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 432 of the Acts of 1976 entitled AN ACT TERMINATING THE COMMONWEALTH'S POSSIBILITY OF REVERTER IN CERTAIN

LANDS UPON ACQUISITION THEREOF BY THE GOVERNMENT LAND BANK, and the enactment of which received my approval on October 19, 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 acquisition of certain land in the City of Boston.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 20, 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 four o'clock and eight 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-six.

Paul Guzzi,  
*Secretary of the Commonwealth.*

---

**Chap. 433.** AN ACT REQUIRING ESTIMATES E TAKEN FOR SOLAR AND WIND ENERGY UTILITZATION FOR STATE CONSTRUCTION.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 149 of the General Laws is hereby amended by inserting after section 44L the following section:-

*Section 44M.* As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:- "New building" shall include an entire building or any addition to an existing building that adds at least ten per cent gross floor space to the building, where the cost of construction is estimated to exceed twenty-five thousand dollars. The phrase "life-cycle cost estimate" shall mean the cost of installing, financing, fueling, maintaining and replacing an energy system including the cost of energy conservation measures to reduce an energy system's required capacity or fuel consumption and any other costs incidental to owning such energy system. The phrase "life-cycle cost estimate" shall be further defined in regulations to be issued by the bureau of building construction and thereafter updated at least every two years. The phrase "technically feasible energy systems" shall include, but not be limited to: any equipment that is employed to heat a building, or heat water used in the building, or generate electricity for

the building and that uses the sun, wind, oil, natural gas, or electricity as its power supply in whole or in part; any equipment that is employed to cool a building and that uses the sun or electricity as its power source in whole or in part; and energy conservation measures included in the building design and construction that decrease the building's energy requirements in whole or in part.

All public awarding authorities subject to the bidding requirements of sections forty-four A through forty-four L of this chapter excluding the city of Boston for a four year period beginning upon the effective date of this act shall ensure that energy system life-cycle cost estimates are considered during the preliminary design of all new buildings. Life-cycle cost estimates shall be obtained for technically feasible energy systems, including any economically advantageous combination of energy systems, reasonably capable of meeting in whole or in part the anticipated energy requirements of a new building. The bureau of building construction shall issue a list, as part of its regulations pursuant to this act mandating the minimum number and types of energy systems for which life-cycle cost estimates must be obtained in compliance with this section. Said list shall be updated and revised at least every two years. For the purpose of determining life-cycle cost estimates, location of initial building design upon the selected site shall maximize exposure to the sun for a solar energy system or the wind energy system's exposure to the wind. The life-cycle cost estimates shall be employed to determine the least costly energy system.

Summaries of the energy system life-cycle cost estimates shall be filed with the bureau of building construction. Nothing in this section shall be deemed to require an awarding authority to select any energy system other than the one desired by such awarding authority.

The bureau of building construction shall have authority to issue any regulations, lists, or definitions necessary to accomplish the purposes of this section.

SECTION 2. If any provision of section forty-four M or the application of such provision to any person or circumstance shall be held invalid or unconstitutional, the other provisions of said section or the application of such provision to any person or circumstance other than that as to which it is held invalid or unconstitutional, shall not be affected thereby.

*Approved October 19, 1976.*

---

**Chap. 434.** AN ACT CREATING A MASSACHUSETTS SMALL BUSINESS PURCHASING PROGRAM.

*Be it enacted, etc., as follows:*

SECTION 1. The general court hereby declares that it serves a

public purpose and is of benefit to the commonwealth to promote and facilitate the fullest possible participation by all citizens in the affairs of the commonwealth and that it is desirable to improve the economy of the commonwealth in every possible way. It is also essential that opportunity is provided for full participation in our free enterprise system by small business enterprises.

It is the declared policy of the general court that the commonwealth should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases for the commonwealth be placed with small business enterprises.

SECTION 2. The secretary, after consultation with the commissioner, shall establish more detailed definitions which shall use, among other things, sales volume and number of employees. The definitions may vary from industry to industry to the extent necessary to reflect differing characteristics of such industries.

Such definitions shall be established within one hundred and twenty days after passage of this act and adopted as regulations after notice and hearing in accordance with section two of chapter thirty A of the General Laws, and shall be subject to sections four to eight, inclusive, of said chapter thirty A, until the secretary has established such definitions, the following words as used in this act shall have the following meanings, unless the context clearly requires otherwise:

1. Commissioner, the commissioner of commerce and development.

2. Program, the program established by this act providing for certain purchases by the commonwealth being made only from small businesses as hereinafter defined.

3. Purchases, contracts by which a purchasing agency agrees to buy goods or services from a specified vendor at a specified price and according to various specified conditions.

4. Purchasing agency, any agency, department, board, commission, office, or authority of the commonwealth empowered by law to purchase goods or services.

5. Secretary, the secretary of administration and finance.

6. Small business, a business which is independently owned and operated, has its principal place of business within the commonwealth, which is not dominant in its field of operation, and is not a corporation which is a member of an affiliated group. An "affiliated group" means one or more chains of corporations connected through ownership with a common parent corporation if:

a) Stock possessing at least twenty per cent of the voting power of all classes of stock and at least twenty per cent of

each class of the non-voting stock of each of the members of the affiliated group, except the common parent corporation, is owned directly by one or more of the other members of the affiliated group;

b) the common parent corporation owns directly stock possessing at least twenty per cent of the voting power of all classes of stock and at least twenty per cent of each class of the non-voting stock of at least one of the other members of the affiliated group.

As used in this definition, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

SECTION 3. The provisions of this act shall apply to all small business purchases which the secretary institutes pursuant to this program, notwithstanding the provisions of sections twenty-two to twenty-three A, inclusive, of chapter seven of the General Laws, section twenty-nine A of chapter twenty-nine of the General Laws, or any other law or regulation concerning the authority and the procedure for purchasing by the commonwealth.

The secretary shall establish and implement a program by which certain purchases of goods and services by the commonwealth shall be made only from small businesses. The program shall apply to all purchasing agencies. The secretary, after consultation with the commissioner, shall promulgate rules and regulations establishing guidelines for determining which purchases by such agencies shall be eligible for the program; and further, the secretary shall promulgate rules and regulations establishing a prequalification process to determine businesses which are eligible for the program. Such rules and regulations shall be established within one hundred and twenty days after passage of this act and adopted in accordance with section two of chapter thirty A of the General Laws, and shall be subject to sections four to eight, inclusive, of said chapter thirty A.

Any small business which has been awarded five contracts of three thousand dollars or more each under the program shall be ineligible for further participation. Technical assistance will be provided to a small business making the transition to bidding in the open, competitive market.

It shall be the responsibility of the chief administrative officer of each purchasing agency in consultation with the commissioner to determine which purchases, consistent with the secretary's rules and regulations, shall be included in the program; provided, however, that it shall be the responsibility of the secretary to ensure that, with respect to each fiscal year, the aggregate amount of the purchases included in this program shall equal or exceed five per cent of the aggregate amount of all purchases made by the commonwealth; and provided, further, that the secretary shall have the authority to include specific purchases in the

program, irrespective of which purchasing agency is making the particular purchases, if such action is necessary in the secretary's judgment to ensure that the five per cent minimum is met or exceeded. It shall further be the responsibility of the secretary to ensure that participants in the program include small businesses which are beneficially owned and controlled by one or more minority individuals.

SECTION 4. Purchases to be made as part of the program shall be so advertised when requests for bids are published. Said purchases shall be made by awarding the purchase to the lowest responsible bidder among the small businesses submitting bids. The purchasing agency may reject any or all bids if such agency believes it to be in the public interest.

Certification of the lowest responsible bidder shall be the responsibility of the chief administrative officer of the purchasing agency which is making the particular purchase. No such certification shall be made unless at least two small businesses shall have submitted bids for the particular purchase.

SECTION 5. The secretary shall be responsible for establishing a procedure for administering and paying for the purchases made under the program. The purchasing agency, having selected the lowest responsible bidder, and having entered into a contract therewith, may assign said contract to the secretary for administration. Such procedure may also provide for the delegation of the purchase to the secretary by the purchasing agency, such delegation to include the responsibility for requesting bids, awarding the purchase and meeting the requirements of this section.

SECTION 6. The secretary, in consultation with the commissioner, shall be responsible for carrying out any responsibilities conferred upon him in accordance with section five of this act. The secretary may enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from any department, agency or subdivision of federal, county, or municipal government and any individual, foundation, corporation, association, or public authority for the purpose of providing or receiving services, facilities, or staff assistance in connection with the implementation of this program. Such funds shall be deposited with the conditions of the gift, grant, contribution, or bequest, without specific appropriation. The secretary may expend for services and other expenses any amounts that the general court may appropriate therefor.

SECTION 7. The commissioner shall:

1. compile and maintain a comprehensive bidders list of small businesses. In this duty it shall cooperate with the United States Small Business Administration and other public or private agencies in locating potential sources for various products and services;

2. seek out and encourage small businesses to bid on purchases to be made by the commonwealth, including purchases to be made under the program;

3. provide instruction and technical assistance to small businesses to assist them in conducting business with the commonwealth;

4. make recommendations for the simplification of procurement specifications and terms in order to increase the opportunities for small business participation.

5. assist the secretary, when requested, in determining the responsibility of potential participants and bidders in the program;

6. act as an advocate within state government for small businesses which have been awarded purchases by a purchasing agency.

SECTION 8. The secretary shall annually, before December first, report in writing to the general court the measures he has taken concerning the implementation of the program. The report shall include the total dollar amount and number of contracts awarded during the preceding fiscal year.

*Approved October 19, 1976.*

---

**Chap. 435.** AN ACT PROVIDING FOR PERSONAL JURISDICTION OVER AN ABSENTEE SPOUSE IN DOMESTIC RELATIONS ACTIONS.

*Be it enacted, etc., as follows:*

Section 3 of chapter 223A of the General Laws, as appearing in chapter 760 of the acts of 1968, is hereby amended by striking out, in line 15, the word “or”, and by inserting after the word “contracting”, in line 17, the following:- ; or

(g) living as one of the parties to a duly and legally executed marriage contract, with the marital domicile of both parties having been within the commonwealth for at least one year within the two years immediately preceding the commencement of the action, notwithstanding the subsequent departure of the defendant in said action from the commonwealth, said action being valid as to all obligations or modifications of alimony, custody, child support or property settlement orders relating to said marriage or former marriage, if the plaintiff continues to reside within the commonwealth.

*Approved October 19, 1976.*

---

**Chap. 436.** AN ACT CHANGING THE NUMBER AND QUALIFICATIONS OF THE MEMBERS OF THE BOARD OF REGISTRATION IN NURSING.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 13 of the General Laws is hereby amended by striking out section 13, as most recently amended by sec-

tion 4 of chapter 1099 of the acts of 1971, and inserting in place thereof the following section:-

*Section 13.* There shall be a board of registration in nursing, in this section and in sections fourteen to fifteen D, inclusive, called the board, consisting of eight members, each a resident of the commonwealth, to be appointed by the governor. One member of the board shall be a representative of the public, subject to the provisions of section nine B. Five members of the board shall be registered nurses, each a graduate of a different school for nurses duly approved in accordance with chapter one hundred and twelve, who at the time of appointment shall have been registered in the commonwealth to practice and shall have been actively engaged in practice as a registered nurse for at least eight years and one of whom shall be familiar with independent nursing practice. At the time of appointment, one of said registered nurses shall be on the teaching staff of a collegiate school for nurses, so approved, one shall be on the teaching staff of a diploma school for nurses, so approved, one shall be on the nursing service administration staff of a hospital duly licensed in accordance with chapter one hundred and eleven, one shall be practicing in the field of public health and one on the teaching staff of a practical-vocational school of nursing. Two members of the board shall be licensed practical nurses who at the time of their appointment shall have been licensed in the commonwealth, and shall have been actually engaged as licensed attendants for at least eight years and who shall be graduates of a school for practical nurses or attendants which if said member's graduation shall have occurred after nineteen hundred and forty-two, shall at the time of said member's graduation have been duly approved in accordance with chapter one hundred and twelve. As the term of office of a member expires, his successor shall be appointed for a term of six years, but no member shall be appointed for two successive terms.

*SECTION 2.* The term of office of the existing thirteen members of the board of registration in nursing shall continue until the appointment and qualification of their successors. In making the original appointments to the board of registration in nursing established by section thirteen of chapter thirteen of the General Laws, inserted by section one of this act, the governor shall appoint two members for a term of three years, three members for a term of four years and three members for a term of six years.

*SECTION 3.* This act shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 19, 1976.*

---

**Chap. 437.** AN ACT AUTHORIZING THE TOWN OF WAKEFIELD TO CONSTRUCT CERTAIN PUBLIC SEWERS.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section seventy-seven of chapter forty-one of the General Laws, the town of Wakefield is hereby authorized to construct public sewers along and in private ways which have not been previously laid out by a board of survey plan, throughout said town.

*Approved October 19, 1976.*

---

**Chap. 438.** AN ACT RELATIVE TO OBTAINING COPIES OF PUBLIC RECORDS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 66 of the General Laws, as amended by section 7 of chapter 580 of the acts of 1945, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:- He shall see that the records of churches, parishes or religious societies are kept in the custody and condition contemplated by the various laws relating to churches, parishes or religious societies, and for these purposes he may expend from the amount appropriated for expenses such amount as he considers necessary. The supervisor of records shall adopt regulations pursuant to the provisions of chapter thirty A to implement the provisions of this chapter.

SECTION 2. Section 10 of said chapter 66, as most recently amended by section 3 of chapter 1050 of the acts of 1973, is hereby further amended by striking out paragraph (b) and inserting in place thereof the following paragraph:-

(b) A custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request. Such request may be delivered in hand to the office of the custodian or mailed via first class mail. If the custodian refuses or fails to comply with such a request, the person making the request may petition the supervisor of records for a determination whether the record requested is public. Upon the determination by the supervisor of records that the record is public, he shall order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order, the supervisor of records may notify the attorney general or the appropriate district attorney thereof who may take whatever measures he deems necessary to insure compliance with the provisions of this section. The administrative remedy provided by this section shall in no way limit the availability of the administrative remedies provided by the commissioner of administration and finance with respect to any officer or employee of any agency, executive of-

fice, department or board; nor shall the administrative remedy provided by this section in any way limit the availability of judicial remedies otherwise available to any person requesting a public record. If a custodian of a public record refuses or fails to comply with the request of any person for inspection or copy of a public record or with an administrative order under this section, the supreme judicial or superior court shall have jurisdiction to order compliance.

SECTION 3. Section 44 of chapter 262 of the General Laws, as amended by chapter 308 of the acts of 1953, is hereby further amended by striking out, in line 6, the words "allowed to registers of deeds" and inserting in place thereof the words:- provided in paragraph (a) of section ten of chapter sixty-six.

*Approved October 19, 1976.*

**Chap. 439.** AN ACT PROHIBITING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY FROM LOCATING A MASS TRANSPORTATION FACILITY WITHIN A CERTAIN DISTANCE OF THE ARLINGTON CATHOLIC HIGH SCHOOL.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of paragraphs (g) and (k) of section three of chapter one hundred and sixty-one A of the General Laws, or any other general or special law to the contrary, the Massachusetts Bay Transportation Authority shall not construct any mass transportation facility, including but not limited to a rapid transit station and parking garage, on any land located within seventy-five yards of Arlington Catholic High School.

*Approved October 20, 1976.*

**Chap. 440.** AN ACT VALIDATING CERTAIN CONVEYANCES BY THE CITY OF QUINCY IN THE YEAR NINETEEN HUNDRED AND SEVENTY-FOUR TO THE CUNNINGHAM FOUNDATION AND TO BOSTON GAS COMPANY OF PARCELS OF LAND TAKEN BY SAID CITY IN THE YEAR NINETEEN HUNDRED AND SIXTY-NINE FOR PUBLIC PLAYGROUNDS OR A RECREATION CENTER.

*Be it enacted, etc., as follows:*

SECTION 1. The action of the city of Quincy on November fourth, nineteen hundred and seventy-four, in executing a deed to the Cunningham Foundation, sometimes called The Cunningham Foundation of Milton, the land described in an instrument of taking, for public playgrounds or a recreation center, said taking having been approved on January twenty-third, nineteen hundred and sixty-nine, and recorded with the registry of deeds

for Norfolk county, Book 4575, Page 503, is hereby ratified and confirmed.

SECTION 2. The action of the city of Quincy in conveying to Boston Gas Company a parcel of land containing 37,800 square feet, together with rights and easements in the parcel and in adjoining land, all as described in a deed from said city to said Boston Gas Company dated February twentieth, nineteen hundred and sixty-nine, and recorded with the registry of deeds for Norfolk county, Book 4576, Page 697, is hereby ratified and confirmed. The parcel and the rights and easements conveyed by said deed constitute portions of the same premises described in the instrument of taking referred to in section one.

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

*Approved October 20, 1976.*

---

**Chap. 441.** AN ACT AUTHORIZING THE ISSUANCE OF AN ADDITIONAL LICENSE TO SELL ALL ALCOHOLIC BEVERAGES IN THE TOWN OF SOUTHBIDGE.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section seventeen of chapter one hundred and thirty-eight of the General Laws, the town of Southbridge is hereby authorized to issue one additional all alcoholic beverage license under the provisions of section twelve of said chapter one hundred and thirty-eight.

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

*Approved October 20, 1976.*

---

**Chap. 442.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BRISTOL COUNTY TO ACQUIRE LAND IN THE CITY OF TAUNTON FOR AN ADDITIONAL PARKING AREA FOR THE SUPERIOR COURT, PROBATE COURT, DISTRICT COURT AND REGISTRY OF DEEDS AND OTHER COUNTY PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of Bristol county are hereby authorized to acquire four parcels of land in the city of Taunton by eminent domain or by purchase or otherwise for the purpose of providing and additional parking area for the superior court, probate court, district court and registry of deeds and other county purposes. Said four parcels, with the buildings thereon, are located on Broadway and Pleasant Streets in said city and shown as Parcel I, Parcel II, Parcel III and Parcel IV on plan of land entitled "Plot Plan of Land In Taunton", dated October 9, 1975, prepared by Hayward-Boynton & Williams, Inc., Surveyors-Engineers, 7 Broadway, Taunton, Massachu-

setts, and recorded with the northern district registry of deeds in Bristol county in Book 1372, Page 235, Plan Book 70, Page 29 in said registry of deeds.

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 one hundred and ninety-seven thousand dollars, and may issue bonds or notes of the county therefor which shall bear on their face the words Taunton Superior Court Houses Loan, Act of 1976. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten 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.

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

*Approved October 20, 1976.*

**Chap. 443.** AN ACT EXTENDING THE TIME WITHIN WHICH THE TOWN OF AMESBURY MAY BORROW THE SUM OF TWO HUNDRED AND THIRTY THOUSAND DOLLARS IN ANTICIPATION OF STATE GRANTS FOR THE CONSTRUCTION OF THE SEWERAGE TREATMENT PLANT.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any provisions of section six-a of chapter forty-four of the General Laws to the contrary, the treasurer of the town of Amesbury, with the approval of the board of selectmen of said town, is hereby authorized to renew state aid anticipation notes of the town in the amount of one hundred five thousand dollars payable in not more than one year from their dates, in order to pay the state aid anticipation note of the town dated March thirteen, nineteen hundred and seventy-five in the amount of thirty-thousand dollars and which was most recently renewed on June twenty-two, nineteen hundred and seventy-six and payable on December twenty-two, nineteen hundred and seventy-six; and state aid anticipation note of the town dated April ten, nineteen hundred seventy-five in the amount of thirty thousand dollars and which was most recently renewed on June twenty-two, nineteen hundred and seventy-six and payable on December twenty-two, nineteen hundred and seventy-six; and state aid anticipation note of the town dated May one, nineteen hundred seventy-five in the amount of thirty thousand dollars and which was most recently renewed on June twenty-two, nine-

teen hundred and seventy-six and payable on December twenty-two, nineteen hundred and seventy-six; and state aid anticipation note of the town dated July ten, nineteen hundred seventy-five in the amount of fifteen thousand dollars and which was most recently renewed on June twenty-two, nineteen hundred seventy-six and payable on December twenty-two, 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 the 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 October 20, 1976.*

**Chap. 444.** AN ACT EXTENDING THE TIME WITHIN WHICH CERTAIN COMPLAINTS AGAINST PHARMACIES MAY BE MADE TO THE BOARD OF REGISTRATION IN PHARMACY.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide an extended time period to process complaints brought before the board of pharmacy, 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 112 of the General Laws is hereby amended by striking out section 27, as most recently amended by section 1 of chapter 634 of the acts of 1960, and inserting in place thereof the following section:-

*Section 27.* The board shall hear all complaints made to it against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the rules or regulations of the board or any laws of the commonwealth, and especially the laws relating to the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and alcohol; or with engaging with, or aiding or abetting another in the violation of said rules, regulations or laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaints shall set out the offence alleged, and be made within six months after the date of the act complained of or within six months after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. It may summon witnesses and compel their attendance at said hearings. Witnesses shall testify on oath and may be sworn by a member of the board. Three members of the board shall be a

quorum for any such hearing.

*Approved October 20, 1976.*

**Chap. 445.** AN ACT RELATIVE TO THE DISPOSITION OF RETIREMENT PLAN BENEFITS BY BANK TRUSTEES AND CUSTODIANS.

*Be it enacted, etc., as follows:*

Chapter 167 of the General Laws is hereby amended by adding the following section:-

*Section 68.* Any designation of any beneficiary in connection with and as provided by an instrument intended to establish a pension, profit-sharing, or other deferred compensation or retirement plan, trust or custodial account described in one or more of the following sections of the Internal Revenue Code of the United States, as amended and in effect from time to time, shall be effective according to its terms, notwithstanding any purported testamentary disposition allowed by statute, by operation of law, or otherwise to the contrary; section four hundred and one (a), section four hundred and one (f), section four hundred and three (b) (7), section four hundred and five (a), section four hundred and eight (a), and section four hundred and eight (h).

*Approved October 20, 1976.*

**Chap. 446.** AN ACT PROVIDING FOR HEARING OFFICERS IN CERTAIN CIVIL SERVICE HEARINGS.

*Be it enacted, etc., as follows:*

Section 43 of chapter 31 of the General Laws is hereby amended by striking out paragraph (a), as most recently amended by section 1 of chapter 72 of the acts of 1970, and inserting in place thereof the following paragraph:-

(a) Every person holding office or employment under permanent appointment in the official or labor service of the commonwealth, or of any county, city or town thereof, shall have unlimited tenure of office or employment, subject to the provisions of this chapter and the rules made thereunder. He shall not be discharged, removed, suspended for a period exceeding five days, laid off, transferred from such office or employment without his consent in writing if he held office or employment prior to October fourteenth, nineteen hundred and sixty-eight, lowered in rank or compensation without his consent in writing, nor shall his office or position be abolished, except for just cause for reasons specifically given him in writing. Before any action affecting employment or compensation referred to in the preceding sentence is taken, the officer or employee shall be given a written statement of the specific reason and reasons for the contemplated

action, together with a copy of sections forty-three, forty-five and forty-six A, and shall be given a full hearing before the appointing authority or a hearing officer designated by said appointing authority on the specific reason or reasons given, of which hearing he shall have at least three days written notice from the appointing authority, except in cases of separation from service in the official or labor service, resulting from lack of work or lack of money or from abolition of positions, in which case at least seven days written notice of hearing shall be given by the appointing authority. If said hearing is conducted by a hearing officer, his findings shall be reported forthwith to the appointing authority for action. Within seven days after the filing of the report of the hearing officer, or within two days after completion of the hearing if the appointing authority presided, the appointing authority shall give to the employee affected a written notice of his decisions, stating fully and specifically the reasons therefor.

*Approved October 20, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 25, 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 446 of the Acts of 1976, entitled AN ACT PROVIDING FOR HEARING OFFICERS IN CERTAIN CIVIL SERVICE HEARINGS., and the enactment of which received my approval on October 20, 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 permit the immediate hearing of certain civil service cases by hearing officers.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 26, 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 nine o'clock and forth-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 four hundred and forty-six of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth*

**Chap. 447.** AN ACT REQUIRING CREDITORS WHO REPOSSES MOTOR VEHICLES TO NOTIFY THE POLICE DEPARTMENT OF THE CITY OR TOWN IN WHICH SUCH REPOSSESSIONS OCCURED.

*Be it enacted, etc., as follows:*

Chapter 225B of the General Laws is hereby amended by inserting after section 20B the following section:-

*Section 20C.* Any creditor obtaining possession of a motor vehicle under the provisions of this chapter shall within twenty-four hours after obtaining such possession notify the police department of the city or town in which such possession occurred, giving such police department a description of the vehicle involved.

*Approved October 20, 1976.*

**Chap. 448.** AN ACT AUTHORIZING THE DEPARTMENT OF MENTAL HEALTH TO GRANT AN EASEMENT TO THE MUNICIPAL LIGHT DEPARTMENT OF THE TOWN OF MIDDLETOWN FOR THE PURPOSE OF OVERHEAD TRANSMISSION LINES.

*Be it enacted, etc., as follows:*

The department of mental health, in the name of and on behalf of the commonwealth, is hereby authorized to grant to the municipal light department of the town of Middleton a right of way for overhead transmission lines over and under certain land of the commonwealth, located in said town. Said parcel is shown on a plan entitled "Plan of Easement located in Middleton, Mass., Dec. 30, 1975, Gallagher Engineering Inc., 15 Walnut Rd., Hamilton, Mass.", to be recorded with the deed of easement, and more particularly bounded and described as follows:-

Beginning at a point on the Westerly side of Gregory Street at land of Caroline M. Knight and Harriet G. K. Lamb;

Thence running S34°-30'-40" E by said Gregory Street 43.57' to a point.

Thence turning and running S32°-08'-02" W 1043.64' to a

point;

Thence turning and running S24°-20'-16'' W 880' more or less to the middle of the Ipswich River;

Thence turning and running Northwesterly downstream along the middle of the said Ipswich River by land of said Danvers Fish & Game Club, Inc. 43' more or less to a point;

Thence turning and running N24°-20'-16'' 870' more or less to a point;

Thence turning and running N32°-08'-02'' E 1063.63' to Gregory Street and the point of beginning.

Meaning and intending to convey a strip of land 40' wide running Westerly from said Gregory Street to said Ipswich River and being shown on a Plan entitled in part "Plan of Easement Located in Middleton, Mass. Scale 1"=100", December 30, 1975".

*Approved October 20, 1976.*

---

**Chap. 449.** AN ACT PROVIDING FOR THE APPOINTMENT OF AN ADDITIONAL MESSENGER IN THE PROBATE COURT OF BRISTOL COUNTY.

*Be it enacted, etc., as follows:*

Chapter 217 of the General Laws is hereby amended by striking out section 32C, inserted by chapter 904 of the acts of 1973, and inserting in place thereof the following section:-

*Section 32C.* The judges of probate for Bristol county may appoint two messengers for the court of probate and insolvency for said county, may remove them at their pleasure and may fill vacancies caused by removal or otherwise. Said messengers shall wait upon said court and perform such duties as the judges may direct, including duty as a court officer of said court. Said messengers shall, while in attendance on said court, wear uniforms, such as the court shall order, to be furnished at the expense of said county.

*Approved October 20, 1976.*

---

**Chap. 450.** AN ACT DESIGNING A BRIDGE ON UNITED STATES HIGHWAY ROUTE 495 IN THE TOWN OF CHELMSFORD AS THE PRIVATE FIRST CLASS JAMES ALDEN DOUGHTY BRIDGE.

*Be it enacted, etc., as follows:*

The bridge on United States highway route 495 over Golden Cove road in the town of Chelmsford shall be designated and known as the Private First Class James Alden Doughty bridge, in memory of James Alden Doughty, who was killed in action while a member of the armed forces of the United States in the Viet-

nam conflict. The department of public works shall attach a suitable marker bearing said designation in compliance with the standards of said department and as authorized by the federal highway administration.

*Approved October 20, 1976.*

**Chap. 451.** AN ACT REPEALING THE REQUIREMENT FOR RETENTION OF CERTAIN MUNICIPAL RECORDS.

*Be it enacted, etc., as follows:*

Section nine of chapter sixty of the General Laws is hereby repealed.

*Approved October 20, 1976.*

**Chap. 452.** AN ACT PROHIBITING THE HIRING OF CERTAIN ALIENS.

*Be it enacted, etc., as follows:*

Chapter 149 of the General Laws is hereby amended by inserting after section 19B the following section:-

*Section 19C.* It shall be unlawful for any employer knowingly to employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. An employer shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment.

The commissioner shall promulgate regulations specifying the procedure to be followed by each employer to insure compliance with the provisions of this section.

Any person who violates any provision of this section shall be punished by a fine of not more than five hundred nor less than two hundred dollars.

*Approved October 20, 1976.*

**Chap. 453.** AN ACT PROVIDING FOR CERTAIN CHANGES IN THE TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF MIDDLEBOROUGH.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 592 of the acts of 1920 is hereby amended by striking out section 1, as amended by section 1 of chapter

409 of the acts of 1952, and inserting in place thereof the following section:-

*Section 1.* The annual town election shall be held on the first Saturday in April. The annual town meeting shall be held on the fourth Monday in April.

SECTION 2. Said chapter 592 is hereby further amended by striking out section 2, as amended by section 2 of said chapter 409, and inserting in place thereof the following section:-

*Section 2.* At each annual town election, the voters shall elect by official ballot, in place of those selectmen whose terms are about to expire, an equal number of selectmen, each to serve for three years. The selectmen shall serve until their successors are elected and have qualified. If, unless as the result of a recall election, a vacancy or vacancies shall occur in the membership of the selectmen, the remaining members shall call a special town election to fill the vacancy or vacancies for the unexpired term or terms, except that, if such vacancy or vacancies occur less than three months prior to the annual town election, and not less than three selectmen remain in office, the same shall remain unfilled until such annual election. Any vacancy resulting from a recall election shall be filled as hereinafter provided in this act.

SECTION 3. The first paragraph of section 5 of said chapter 592, as amended by section 3 of said chapter 409, is hereby further amended by striking out the fourth and fifth sentences and inserting in place thereof the following sentence:- Said report shall be filed with the town clerk on or before fifteen days prior to the fourth Monday of April, however, if not timely filed, there will be no adverse effect to any action taken at the town meeting.

*Approved October 20, 1976.*

---

**Chap. 454.** AN ACT FURTHER REGULATING THE ORGANIZATION AND OPERATION OF HEALTH MAINTENANCE ORGANIZATIONS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide for the immediate regulation of the organization and operation of health maintenance organizations to deliver health care to the citizens of the commonwealth, 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:*

SECTION 1. The General Laws are hereby amended by inserting after chapter 176F the following chapter:-

**Chapter 176G.**

**Health Maintenance Organizations**

*Section 1.* The following words as used in this chapter shall

have the following meaning unless the context clearly required otherwise:

“Carrier”, an insurance company authorized to provide accident and health insurance under chapter one hundred and seventy-five, a non-profit hospital service corporation authorized under chapter one hundred and seventy-six A, or a non-profit medical service corporation authorized under chapter one hundred and seventy-six B.

“Commissioner”, the commissioner of insurance.

“Company”, a corporation, a partnership, a business trust, an association, an organized group of persons whether incorporated or not, or any line of business division, department, subsidiary or affiliate of any thereof and any receiver, trustee or other liquidating agent of any of the foregoing while acting in such capacity.

“Evidence of coverage”, any certificate, contract or agreement issued to a member stating the health services and any other benefits to which the member is entitled.

“Group health maintenance contract”, any health maintenance contract with any group of five or more persons, or the employer or representative of a group of five or more persons; provided, that twenty-five per cent or more of those eligible in a group of fifty or more persons and seventy-five per cent or more of those eligible in a group of less than fifty persons, are group contract enrollees; provided further, that, for the purposes of computing the percentage of group contract enrollment under this definition, persons in a group who are subscribers to a general or blanket policy of insurance issued pursuant to section one hundred and ten of chapter one hundred and seventy-five, or to a group hospital service plan issued pursuant to section ten of chapter one hundred and seventy-six A, or to a group medical service plan issued pursuant to chapter one hundred and seventy-six B, shall be considered to be group contract enrollees.

“Health maintenance contract”, any contract entered into by a health maintenance organization or a carrier, or both with a member or group of members whereby the health maintenance organization agrees to provide health services in exchange primarily for a prepaid per capita or aggregate fixed sum.

“Health maintenance organization”, a company organized under the laws of the commonwealth, or organized under the laws of another state and qualified to do business in the commonwealth, which:

(1) provides or arranges for the provision of health services to voluntarily enrolled members in exchange primarily for a prepaid per capita or aggregate fixed sum.

(2) demonstrates to the satisfaction of the commissioner proof of its capability to provide its members protection against loss of prepaid fees or unavailability of covered health services resulting from its insolvency or bankruptcy or from other financial impairment of its obligations to its members.

“Health services”; at least reasonably comprehensive physician services, inpatient and outpatient hospital services, emergency health services, and may include chiropractic services.

“Member”, any individual who has entered into a health maintenance contract, or on whose behalf such an arrangement has been made, with a health maintenance organization or carrier or both for health services and any dependent of such individual who is covered by the same contract.

*Section 2.* Except as hereinafter provided in this chapter, the provisions of chapters one hundred and seventy-five, one hundred and seventy-six A, one hundred and seventy-six B, one hundred and seventy-six C, one hundred and seventy-six E, and one hundred and seventy-six F, shall not apply to a health maintenance organization, provided, however, that in the case of any company doing business in the commonwealth and otherwise subject to the provisions of said chapters, this section shall apply only with respect to its health maintenance organization activities.

*Section 3.* A carrier or any two or more such companies, corporations, or their subsidiaries or affiliates may: 1) organize and operate a health maintenance organization as a line of business, division, department, subsidiary or affiliate under the provisions of this chapter provided that where such is organized as a line of business, division, department, subsidiary or affiliate, the operation of the health maintenance organization shall be separately accounted for, the income and expenses shall be allocated in accordance with generally accepted accounting principles and shall not utilize the income from such health maintenance organization for unrelated activities; 2) contract with a health maintenance organization to provide insurance, reinsurance, health services, reimbursement for health services or similar protection against the cost of care provided through the health maintenance organization; 3) contract with a health maintenance organization to provide coverage, health services or reimbursement for health services in the event of the failure of the health maintenance organization to meet its obligations under health maintenance contracts issued by it or a carrier; 4) contract with a health maintenance organization to provide administrative, underwriting, financing or other services relating to the provision of hospital, medical or other health services or reimbursement therefore; 5) contract with a health maintenance organization to enroll members on behalf of the health maintenance organization or to issue its own certificate of benefits for the covered health services provided by the health maintenance organization; and, 6) contract with a health maintenance organization for the joint administration of their business or for the writing and issue by the health maintenance organization, the carrier, or both jointly, of health maintenance contracts binding upon the carrier.

*Section 4.* Any health maintenance contract shall provide

coverage for those health services relating to treatment for mental and nervous conditions as required by section forty-seven B of chapter one hundred and seventy-five and those health services relating to treatment for alcoholism as required by subdivision (H) of section one hundred and ten of chapter one hundred and seventy-five.

*Section 5.* A health maintenance organization shall provide or arrange for the payment of indemnity cash benefits to a member or provider for reasonable amount charged for health services which the member is eligible to receive under the terms of the health maintenance contract obtained by a member from a provider not normally affiliated with the health maintenance organization when the member was in a medical emergency. The payment of a cash indemnity benefit under this section shall not be deemed to be an act of insurance and shall not be subject to the insurance laws of the commonwealth.

*Section 6.* A health maintenance organization may enter into contractual arrangements with any other person or company for the provision, to the health maintenance organization, of health services, insurance, reinsurance and administrative, marketing, underwriting or other services.

*Section 7.* Each member residing in the commonwealth shall receive evidence of coverage, and any amendments thereto, and the same shall be issued and delivered to him if a nongroup member, or to the group representative if a group member by the health maintenance organization or its representative. Such evidence shall contain a clear, concise and complete state of:

(1) the health services and any other benefits to which the member is entitled;

(2) the prepaid fee which must be paid by or on behalf of the member;

(3) the limitations on the scope of health services and any other benefits to be provided, including an explanation of any deductible or copayment feature and all restrictions relating to preexisting conditions;

(4) the locations where, and the manner in which health services and any other benefits may be obtained;

(5) the criteria by which a member may be disenrolled or denied enrollment;

(6) a description of the health maintenance organization's method for resolving member complaints;

(7) that the health maintenance contract may not be cancelled, nor its renewal refused, except for failure by the member or other responsible party to make the payments required under said contract or for misrepresentation or fraud on the part of the member.

Each health maintenance organization shall publish, at least annually in materials distributed or otherwise made available to

all of its members, information regarding the health maintenance organization's rates, health center hours of services, and such other pertinent information as may not be contained in the member's evidence of coverage.

*Section 8.* Public dissemination of any promotional material, evidence of coverage, health maintenance contract or any other statement with respect to a health maintenance organization, which is untrue, deceptive or misleading, shall constitute an unfair and deceptive practice under the provisions of section two of chapter ninety-three A. Every health maintenance organization shall keep on file, available for inspection by the division of insurance, copies of all educational materials, displays, evidences of coverage and all materials of any promotional nature released for public dissemination. The commissioner may forbid the use of any such material if he finds that it is either untrue, deceptive, or misleading.

*Section 9.* The provisions of sections 1 to 14K, inclusive, and sections 48 to 68, inclusive, of chapter ninety-three, and chapter ninety-three A shall be applicable to the ownership, organization, operation and health care services provided by a health maintenance organization as authorized by this chapter.

*Section 10.* Every health maintenance organization shall annually file with the commissioner, within one hundred and twenty days of the close of its fiscal year, a report verified by at least two principal officers and covering its preceding fiscal year; provided that, if the commissioner determines that a threat of insolvency exists with respect to a health maintenance organization, he may require that such report be made available prior to the expiration of the one hundred and twenty days. The report shall include:

- (1) financial statements of the health maintenance organization, including a balance sheet as of the end of its preceding fiscal year and statement of receipts and disbursements for the year then ended, certified by a certified public accountant;

- (2) statistics relating to the cost of operations and the pattern of utilization of services in the previous fiscal year; and

- (3) such other information as the commissioner may reasonably require relating to the past performance of the organization.

The commissioner may make an examination of the affairs of a health maintenance organization when he deems prudent, but in any event not less frequently than once every two years, and for such purposes he may order any audits, examinations or other inspection of the records and books of said organization at the expense of said organization.

For the purposes of this section, the commissioner may summon and examine under oath the officers and agents of a health maintenance organization.

*Section 11.* Every health maintenance organization entering

into a contract with the group insurance commission under chapter thirty-two A, or a county, city, town, or district under chapter thirty-two B, shall comply with the requirements applicable to health care organizations under said chapters thirty-two A and thirty-two B except that a health maintenance organization proposing to enter into direct contract may elect to have the group insurance commission, or the appropriate county, city, town or district, as the case may be, remit applicable monthly premium costs that would otherwise be payable to a carrier, directly to the health maintenance organization.

*Section 12.* Nothing in this chapter shall exempt any person from any applicable provisions of chapters one hundred and eleven or one hundred and twelve, including but not limited to, provisions relating to determinations of need, licensure and regulation of hospitals and clinics and registration of health professionals.

*Section 13.* No company, person, entity or health care plan not meeting the definition of health maintenance organization specified under this chapter shall use in its name, contract, or literature the term "health maintenance organization" or the initials "HMO".

*Section 14.* Each applicant for a health maintenance organization shall submit to the commissioner for his approval the following:

(1) A copy of the basic organizational document such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents establishing the health maintenance organization;

(2) A copy of the by laws, rules and regulations, or similar document, regulating the conduct of the internal affairs of the applicant;

(3) A copy of any contract made or to be made between any providers of health services;

(4) A statement generally describing the health maintenance organization, its health care plan or plans, facilities, and personnel;

(5) A copy of the form of evidence of coverage to be issued to the enrollees;

(6) A copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees, or other organizations;

(7) Financial statements showing the applicant's assets, liabilities, and sources of financial support. If the applicant's financial affairs are audited by independent certified public accountants, a copy of the applicant's most recent regular certified financial statement shall be deemed to satisfy this requirement unless the commissioner directs that additional or more recent financial information is required for the proper administration of this chapter.

---

(8) A description of the proposed method of marketing the plan, a financial plan which includes a three year projection of the initial operating results anticipated, and a statement as to the sources of working capital as well as any other sources of funding;

(9) A copy of any contract or agreement with a carrier for the purpose of reinsurance required by section fifteen.

*Section 15.* Each health maintenance organization shall furnish to the commissioner evidence of a surety bond in an amount satisfactory to the commissioner or deposit with the commissioner cash or sureties acceptable to him in at least the same amount as a guarantee that the obligation to the enrollees will be performed. The commissioner may waive this requirement if a health maintenance organization has contracted with a carrier as defined in section one for the purpose of reinsurance.

*Section 16.* The subscriber contracts, rates and evidence of coverage shall be subject to the disapproval of the commissioner. No such contracts shall be approved if the benefits provided therein are unreasonable in relation to the rate charged, nor if the rates are excessive, inadequate or unfairly discriminatory. Classifications shall be fair and reasonable.

*Section 17.* The commissioner may promulgate rules and regulations as are necessary to carry out the provisions of this chapter including but not limited to the licensing of agents, who engage in solicitation of enrollment of a health care plan.

SECTION 2. The second sentence of the third paragraph of section sixteen of chapter thirty-two B of the General Laws, as appearing in section 5 of chapter 946 of the acts of 1971, is hereby amended by inserting after the word "same", in line 3, the word:- amount.

SECTION 3. Section 110 of chapter 175 of the General Laws, is hereby amended by inserting after subdivision (I), added by chapter 302 of the acts of 1975, the following subdivision:-

(J) For the purposes of computing any percentage participation requirement established by this section, eligible persons in a group who are enrollees under a group health maintenance contract, as defined in section one of chapter one hundred and seventy-six G, shall be deemed to be persons insured a blanket or general policy authorized by this section.

SECTION 4. The third sentence of the first paragraph of section 10 of chapter 176A of the General Laws, as appearing in section 6 of chapter 287 of the acts of 1953, is hereby amended by inserting after the word "subscribers", the first time it appears in line 16, the words:- ; provided, that, for the purposes of computing the percentage participation under this paragraph, eligible persons in a group who are enrollees under a group health maintenance contract, as defined in section one of chapter one hundred and seventy-six G, shall be deemed to be subscribers under such a group hospital plan.

SECTION 5. The third paragraph of section 4 of chapter 176B of the General Laws, as appearing in section 1 of chapter 307 of the acts of 1960, is hereby amended by inserting after the word "agreement", in line 6, the words:- ; provided that eligible persons in a group who are enrollees under a group health maintenance contract, as defined in section one of chapter one hundred seventy-six G, shall be included for purposes of determining the number of persons within a group having a medical service agreement.

SECTION 6. If any section, term or provision of this act shall be adjudged invalid for any reason, such judgment shall not invalidate any other section, term or provision of this act, but the remaining sections, terms and provisions shall remain in full force and effect.

*Approved October 21, 1976.*

**Chap. 455.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO CONTRACT WITH ELDER SERVICES OF CAPE COD AND ISLANDS, INC. FOR THE PURCHASE OF HOME CARE SERVICES FOR THE ELDERLY.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 561 of the acts of 1974 is hereby amended by striking out, in line 3, the words "Cape-Islands Home Care, Inc." and inserting in place thereof the words:- Elder Services of Cape Cod and the Islands, Inc.

SECTION 2. Section 2 of said chapter 561 is hereby amended by striking out, in line 3, the words "Cape-Islands Home Care, Inc." and inserting in place thereof the words:- Elder Services of Cape Cod and the Islands, Inc.

SECTION 3. Section 3 of said chapter 561 is hereby amended by striking out, in line 2, the words "Cape-Islands Home Care, Inc." and inserting in place thereof the words:- Elder Services of Cape Cod and the Islands, Inc.

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

*Approved October 22, 1976.*

**Chap. 456.** AN ACT AUTHORIZING THE TOWN OF IPSWICH TO OBTAIN WATER FROM THE IPSWICH RIVER.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Ipswich is hereby authorized to take water from the Ipswich river or its tributaries in the town of Ipswich; provided, that the flow rate of the river as measured at the so-called Sylvania dam is not less than fifty million gallons per day, in accordance with such conditions as may be required by the department of environmental quality engineering.

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

*Approved October 22, 1976.*

---

**Chap. 457.** AN ACT CLARIFYING ELIGIBILITY FOR VIETNAM VETERANS UNDER THE COMMONWEALTH EDUCATION FINANCIAL AID PROGRAM.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 601 of the acts of 1966, as most recently amended by section 1 of chapter 654 of the acts of 1973, is hereby further amended by striking out the fourth sentence and inserting in place thereof the following sentence:- It shall be renewed after the student has completed a full academic year of work equal to thirty semester hours, in accordance with regulations prescribed by said board; one certificate may therefore be in effect for more than twelve calendar months.

SECTION 2. Section 2 of said chapter 601, as most recently amended by chapter 619 of the acts of 1975, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Assistance under this act shall continue for the benefit of said veteran only during such time as he remains a student in good standing at the institution in which he is enrolled, and in no event shall any student receive the benefits provided by this act for more than one hundred and thirty semester hours.

SECTION 3. Said chapter 601 is hereby further amended by adding the following section:-

*Section 3.* The provisions of this act apply only to student enrolled in programs the cost of which is borne by the commonwealth.

*Approved October 22, 1976.*

---

**Chap. 458.** AN ACT MAKING CORRECTIVE CHANGES IN THE LAW REGULATING LEGISLATIVE AGENTS.

*Be it enacted, etc., as follows:*

SECTION 1. The first paragraph of section 43 of chapter 3 of the General Laws is hereby amended by striking out the first sentence, as appearing in section 6 of chapter 981 of the acts of 1973, and inserting in place thereof the following sentence:- On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, every legislative agent appearing on the docket shall render to the state secretary an itemized statement, under oath, containing all expenditures, and the total amount thereof, incurred or paid during the reporting period in the course of his employment

as a legislative agent, except that the legislative agent need not itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more.

**SECTION 2.** Section 44 of said chapter 3 is hereby amended by striking out the first sentence, as appearing in section 7 of said chapter 981, and inserting in place thereof the following sentence:- On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, any group or organization, however constituted, not employing a legislative agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any member of the executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto shall register with the state secretary by rendering a statement, under oath, containing the names and addresses of the principals of such group or organization, the purposes of the organization, the legislation which affects those purposes, the total amount of expenditures, incurred or paid during the reporting period in furtherance of the above stated objectives.

**SECTION 3.** The first paragraph of section 47 of said chapter 3 is hereby amended by striking out the first sentence, as appearing in section 10 of said chapter 981, and inserting in place thereof the following sentence:- On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, every employer of a legislative agent whose name appears upon the docket shall render to the state secretary a complete and detailed statement, on oath, containing the total amount of expenditures incurred or paid separately by such employer during the reporting period in connection with promoting, opposing, or influencing legislation, or the governor's approval or veto thereof or to influence the decision of any member of the executive branch where such decision concerns legislation or the adoption, defeat, or postponement of a standard, rate, rule or regulation pursuant thereto.

**SECTION 4.** Section 50 of said chapter 3, as amended by chapter 382 of the acts of 1974, is hereby further amended by adding the following paragraph:-

The provisions of section forty-four shall not apply to any charitable corporation organized under chapter one hundred and eighty of the General Laws, and registered for federal tax purposes as an exempt organization described in section five hundred and one (c) three of the Internal Revenue Code of the United States, which has filed all required information with the

state secretary pursuant to section twenty-six A of said chapter one hundred and eighty.

SECTION 5. Chapter 180 of the General Laws is hereby amended by striking out section 26A, as most recently amended by section 117 of chapter 684 of the acts of 1972, and inserting in place thereof the following section:-

*Section 26A.* (1) Every corporation heretofore or hereafter organized under general or special law for any purpose mentioned in section four, every corporation to which the provisions of chapter one hundred and fifty-six do not apply and which is licensed to conduct a horse or dog racing meeting in connection with a state or county fair, and every corporation organized for the purpose of conducting a school of medicine, shall annually, on or before November first, prepare and submit to the state secretary a certificate which shall be signed and sworn to by its president and treasurer, or its presiding and financial officers having the powers of president and treasurer, and a majority of its directors, or officers having the powers of directors, but if such majority is more than five then by at least five, stating:-

the name of the corporation;

the location (with street address) of its principal office or headquarters;

the date of its last preceeding annual meeting;

the names and addresses of all the officers and directors, or officers having the powers of directors, of the corporation, and the date at which the term of office of each expires.

(2) Every corporation licensed to conduct a horse or dog racing meeting in connection with a state or county fair shall include in the certificate required by the first paragraph a statement of its assets, liabilities, income and expenditures, in such form as the state secretary shall prescribe, and such certificate shall be accompanied by a written statement verified on oath by an auditor which shall be attached to and form a part of such certificate. The auditor shall state that he has examined the statement of assets and liabilities included in such certificate, that his examination was made in accordance with generally accepted auditing standards, 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 principals. No director, officer or employee of the corporation shall be selected as auditor.

(3) The state secretary shall examine such certificate, and if he finds that it conforms to the requirements of this chapter he shall, upon payment of a fee of ten dollars, file the same in his office.

(4) If the corporation fails to submit its certificate for two successive years, the state secretary shall give notice thereof by mail, postage prepaid, to such corporation in default. Failure of

such corporation to submit the required certificates within ninety days after the notice of default has been given shall be sufficient cause for the revocation of its charter by the state secretary.

(5) This section shall not apply to a church or religious organization, a non-profit school or college, a corporation organized prior to January first, nineteen hundred and twenty-three, under the laws of this commonwealth and having as part of its name the name of a political party as defined by law, a charitable hospital, or a library association whose real or personal property is exempt from taxation.

(6) Other provisions of this section notwithstanding, any group or organization heretofore or hereafter organized under this chapter for any purpose mentioned in section four, and to which section forty-four of chapter three would otherwise apply, may provide the information required in said section forty-four on the dates required therein to the state secretary, in such form as he may prescribe, a copy of which shall be filed with the statement required by section forty-four of chapter three, in addition to all other information required under this section provided that any such group or organization which elects to proceed hereunder but which does not comply fully with the terms of this paragraph shall be subject to the penalties and provisions set forth in sections forty-six and forty-seven of said chapter three.

*Approved October 22, 1976.*

---

**Chap. 459.** AN ACT PROVIDING FOR A MASSACHUSETTS REGISTER AND A CODE OF MASSACHUSETTS REGULATIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 30 of the General Laws is hereby amended by striking out section 37, as most recently amended by chapter 862 of the acts of 1971, and inserting in place thereof the following section:-

*Section 37.* Every agency as defined in section one of chapter thirty A vested by law with the power to make and issue rules and regulations shall comply with the filing provisions of section five of said chapter.

SECTION 2. Chapter 30A of the General Laws is hereby amended by striking out section 2, as amended by section 3 of chapter 808 of the acts of 1969, and inserting in place thereof the following section:-

*Section 2.* A public hearing is required prior to the adoption, amendment, or repeal of any regulation if: (a) violation of the regulation is punishable by fine or imprisonment; or, (b) a public hearing is required by the enabling legislation of the agency or by any other law; or, (c) a public hearing is required as a matter of constitutional right.

Prior to the adoption, amendment, or repeal of any regulation

as to which a public hearing is required, an agency shall hold a public hearing. Within the time specified by any law, or, if no time is specified, then at least twenty-one days prior to the date of the public hearing, the agency shall give notice of such hearing by (a) publishing notice of such hearing in such manner as is specified by any law, or, if no manner is specified, then in such newspapers, and, where appropriate, in such trade, industry or professional publications as the agency may select; (b) notifying any person to whom specific notice must be given, such notice to be given by delivering or mailing a copy of the notice to the last known address of the person required to be notified; (c) notifying any person or group filing a written request for notice of agency rule making hearings such request to be renewed annually in December, such notice to be given by delivering or mailing a copy of the notice to the last known address of the person or group required to be notified; and (a) filing a copy of such notice with the state secretary.

The notice shall refer to the statutory authority under which the action is proposed; give the time and place of the public hearing; either state the express terms or describe the substance of the proposed regulation; and include any additional matter required by any law.

The public hearing shall comply with any requirements imposed by law, but shall not be subject to the provisions of this chapter governing adjudicatory proceedings.

If the agency finds that immediate adoption, amendment or repeal of a regulation is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and a public hearing would be contrary to the public interest, the agency may dispense with such requirements and adopt, amend or repeal the regulation as an emergency regulation. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency regulation as filed with the state secretary under section five. An emergency regulation shall not remain in effect for longer than three months unless during that time the agency gives notice and holds a public hearing as required in this section, and files notice of compliance with the state secretary.

This section does not relieve any agency from compliance with any law requiring that its regulations be approved by designated persons or bodies before they become effective.

SECTION 3. Said chapter 30A is hereby further amended by striking out section 3, as most recently amended by section 2 of chapter 361 of the acts of 1974, and inserting in place thereof the following two sections:-

*Section 3.* Prior to the adoption, amendment, or repeal of any regulation for which a public hearing is not required under section two, the agency shall give notice and afford interested

persons an opportunity to present data, views, or arguments as follows:-

The agency shall, within the time specified by law, or, if no time is specified, then at least twenty-one days prior to its proposed action: (a) publish notice of its proposed action in such manner as is specified by any law, or, if no manner is specified, then in such newspapers, and, where appropriate, in such trade, industry or professional publications as the agency may select; (b) notify any person to whom specific notice must be given, such notice to be given by delivering or mailing a copy of the notice to the last known address of the person required to be notified; (c) notify any person or group filing written request for notice of agency rule making proceedings, such request to be renewed annually in December, such notice to be given by delivering or mailing a copy of the notice to the last known address of the person or groups required to be notified; and (d) file a copy of such notice with the state secretary.

The notice shall refer to the statutory authority under which the action is proposed; give the time and place of any public hearing or state the anticipated time of agency action; state the manner in which data views, or arguments may be submitted to the agency by any interested person; either state the express terms or describe the substance of the proposed action; and include any additional matter required by any law.

The agency shall afford interested persons an opportunity to present data, views or arguments in regard to the proposed action orally or in writing. If the agency finds that oral presentation is unnecessary or impracticable, it may require that presentation be made in writing.

If the agency finds that the immediate adoption, amendment or repeal of a regulation is necessary for the preservation of the public health, safety or general welfare, and that observance of the requirements of notice and affording interested persons an opportunity to present data, views, or arguments would be contrary to the public interest, the agency may dispense with such requirements and adopt, amend or repeal the regulation as an emergency regulation. The agency's finding and a brief statement of the reasons for its finding shall be incorporated in the emergency regulation as filed with the state secretary under section five. An emergency regulation shall not remain in effect for longer than three months unless, during that time, the agency gives notice and affords interested persons an opportunity to present data, views, or arguments as required in this section, and files notice of compliance with the state secretary.

This section does not relieve any agency from compliance with any law requiring that its regulations be approved by designated persons or bodies before they may become effective.

*Section 3A.* Notices filed in accordance with sections two and

three shall be published by the state secretary as required by section six no later than one week prior to the date of any hearing or action to which such notices relate. Failure to comply with this requirement shall be deemed a noncompliance with the provisions of said sections, and the hearings or other agency actions conducted thereunder shall be invalid.

SECTION 4. Said chapter 30A is hereby further amended by striking out section 5, as most recently amended by section 3 of chapter 712 of the acts of 1970, and inserting in place thereof the following section:-

*Section 5.* Two attested copies of the regulations of each agency shall be filed with the state secretary together with a citation of the law by authority of which the same purport to have been issued, and together with the dates of approval by other boards or agencies if required and any other information necessary to show compliance with statutory requirements relative to issuance of such regulations. Upon receipt of agency regulations prepared in accordance with this chapter, the state secretary shall accept them for filing and endorse thereon the time and date of the filing.

The state secretary shall make and publish rules and regulations, not otherwise inconsistent with law, with respect to the deadlines to be met and the form to be employed by any agency in preparing and filing regulations, hearing schedules and any other materials which the secretary may require. Compliance with such rules and regulations shall be a condition precedent to the effectiveness of agency regulations.

SECTION 5. Said chapter 30A is hereby further amended by striking out sections 6 to 6B, inclusive, and inserting in place thereof the following four sections:-

*Section 6.* Documents required or authorized to be published by this section shall be printed and distributed by the state secretary in a serial publication entitled the "Massachusetts Register". The state secretary shall contract and arrange, subject to all pertinent statutes, for the biweekly printing and distribution of the Massachusetts Register. The prices to be charged for the Massachusetts Register may be set without reference to the statutory charges for public documents fixed by chapter two hundred and sixty-two.

There shall be published in the Massachusetts Register the following documents: (1) executive orders, except those not having general applicability and legal effect or effective only against state agencies or persons in their capacity as officer, agents or employees thereof; (2) all regulations filed in accordance with section five; (3) all notices filed in accordance with sections two and three, except that the secretary may summarize the content of any notice filed; provided, however, that he indicate that the full text of the notice may be inspected and copied in the office

of the state secretary during business hours; and (4) any other item or portion thereof which the state secretary deems to be of sufficient public interest.

Each biweekly issue shall contain all documents required or authorized to be published, filed with the state secretary up to the day fixed by the secretary as the printing deadline for that issue, except that the secretary may omit from the biweekly issue of the register any document which he deems unduly cumbersome or expensive to publish. In such cases, he shall describe the nature of the omitted document and shall publish a supplemental issue of the register containing the text of the document as soon as practicable and in any event within thirty days. Supplemental issues shall be published as the state secretary deems necessary, and shall in all ways have the full force and effect of the regular biweekly issues of the register.

Regulations other than emergency regulations, which are adopted under section two and three, shall become effective only when published in accordance with this section, or, in the case of any regulation as to which a later effective date is required by any law, or is specified in such regulation by the agency adopting the same, upon such later date or upon such publication, whichever last occurs. Emergency regulations shall become effective when filed with the state secretary and shall remain in effect no more than three months unless they are thereafter promulgated pursuant to the procedures outlined in sections two and three.

The state secretary shall make available upon request of any person or group the biweekly issues of the Massachusetts Register. He shall transmit, without charge, a copy of each issue thereof to (1) the clerk of the house of representatives; (2) the clerk of the senate; (3) the house counsel and senate counsel; and (4) the state librarian.

The state secretary shall mail upon receipt of the subscription price a sheet containing the table of contents or other information sufficient to enable the reader to determine whether he wishes to purchase that issue of the register.

The publication in the Massachusetts Register of a document creates a rebuttable presumption (1) that it was duly issued, prescribed, or promulgated; (2) that all the requirements of this chapter and regulations prescribed under it relative to the document have been complied with; and (3) that the text of the regulations as published in the Massachusetts Register is a true copy of the attested regulation as filed by the agency.

For the purpose of this section and section six A the word "regulation" shall not include any regulation whose principal purpose and effect is to prescribe or approve rates chargeable for goods, services, or other things by specifically named persons and shall not include any portion of an existing publication which has been adopted as and incorporated by reference in a

regulation of any agency, and which the state secretary determines is unnecessary to republish by reason of its already being reasonably available to that portion of the public affected by said agency's activities.

The contents of the Massachusetts Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

*Section 6A.* Prior to publication of the first issued of the Massachusetts Register, the state secretary shall first cause to be published all currently effective agency regulations in a special publication of the Massachusetts Register to be designated as the "Code of Massachusetts Regulations".

The state secretary shall regulate the supplementation and the collation and republication of the printed codification with a view to keeping the Code of Massachusetts Regulations as current as possible.

*Section 6B.* Each agency shall purchase a copy or copies of the issues of the register which contain regulations or notices of that agency and make at least one copy readily available in a prominent place at each of the agency's offices for the purpose of public inspection and copying. To assist interested persons dealing with it, each agency having authority to adopt regulations shall prepare and make available for inspection in a prominent place at each of its offices serving the public a list of its regulations and a description of its central and field organization, including the location of persons and places from which the public can secure information, make submittals or requests or obtain decisions. All such lists and descriptions shall be kept current.

*Section 6C.* If the state secretary finds that any agency fails to comply with any provisions of section six B, he shall report the matter to the governor and the attorney general.

*Approved October 22, 1976.*

**Chap. 460.** AN ACT FURTHER REGULATING THE ALLOWANCE OF EXPENSES FOR THE TRANSPORTATION OF CERTAIN PRISONERS.

*B it enacted, etc., as follows:*

Section 21 of chapter 262 of the General Laws, as amended by chapter 581 of the acts of 1959, is hereby further amended by striking out, in line 5, the words "one way" and inserting in place thereof the words:- with the prisoner.

*Approved October 22, 1976.*

**Chap. 461.** AN ACT AUTHORIZING THE CITY COUNCIL OF THE CITY OF REVERE TO PROMULGATE RULES AND REGULA-

TIONS RELATIVE TO THE PARKING OF VEHICLES IN  
RESIDENTIAL AREAS OF SAID CITY.

*Be it enacted, etc., as follows:*

SECTION 1. Subject to the provisions of section two of chapter eighty-five of the General Laws, the city council of the city of Revere may adopt, alter or repeal rules and regulations, not inconsistent with the general laws, relative to vehicular and pedestrian traffic in the streets of said city, and to the movement, stopping, standing or parking of vehicles on, and their exclusion from, all or any streets, ways, highways, roads and parkways under the control of said city, including rules and regulations designating any way or part thereof under such control as a through way subject to the provisions of section nine of chapter eighty-nine of the General Laws.

Any rule or regulation adopted under this act, prohibiting the parking or standing of vehicles on the whole or any part or parts of one or more streets, ways, highways, roads, or parkways under the control of said city, may provide that it shall not apply in such residential areas as shall be specified, and at such times as shall be prescribed, in such rules or regulations, to any motor vehicle registered under chapter ninety of the General Laws as principally garaged in the city and owned or used by a person residing in such area who, in the year in which such vehicle is parked or in the preceding December for such year, shall have given, by a writing executed in such form and detail as such rule or regulation shall prescribe, and filed with the chief of police of said city, notice of intention to park in such area and shall display in a conspicuous place on such vehicle, while parked, such visible evidence of the giving of such notice, as such rule or regulation shall prescribe; but neither the giving of such notice nor the issuance of visible evidence of the giving thereof shall be construed to assign any specific space to any person or vehicle.

SECTION 2. The city council of the city of Revere may prescribe a schedule of fines not exceeding fifteen dollars for each violation of parking regulations in the calendar year as authorized by section twenty C of chapter ninety of the General Laws.

SECTION 3. At any time after the expiration of four years from the date of acceptance of this act, such acceptance may be revoked by a vote of the city council of the city of Revere subject to the provisions of the charter, Upon such revocation, all existing rules and regulations shall remain in full force and effect until superseded by ordinances and regulations adopted in accordance with the provisions of law then applicable to said city, and neither such revocation nor such adoption of superseding ordinances or regulations shall affect any act done, any right accrued, any penalty incurred or any suit, prosecution or proceeding pending, prior to said revocation of said adoption.

SECTION 4. This act shall take effect upon its acceptance by the city council of the city of Revere.

*Approved October 22, 1976.*

---

**Chap. 462.** AN ACT AUTHORIZING THE STATE SECRETARY TO SELL COPIES OF THE GENERAL COURT BULLETINS OF COMMITTEE HEARINGS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 12 of chapter 5 of the General Laws, as most recently amended by section 1 of chapter 22 of the acts of 1970, is hereby further amended by adding the following two sentences:- The state secretary may place copies of said bulletins on sale to the general public at a price to be determined by said committees on rules. He shall annually report to the general court the amount received from the sale of said bulletins.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 22, 1976.*

---

**Chap. 463.** AN ACT FURTHER REGULATING THE COMPOSITION OF MEMBERSHIP OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section 56 of chapter 6 of the General Laws, as most recently amended by section 6 of chapter 422 of the acts of 1974, is hereby further amended by striking out the second, third and fourth paragraphs and inserting in their place on the following six paragraphs:-

Such commission shall consist of three members, to be known as commissioners, who shall be appointed by the governor. One commissioner shall reside in Worcester, Hampden, Hampshire, Franklin or Berkshire county. Each commissioner shall devote his full time to the duties of his office. The governor shall from time to time designate one commissioner as chairman. Each commissioner shall be appointed for a term of three years. Any commissioner chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term of the commissioner whom he is to succeed. Two commissioners shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The chairman of the commission shall receive a salary of twenty-five thousand dollars and each of the other commissioners shall receive a salary of twenty-three thousand dollars. Any commis-

sioner may be removed by the governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon.

All employees of the commission, except as an executive director, executive secretary, the heads and deputy heads of divisions, attorneys, field representatives, and such other positions as the commission may from time to time designate, shall be subject to chapter thirty-one and the rules and regulations made thereunder.

There shall be three regional offices to be located in the cities of New Bedford, Springfield and Worcester.

The commissioners shall each be delegated regional responsibilities as follows: one commissioner shall be responsible for the Springfield and the Worcester regions, one commissioner shall be responsible for the New Bedford region and shall be responsible with the third commissioner for the Boston region. Each commissioner shall consult with the supervisor of the respective regional office regarding complaints, and shall hold such hearings as are needed in the respective region, but each commissioner may also hold hearings in other regions. Every case shall, to the extent practicable, be heard in the region in which the complainant resides. The aforementioned duties shall not be construed to reduce any of the other responsibilities of a commissioner.

The governor shall appoint an advisory board to the commission, consisting of not less than twenty-one persons, who shall serve at his pleasure. The members of said board shall include representatives of each of the local or regional advisory boards; owners and brokers of residential property; major lending and credit institutions; major private employers; a designee of the civil service commission; post-secondary educational institutions; major labor organizations; minority racial, ethnic and linguistic groups; women; elderly and handicapped persons; and recipients of public assistance. The board shall advise the commission and the governor on matters of policy affecting the commission, and shall review the implementation of the commission's programs and policies and from time to time report their conclusions to the commission and the governor. The board shall coordinate the activities of the local or regional advisory boards appointed pursuant to subsection 8 of section three of chapter one hundred and fifty-one B. The governor shall from time to time designate one member as chairman. The members of the board shall not be compensated for their services, but they shall be reimbursed for travel and other expenses necessary for the performance of their duties. The commission may provide technical and clerical assistance to the advisory board.

SECTION 2. Section 3 of chapter 151B of the General Laws is hereby amended by striking out subsection 8, as most recently

amended by section 2 of chapter 397 of the acts of 1965, and inserting in place thereof the following subsection:-

8. To create such local or regional advisory boards as in its judgment will aid in effectuating the purposes of this chapter. Each advisory board shall consist of not less than eleven members. To the extent reasonably possible the members of each board shall include representatives of owners and brokers of residential property; major lending and credit institutions; major private employers; a local personnel or civil service administrator; local post-secondary educational institutions; local labor organizations; minority racial, ethnic and linguistic groups; women; elderly and handicapped persons; and recipients of public assistance. The members of such advisory boards shall serve without pay but shall be reimbursed for their actual and necessary expenses. The commission may provide technical and clerical assistance to the advisory boards.

SECTION 3. The second paragraph of section 5 of said chapter 151B is hereby amended by striking out the eighth sentence, as appearing in section 2 of chapter 613 of the acts of 1963, and inserting in place thereof the following sentence:- The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case except when necessary to decide an appeal to the full commission; and the aforesaid endeavors at conciliation shall not be received in evidence.

SECTION 4. The terms of the commissioners of the Massachusetts Commission Against Discrimination holding office on the effective date of this act are hereby terminated, except that said commissioners shall continue to serve and hold office until the appointment and qualification of the three commissioners appointed pursuant to section fifty-six of chapter six of the General Laws, as amended by section one of this act. Of the commissioners so appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years. The appointment of commissioners pursuant to said section fifty-six, as amended, shall not affect any petition, complaint, investigation, hearing or other judicial or administrative proceeding pending before any court or administrative body, including the commission or any commissioner thereof, and such petitions, complaints, investigations, hearings, and proceedings shall continue unabated. The authority of the commission or any commissioner thereof shall in all respects be the same as that of said commission or commissioner before the passage of this act. Any public hearing being conducted by one or more commissioners in office on the effective

date of this act may be completed and decided by one or more commissioners appointed pursuant to said section fifty-six, as so amended. All orders, rules, regulations, or findings duly promulgated or other actions taken before the effective date of this act shall remain in full force and effect until superseded, amended or rescinded in accordance with law. The provisions of the fourth paragraph of said section fifty-six, as amended by section one of this act, shall not affect the civil service status or tenure of any person employed by the commission as such status or tenure existed on the effective date of this act.

SECTION 5. The three commissioners appointed pursuant to section fifty-six of chapter six of the General Laws, as amended by section one of this act, shall prepare comprehensive reports detailing the effect of the passage of this act upon the case disposition process of the commission, with particular emphasis on the reduction of the present backlog of pending cases.

Such reports shall be submitted to the governor and the clerks of the senate and the house of representatives every ninety days for a period of one year after the effective date of this act.

*Approved October 22, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 25, 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 463 of the Acts of 1976, entitled AN ACT FURTHER REGULATING THE COMPOSITION OF MEMBERSHIP OF THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION., and the enactment of which received my approval on October 22, 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 certain changes in the composition in the membership of the Massachusetts Commission Against Discrimination.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 26, 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 nine 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 four hundred and sixty-three of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

---

**Chap. 464.** AN ACT AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF QUINCY TO SUBMIT TO THE STATE SECRETARY A CORRECTED CENSUS REPORT FOR NINETEEN HUNDRED AND SEVENTY-FIVE.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of section seven of chapter nine of the General Laws, the mayor of the city of Quincy is hereby authorized and directed forthwith to submit to the state secretary a report of the nineteen hundred and seventy-five census in said city specifying the number of inhabitants residing in each precinct and ward as such precincts and wards were established by the city council of said city in nineteen hundred and seventy-three; and the state secretary is hereby authorized and directed to verify and return or accept said report in the manner prescribed in said section seven of said chapter nine.

*Approved October 22, 1976.*

---

**Chap. 465.** AN ACT ESTABLISHING A HARBOR AND SHELLFISH ADVISORY BOARD IN THE TOWN OF NANTUCKET.

*Be it enacted, etc., as follows:*

There is hereby established in the town of Nantucket a harbor and shellfish advisory board to consist of seven members. The initial members thereof shall be elected, two to serve for one year, two for two years, and three for three years, from the date of the annual meeting at which they are elected, and thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successor are elected and qualified. The members of the board shall, after each election, elect one of their members to act as chairman for the ensuing year.

The board shall make recommendations to the board of selectmen of said town of persons to be appointed to the position of harbor master and shellfish warden. The board shall recommend

and advise the selectmen concerning the duties and responsibilities of the harbor master and shellfish warden and the board shall have such other duties and responsibilities as may be necessary for the proper use and management of the water and shellfish of the town of Nantucket.

*Approved October 22, 1976.*

**Chap. 466.** AN ACT REQUIRING EMERGENCY VEHICLES TO STOP WHEN APPROACHING A SCHOOL BUS WHICH IS PICKING UP OR DISCHARGING PASSENGERS.

*Be it enacted, etc., as follows:*

Section 7B of chapter 89 of the General Laws, as amended by chapter 182 of the acts of 1964, is hereby further amended by adding the following sentence:- The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.

*Approved October 22, 1976.*

**Chap. 467.** AN ACT PROVIDING THAT CERTAIN OFFICES OR POSITIONS IN THE SERVICE OF THE AUDITORIUM COMMISSION BE EXEMPT FROM THE CIVIL SERVICE LAW AND RULES.

*Be it enacted, etc., as follows:*

Section 1 of chapter 164 of the acts of 1954 is hereby amended by striking out the last sentence, added by chapter 438 of the acts of 1965, and inserting in place thereof the following sentence:- Not exceeding ten offices or positions in the service of the board or officer having the care, custody and control of said auditorium shall be exempt from the civil service law and rules.

*Approved October 22, 1976.*

**Chap. 468.** AN ACT FURTHER REGULATING THE ENERGY FACILITIES SITING COUNCIL.

*Be it enacted, etc., as follows:*

SECTION 1. The second paragraph of section 69H of chapter 164 of the General Laws is hereby amended by striking out the first sentence, as most recently amended by section 2 of chapter 617 of the acts of 1975, 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 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 an electric, gas or oil company.

SECTION 2. The first paragraph of section 69I of said chapter 164 is hereby amended by striking out the third sentence, as appearing in section 4 of said chapter 617, and inserting in place thereof the following two sentences:- Every gas company shall individually or jointly with others, file with the council a long-range forecast with respect to the gas 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. Said forecast of gas requirements shall consist of the gas sendout necessary to serve projected firm customers, and the available supplies, for the ensuing five-year period.

SECTION 3. The second paragraph of said section 69I of said chapter 164, as appearing in section 6 of chapter 852 of the acts of 1974, is hereby amended by striking out clauses (2) and (3) and inserting in place thereof the following clauses:-

(2) A forecast of the electric power needs or gas requirements for its market area, taking into account wholesale bulk power or gas sales or purchases, or other co-operative arrangements with other utilities and energy policies as adopted by the commonwealth.

(3) A description of actions planned to be taken by the company which will affect capacity to meet such needs or requirements, including, but not limited to: expansion, reduction, or removal of existing facilities; construction or acquisition of additional facilities; a description of alternatives to planned action such as other methods of generating, manufacturing or storing, other site locations, other sources of electrical power or gas, and no additional electrical power or gas; a description of the environmental impact of each proposed facility, provided, however, that the above provisions shall not apply to facilities which have been approved as part of a previous long-range forecast or supplement thereto. 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.

SECTION 4. The fifth paragraph of said section 69I of said chapter 164, inserted by section 7 of chapter 617 of the acts of 1975, is hereby amended by striking out clauses (2) and (3) and inserting in place thereof the following two clauses:-

(2) A description of the applicant's qualification and capability in transshipment, transportation, storage, refining and marketing of oil or refined oil products.

(3) An analysis of the proposed facility 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.

SECTION 5. Section 69J of said chapter 164 is hereby amended by striking out the second paragraph, as appearing in section 8 of said chapter 617, and inserting in place thereof the following paragraph:-

The council be 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 the demand for electric power, or gas requirements and of the capacities for existing and proposed facilities are based on substantially accurate historical information and reasonable statistical projection methods; provided, however, that the council shall not require in any gas forecast or hearing conducted thereon the presentation of information relative to the demand for gas; 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, the overall financial soundness of the applicant, the qualification and capability of the applicant in the transshipment, transportation, storage, refining and marketing of oil or refined oil products, 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 6. Section 69K of said chapter 164, as most recently amended by section 10 of said chapter 617, is hereby further amended by striking out the first and second paragraphs, 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 for any reason, including the preparation and publication of any environmental impact report required by section sixty-two of chapter thirty; 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 a state or local agency or body, 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, other than oil pipelines, 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 7. The first paragraph of section 69 O of said chapter 164, as appearing in section 1 of chapter 1232 of the acts of 1973, is hereby amended by adding the following sentence:- The council shall not be bound by the requirements of section sixty-two of chapter thirty to the extent that compliance with said requirements will prevent the council from rendering a decisions upon the application within the time limitations of this section.

SECTION 8. Said chapter 164 is hereby further amended by inserting after section 69R the following section:-

*Section 69S.* Any company may petition the council for the right to exercise the power of eminent domain with respect to oil pipelines specified and contained in the proposed notice of intention submitted in accordance with section sixty-nine I if such company is unable to reach agreement with the owners of land for acquisition of any necessary estate or interest in land. The company shall forward at the time of filing such petition a copy thereof to each city and town affected. The company shall file with such petition of have annexed thereto: (1) a statement of the use for which such land is to be taken; (2) a description of land to be taken sufficient for the identification thereof; (3) a statement of the estate or interest in the land to be taken for such use; (4) a plan showing the land to be taken; (5) a statement of the sum of money established by such company to be just compensation for the land to be taken; and (6) such additional maps and information as the council requires.

The council after such notice as it may direct, shall give a public hearing or hearings in the community in which the greater portion of said land in question is located. The council may thereafter authorize the company to take by eminent domain under chapter seventy-nine such lands necessary for the construction of the oil pipeline as required in the public interest, convenience and necessity. The council shall transmit a certified copy of its order to the company, to the clerk of each affected community and to each affected land owner.

If the council dismisses the petition at any stage in said proceedings, no further action shall be taken thereon, except that the company may file a new petition after the expiration of a year from such dismissal.

Following a taking under this section, the company may forthwith proceed to utilize such land. If the company shall not utilize the land so taken for the purpose or purposes authorized in the council's order within such time as the council shall determine, its rights under such taking shall cease and terminate.

No land, rights of way or other easements therein in any public way, public place, public park or reservation shall be taken by eminent domain under the provisions of this section.

This section shall apply only to oil pipelines which are facilities as defined in section sixty-nine G.

*Approved October 22, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

November 8, 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 468 of the Acts of 1976 entitled, AN ACT FURTHER REGULATING THE ENERGY FACILITIES SITING COUNCIL., and the enactment of which received my approval on October 22, 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 implement certain regulations regarding the energy facilities siting council.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, November 8, 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 twenty-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 four hundred and sixty-eight of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

**Chap. 469.** AN ACT INCREASING THE SALARY OF THE CLERK OF THE DISTRICT COURT OF EASTERN ESSEX.

*Be it enacted, etc., as follows:*

SECTION 1. *Class I* of paragraph (1) of section 79 of chapter 218 of the General Laws, as appearing in chapter 634 of the acts of 1974, is hereby amended by inserting after the line reading “first district court of Essex” the following line:-

district court of eastern Essex.

SECTION 2. Said paragraph (1) of said section 79 of said chapter 218 is hereby further amended by striking out *Class II*, as so appearing, and inserting in place thereof the following class:-

*Class II.* second district court of eastern Worcester.

*Approved October 22, 1976.*

---

**Chap. 470.** AN ACT FURTHER REGULATING THE ESTABLISHMENT OF A FORMULARY OF INTERCHANGEABLE DRUG PRODUCTS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 17 of the General Laws is hereby amended by striking out section 13, inserted by section 1 of chapter 717 of the acts of 1970, and inserting in place thereof the following section:-

*Section 13.* There shall be in the department a drug formulary commission consisting of nine members appointed by the governor. The membership shall include a clinical pharmacist, a pharmaceutical chemist, a clinical pharmacologist, a retail pharmacist, a person with experience in pharmaceutical manufacturing, two practicing physicians and two persons not involved in the delivery of health services who shall be representatives of the public. One of the two public appointees by reason of age, training, experience and affiliation shall represent the interests of the elderly. None of the members may be employed by any pharmaceutical manufacturing company.

Members shall serve for a term of three years. Of the first appointments under this section, three shall be appointed for a term of three years; three shall be appointed for a term of two years; and three shall be appointed for a term of one year. As the term of a member expires, his successor shall be appointed to serve for a term of three years.

The commission shall prepare a drug formulary of interchangeable drug products which shall be adopted by regulations of the department. Said formulary shall be based on assessment and evaluation of the United States Pharmacopeia and its supplements, additional pertinent listings of the Department of Health, Education, and Welfare, Food and Drug Administration, other state formularies, formularies of various hospitals of the commonwealth, as well as data submitted by manufacturers. The commission shall assess and evaluate chemical and laboratory testing data, clinical proof of bioequivalence, and therapeutic equivalence where available. The commission shall also adopt for

inclusion in said formulary the list of drugs determined by the regulation of the Food and Drug Administration to be therapeutically equivalent and interchangeable when said list becomes available.

Said formulary shall not include drugs which are the subject matter of patent rights issued by the United States Patent Office nor shall it include those drug products for which bioequivalence is considered essential, but for which bioequivalence has not been established by the Food and Drug Administration.

The commission shall provide for distribution copies of such formulary and revisions thereto amongst physicians and pharmacists licensed to practice within the commonwealth and to other appropriate individuals and shall supply a copy to any person on request upon payment of the cost of printing.

Said formulary shall be revised from time to time but in no event less frequently than once a year so as to include new pertinent information on drugs approved for inclusion or drugs to be deleted and to reflect current information as to the therapeutic efficacy of drugs and pharmaceuticals.

The department, in cooperation with the commission, shall promulgate rules and regulations to insure public education regarding the provisions of this section.

Any person or party in interest aggrieved by a finding or report of the commission shall be entitled to a judicial review thereof as provided in section fourteen of chapter thirty A.

SECTION 2. Chapter 112 of the General Laws is hereby amended by striking out section 12D, inserted by section 2 of said chapter 717, and inserting in place thereof the following section:-

*Section 12D.* As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Department”, the department of public health.

“Interchangeable drug product”, a product containing a drug in the same amounts of the same active ingredients in the same dosage form as other products with the same generic or chemical name.

“Practitioner”, a physician, dentist, veterinarian, podiatrist, scientific investigator or other person registered to distribute, dispense, conduct research with respect to, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in the commonwealth.

Every prescription written in the commonwealth by a practitioner shall be on prescription forms approved by the department containing two lines for the practitioner’s signature. Alongside the first line shall be clearly printed the words “interchange permitted”. Alongside the second signature line shall be clearly printed the words “dispense as written”. The practitioner by

placing his signature on the appropriate signature line shall indicate his dispensing instructions to the pharmacist.

Failure of the practitioner to affix his signature on one of the designated lines shall invalidate the prescription.

In cases where interchange is permitted as indicated by the signature of the practitioner on the first signature line, the pharmacist shall dispense a less expensive reasonably available interchangeable drug product as listed in the most current formulary or supplement thereof. The pharmacist shall also indicate on the label in the following manner the fact of interchange.

*“Interchange (name of drug product dispensed)”*

In cases where the practitioner has instructed that the pharmacist dispense as written, the pharmacist shall dispense the exact drug product as written by the practitioner.

In the event of noncompliance by a pharmacist, the drug purchaser may inform the secretary of the executive office of consumer affairs of such noncompliance. Said secretary shall in turn refer the matter to the attorney general of the commonwealth for appropriate action.

SECTION 3. The department of public health, within six months of the effective date of this act, shall establish an approved prescription form as required in section twelve D of chapter one hundred and twelve of the General Laws, inserted by section two of this act.

SECTION 4. The drug formulary commission established by section one of this act shall establish the drug formulary of interchangeable drug products within twelve months of the effective date of this act. The formulary of therapeutical equivalents prepared pursuant to section thirteen of chapter seventeen of the General Laws in effect prior to the effective date of this act shall remain in effect until said drug formulary of interchangeable drug products is established.

*Approved October 22, 1976.*

---

**Chap. 471.** AN ACT REQUIRING COMPANIES PROVIDING HEALTH AND ACCIDENT INSURANCE CANCELLABLE AT SIXTY-FIVE TO ISSUE CERTAIN NOTICES.

*Be it enacted, etc., as follows:*

Chapter 175 of the General Laws is hereby amended by inserting after section 110G, inserted by section 2 of chapter 371 of the acts of 1976, the following section:-

*Section 110H.* Every company which issues a policy of insurance under the provisions of section one hundred and eight which is cancellable when the insured reaches age sixty-five shall, sixty days prior to the date of intended cancellation, notify the insured that such policy will be cancelled and the date thereof. If such

company fails to so notify the insured, such policy shall remain in effect until such notification or until ninety days after the insured reaches ages sixty-five, whichever shall first occur.

*Approved October 22, 1976.*

---

**Chap. 472.** AN ACT AUTHORIZING THE CITY OF MELROSE TO APPROPRIATE MONEY FOR THE PAYMENT OF AND TO PAY CERTAIN REIMBURSEMENTS FOR TOWEL FEES CHARGED CERTAIN STUDENTS.

*Be it enacted, etc., as follows:*

SECTION 1. The city of Melrose is hereby authorized to appropriate money for the payment of, and after such appropriation, the treasurer of said city with the approval of the city auditor of said city is hereby authorized to pay certain reimbursements for towel fees totalling two thousand two hundred twenty-five dollars and twenty-five cents to certain junior and senior high school students whose names are set forth in a list on file in the office of the school department in said city.

SECTION 2. No reimbursement 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 towel fee for which each student is being reimbursed has been paid by said student or on his behalf by his parent or other authorized person.

SECTION 3. Any person who knowingly files a certificate required by section two, which is false and who thereby receives a reimbursement for a towel fee which was not expended, shall be punished by imprisonment for not more than one year or by a fine of not more than three hundred dollars.

SECTION 4. This act shall take effect upon its acceptance during the current year by the city of Melrose.

*Approved October 22, 1976.*

---

**Chap. 473.** AN ACT RELATIVE TO THE APPEALS PROCESS OF THE EMPLOYMENT SECURITY LAW.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to change the appeals process of the employment security 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. Paragraph (b) of section 9N of chapter 23 of the General Laws is hereby amended by striking out the sixth sentence, as appearing in section 36 of chapter 591 of the acts of 1946.

SECTION 1A. Said paragraph *(b)* of said section 9N of said chapter 23 is hereby further amended by striking out the eighth sentence, as most recently amended by section 36 of chapter 422 of the acts of 1974, and inserting in place thereof the following sentence:- The chairman of the board shall receive a salary of twenty-five thousand dollars per annum and each other member of the board shall receive twenty-three thousand five hundred dollars and each shall devote his full time during business hours to the duties of his office.

SECTION 2. Paragraph *(1)* of subsection *(r)* of section 1 of chapter 151A of the General Laws, as most recently amended by section 2 of chapter 719 of the acts of 1956, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- “Partial unemployment”, an individual shall be deemed to be in partial unemployment if in any week of less than full-time weekly schedule of work he has earned or has received aggregate remuneration in an amount which is less than the weekly benefit rate to which he would be entitled if totally unemployed during said week; provided, however, that certain earnings as specified in paragraph *(b)* of section twenty-nine shall be disregarded.

SECTION 3. Paragraph *(3)* of said subsection *(r)* of said section 1 of said chapter 151A, as amended by chapter 632 of the acts of 1957, is hereby further amended by inserting after the first sentence the following sentence:- For the purpose of this subsection, the word “remuneration” shall not include tips paid in any medium other than cash but shall include cash tips received by an employee in the course of his employment by an employer.

SECTION 4. Subsection *(s)* of said section 1 of said chapter 151A, as amended by section 1 of chapter 279 of the acts of 1954, is hereby further amended by adding the following paragraph:-

(8) Tips paid in any medium other than cash. Cash tips received by an employee in any calendar month in the course of his employment by an employer unless the amount of such cash tips is twenty dollars or more and then only in the amount reported by the employee to his employer pursuant to section 6053 *(a)* of the Internal Revenue Code of 1954.

SECTION 5. Paragraph *(3)* of subsection *(d)* of section 14 of said chapter 151A, as appearing in chapter 397 of the acts of 1953, is hereby amended by adding the following sentence:- Benefits which, in accordance with the provisions of this paragraph, would be charged to an employer’s account shall not be so charged but shall be charged to the solvency account in any case where no disqualification is imposed under the provisions of clause *(1)* of subsection *(e)* of section twenty-five because the individual’s leaving of work with such employer, although without good cause attributable to the employer, was not voluntary.

SECTION 6. Said section 14 of said chapter 151A is hereby

further amended by striking out subsection (*n*), as most recently amended by section 1 of chapter 464 of the acts of 1974, and inserting in place thereof the following subsection:-

(*n*) (1) If the entire organization, trade or business of an employer or substantially all the assets thereof, is transferred to another employer or employing unit, the transferee shall be deemed a successor for the purpose of this section. Written notice of such transfer shall be given to the director immediately by all transferring employers and successors. Failure on the part of any successor to give such notice within ninety days of the date of transfer shall bar the taking over by such successor of the account of any transferring employer having a plus balance. Successors shall also be barred from taking over the account of any transferring employers having a plus balance if such transferring employers have not filed all reports and paid all contributions required under this chapter through the end of the quarter preceding the date of transfer.

(2) The successor shall take over and continue the employer's account, including its plus or minus balance and all other aspects of its experience under this chapter. The successor shall be secondarily liable for any amounts owed by the employer to the fund at the time of such transfer.

(3) The account taken over by the successor employer shall remain liable with respect to accrued benefits and related rights based on employment in the transferred business, and all such employment shall be deemed employment performed for such employer.

(4) For the calendar year in which a transfer occurs which results in a transfer of an employer's account, the contribution rates of the transferring employer and successor shall be determined as follows:

1. Any transferring employer or successor which had a contribution rate applicable to it for that calendar year shall continue with such contribution rate.

2. If a successor had no contribution rate applicable to it for that calendar year, and only one transferring employer is involved, the contribution rate of the successor shall be the same as that of the transferring employer.

3. If a successor had no contribution rate applicable to it for that calendar year, and two or more transferring employers are involved, the contribution rate of the successor shall be the highest rate applicable to any of the transferring employers.

- (5) For the calendar year in which a transfer occurs which does not result in a transfer of an employer's account, any transferring employer or transferee which had a contribution rate applicable to it for that calendar year shall continue with such contribution rate. If a transferee had no contribution rate applicable to it for that calendar year, the contribution rate of the transferee shall be two and seven tenths per cent.

SECTION 7. Section 16 of said chapter 151A, as appearing in section 1 of chapter 685 of the acts of 1941, is hereby amended by inserting after the word “contributions”, in lines 2 and 15, the words:- or payments in lieu of contributions.

SECTION 8. Section 24 of said chapter 151A is hereby amended by striking out clause (a), as most recently amended by section 1 of chapter 899 of the acts of 1973, and inserting in place thereof the following clause:-

(a) Have been paid wages in his base period amounting to at least thirty times his weekly benefit rate.

SECTION 9. Section 29 of said chapter 151A, as most recently amended by section 3 of chapter 228 of the acts of 1976, is hereby further amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) An individual in partial unemployment and otherwise eligible for benefits shall be paid the difference between his aggregate remuneration with respect to each week of partial unemployment and the weekly benefit rate to which he would have been entitled if totally unemployed; provided, however, that earnings up to forty per cent of his weekly benefit rate shall be disregarded. In no case shall the amount of earnings so disregarded exceed thirty dollars or be less than ten dollars. Such partial benefit amount shall be raised to the next highest dollar if it includes a fractional part of a dollar.

SECTION 10. The first sentence of subsection (c) of section 29 of said chapter 151A, as amended by section 1 of chapter 755 of the acts of 1974, is hereby further amended by inserting after the word “who”, in line 11, the words:- is under the age of twenty-four and.

SECTION 11. Section 30 of said chapter 151A is hereby amended by striking out the second paragraph, as appearing in section 2 of chapter 437 of the acts of 1958, and inserting in place thereof the following paragraph:-

If in the opinion of the director, it is necessary for an unemployed individual to obtain further industrial or vocational training to realize employment, the total benefits which such individual may receive shall be extended by eighteen times his benefit rate, if such individual is attending an industrial or vocational retraining course approved by the director, provided, that such additional benefits shall be paid to the individual only when attending such course; and provided further, that any benefits paid to an individual under the provisions of this paragraph which would not be chargeable to the account of any particular employer under the provisions of section fourteen shall be charged to the solvency account.

SECTION 12. Section 38 of said chapter 151A is hereby amended by striking out subsection (b), as appearing in section 15 of chapter 763 of the acts of 1951, and inserting in place thereof the following subsection:-

(b) Notice of a claim so filed shall be given promptly by the director or his authorized representative to the most recent employing unit of the claimant and to such other employing units as the director may prescribe. If such employing unit has reason to believe there has been misrepresentation or has other reasons which might affect the allowance of said claim, or has been requested by the director to furnish any other pertinent information relating to said claim, it or he shall return the said notice to the indicated employment office with the reasons or information stated thereon within five days after receipt, but in no case more than seven days after mailing of said notice, in accordance with the procedure prescribed by the director. Failure to return said notice and information within the time provided in this section or prescribed by the director shall bar the employing unit from being a party to further proceedings relating to the allowance of the claim, and failure knowingly to return it within such time shall subject the employing unit to the penalties provided in section forty-seven. For the purposes of this subsection, it shall be deemed that said notice has been returned as of the date indicated by the postal cancellation stamp thereon.

SECTION 13. Said chapter 151A is hereby further amended by striking out section 39, as most recently amended by section 1 of chapter 957 of the acts of 1971, and inserting in place thereof the following section:-

*Section 39. (a)* The director or his authorized representative shall promptly determine, in accordance with the procedures established by the director, and after making such inquiries and investigations as he deems necessary, whether or not a claim is valid, and the amount, if any, of the benefits payable thereunder. The director shall make every reasonable effort to give notice of such determination within thirty days after the date of filing of the claim, together with the reasons therefor, to the claimant. In the event that the claim is declared valid, the director shall give notice to any employing unit which shall have returned notice in accordance with section thirty-eight. Benefits shall be paid promptly or denied in accordance with such determination.

(b) Any interested party notified of a determination may request a hearing within ten days after delivery in hand by the director's authorized representative, or mailing of said notice, unless it is determined in accordance with procedures prescribed by the director that the party had good cause for failing to request a hearing within such time. In no event shall good cause be considered if the party fails to request a hearing within thirty days after such delivery or mailing of said notice.

If a hearing is so requested, the director or his authorized representative, except when the alternative provided in subsection (d) is invoked, shall afford all interested parties a reasonable opportunity for a fair hearing before an impartial hearing officer designated by the director.

The manner in which disputed claims shall be presented, and the conduct of the hearings, shall be in accordance with chapter thirty A, and such other procedures as prescribed by the director which are not inconsistent with chapter thirty A. Such procedures shall include provisions for the following:

- (1) reasonable notice of the time and place of the hearing to all parties in order to permit adequate preparation;
- (2) notice of the issues to be considered thereat;
- (3) the right of representative by an agent, counsel, or advocate;
- (4) the right to produce evidence and offer testimony, examine and cross-examine witnesses; and
- (5) making available to a party, upon request and within a reasonable time prior to a hearing, written information and documents in the possession of the director to the extent necessary for the proper presentation of its case.

The decision of the director or his authorized representative shall be based solely on the testimony, evidence, materials and issues introduced at the hearing. The director or his authorized representative shall make every reasonable effort to give notice of such decision, together with the findings and reasons therefor, to the parties by mailing to each party at his last known address a copy of such decision, findings and reasons, within forty-five days after the date of request for hearing. Benefits shall be paid promptly or denied in accordance with such decision. Unless action is taken under section forty, the decision of the director or his authorized representative shall be final on all questions of fact and law.

(c) A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony, records, investigation reports and documents in the possession of the director of which he avails himself in making the decision, shall be made part of the record of the proceedings. Any recorded testimony need not be transcribed unless a party to an appeal brought under section forty so requests. The party requesting a transcript shall pay the costs of the transcription. If no such request is made, the board of review may use the recording on appeal.

(d) Whenever a determination involves the application of clause (b) of section twenty-five, the director may immediately refer the case or cases to the board of review for hearing and decision in accordance with clause (d) of section forty-one.

(e) Default in payment of contributions by an employer shall not in any manner adversely affect the rights of an employee otherwise eligible for benefits.

SECTION 14. Said chapter 151A is hereby further amended by striking out section 41, as amended by section 2 of said chapter 957, and inserting in place thereof the following section:-

*Section 41. (a) Unless such application for review is with-*

drawn, the board of review shall make a preliminary examination of the record of the hearing afforded by the director, along with the findings of act and the decision, and shall, in its discretion, grant or deny the application for review. The board may appoint one or more examiners, selected in accordance with section nine K of chapter twenty-three, to conduct such preliminary examinations and recommend to the board either a grant or denial of the application for review. Such application for review must be granted or denied by the board no later than twenty-one days after an appeal is filed, and a copy of its decision shall be mailed to all parties. If the board does not render such a decision within such twenty-one day period, the application for review shall be deemed to be denied upon the twenty-first day.

(b) If a review is granted, the board shall inquire whether the director's decision was founded on the evidence in the record and was free from any error of law affecting substantial rights. Before rendering its decision, the board may remand the case to the director for taking of such additional evidence as the board deems necessary or may itself take evidence at a hearing. The conduct of such evidentiary hearings upon remand and before the board shall be in accordance with the procedures prescribed by and pursuant to subsection (b) of section thirty-nine. The board shall make every reasonable effort to issue a decision within forty-five days after granting an application for review. The board shall promptly give notice to the parties of its decision, together with the findings and reasons therefor, by mailing to each party at his last known address a copy of such decision and reasons. In lieu of mailing, such copy may be delivered. No member or representative of the board of review shall participate in any case in which he has an interest. Benefits shall be paid promptly or denied in accordance with the decision of the board. Unless action is taken under section forty-two, the decision of the board shall be final on all questions of fact and law.

(c) If the application for review is denied, the decision of the director shall be deemed to be the decision of the board of review for the purpose of judicial review as provided in section forty-two, and shall be subject to judicial review within the time and in the manner provided for with respect to decisions by the board, except that the time limitations shall run from the date of mailing of the notice of the order of the board denying the application for review.

(d) In matters referred to it pursuant to subsection (d) of section thirty-nine, unless the request for hearing is withdrawn, the board of review shall afford the parties reasonable opportunity for fair hearing and shall affirm or modify the findings of fact and determinations of the director or his authorized representative. Benefits shall be paid promptly or denied in accordance with the decision of the board.

SECTION 15. Said chapter 151A is hereby further amended by

striking out section 42, as most recently amended by sections 2 and 3 of chapter 377 of the acts of 1975, and inserting in place thereof the following section:-

*Section 42. The director or any interested person aggrieved* by any decision in any proceeding before the board of review may obtain judicial review of such decision by filing, within thirty days of the date of mailing of such decision, a petition for review thereof in the district court within the judicial district in which he lives, or is or was last employed, or has his usual place of business, and in such proceeding every other party to the proceeding before the board shall be made a part respondent. If an appeal to the board of review is deemed denied because the board failed to act upon such appeal, judicial review may be obtained by filing a petition as prescribed in the preceding sentence, except that the time for filing such petition shall run from the date as of which such appeal is deemed denied. The director shall be deemed to have been a party to any such proceeding before the board. The petition for review need not be verified but shall state the grounds upon which such review is sought. It shall not be necessary as a condition precedent to the judicial review of any decision of the board to enter exceptions to the rulings of the board. Upon the filing of a petition for review by an aggrieved party or the director, the petitioner shall serve a copy of the petition upon each respondent by registered or certified mail, return receipt requested, within seven days of the date of the filing of the petition. The director shall file with the court a certified copy of the decision of the board of review, including all documents and papers and a transcript of all testimony taken at the hearing before said board or the director as the case may be, with his answer or within twenty-eight days of his filing of a petition. Each respondent shall file an answer within twenty-eight days after receipt of the petition. Except as otherwise provided in this section, such a proceeding shall be governed by the Rules of Civil Procedure for the district courts and the municipal court of the city of Boston. The findings and decisions of the board shall be reviewed in accordance with the standards for review provided in paragraph (7) of section fourteen of chapter thirty A. Any proceeding under this section shall be heard in a summary manner and shall be given precedence over all other civil cases. An appeal may be taken from the decision of the single justice of the district court directly to the supreme judicial court. Claim of appeal shall be filed in the office of the clerk of the district court within thirty days after entry of such decision by the clerk. If an appeal is claimed the appellant shall within five days of the filing of the claim of appeal file a draft report in conformity to the pertinent provisions of the rules hereinafter referred to. 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 establish-

---

ment of reports where the claim of report has been disallowed by the single justice or he has failed to make a report. The appeal shall not remove the proceeding, but only the question or questions to be determined. The completion of such appeal shall be in accordance with the Massachusetts Rules of Appellate Procedure. Benefits shall be paid or denied in accordance with the decision of such single justice during the pendency of such appeal. Upon the final determination of such judicial proceeding the director shall enter an order in accordance with the terms of the decision terminating such proceeding.

SECTION 16. Section forty-five A of said chapter 151A is hereby repealed.

SECTION 17. Section 62 of said chapter 151A is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 685 of the acts of 1941, and inserting in place thereof the following sentence:- The state advisory council shall perform all the duties imposed in it by this chapter, and, in addition, shall consider and advise the director upon all matters connected with this chapter.

SECTION 18. Section 71 of said chapter 151A, as amended by section 21 of chapter 763 of the acts of 1951, is hereby further amended by inserting after the first sentence the following sentence:- If the director reconsiders a determination under this section, parties entitled to notice of the original determination shall be afforded an opportunity for an interview before the director or his authorized representative for the purpose of presenting evidence or refuting opposing positions before such a determination can be made.

SECTION 19. Subsection (c) of section 25 of said chapter 151A is hereby amended by striking out the first paragraph, as amended by chapter 625 of the acts of 1968, and inserting in place thereof the following paragraph:-

Any week in which an otherwise eligible individual fails, without good cause, to apply for suitable employment whenever notified so to do by the employment office, or to accept suitable employment whenever offered to him, and for the next seven consecutive weeks in addition to the waiting period provided in section twenty-three, and the duration of benefits for unemployment to which the individual would otherwise have been entitled may thereupon be reduced for as many weeks, not exceeding eight, as the director shall determine from the circumstances of each case.

SECTION 20. Sections one, one A, twelve and thirteen of this act shall take effect as of July fifth, nineteen hundred and seventy-seven. Sections two, nine, eleven and nineteen shall take effect as of January ninth, nineteen hundred and seventy-seven. Sections three and four shall take effect as of January first, nineteen hundred and seventy-seven. Section five shall take effect as of January ninth, nineteen hundred and seventy-seven and shall ap-

ply only to charges with respect to benefit years beginning on or after January ninth, nineteen hundred and seventy-seven. Section eight shall take effect on January ninth, nineteen hundred and seventy-seven and shall apply only with respect to claims in benefit years beginning on or after January ninth, nineteen hundred and seventy-seven. Section ten shall take effect on the Sunday following the effective date of this act and shall apply only with respect to claims in benefit years beginning on or after that date. Sections fourteen and fifteen shall take effect as of July fifth, nineteen hundred and seventy-seven but shall apply only to decisions rendered by the director of his authorized representative on the basis of hearings held on or after July fifth, nineteen hundred and seventy-seven. Section eighteen shall take effect as of April fourth, nineteen hundred and seventy-seven.

*Approved October 25, 1976.*

---

**Chap. 474.** AN ACT INCREASING THE AMOUNT OF COMPENSATION FOR INCAPACITY UNDER THE LAW REGULATING WORKMEN'S COMPENSATION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide for certain increases in payments under the workmen's compensation law effective January first, nineteen hundred and seventy-seven, in order to assist injured employees to maintain necessary support while permanently or partially incapacitated, therefor 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 152 of the General Laws is hereby amended by striking out section 34, as most recently amended by section 4 of chapter 978 of the acts of 1973, and inserting in place thereof the following section:-

*Section 34.* While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than one hundred and forty dollars nor less than thirty dollars a week, unless the average weekly wages of the injured employee are less than thirty dollars, in which case said weekly compensation shall be equal to his average weekly wages, but not less than fifteen dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed thirty-five thousand dollars, except that if the injured employee has received compensation for the same injury under section thirty-five the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 2. Said chapter 152 is hereby further amended by striking out section 34A, as most recently amended by section 5 of said chapter 978, and inserting in place thereof the following section:-

*Section 34A.* While incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to two thirds of the average weekly wage but not more than one hundred and forty dollars per week nor less than thirty dollars a week during the continuance of such permanent and total incapacity. Application for payments under this section may be made by an injured employee before he has received the maximum compensation to which he is or may be entitled under the aforesaid sections.

In any proceeding brought by the insurer to discontinue compensation under this section, a member or the reviewing board may, after hearing, order the insurer to continue payments to the injured employee hereunder. The reasonable costs of such proceeding, including therein reasonable counsel fees and witness fees of physicians appearing at such proceeding, shall be determined by a member or the reviewing board and shall be paid by the insurer.

SECTION 3. Said chapter 152 is hereby further amended by striking out section 34, as most recently amended by section 1 of this act, and inserting in place thereof the following section:-

*Section 34.* While the incapacity for work resulting from the injury is total, the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than one hundred and fifty dollars nor less than thirty dollars a week, unless the average weekly wages of the injured employee are less than thirty dollars, in which case said weekly compensation shall be equal to his average weekly wages, but not less than fifteen dollars where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the amount does not exceed thirty seven thousand five-hundred dollars, except that if the injured employee has received compensation for the same injury under section thirty-five the combined amount of compensation payable under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 4. Said chapter 152 is hereby further amended by striking out section 34A, as most recently amended by section 2 of this act, and inserting in place thereof the following section:-

*Section 34A.* While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to

two thirds of his average weekly wage but not more than one hundred and fifty dollars per week nor less than thirty dollars a week during the continuance of such permanent and total incapacity. Application for payments under this section may be made by an injured employee before he has received the maximum compensation to which he is or may be entitled under the aforesaid sections.

In any proceeding brought by the insurer to discontinue compensation under this section, a member or the reviewing board may, after hearing, order the insurer to continue payments to the injured employee hereunder. The reasonable costs of such proceeding, including therein reasonable counsel fees and witness fees of physicians appearing at such proceeding, shall be determined by a member or the reviewing board and shall be paid by the insurer.

SECTION 5. Said chapter 152 is hereby further amended by striking out section 34, as most recently amended by section 3 of this act, and inserting in place thereof the following section:-

*Section 34.* While the incapacity for work resulting from the injury is total the insurer shall pay the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than the average weekly wage in the commonwealth, as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before October first of each year, unless the average weekly wages of the injured employee are less than forty dollars per week, in which case said weekly compensation shall be equal to his average weekly wages, but not less than twenty dollars per week where the number of normal working hours of the employee is fifteen or more; provided that the amount does not exceed forty-five thousand dollars; except that if the injured employee has received compensation for the same injury under section thirty-five, the combined amount of compensation under this section and section thirty-five shall not exceed the maximum amount as set forth in section thirty-five.

SECTION 6. Said chapter 152 is hereby further amended by striking out section 34A, as most recently amended by section 4 of this act, and inserting in place thereof the following section:-

*Section 34A.* While the incapacity for work resulting from the injury is both permanent and total, the insurer shall pay to the injured employee, following payment of the maximum amount of compensation provided in sections thirty-four and thirty-five, or either of them, a weekly compensation equal to two thirds of his average weekly wage but not more than the average weekly wage in the commonwealth, as determined, according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A, and promulgated by the director of the division of employment security on or before October first of

each year, nor less than forty dollars per week during the continuance of such permanent and total incapacity.

In any proceedings brought by the insurer to discontinue compensation under this section, a member or the reviewing board may, after hearing, order the insurer to continue payments to the injured employee hereunder. The reasonable costs of such proceeding, including therein reasonable counsel fees and witness fees of physicians appearing at such proceeding, shall be determined by a member or the reviewing board and shall be paid by the insurer.

SECTION 7. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 6 of chapter 978 of the acts of 1973, and inserting in place thereof the following section:-

*Section 35.* While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than one hundred and forty dollars per week; and the amount of such compensation shall not be more than thirty-five thousand dollars nor shall the combined amount of compensation payable under this section and section thirty-four be more than thirty-five thousand dollars.

SECTION 8. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 7 of this act, and inserting in place thereof the following section:-

*Section 35.* While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than one hundred and fifty dollars per week; and the amount of such compensation shall not be more than thirty seven thousand and five hundred dollars nor shall the combined amount of compensation payable under this section and section thirty-four be more than thirty seven thousand five hundred dollars.

SECTION 9. Said chapter 152 is hereby further amended by striking out section 35, as most recently amended by section 8 of this act, and inserting in place thereof the following section:-

*Section 35.* While the incapacity for work resulting from the injury is partial, the insurer shall pay the injured employee a weekly compensation equal to the entire difference between his average weekly wage before the injury and the average weekly wage he is able to earn thereafter, but not more than the average weekly wage in the commonwealth as determined according to the provisions of subsection (a) of section twenty-nine of chapter one hundred and fifty-one A and promulgated by the director of the division of employment security on or before October first of

each year, and the amount of such compensation shall not be more than forty-five thousand dollars nor shall the combined amount of compensation payable under this section and section thirty-four be more than forty-five thousand dollars.

SECTION 10. Said chapter 152 is hereby further amended by striking out section 35A, as most recently amended by section 2 of chapter 438 of the acts of 1974, and inserting in place thereof the following section:-

*Section 35A.* Where the injured employee has persons conclusively presumed to be dependent upon him or in fact so dependent, the sum of six dollars shall be added to the weekly compensation payable under sections thirty-four, thirty-four A and thirty-five, for each person wholly dependent on the employee, but in no case shall the aggregate of such amounts exceed the average weekly wages of the employee. No weekly payment to the employee under this section shall allow the employee to receive an amount in excess of one hundred and forty dollars per week when combined with the compensation due under sections thirty-four, thirty-five and thirty-four A. For the purposes of this section the following persons shall be conclusively presumed to be wholly dependent for support upon an employee:

(a) A wife upon a husband with whom she lives at the time of his injury.

(b) A husband upon a wife with whom he is living at the time of her injury; provided, that he is physically or mentally incapacitated from earning.

(c) Children under the age of eighteen years, or over said age but physically or mentally incapacitated from earning, if living with the employee at the time of his injury, or, if the employee is bound or ordered by law, decree or order of the court, or by any other lawful requirement, to support such children, although living apart from them, or over said age and a full-time student qualified for exemption as a dependent under section one hundred and fifty-one (e) of the Internal Revenue Code. Children within the meaning of this paragraph, shall also include any children of the injured employee conceived but not born at the time of the employee's injury, and the compensation herein provided for shall be payable on account of any such children from the date of their birth.

(d) A parent upon an unmarried child under the age of eighteen.

In all other cases questions of dependency shall be determined in accordance with the fact as the fact may be at the time of the injury.

The division or any member thereof may in its or his discretion order the insurer or self-insurer to make payment of the six dollars aforesaid directly to the dependent.

SECTION 11. Said chapter 152 is hereby further amended by striking out section 35A, as most recently amended by section 10

of this act, and inserting in place thereof the following section:-

*Section 35A.* Where the injured employee has persons conclusively presumed to be dependent upon him or in fact so dependent, the sum of six dollars shall be added to the weekly compensation payable under sections thirty-four, thirty-four A and thirty-five, for each person wholly dependent on the employee, but in no case shall the aggregate of such amounts exceed the average weekly wages of the employee. No weekly payment to the employee under this section shall allow the employee to receive an amount in excess of one hundred and fifty dollars per week when combined with the compensation due under sections thirty-four, thirty-five and thirty-four A. For the purposes of this section the following persons shall be conclusively presumed to be wholly dependent for support upon an employee:

(a) A wife upon a husband with whom she lives at the time of his injury.

(b) A husband upon a wife with who he is living at the time of her injury; provided, that he is physically or mentally incapacitated from earning.

(c) Children under the age of eighteen years, or over said age but physically or mentally incapacitated from earning, if living with the employee at the time of his injury, or if the employee is bound or ordered by law, decree or order of court, or by any other lawful requirement, to support such children, although living apart from them, or over said age and a full-time student qualified for exemption as a dependent under section one hundred and fifty-one (e) of the Internal Revenue Code. Children within the meaning of this paragraph, shall also include any children of the injured employee conceived but not born at the time of the employee's injury, and the compensation herein provided for shall be payable on account of any such children from the date of their birth.

(d) A parent upon an unmarried child under the age of eighteen. In all other cases questions of dependency shall be determined in accordance with the fact as the fact may be at the time of the injury.

The division or any member thereof may in its or his discretion order the insurer or self-insurer to make payment of the six dollars aforesaid directly to the dependent.

SECTION 12. Sections one, two, seven and ten of this act shall take effect on January the first, nineteen hundred and seventy-seven and shall apply only to injuries occurring on or after said date. Sections three, four, eight and eleven of this act shall take effect on October first, nineteen hundred and seventy-seven and shall apply only to injuries occurring on or after said date. Sections five, six, and nine of this act shall take effect on October first, nineteen hundred and seventy-eight and shall apply only to injuries occurring on or after said date.

*Approved October 25, 1976.*

**Chap. 475.** AN ACT CLARIFYING THE MANNER IN WHICH A VOTER MAY MARK HIS BALLOT WHEN INSERTING THE NAME OF A CANDIDATE.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to clarify the manner of marking ballots for the primary and general elections 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. Chapter 53 of the General Laws is hereby amended by striking out section 35, as most recently amended by section 10 of chapter 600 of the acts of 1975, and inserting in place thereof the following section:-

*Section 35.* A cross (X) marked against a name shall constitute a vote for the person so designated except that no cross shall be required where the voter has inserted the name of the candidate for whom he intends to vote. A cross in the circle at the head of a group of candidates for a ward or town committee shall count as a vote for each candidate therein. A voter may vote for one or more candidates in any such group by marking a cross against the name of each such candidate, except that no cross shall be required where the voter has inserted the name or names of candidates for whom he intends to vote. If he votes for more candidates than the number to be elected, his vote shall not be counted.

SECTION 2. Section 77 of chapter 54 of the General Laws, as most recently amended by section 10 of chapter 869 of the acts of 1970, is hereby further amended by striking out, in lines 8 and 9, the words "and making a cross in the square at the right".

SECTION 3. Said chapter 54 is hereby further amended by striking out section 78, as most recently amended by section 9 of chapter 400 of the acts of 1972, and inserting in place thereof the following section:-

*Section 78.* In order to vote for presidential electors, the voter shall make a cross (X) in the square at the right of the party or political designation appearing on the ballot at the right of the surnames of the candidates for president and vice president, to vote for whom such candidates for electors are nominated; and the making of a cross as aforesaid shall be deemed and taken as a vote for such candidates for presidential electors, except as provided in section thirty-three E. A vote by sticker or write-in in the blank space at the end of the list of names of presidential and vice presidential candidates may be cast for those candidates whose names are contained in lists filed with the state secretary under the provisions of section seventy-eight A and shall be deemed to be a vote for each of the candidates for presidential elector whose names are contained in the appropriate list so filed; provided, however, that in such case the voter shall list only the surnames of the candidates for president and vice president. In

order to vote for governor and lieutenant governor, the voter shall mark a cross (X) in the square at the right of the names of the group of candidates for said offices for whom he desires to vote, or by inserting the name and residence of any person for either office in the blank space provided therefor; provided, however, that no such inserted name may be that of a candidate whose name is printed upon the ballot as a candidate for the office.

*Approved October 25, 1976.*

---

**Chap. 476.** AN ACT ESTABLISHING STILES LAKE WATER DISTRICT IN PARTS OF THE TOWNS OF LEICESTER AND SPENCER.

*Be it enacted, etc., as follows:*

SECTION 1. The inhabitants of the towns of Leicester and Spencer, liable to taxation in said towns and residing within the territory bounded and described as follows:-

Beginning at the point where the centerlines of Pine Street, Leicester and Chickering Road, Spencer converge at the Spencer-Leicester town line thence in an easterly direction along the centerline of said Pine Street, Leicester to a point where it intersects the centerline of the traveled way and/or fire road known, or formerly known as Parker Street, Leicester; thence southerly along the centerline of said Parker Street to a point where it intersects the centerline of the traveled way known as Baldwin Street, Leicester; thence southwesterly along the centerline of said Baldwin Street to a point where the centerlines of Baldwin Street, Leicester and Clark Road, Spencer converge at the Spencer-Leicester town line; thence first westerly and then northerly along the centerline of said Clark Road to a point where it intersects with centerline of the traveled way known, or formerly known, as Chickering Road, Spencer and then northerly and northeasterly along the centerline of said Chickering Road to the point of beginning, shall constitute a water district and are hereby made a body corporate by the name of the Stiles Lake Water District, hereinafter called the district, for the purpose of supplying themselves and others, for fair consideration with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes 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 said 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 board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter eighty A 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 be means of driven, artesian or other wells, within the towns of Leicester and Spencer not already appropriated for the purpose of a public supply, and the water and flowage rights connected with any such water sources, and for the 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 said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of environmental quality engineering, 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 department. 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 complete and effective water works; 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 towns, 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 towns of Leicester and Spencer. 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 so to 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 land necessary for the construction of any work or for any other purpose authorized by this act. The district is empowered and authorized to sell and distribute water to any adjacent town, district or any part thereof on such terms and conditions and for such consideration as the commissioners may determine.

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 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 borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Stiles Lake District Loan, Act of 1976. Each authorized issues shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates, Indebtedness incurred under this act shall be subject to the provisions of 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 of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from water rates, shall be sufficient to pay the annual expense of operating its water works and the 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 towns of Leicester and Spencer 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 board of 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 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 towns, 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 system of water supply under this act if, in the judgement of the board of water commissioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; 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 board of water commissioners 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 collectors, 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 of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectment of said towns, 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, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting 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 water commissioners, 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 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 board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner 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 board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to said district by this act, except sections four and five, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners 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 water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 10. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works 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 its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers 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, well, standpipe, adue-duct, 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 of not more than one hundred dollars or by imprisonment for not more than six months.

SECTION 13. Upon a petition in writing addressed to said board of water commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion of such real estate, said water commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight of this act, within four years after its passage.

*Approved October 25, 1976.*

---

**Chap. 477.** AN ACT PROVIDING AN ADDITIONAL BOND AUTHORIZATION FOR THE PUBLIC HOUSING MODERNIZATION AND RENOVATION LOAN ACT.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 694 of the acts of 1970 is hereby amended by striking out section 1, as most recently amended by section 6 of chapter 853 of the acts of 1974, and inserting in place thereof the following section:-

*Section 1.* The department of community affairs is hereby authorized to expend a sum not exceeding seventy-five million dollars for the purpose of contracts to be entered into by said

department, acting for and on behalf of the commonwealth, with housing authorities established pursuant to section three of chapter one hundred and twenty-one B of the General Laws, or corresponding provisions of earlier laws, for state financial assistance in the form of grants to such authorities for projects undertaken pursuant to clause (j) of section twenty-six of said chapter, added by section five of this act, which grants shall be paid by the commonwealth upon approval and certification by said department to the state comptroller; provided that the amount expended pursuant to this section during any one fiscal year shall not exceed twelve million dollars; and provided further, that under the authorization provided for in this section the department shall give priority to bringing existing state-aided projects into compliance with the state sanitary code.

SECTION 2. Section 3 of said chapter 694 is hereby amended by striking out the second sentence, as most recently amended by section 7 of said chapter 853 and inserting in place thereof the following sentence:- Such notes shall be issued and may 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 be not later than June thirtieth, nineteen hundred and eighty-two.

SECTION 3. Said chapter 694 is hereby further amended by striking out section 4, as most recently amended by section 8 of said chapter 853, and inserting in place thereof the following section:-

*Section 4.* To meet the expenditures necessary in carrying out the provisions of section one or to refinance notes issued as provided in section three, 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 seventy-five million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Public Housing Modernization and Renovation Loan, Act of 1970 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 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 the thirtieth, two thousand and five.

SECTION 4. There is hereby authorized to be expended by the department from the proceeds of the funds authorized in section one of this act an amount not to exceed two hundred and fifty thousand dollars, of which no more than one hundred thousand dollars shall be expended in any one fiscal year, for administrative and preliminary planning.

SECTION 5. Section 26 of chapter 121B of the General Laws is hereby amended by striking out clause (j), inserted by section 2 of chapter 694 of the acts of 1969, and inserting in place thereof the following clause:-

(j) To undertake as a separate project the renovation, remodeling, reconstruction, repair, landscaping and improvement of an existing housing project or part thereof, including the reduction of undesirable unit densities in an existing housing project as deemed necessary by the department for the improvement of an existing housing project assisted by the commonwealth pursuant to section thirty-four or forty-one; provided, that an equal number of low-rent relocation units are provided to replace those occupied units which are removed in the reduction of an undesirable unit density; and provided, further, that the plans for each such project shall be undertaken in accordance with rules and regulations promulgated by the department for such projects.

SECTION 6. The first paragraph of section 34 of said chapter 121B, as appearing in section 2 of chapter 4 of the acts of 1976, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Each such contract shall contain such limitations as to the development cost of the project and administrative and maintenance costs, and such other provisions as the department may require and shall require that said grant shall be applied only to development cost of the project or to pay the principal and interest on notes of the housing authority issued to temporarily finance the development cost; and provided further, that grants under this section shall not be used for the modernization or renovation of existing projects as provided for in paragraph (j) of section twenty-six.

*Approved October 25, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

December 3, 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 477 of the Acts of 1976, entitled AN ACT PROVIDING AN ADDITIONAL BOND AUTHORIZATION FOR THE PUBLIC HOUSING MODERNIZATION AND RENOVATION LOAN ACT, and the enactment of which received my approval on October 25, 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 implement programs for modernizing and renovating the public housing stock in areas where such action is critically indicated.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, December 3, 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 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 four hundred and seventy-seven of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth.*

---

**Chap. 478.** AN ACT FURTHER REGULATING INVESTMENTS IN BONDS, NOTES OR OTHER OBLIGATIONS BY TELEPHONE COMPANIES.

*Be it enacted, etc., as follows:*

Chapter 168 of the General Laws is hereby amended by striking out section 45, as appearing in section 1 of chapter 432 of the acts of 1955, and inserting in place thereof the following section:-

*Section 45.* Any such corporation may invest in the bonds of

any company which at the time of such investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and authorized to engage, and engaging, in the business of furnishing telephone service in the United States, subject to the following conditions:

1. Such company shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years next preceding the date of such investment shall said company have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct, assumed, or guaranteed, but the period of life of the company, together with the period of life of any predecessor company or companies from which a major portion of its property was acquired by consolidation, merger or purchase, shall be considered together in determining the required period.

2. Such company shall make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year.

3. The outstanding full paid capital stock together with premiums thereon and the surplus of such company shall be equal to at least two-thirds of the aggregate of its funded debt and the total funded debt, exclusive of any such funded debt held by such company, of every telephone company a majority of the capital stock of which is owned by such company.

4. For a period of five fiscal years next preceding such investment the net earnings of such company shall have averaged per year not less than two and one-half times the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than twice the interest charges on its total funded debt for such year, and for such period the gross operating revenues of any such company shall have averaged per year not less than thirty-five million dollars.

5. In determining the qualifications of any bond under this section where a company shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other company or companies, the gross operating revenues, net earnings and interest charges of the several predecessor or constituent companies shall be consolidated and adjusted so as to ascertain whether the requirements of paragraph 4 of this section have been complied with.

6. The gross operating revenues and expenses of a company for the purposes of this section shall be, respectively, the total amount earned from the operation of, and the total expense of maintaining and operating, all property owned and operated, or

leased and operated, by such company, as determined by a system of accounts adopted by the federal communications commission, a public service commission, public utility commission, or other similar federal or state regulatory body.

7. The net earnings of any company for the purposes of this section shall be the balance obtained by deducting from its gross operating revenues, its operating and maintenance expenses, taxes other than federal and state income taxes, rentals, provisions for depreciation of the physical assets of the company, and by adding to said balance its net income from securities and miscellaneous sources but not, however, to exceed fifteen per cent of said balance where such income is a positive amount. The term "funded debt" shall be construed to mean all interest-bearing debt.

8. Whenever a company shall own a majority of the capital stock of one or more telephone companies, the consolidated statements of all such telephone companies shall be used in determining the amount of gross operating revenues, the amount of net earnings, and the amount of interest charges of such company, and such company shall be deemed to be authorized to engage and engaging in the business of such other telephone company or companies.

9. A company shall be deemed to be engaging in the business of furnishing telephone service in the United States provided that at least eighty per cent of its gross operating revenues for the five years immediately preceding the date of investment were derived from the business of furnishing telephone service in the United States.

10. The bonds shall be part of an original issue of not less than twenty-five million dollars in principal amount when the company is not incorporated in the commonwealth.

11. As used in this section, the term "bond" includes a note or debenture.

12. No bond which is rated within the fourth grade or lower by two independent rating services designated by the commissioner shall be eligible for investment hereunder.

13. Not more than twenty per cent of the deposits of any such bank shall be invested in the bonds of telephone companies, nor shall more than four per cent of such deposits be invested in the bonds of any one telephone company. This provision shall limit, by inclusion, any amounts invested in bonds of telephone companies authorized for investment under the provisions of section fifty.

*Approved October 25, 1976.*

---

**Chap. 479.**

AN ACT SUPPLEMENTING THE GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR NINETEEN HUNDRED

AND SEVENTY-SEVEN AND 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 chapter two hundred and eighty-three of the acts of the current year, for the fiscal year nineteen hundred and seventy-seven 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.

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Flood Relief Board.*

Item

1185-1000	For the payment of certain flood damage incurred on June thirtieth and on August eighth and ninth, nineteen hundred and seventy-six, subject to the approval of the flood relief board, to the towns of Chester, Hancock, Mount Washington, New Ashford, North Adams, Peru, Plainfield and Williamstown .....	\$316,300
	Highway Fund.....	100.0%

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

**Department of Environmental Quality Engineering.**

*Division of Waterways.*

Section 2 of chapter 283 of the acts of 1976 is hereby amended by striking out item 2270-0500, as amended by chapter of the acts of 1976, and inserting in place thereof the following item:-

2270-0500	For a continuous program of cleaning and dredging of harbors and inland waters, pursuant to section ten A of chapter ninety-one of the General Laws; provided, that an amount not exceeding three hundred thousand dollars shall be used for the dredging of the Belle Isle inlet; 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; provided further, that an additional amount not exceeding one hundred thousand dollars shall be used for the repair of the Connecticut river dikes at the town of Hadley; provided further, that an additional amount not exceeding three hundred thousand dollars shall be used for the dredging of the Neponset river at the Milton town landing; 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 to state piers; provided, that an amount not exceeding forty thousand dollars shall be used to remove marine vegetation and provide for dredging to improve tidal circulation in Cape Cod bay in the vicinity of Pilgrim beach in the town of Truro; prior appropriation continued.	
	Harbors and Inland Waters Maintenance Fund.....	100.0%

Section 2 of chapter 283 of the acts of 1976 is hereby amended by striking out, in item 0305-6071, the word “thirty-four” and inserting in place thereof the word “thirty-eight”, and by striking out the figures “358, 506” and inserting in place thereof the figures “388, 506”.

**DEPARTMENT OF MENTAL HEALTH.**

*Region Four.*

5421-0000 Item 5421 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding the words:- ; provided, that there shall be paid from this item certain prior years' salaries and expenses in the amount of one thousand eight hundred and twenty-one dollars.

**Executive Office of Consumer Affairs.**

*Division of Insurance.*

9222-0100 Item 9222-0100 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding the words:- ; and provided further, that, notwithstanding any other provisions of law to the contrary, legal expenses incurred, including expenses incurred prior to July first, nineteen hundred and seventy-six, in connection with the appeal of certain rate cases shall be allowed and paid from this item.

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

*I disapprove Item 2270-0500; Item 0305-6071; Item 5421-000; Item 9222-0100.*

*The remainder of this bill I hereby approve.*

*Approved, October 26, 1976.*

**Chap. 480.** AN ACT SUPPLEMENTING CERTAIN ITEMS IN THE GENERAL APPROPRIATION ACT FOR THE FISCAL YEAR NINETEEN HUNDRED AND SEVENTY-SEVEN AND PROVIDING 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 chapter two hundred and eighty-three of the acts of the current year, for the fiscal year ending June the thirtieth, nineteen hundred and seventy-seven, 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.**

**JUDICIARY.**

*Supreme Judicial Court.*

Item		
0301-0500	For the service of the executive secretary, provided that there shall be allowed and paid from this item a certain salary earned but not paid for services for the months of January and February of nineteen hundred and seventy-four in the sum of two thousand four hundred and one dollars and seventy cents.	
0301-0601	For expenses of the Massachusetts defenders committee; provided, that one hundred and fifty thousand dollars shall be expended from this item for the purposes of the Roxbury defenders committee; including not more than thirty-nine permanent positions. . . . .	\$120,000

*Superior Court.*

0302-0301	For the compensation of justices of district courts while sitting in the superior court, prior appropriation continued. . . . .	182,195
0302-0302	For expenses of justices of district courts while sitting in the superior court, prior appropriation continued. . . . .	32,655

*Probate and Insolvency Courts.*

0305-6071	Hampden, including not more than thirty-four permanent positions	19,991
-----------	--	--------

*District Attorneys.*

0308-0005	Middle, including not more than thirteen permanent positions	166,000
-----------	--	---------

*Committee on Probation.*

0309-0001	For the office of the commissioner of probation, including not more than sixty-three permanent positions. . . . .	41,750
-----------	---	--------

**SECRETARY OF THE COMMONWEALTH.**

0517-0000	Item 0517-0000 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "documents" the words:- , provided, that, notwithstanding any other provisions of law to the contrary, there shall be allowed and paid from this item a certain prior year's expense in the amount of seven thousand eight hundred and fifty dollars.	
-----------	---	--

**TREASURER AND RECEIVER-GENERAL.**

0611-4199	For a certain payment authorized by Chapter twenty-one of the resolves of the current year. . . . .	300
0611-5000	For compensation to victims of violent crimes. . . . .	400,000

**DEPARTMENT OF THE ATTORNEY GENERAL.**

0810-0201	For expenses incurred in administrative or judicial proceedings as authorized by chapter two hundred and sixty-six of the acts of nineteen hundred and seventy-six. . . . .	120,000
-----------	---	---------

**EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE.**

*Fiscal Affairs Division.*

1101-2201	Item 1101-2201 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the word "fifty" and inserting in place thereof the word:- ten.	
-----------	---	--

*Comptroller's Division.*

1103-5010	Item 1103-5010 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding the	
-----------	---	--

words:- ; provided, however, that notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, the sum of three hundred seventy dollars and sixty-two cents shall be allowed and paid from this item for certain contractual services performed on October twenty-sixth, nineteen hundred and seventy-three.

*Miscellaneous.*

- |           |  |        |
|-----------|--|--------|
| 1599-0063 | For the annuity authorized by chapter thirty-nine of the resolves of nineteen hundred and seventy-one..... | 1,500  |
| 1599-0064 | For the payment of a certain judgement entered in the Worcester Superior Court, docket number 172541.....  | 12,500 |
| 1599-0065 | For the payment of a certain judgement entered in the Suffolk Superior Court, docket number 643319.....    | 12,500 |

*Unforeseen Emergencies.*

- |           |   |            |
|-----------|---|------------|
| 1599-2032 | for a reserve to supplement the several state retirement appropriation items where the amounts otherwise available are insufficient; provided that the governor upon recommendation of the commissioner of administration is hereby authorized to transfer from the said amount appropriated to allocate the respective retirement items for the fiscal year nineteen hundred and seventy-seven such amounts as are necessary; and provided further, that the comptroller is hereby authorized to allocate the amounts of such transfers to the several state or other funds to which such items of appropriation are charged.....  | 15,000,000 |
| 1599-2033 | For the payment of deficiencies in certain appropriations for previous years based upon schedules approved by the joint committee 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 .....   | 800,000    |
| 1599-2034 | For a reserve to meet the cost of certain personnel changes as authorized by chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six due for the fiscal year nineteen hundred and seventy-six; provided, that the governor upon recommendation by the commissioner of administration and finance is hereby authorized to transfer from the sum appropriated to other items of appropriation where the amounts otherwise available are insufficient such amounts as are necessary to meet the cost of such changes; and, provided further, that the governor, upon recommendation of the commissioner of administration is hereby further authorized to allocate the cost of such changes to the several funds to which such items of appropriation are charged..... | 370,000    |

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

**Office of the Secretary**

- |           |   |        |
|-----------|---|--------|
| 2000-0200 | Item 2000-0200 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the word "four" and inserting in place thereof the word:- eight | 27,000 |
|           | Environmental Fund.....   | 100.0% |

*Division of Waterways.*

- |           |   |  |
|-----------|---|--|
| 2270-0500 | Item 2270-0500 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "Malden;" the words:- provided further, that an additional amount not exceeding one hundred thousand dollars shall be used for the repair of the Connecticut River dikes at the town of Hadley. |  |
| 2270-0990 | For the dredging of the east branch of the Westport river, as authorized by chapter five hundred and thirty-nine of the acts of nineteen hundred and seventy-two, to be in addition to the amount appropriated in item 6032-  |  |

2021 of section two of chapter four hundred and sixty-six of the acts of nineteen hundred and seventy-three. . . . . 35,718

*Metropolitan Parks District.*

2440-0012 For the payment of certain court time and career incentive pay due for the fiscal years nineteen hundred and seventy-three, nineteen hundred and seventy-four, and nineteen hundred and seventy-five. . . . . 308,256  
                   Highway Fund. . . . . 67.0%  
                   MDC Parks District Fund. . . . . 33.0%

**EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT.**

*Division of Community Services.*

3735-9011 For the administration of the state building code commission 25,000

**DEPARTMENT OF PUBLIC WELFARE.**

4400-1000 Notwithstanding the provisions of section thirteen of chapter twenty-nine of the General Laws as amended, the sum of two hundred seventeen thousand one hundred and sixty-nine dollars and seventy cents of funds encumbered on June thirtieth, nineteen hundred and seventy-six is hereby extended to March thirty-one, nineteen hundred and seventy-seven.

4400-1003 Item 4400-1003 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "development" the words:- and operation.

4402-5000 Item 4402-5000 of section two of chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six is hereby amended in line one by inserting after the word "program" the following:- , provided, that notwithstanding any provision of the law to the contrary, the encumbered balance on June thirtieth, nineteen hundred and seventy-six is hereby made available for expenses of prior years.

4403-2000 Item 4403-2000 of section two of chapter two hundred and eighty-three of the acts of the current year is hereby amended by inserting after the word "children" the following:- , including a five per cent cost-of-living increase for recipients of the program, to be applied only to the monthly direct grant; and, by striking out, in the same item the figures "\$43,000,000" and inserting in place thereof the following new figures:- \$441,000,000.

4403-2005 Item 4403-2005 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding the words:- ; provided, however, that notwithstanding the provision of section twenty-nine A of chapter twenty-nine of the General Laws, as amended, certain contractual services rendered during July, August, and September, amounting to five hundred thirty-five thousand dollars for which prior approval had not been given, may be allowed and paid from this item.

4403-2007 Item 4403-2007 of section two of chapter two hundred and eighty-three of the acts of the current year is hereby amended by striking out said item.

4403-2100 Item 4403-2100 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding the words:- ; provided, however, that notwithstanding the provision of section twenty-nine A of chapter twenty-nine of the General Laws, as amended, certain contractual services rendered during July, August, and September, amounting to four hundred seventy-five thousand dollars for which prior approval had not been given, may be allowed and paid from this item; and, provided further, that notwithstanding any provisions of law to the contrary, amounts not to exceed seven hundred thousand dollars received during the current fiscal year as refunds of payments made to certain vendors from amounts appropriated during the fiscal year nineteen hundred and seventy-six, shall be credited to and made available for the purposes of this item.

- 4405-2000 Item 4405-2000 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "disabled" the following words:- including a five per cent increase in the optional supplementary level for such aged and disabled; and, by striking out, in the same item, the figures "\$106,000,000" and inserting in place thereof the following new figures:- \$128,000,000.
- 4405-2003 Item 4405-2003 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out said item.
- 4406-2000 Item 4406-2000 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "increase" in line nine the following:- except that the monthly grant to the recipient of the program during the fiscal year nineteen hundred and seventy-seven shall be increased by five per cent; and further amended by striking out the figures "\$43,600,000" and inserting in place thereof the figures:- \$45,300,000.
- 4406-2020 Item 4406-2020 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out said item.
- 4406-2031 For expenses incurred during the fiscal year nineteen hundred and seventy-five for a general relief program. . . . . 2,500,000
- 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. . . . . 20,000

#### DEPARTMENT OF MENTAL HEALTH.

- 5011-9002 For an intensive care unit for emotionally disturbed women 150,000
- Region Two.*
- 5294-0990 For the purchase of an ambulance for the transportation of patients of the Monson State hospital. . . . . 25,000
- Region Three.*
- 5321-0000 For mental health and retardation services, including not more than one hundred and twenty-three permanent positions. . . . . 48,000

#### EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

##### *Massachusetts Bay Transportation Authority.*

- 6005-0011 Item 6005-0011 of chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six is hereby amended by striking out the word "seventy-five" and inserting in place thereof the word:- seventy-four.

#### DEPARTMENT OF PUBLIC WORKS.

##### *Administrative and Engineering Expenses.*

- 6020-2401 Item 6020-2401 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding at the end thereof the following:-  
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. . . . . 100,000  
Highway Fund. . . . . 100.0%
- 6030-7403 Item 6030-7403 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by adding at the end thereof the following:-  
Highway Fund. . . . . 100.0%

- 6030-7601 Item 6030-7601 of section two of chapter two hundred and eighty-three of the acts of the current year is hereby amended by adding the words:-; provided, that there shall be allowed and paid from this item a certain prior year's expense in the amount of thirty-eight thousand one hundred and ninety-two dollars and fifty-seven cents.

**EXECUTIVE OFFICE OF EDUCATIONAL AFFAIRS.**

*New Engalnd Board of Higher Education.*

- 7000-0811 Item 7000-0811 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the words "so-called 'payback' provision" and inserting in place thereof the following:- provision for "payback" service to the commonwealth for a period after said students have fulfilled all internships and residency requirements.
- 7000-0812 Item 7000-0812 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "thereto" the words:- shall include a provision for "pay-back" service to the commonwealth for a period after said students have fulfilled any internship and residency requirements and.

**DEPARTMENT OF EDUCATION.**

*Board of Education and Commissioner's Office.*

- 7010-0014 Item 7010-0014 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out said item.
- 7052-0002 Item 7052-0002 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the wording and inserting the following:-

For 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. Notwithstanding any provision of law to the contrary, no school projects shall be approved by the board of education during the period from the effective date of this act until June thirtieth, nineteen hundred and seventy-seven which will cause the aggregate amount of the first estimated annual payments to be made on account of such projects to exceed nine million five hundred thousand dollars, of which not more than three million two hundred thousand dollars shall be for the approval of court ordered school projects or such other school projects which in the judgment of the state board of education are required to reduce or eliminate racial imbalance and of which not more than six million three hundred thousand dollars shall be for the approval of all other school projects; prior appropriation continued.

*Board of Trustees of State Colleges.*

- 7114-0100 For the State college at Salem, including not more than five hundred and seventy-six permanent positions. . . . . 150,000
- 7117-0100 Item 7117-0100 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the word "twenty-nine" and inserting in place thereof the word:- thirty  
11,022
- 7117-0110 For repairs to existing facilities on the Dover property. . . . . 125,000
- 7118-9003 For the commonwealth's share of a development of a commercial fisheries training program; provided, the 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. . . . . 35,610

*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. . . . .	91,000
-----------	---	--------

**EXECUTIVE OFFICE OF PUBLIC SAFETY.***Division of State Police.*

8312-9013	Item 8312-9013 of chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six is hereby amended by adding after the docket number 680230 the following wording:- , notwithstanding the provisions of section thirty of chapter twenty-nine of the General Laws.	
-----------	---	--

*Registry of Motor Vehicles.*

8400-0002	Item 8400-0002 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the words "one hundred and ninety-two" and inserting in place thereof the words:- two hundred and twenty-three.	
8400-0100	For expenses of the merit rating board authorized by chapter two hundred and sixty-six of the acts of nineteen hundred and seventy-six	852,746

**EXECUTIVE OFFICE OF ELDER AFFAIRS.**

9110-1630	Item 9110-1630 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out the wording and inserting in place thereof the following wording:- 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 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 expenditures authorized for such home care services shall be incurred pursuant to Title XX of the Social Security Act; 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.	
-----------	---	--

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS.***Division of Insurance.*

9222-0100	Item 9222-0100 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting in line fifteen after the word "laws" the following:- ; and provided further, that notwithstanding any other provisions of law to the contrary, legal expenses incurred, including expenses incurred prior to July first, nineteen hundred and seventy-six, in connection with the appeal of certain rate cases shall be allowed and paid from this item.	
9222-0199	For the expenses and administration of the board of appeal on motor vehicle liability policies and bonds. . . . .	239,563
	General Fund. . . . .	65.0%
	Highway Fund. . . . .	35.0%

**SECTION 3.** Section 3B of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out, in line nine, the words "Inland Fisheries and Game Fund" and inserting in place thereof the words:- Marine Fisheries Fund.

SECTION 4. Section two of chapter two hundred and eighty-three of the acts of the current year is hereby amended after item 7065-0001 by striking out after the heading “Board of Higher Education” in the first paragraph of the preamble, the words “funded from state appropriations”.

SECTION 5. Said chapter 283 is hereby further amended by striking out section 28 and inserting in place thereof the following section:-

*Section 28.* Notwithstanding the provisions of any law to the contrary, no payments for medical providers shall be authorized at a rate greater than the reasonable cost thereof as determined by the rate setting commission; provided, that no increase greater than seven per cent over the rate effective as of September thirtieth, nineteen hundred and seventy-six, in the case of hospitals, or over the rate effective as of June thirtieth, nineteen hundred and seventy-six in the case of other medical providers, shall take effect until approved by the general court.

SECTION 5A. Item 7250-8717 of section two of house bill 5427 as engrossed is hereby amended by striking out said item and inserting in place thereof the following:-

7250-8717 For the purchase of library books \$1,000,000.

SECTION 6. Section 25A of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting in line 4, after the word “services” the words:- excluding primary care.

SECTION 7. Section thirty-six of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word “items” in line two the following:- 7027-0010.

SECTION 8. Sections thirty-nine and forty of said chapter two hundred and eighty-three are hereby repealed.

SECTION 9. Chapter 41 of the General Laws is hereby amended by striking out section 108L, as most recently amended by section 38 of chapter 283 of the acts of 1976, and inserting in place thereof the following section:-

*Section 108L.* There is hereby established a career incentive pay program offering base salary increases to regular full-time members of the various city and town police departments, members of the uniformed branch of the division of state police appointed under section nine A of chapter twenty-two and state police detectives appointed under section six of chapter twenty-two serving in any division in the department of public safety, the capitol police and the metropolitan district commission police, as a reward for furthering their education in the field of police work.

Police career incentive base salary increases shall be predicated on the accumulation of points earned in the following manner: one point for each semester hour credit earned toward a baccalaureate or an associate degree; sixty points for an associate degree; one

hundred and twenty points for a baccalaureate degree; and one hundred and fifty points for a degree of master or for a degree in law; provided, that said credits or degrees were earned in courses leading towards a degree in law enforcement or any course or degree program approved by the board of higher education prior to July 1st, 1976. All semester credits and degrees shall be earned in an educational institution accredited by the New England Association of Colleges and Secondary Schools or by the board of higher education, 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.

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.

Base salary increases authorized by this section shall be granted in the following manner: a three per cent increase for ten points so accumulated, a six per cent increase for twenty-five points, a ten per cent increase for forty points, a fifteen per cent increase for sixty points, a twenty per cent increase for one hundred and twenty points, and a thirty per cent increase for one hundred and fifty points so accumulated.

Any city or town which accepts the provisions of this section and provides career incentive salary increases for police officers shall be reimbursed by the commonwealth for one half the cost of such payments upon certification by the board of higher education. The board of higher education shall certify the amount of such reimbursement to be paid to such city or town from information filed on or before September first of each year with said board, on a form furnished by it, by the chief of police, or one of similar rank, of the city or town police department. The board of higher education shall also certify the amount of the career incentive salary increases to be allocated to the members of the uniformed branch of the division of state police appointed under section nine A of chapter twenty-two and state police detectives appointed under section six of chapter twenty-two serving in any division in the department of public safety, the capitol police and the metropolitan district commission police from information filed with said board on or before September first of each year by the commissioner of public safety for the members of the uniformed branch of the division of state police appointed under section nine A of chapter twenty-two and state police detectives appointed under section six of chapter twenty-two serving in any division in the department of public safety, by the commissioner of the metropolitan district commission for the metropolitan district commission police, and by the chief of the capitol police for the capitol police. Said information shall be filed on a form to be furnished by the board of higher education.

Notwithstanding the provisions of this section, no such regular full-time police officer shall be entitled to such pay increase for points earned after September 1st, 1976; provided, however, that such police officer who is certified as of September 1st, 1976 in the police career incentive program leading to a degree in law enforcement shall only be granted further base salary increases of fifteen per cent for an associate's degree in law enforcement, or sixty points earned toward a baccalaureate degree in law enforcement, a twenty per cent increase for a baccalaureate degree in law enforcement, a thirty per cent increase for a master's degree in law enforcement or for a degree in law; or any police officer enrolled in any course or degree program approved by the board of higher education, prior to July 1st, 1976, shall only be granted further base salary increases of fifteen per cent for an associate's degree or sixty points earned toward a baccalaureate degree, a twenty per cent increase for a baccalaureate degree, and a thirty per cent increase for a master's degree or for a degree in law, provided further, that such percentage increase shall in total, including any previously earned increase, not exceed fifteen per cent for an associate's degree or sixty points earned toward a baccalaureate degree, twenty per cent for a baccalaureate degree, and thirty per cent for a master's degree or for a degree in law, provided further, that any regular full-time police officer commencing such incentive pay program after September 1st, 1976 shall be granted a base salary increase of ten per cent upon attaining an associate's degree in law enforcement or sixty points earned to a baccalaureate degree in law enforcement, a twenty per cent increase upon attaining a baccalaureate degree in law enforcement, and a twenty-five per cent increase upon attaining a master's degree in law enforcement or for a degree in law.

SECTION 10. Section 27 of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by striking out in line two the word "medical" the second time it appears and inserting in place thereof the word: surgical.

SECTION 11. Section forty-four of said chapter two hundred and eighty-three is hereby repealed.

SECTION 12. For the reimbursement to the commonwealth of expenditures made under section three of chapter six hundred and seventy-nine of the acts of nineteen hundred and sixty, the comptroller shall transfer from the State Recreation Areas Fund to the General Fund the sum of two hundred forty-six thousand six hundred eighty-six dollars and seventy-seven cents.

SECTION 13. Chapter 882 of the acts of 1975 is hereby amended by striking out section 2 and inserting in place thereof the following section:-

*Section 2.* Funds due to the Massachusetts aeronautics commission for air transportation services previously rendered shall be

paid into the fund established under section one of this act, and the sum of not more than sixteen thousand dollars may be expended therefrom annually without further appropriation.

SECTION 14. Section 32 of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting at the end thereof the following words:- ; provided, that the department shall reimburse acute hospitals for administratively necessary days, in excess of one per cent of acute, medical, and surgical available bed days, provided, further that obstetrical, psychiatric, intensive, and coronary available bed days shall be excluded from the determination of available bed days.

SECTION 15. Notwithstanding the provisions of any General or Special Law to the contrary, no governmental unit shall make any payment to a physician or surgeon on behalf of a patient for the performance of any medical or surgical procedure if, during the performance of such procedure, said physician or surgeon was not physically present and actively involved in the treatment of the patient.

SECTION 16. Notwithstanding the provisions of any general or special law to the contrary, providers of authorized social services, as defined by the department of public welfare, under any assistance program administered by said department, shall submit a bill for services rendered to the department not later than ninety days after the service is rendered.

SECTION 17. From the unexpended balance remaining in item 4402-5000 of Section 2 of chapter one hundred and ninety-nine of the acts of nineteen hundred and seventy-six; notwithstanding provision of law to the contrary, the sum of two hundred and seventy-four thousand dollars is hereby transferred and made available for a certain expenditure in item 4401-1000 of said section two of chapter one hundred and ninety-nine.

SECTION 18. Notwithstanding any law to the contrary, all revenue accrued through the program of selling of correctional industries products and services may be expended without further appropriation subject to the approval of the commissioner of correction and the state comptroller for said program, including cost of materials, supplies and equipment, maintenance of industrial facilities and compensation to correctional industry employees. This program shall be subject to a full audit and annual report by the state auditor.

SECTION 19. Item 4400-1000 of section two of chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six is hereby amended by inserting after the word "means," the second time it appears, provided, however, that, notwithstanding the provisions of section twenty-nine A of chapter twenty-nine of the General Laws, as amended, certain contractual services rendered during July, August, and September, amounting to twenty thousand dollars for which prior approval had not been given,

may be allowed and paid from this item;

SECTION 20. Section 1 of chapter 150E of the General Laws is hereby amended by inserting after the definition of "Employer" the following definition:-

"Incremental cost items", the provisions of a collective bargaining agreement that require, in respect of any fiscal year, an appropriation by a legislative body that is greater than the appropriation so required in the preceding fiscal year; provided, however, that in respect of the first fiscal year or portion thereof during which an agreement has effect, "incremental cost items" shall mean the provisions of a collective agreement that require an appropriation by a legislative body of monies that are newly required by the employer to discharge the obligations arising under the terms of such agreement.

SECTION 21. Chapter 150E of the General Laws is hereby amended by striking out section 7, as most recently amended by section 1 of chapter 589 of the acts of 1974, and inserting in place thereof the following section:-

*Section 7. (a)* Any collective bargaining agreement reached between the employer and the exclusive representative shall not exceed a term of three years. The agreement shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission by the employer.

*(b)* The employer, other than any employer that is a board of trustees of the community colleges, state colleges, or state universities, shall submit to the appropriate legislative body within thirty days after the date on which the agreement is executed by the parties, a request for an appropriation necessary to fund the cost items contained therein; provided, that if the general court is not in session at that time, such request shall be submitted at the next session thereof. If the appropriate legislative body duly rejects the request for an appropriation necessary to fund the cost items, such cost items shall be returned to the parties for further bargaining. The provisions of the preceding two sentences shall not apply to agreements reached by school committees to cities and towns in which the provisions of section thirty-four of chapter seventy-one are operative.

*(c)* The provisions of this paragraph shall apply to every employer that is a board of trustees of the community colleges, state colleges or state universities. Every such employer shall submit to the governor, within thirty days after the date on which a collective agreement is executed by the parties, a request for an appropriation necessary to fund such incremental cost items contained therein as are required to be funded in the then current fiscal year; provided, however, that if such agreement first has effect in a subsequent fiscal year, such request shall be submitted pursuant to the provisions of this paragraph. Every employer to whom this subsection applies shall append to such request an estimate of the

monies necessary to fund such incremental cost items contained therein as are required to be funded in each fiscal year, during the term of the agreement, subsequent to the fiscal year for which such request is made. The employer shall submit to the general court within the aforesaid thirty days, a copy of such request and such appended estimate. Whenever the governor shall have failed, within sixty days from the date on which such request shall have been received by him, to recommend to the general court that the general court appropriate the monies so requested, the request shall be referred back to the parties for further bargaining.

(d) If a collective bargaining agreement reached by the employer and the exclusive representative contains a conflict between matters which are within the scope of negotiations pursuant to section six of this chapter and any municipal personnel ordinance, by-law, rule or regulation; the regulations of a police chief pursuant to section ninety-seven A of chapter forty-one; the regulations of a fire chief or other head of a fire department pursuant to chapter forty-eight; any of the following statutory provisions or rules or regulations made thereunder:

(a) the second paragraph of section twenty-eight of chapter seven;

(a $\frac{1}{2}$ ) section six E of chapter twenty-one;

(b) sections fifty to fifty-six, inclusive, of chapter thirty-five;

(c) section twenty-four A, paragraphs (4) and (5) of section forty-five, paragraphs (1), (4) and (10) of section forty-six, section forty-nine, as it applies to allocation appeals, and section fifty-three of chapter thirty;

(d) sections twenty-one A and twenty-one B of chapter forty;

(e) sections one hundred and eight D to one hundred and eight I, inclusive, and sections one hundred and eleven to one hundred and eleven I, inclusive, of chapter forty-one;

(f) section thirty-three A of chapter forty-four;

(g) sections fifty-seven to fifty-nine, inclusive, of chapter forty-eight;

(g $\frac{1}{2}$ ) section sixty-two of chapter ninety-two;

(h) sections fourteen to seventeen E, inclusive, of chapter one hundred and forty-seven;

(i) sections thirty to forty-two, inclusive, of chapter one hundred and forty-nine;

(j) section fifty-three C of chapter two hundred and sixty-two, the terms of the collective bargaining agreement shall prevail.

SECTION 22. Section 2 of said chapter six, as appearing in section 2 of said chapter 835, is hereby amended by striking out, in lines 1 and 2, the word "twenty-five" and inserting in place thereof the word: - thirty.

SECTION 23. The third sentence of section 1 of chapter 9 of the General Laws, as most recently amended by section 3 of said chapter 835, is hereby amended by striking out, in line 2, the word

“twenty-five” and inserting in place thereof the word:- thirty.

SECTION 24. The second sentence of section one of chapter ten of the General Laws, as most recently amended by section 4 of said chapter 835, is hereby amended by striking out, in line 3, the word “twenty-five” and inserting in place thereof the word:- thirty.

SECTION 25. The second sentence of section 1 of chapter 11 of the General Laws, as most recently amended by section 5 of said chapter 835, is hereby amended by striking out, in lines 1 and 2, the word “twenty-five” and inserting in place thereof the word:- thirty

SECTION 26. The second sentence of section 1 of chapter 12 of the General Laws, as most recently amended by section 6 of said chapter 835, is hereby amended by striking out, in line 2, the words “thirty thousand” and inserting in place thereof the words:- thirty-seven thousand five hundred.

SECTION 27. Sections twenty-two to twenty-six, inclusive, of this act shall take effect on January first, nineteen hundred and seventy-seven, and sections one to twenty-one, inclusive, of this act shall take effect upon its passage.

*I disapprove Item 1103-5010; Item 4517-0100; Item 6030-7401; Item 7052-0002; Item 7117-0100; and SECTION 5A.*

*The remainder of this bill I hereby approve.*

*Approved, October 26, 1976.*

**Chap. 481.** AN ACT PROVIDING FOR A CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide a capital outlay program for 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. To provide for a program of construction, reconstruction, alteration and improvement of various state institutions and properties, for the purchase of certain property, and for the purchase of shares in the Massachusetts Community Development Corporation, the sums set forth in sections two through seven of this act, for the several purposes and subject to the conditions in said sections two through seven, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

**EXECUTIVE.**

**Military Division.**  
*State Quartermaster.*

Item	
0431-8771	For the construction of an armory in Springfield, including the cost of furnishings and equipment; provided, that expenditures from this item shall be

contingent upon assurance by proper federal authorities that the federal allocation for the cost of the project will be not less than one million three hundred and fifty thousand dollars. . . . . \$1,800,000

*Secretary of the Commonwealth.*

- 0511-8771 For the preparation of plans for a state archives building at the campus of the University of Massachusetts, Boston. . . . . 1,000,000

*Department of the Attorney General.*

- 0810-8771 For the purchase of furnishings and equipment including legal documents for the law library. . . . . 210,000

**Central Services Division.**

*Bureau of Building Construction.*

- 1102-8771 For planning and construction of certain air pollution abatement projects at various institutions of the commonwealth to be designated by the director of building construction with the approval of the commissioner of administration; to be in addition to the amount appropriated in item 6004-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. . . . . 1,000,000
- 1102-8772 For fire protection improvements in accordance with the recommendation of the department of public safety to comply with the provisions of chapter one hundred and forty-three of the General Laws, and for certain other improvements to eliminate fire hazards, including improvements to the electrical distribution systems, to be designated by the director of building construction with the approval of the commissioner of administration; to be in addition to the amount appropriated in item 6004-8752 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. . . . . 1,000,000
- 1102-8773 For planning and renovations to state-owned buildings to make said buildings functional for the physically handicapped in accordance with the provisions of section thirteen A of chapter twenty-two of the General Laws. . . . . 1,000,000
- 1102-8774 For planning and renovations for energy conservation measures at various facilities of the commonwealth to be designated by the director of bureau of building construction with the approval of the commissioner of administration; to be in addition to the amount appropriated in item 6004-8754 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. . . . . 2,000,000
- 1102-8775 For planning and renovations and improvements to sewage treatment facilities at various institutions of the commonwealth, to be designated by the director of building construction with the approval of the commissioner of administration; to be in addition to the amount appropriated in item 6004-8755 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. . . . . 1,000,000
- 1102-8776 For project feasibility studies and environmental impact reports, and for preparation of preliminary plans and descriptive specifications, as authorized by section forty-six of chapter seven of the General Laws; provided, that a schedule of studies and reports authorized by the commissioner of administration shall be filed with the house and senate committees on ways and means fifteen days prior to the initiation of any feasibility study or environmental impact report; to be in addition to the amount appropriated in item 6004-8757 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four. . . . . 500,000
- 1102-8777 For unexpected contingencies in the cost of projects authorized in this section, other than the acquisition of land, to be allocated by the commissioner of administration with the approval of the governor; provided, that the allocation to any project shall not exceed a percentage of the total amount appropriated for the project in this or any other act, said percentage to be not more than five per cent plus the percentage increase in the cost of

- building construction as determined for the period involved by the commissioner of administration from available building cost indexes; and provided further, that copies of said allocations shall be filed immediately with the house and senate committees on ways and means, and that any limitations of the total project cost of an item may be increased by an amount not exceeding said allocation to the project as previously determined, for the period involved, by the commissioner of administration 2,611,500
- 1102-8778 For planning and demolition of certain structures including relocation and protection of utilities at various facilities designated by the director of building construction with the approval of the commissioner of administration . . . . . 1,000,000
- 8072-77) Item 8072-77 of section one of chapter five hundred and sixty-six of the acts  
6008-9018) of nineteen hundred and seventy-two is hereby amended by striking out the heading "Government Center Commission" and inserting in place thereof the following heading:- Executive Office for Administration and Finance, and by adding the words:- ; including the repairs and reconstruction of the exterior plazas and contiguous areas of the Saltonstall and McCormack buildings.

**Criminal History Systems Board.**

- 1190-8771 For the construction and renovation of a computer facility at the department of public safety headquarters in preparation for installation of a criminal offender record information system and for the purpose of fulfilling a law enforcement assistance administration federal funding match requirement 250,000

**Executive Office of Environmental Affairs.**

*Division of Conservation Services.*

- 2030-8771 For assistance to cities and towns in the acquisition of land as provided in section eleven of chapter one hundred and thirty-two A of the General Laws . . . . . 6,000,000

**Department of Environmental Management.**

*Division of Water Resources.*

- 2130-8771 For the construction of reservoirs and other works of improvement for flood control, recreation and related purposes authorized in chapter six hundred and fifty-one of the acts of nineteen hundred and sixty-eight; provided, that expenditures from this item shall be contingent upon assurance by the proper federal authorities that the federal allocation for the cost of this project will not be less than one million dollars . . . . . 1,400,000

**Department of Environmental Quality Engineering.**

*Division of Waterways.*

- 2270-8771 For the acquisition, by eminent domain or by purchase or otherwise, of certain leasehold interests in the new state fish pier and buildings thereon; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser;
- For the preparation of necessary preliminary economic feasibility and other studies related to the renovation, improvement, and expansion of the new state fish pier at Gloucester, including a dockage facility for intermediate and large commercial fishing vessels, a fuel oil depot, industrial waste survey and a fresh fish wholesale marketing operation;
- For the construction of a freezer and cold storage facility, a dockage facility for small and intermediate commercial fishing vessels, an ancillary and supportive services building, the renovation of the stall buildings, the con-

struction of a stall building cooler rooms including the installation of fish conveying systems; including the preparation of plans and specifications for necessary demolition, removal and other expenses incidental to site preparation;

For construction, renovation and improvements of the new state fish pier, including roadway, utility, pier and other site improvements, water distribution, sanitary sewer and pretreatment facilities; and including the costs of furnishings and movable or fixed equipment;

For relocation payments to affected tenants and businesses as required under applicable state and federal law; including necessary planning and administration expenses;

For the cost of reimbursements of expenses incurred by the Gloucester Community Pier Association, Inc., for preparation, submission and administration of the Title IX project application under the Federal Public Works and Economic Development Act, Public Law 89-136, for the improvement and renovation of said New State Fish Pier, including the costs of interim financing; and

For the costs of a guaranteed revolving loan fund, exploitation of underutilized species program, domestic fresh fish marketing program, and sanitary and technical assistance to fresh fish processors;

Provided, that the commissioner of administration shall receive and disburse monies for those portions of said Title IX project not directly related to the studies, planning, renovation, construction, expansion or improvement of said pier; and provided further, that all monies for those portions of said Title IX project directly related to the studies, planning, renovation, construction, expansion or improvement of said pier shall be received and disbursed by the commissioner of the department.

The total project cost, including construction escalation costs, other grants and in-kind services shall not exceed eight million two hundred fourteen thousand dollars; provided, that any expenditures from this item shall be in addition to the amount appropriated under chapter seven hundred and sixty-three of the acts of nineteen hundred and seventy-five as amended, and in addition to the amount appropriated by item 2270-0500 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five; provided, that any expenditures under this item shall be contingent upon prior certification by the 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 the new state fish pier, and assurances by the United States Department of Commerce, Economic Development Administration that the federal allocation for the cost of the project will be not less than five million four hundred thousand dollars. . . . . 7,050,000

2270-8772 For plans and construction of certain flood control and drainage improvements including a pumping station at Belle Isle inlet. . . . . 5,100,000

2270-8773 For certain improvement and repairs to the state pier at New Bedford . . . . . 650,000

2270-8774 For certain improvements and repairs to the state pier at Fall River . . . . . 225,000

2270-8775 For certain improvements and repairs to the state pier at Plymouth . . . . . 425,000

2270-8776 For the repair, reconstruction or replacement of the Hayden Pond dam in the town of Otis, as authorized by chapter two hundred and seventy-eight of the acts of nineteen hundred and seventy-four. . . . . 100,000

2270-8777 For the commonwealth's share of certain improvements, including flood protection, to portions of the Charles River watershed, Louisa lake and Godfrey brook, as authorized by section one of chapter seven hundred and thirty-seven of the acts of nineteen hundred and fifty-six; provided, that the expenditure limitation of section three of said act shall not apply . . . . . 700,000

**Department of Fisheries, Wildlife and Recreational Vehicles.**

*Division of Marine Fisheries.*

- 2330-8771 For the preparation of plans, and construction, including site preparation and the cost of furnishings and equipment of a marine research and management station at Scusset Beach state reservation, provided, that expenditures from this item shall be contingent upon assurance by the proper federal authorities that the federal allocation for the cost of the project will be not less than two hundred and fifty thousand dollars; and provided further, that the projects constructed as authorized by this act shall not be subject to section forty of chapter seven of the General Laws 500,000

**Executive Office of Human Services.**

*Soldiers' Home in Massachusetts.*

- 4180-8771 For certain improvements and replacements including the communication system, site development, lighting and fencing. . . . . 154,000  
4180-8772 For certain renovations and repairs to the John Adams dormitory 66,000

*Soldiers' Home in Holyoke.*

- 4190-8771 For replacement of windows in the hospital and nurses' building, including certain mechanical operations, provided, that, other than expenditures for preliminary plans and specifications, expenditures from this item shall be contingent upon assurance by the proper federal authorities that federal allocation for the cost of the project will be not less than six hundred and fifteen thousand dollars. . . . . 950,000

**Department of Youth Services.**

*Hampden County Detention Center.*

- 8072-12 Item 8072-12 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 the construction of multipurpose wing, including furnishings and equipment, and for certain renovations.

**Department of Correction.**

*Correctional Institution at Walpole.*

- 4313-8771 For certain roof repairs and replacement. . . . . 132,000

*Correctional Institution at Concord.*

- 4314-8771 For replacement of perimeter wall including demolition and lighting 1,030,000

- 4314-87513 Item 4314-8751 of section two of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four, as amended by item 4314-8751 of section two of chapter eight hundred and sixty 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 certain repairs, renovations and additions to the A, B, C, D, and E buildings including security improvements, conversion of the superintendent's residence to living and program space, installation of an emergency diesel generator and an auxiliary water supply system for the power plant, installation of air conditioning for certain buildings, and addition of twenty-six sleeping rooms in the lower level of the work release building, including furniture and equipment, and for the design and preparation of working plans for a maximum security facility.

*Correctional Institution at Norfolk.*

- 4316-8771 For certain renovations and repairs to buildings 3-2 and 4-3, including cost of furnishings and equipment. . . . . 200,000

- 8072-84) Item 8072-84 of section two of chapter nine hundred and seventy-six of the  
 4316-8721) acts of nineteen hundred and seventy-one is hereby amended by striking  
 out the wording and inserting in place thereof the following:-  
 For certain repairs and renovations to the farm dormitory, including the cost  
 of furnishings and equipment.  
*Shirley Pre-Release Center.*
- 4343-8771 For certain improvements to the existing sewage treatment facility, to be in  
 addition to the amount appropriated in item 8069-82 of section two of  
 chapter four hundred and seventy-six of the acts of nineteen hundred and  
 sixty-eight ..... 230,000
- 4343-8772 For the preparation of plans for renovations or replacement of the boiler  
 plant ..... 55,000

#### Department of Public Health.

##### *Massachusetts Hospital School.*

- 4533-8771 For renovation and repair to high school building, library and auditorium  
 180,000
- 4333-8772 For improvements, including air-conditioning of the Nelson and Bradford  
 buildings ..... 625,000

##### *Rutland Heights Hospital.*

- 4535-8771 For installation of emergency electric power generators, including housing  
 therefor, related switch gear and distribution systems, to be in addition to  
 the amount appropriated in item 4535-8752 of section two of chapter five  
 hundred and nineteen of the acts of nineteen hundred and seventy-four  
 100,000

##### *Tewksbury Hospital.*

- 4536-8771 For certain masonry repairs ..... 100,000

#### Department of Mental Health.

- 5011-8771 For the upgrading of facilities for the mentally retarded including the cost of  
 furnishings and equipment; provided, that any expenditure from this item  
 shall be contingent upon the prior approval and assurance by the secretary  
 of human services that not less than seventy-five per cent of such expendi-  
 tures are eligible for federal reimbursement under Title XIX of the Social  
 Security Act of nineteen hundred and sixty-seven, as amended by Public  
 Law 92-603; and provided further, that the secretary of human services,  
 with the approval of the commissioner of administration, and the house  
 and senate committees on ways and means, shall designate the proportion  
 of said sum to be expended at designated facilities; to be in addition to the  
 amount appropriated in item 5011-8752 of section two of chapter five hun-  
 dred and nineteen of the acts of nineteen hundred and seventy-four  
 1,000,000
- 5011-8772 For the preparation of plans, construction, renovations and upgrading of  
 facilities for the mentally retarded on state property; including the cost of  
 furnishings and equipment; provided, that any expenditure from this item  
 shall be contingent upon the prior approval and assurance by the secretary  
 of human services that not less than seventy-five per cent of such expendi-  
 tures are eligible for federal reimbursement under Title XIX of the Social  
 Security Act of nineteen hundred and sixty-seven, as amended by Public  
 Law 92-603; and provided further, that the commissioner of mental health,  
 with the prior approval of the secretary of human services, the commis-  
 sioner of administration, and the house and senate committees on ways  
 and means, shall determine the expenditure of such sum 3,000,000

#### Region One.

##### *Belchertown State School.*

- 5181-8771 For renovations and upgrading of facilities, including cottage four, cottage

five, nursery building one and Tadgell Nursery, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven, as amended by Public Law 92-603..... 1,170,000

5181-8772 For the preparation of plans for improvements to the water supply, including new wells, treatment and modifications to the pumping station 30,000

*Joseph P. Gentile Center.*

8072-86) Item 8069-24 of section two of chapter four hundred and seventy-six of the  
5182-8721) acts of nineteen hundred and sixty-eight, as amended by item 8072-86 of  
8069-24) section two of chapter nine hundred and seventy-six of the acts of nineteen  
5182-8691) hundred and seventy-one, is hereby further amended by striking out the  
wording and inserting in place thereof the following:-

For the preparation of plans, construction, renovations, and purchase of furnishings and equipment necessary to provide a site or sites for community-based facilities for the mentally retarded in Region One.

*Franklin-Hampshire Mental Health Center.*

8074-20) Item 8067-45 of section two of chapter five hundred and ninety of the acts of  
5163-8741) nineteen hundred and sixty-six as amended by item 8070-21 of section two  
8067-45) of chapter seven hundred and sixty-seven of the acts of nineteen hundred  
5163-8671) and sixty-nine, as amended by 8070-21 of section two of chapter nine hundred  
8070-21) and seventy-six of the acts of nineteen hundred and seventy-one, as  
5163-8701) amended by item 8074-20 of section two of chapter one thousand one hundred  
and eighty of the acts of nineteen hundred and seventy-three, as  
amended by item 8074-20 of section two of chapter five hundred and nineteen  
of the acts of nineteen hundred and seventy-four, as amended by item  
8074-20 of section two of chapter eight hundred and sixty of the acts of  
nineteen hundred and seventy-five, is hereby further amended by striking  
out the wording and inserting in place thereof the following:-

8074-20) For the preparation of plans for a mental health treatment center or centers  
5163-8741) in the counties of Franklin and Hampshire; and for the acquisition by purchase  
8067-45) or eminent domain of land and buildings, and construction, demolition  
5163-8761) and renovations, including the cost of furnishings and equipment,  
8070-21) to provide a site or sites for such center or centers; provided, that no payment  
5163-8701) shall be made for the purchase of such property until an independent appraisal  
of the value of the property has been made by a qualified, disinterested appraiser,  
with the cost of such appraisal to be charged to this item; total project cost not to  
exceed one million three hundred and sixty-five thousand dollars.

**Region Two.**

*Worcester State Hospital.*

5293-8771 For repairs and renovations to elevators in the Bryan Building 94,000

*Monson State Hospital.*

5294-8771 For renovations and upgrading of facilities, including Brookside Building,  
Simons Building, Steward's House and reception hospital, including the  
cost of furnishings and equipment; provided, that any expenditure from  
this item shall be contingent upon the prior approval and assurance by the  
secretary of human services that not less than seventy-five per cent of such  
expenditures are eligible for federal reimbursement under Title XIX of the  
Social Security Act of nineteen hundred and sixty-seven, as amended by  
Public Law 92-603..... 1,530,000

5294-8772 For the replacement of certain boilers in the power plant including provisions  
for air pollution abatement control, to be in addition to the amount appro-

appropriated in item 8072-27 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one 375,000

### Region Three.

#### *Walter E. Fernald State School.*

- 5381-8771 For certain repairs and replacements to the roof of the rehabilitation center 100,000
- 5381-8772 For landscaping, roadways and lighting around the new dormitory complex; to be in addition to the amount appropriated in item 8071-23 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy . . . . . 350,000
- 5381-8773 For renovations and upgrading of facilities, including Belmont building, MacDougal building, Dolan building, Wheatley building, and Farrell building, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven, as amended by Public Law 92-603. . . . . 1,800,000

#### *Metropolitan State Hospital.*

- 5391-8771 For renovations and improvements to certain areas in the A, B, C, D, and Furcolo buildings. . . . . 1,240,000

### Region Four.

#### *Charles V. Hogan Regional Center.*

- 5481-8771 For renovation to dormitory A, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven, as amended by Public Law 92-603 . . . . . 90,000

### Region Five.

#### *Wrentham State School.*

- 5581-8771 For renovations and upgrading of facilities, including nurseries one, two, three and four, Pacquin cottage and employee's home number one, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven, as amended by Public Law 92-603. . . . . 2,610,000

#### *Medfield State Hospital.*

- 5591-8771 For certain masonry repairs to the admission and treatment building 200,000

#### *Westborough State Hospital.*

- 5592-8771 For renovations to the Sharpe, Hennessey, and Daniels buildings; to be in addition to the amount transferred from item 8072-37 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one . . . . . 265,000
- 5592-8772 For certain renovations and improvements to the Hadley building, including plumbing, kitchen, sterilizing, electrical, to be in addition to amount appropriated in item 8072-33 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one 175,000

*Cushing Hospital.*

- 5593-8771 For a feasibility study to determine the need for and extent of replacement of inpatient facilities for geriatric patients. . . . . 50,000

**Region Seven.**

- 8070-26) Item 8070-26 (8072-35) of section two of chapter five hundred and nineteen  
8072-35) of the acts of nineteen hundred and seventy-four is hereby amended by striking out, in line 2, the words "city of New Bedford" and inserting in place thereof the words:- New Bedford mental health area.

*Paul A. Dever State School.*

- 5781-8771 For renovations and upgrading of facilities, including nurseries A, C, and D, and Fenton infirmary, including the cost of furnishings and equipment; provided, that any expenditure from this item shall be contingent upon the prior approval and assurance by the secretary of human services that not less than seventy-five per cent of such expenditures are eligible for federal reimbursement under Title XIX of the Social Security Act of nineteen hundred and sixty-seven, as amended by Public Law 92-603. . . . . 1,800,000

**Executive Office of Educational Affairs.**

*Boston State College.*

- 7108-8771 For replacement of the gymnasium roof and for certain related repairs . . . . . 210,000

*Fitchburg State College.*

- 7110-8771 For the construction of a fine and industrial arts building, including the cost of furnishings and equipment and modifications for fire protection, to be in addition to the amount appropriated in item 8071-29 of section two of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy; project cost not to exceed six million forty-five thousand dollars . . . . . 570,000

- 7110-8723) Item 8072-41 of section two of chapter nine hundred and seventy-six of the  
8072-41) acts of nineteen hundred and seventy-one is hereby amended by inserting after the word "Hall", in line 2, the words:- and for the acquisition of land, or land with buildings thereon, for the development of the college by purchase or by eminent domain; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified, disinterested appraiser; and for the preparation of plans for and construction or repairs and renovations to existing facilities and for site clearing and paving for parking facilities.

*Salem State College.*

- 7114-8771 For certain repairs and renovations to the ceilings of the administration building . . . . . 240,000

*Worcester State College.*

- 7116-8771 For certain modifications to the library building. . . . . 287,000

*Massachusetts College of Art.*

- 7117-8771 For development of a master plan, including a feasibility study of optional sites, preparation of environmental impact reports, and for costs associated with the transfer of title or long-term lease of buildings or land with buildings thereon for a campus at the former naval shipyard in Charlestown; and for the preparation of plans; provided, however, that no funds may be expended for said preparation of plans until the Boston Redevelopment Authority has made appropriate written assurances that said Authority intends to convey, by transfer of title or long-term lease, said buildings, or land with buildings thereon; and provided further, that the unexpended balances remaining in item 8066-28 of section two of chapter seven hundred and ninety-one of the acts of nineteen hundred and sixty-five and item

8069-52 of section two of chapter four hundred and seventy-six of the acts of nineteen hundred and sixty-eight is hereby transferred and made available for this purpose. . . . . 255,000

*Massachusetts Maritime Academy.*

7118-8751 Item 7118-8751 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.

*University of Lowell.*

8072-45 Item 8072-45 of section two of chapter nine hundred and seventy-six of the  
7112-8721) acts of nineteen hundred and seventy-one is hereby amended by inserting in line two after the word "equipment," in line 2, the words:- and for certain campus safety and site improvements, including walks and lighting.  
7250-8717 For the unexpended balance remaining in item 8071-55 of chapter six hundred and thirty-three of the acts of nineteen hundred and seventy-three is  
8071-55) hereby transferred and made available for the purchase of library books  
7250-8712) the sum of one million dollars.

*Southeastern Massachusetts University.*

7310-8771 For the preparation of plans and the installation of an additional boiler; to  
8072-58) be in addition to the amount appropriated in item 8072-58 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one. . . . . 305,000  
7310-8772 For certain improvements including modifications of heating and lighting systems at Group I building. . . . . 298,000

*University of Massachusetts (Amherst).*

7410-8771 For certain campus site improvements, including lights and drainage  
1,020,000  
7410-8772 For renovation of the Goodell building, including the cost of furnishings and equipment . . . . . 2,000,000  
8070-08 Item 8070-08 of section two of chapter one hundred and thirty-eight of the acts of nineteen hundred and sixty-nine is hereby amended by inserting after the word "equipment", in line 2, the words:- and for certain masonry repairs.  
7410-8774 For the repair, improvement, and extension of utility systems, including power plant adjustments. . . . . 1,500,000  
7410-8777 For improvements to the boiler plant at the Waltham field station 107,000  
7490-8751 Item 7490-8751 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 acquisition of land with building or buildings thereon, by purchase or eminent domain; provided, that no payment shall be made for the purchase of said property until an independent appraisal of the value of the property has been made by a qualified disinterested appraiser; and for the construction of a marine science building and additions to and renovations of existing buildings, and including improvements and additions to the sewage disposal system, improvements to the dock and staging areas and furnishings and equipment.

*University of Massachusetts (Worcester).*

7411-8771 For furnishings and equipment in the teaching hospital. . . . . 2,000,000  
7411-8772 For preparation of site, including parking area and street lighting  
1,100,000

*University of Massachusetts (Boston).*

7416-8771 For modifications to the heating and ventilation system of building #010  
300,000  
7416-8772 For modification to the sea water piping systems. . . . . 225,000  
7416-8773 For plans for improvements to the primary cooling system. . . . . 200,000

*Berkshire Community College.*

7502-8771 For necessary repairs to the Koussevitsky Arts Center building to correct existing leakage problems. . . . . 535,500

*Holyoke Community College.*

7506-8771 For plans and construction of a campus center. . . . . 5,250,000

*Massachusetts Bay Community College.*

7507-8771 For certain renovations, including cost of furnishings and equipment; to be in addition to the amount appropriated in item 8072-94 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one. . . . . 1,100,000

*Massasoit Community College.*

7508-8771 For air conditioning of the fine arts center and classroom building C1 and C2 . . . . . 190,000

SECTION 3.

EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION.

Department of Public Works.

6020-8771 For certain repairs and renovations to the research and materials laboratory building in Wellesley, to be in addition to the amount appropriated in item 6020-3004 of section two of chapter one thousand one hundred and eighty-one of the acts of nineteen hundred and seventy-three. . . . . 148,000

6020-8772 For certain repairs and renovations to the maintenance and traffic depot buildings in Wellesley. . . . . 363,000

EXECUTIVE OFFICE OF PUBLIC SAFETY.

*Registry of Motor Vehicles.*

8400-8771) For the construction of a registry building in Worcester, including the cost of  
8400-8751) furnishings and equipment, and construction of parking and testing areas, to be in addition to the amount appropriated in item 8400-8751 of section three of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four; provided, that expenditures from this item shall be contingent upon assurance by proper federal authorities that the federal allocation for the cost of the project will be not less than one million one hundred thousand dollars. . . . . 1,415,000

SECTION 4.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of Environmental Management.

*Division of Forests and Parks.*

2120-8773 For the acquisition of a certain railroad right of way in Dennis, Harwich, Brewster, and Eastham. . . . . 600,000

2120-8774 For the construction of certain facilities at Heritage state park in Lowell; provided, that expenditures from this item shall be contingent upon assurance by proper federal authorities that the federal allocation for the cost of the project will not be less than nine hundred thousand dollars . . . . . 1,800,000

2120-8775 For conservation and recreational development of the former NIKE missile site in Weymouth. . . . . 500,000

2120-8776 For certain repairs and renovations, including cost of furnishings and equipment, to the Bascom Lodge situated on the Mt. Greylock State Reservation in the county of Berkshire. . . . . 145,000

2120-8777 For the acquisition of land and waters in the town of Mashpee, including expenses in connection therewith; and for the development, redevelopment, construction, and improvement of outdoor recreation and conserva-

tion areas, including a four hundred and fifty car main parking area, transportation between main parking area and beach, a boat ramp with a one hundred and fifty car parking area at Waquoit Bay, subsurface sewerage disposal and for the planning and design thereof, as authorized by chapter one hundred and thirty-two A of the General Laws, and provided further, that certain repairs and reconstruction to Great Oak road contingent upon at least fifty per cent reimbursement from the federal government and future maintenance of said road shall be by said town, and provided further, that the town of Mashpee shall construct a two hundred car parking area at the new town beach and provided further that no expenditure from this item shall be authorized until pending legal proceedings on said land have been concluded; to be in addition to any amount previously allocated from funds appropriated for the purposes of chapter one hundred and thirty-two A of the General Laws; provided, that the department may enter into contracts with agencies of the United States to obtain federal grants or reimbursements under related federal programs; and provided further, that this item shall not be subject to section forty of chapter seven of the General Laws. . . . . 1,500,000

- 2611-8751 Item 2611-8751 of section four of chapter five hundred and nineteen of the acts of nineteen hundred and seventy-four is hereby amended by adding after the word "areas", in line 5, the words:- including the cost of necessary furnishings and equipment not to exceed fifty thousand dollars.

## SECTION 5.

### EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

#### Department of the Metropolitan District Commission.

##### *Metropolitan Parks District.*

- |           |  |           |
|-----------|--|-----------|
| 2440-8771 | For certain improvements to existing parks and existing recreational facilities, including repairs to swimming pools. . . . .  | 2,000,000 |
| 2440-8772 | For the acquisition of certain land, the construction of an access road to Breakheart reservation, and for other sanitary and recreational facilities, including certain improvements and renovations. . . . .   | 500,000   |
| 2440-8773 | For planning and construction of the North End park, including site development, extension of sea wall, recreational facilities, wharf and certain repairs. . . . .  | 750,000   |
| 2440-8774 | For the construction of recreational facilities on George's island and Lovell's island and for certain demolition on Peddock's island. . . . .   | 750,000   |
| 2440-8775 | For certain renovations and improvements to Herter park. . . . .   | 100,000   |
| 2440-8776 | For the restoration of Fort Independence; to be in addition to the amount available in section seven of chapter eight hundred and three of the acts of nineteen hundred and seventy-two. . . . .   | 1,000,000 |
| 2440-8777 | For certain renovations and improvements to Max Ulin skating rink, including enclosure of said rink. . . . .   | 750,000   |
| 2440-8778 | For the completion of recreational and environmental work in Stony Brook reservation in Hyde Park, for tree plantings and maintenance, clearing of forest, flood control work and, for the John F. Thompson Memorial park for the handicapped, the construction and reconstruction of recreational facilities, including the cost of equipment; to be in addition to any other federal or state funds or assistance available for the purposes of chapter five hundred and fifty-eight of the acts of nineteen hundred and fifty-five. . . . . | 725,000   |
| 2440-8779 | For certain recreational facilities located in the town of Braintree, said funds shall be used for land acquisition, design, and construction, including ball fields and lighting. . . . .   | 285,000   |
| 2441-8771 | Reconstruction and rehabilitation of skating rinks, including but not limited to conversion of refrigeration systems at various rinks, dasher board sys-   |           |

tems, replacement of chain link screening, security devices and including the purchase of equipment for ice skating rinks and swimming pools

1,000,000

- 2441-8772 For the construction and maintenance on Soldiers Field Road in the Charles River Reservation located in the Brighton district of the City of Boston, of an all-purpose recreation building to house tennis and basketball courts and facilities for other indoor athletic activities. . . . . 975,000

SECTION 6.

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

Department of the Metropolitan District Commission.

*Metropolitan Water System.*

- 2420-8771 For the construction of an office and laboratory building, including site preparation and costs of furnishings and equipment. . . . . 275,000
- 2420-8772 For certain improvements to water distribution facilities, including a meter monitor system, security fencing, pipeline improvements and stand-by power equipment for Hyde Park pumping station. . . . . 4,000,000
- 2420-8773 For the independent appraisal of damages incurred by persons and the town of Brookline as a result of the bursting of a water main in Clinton path in said town on September second, nineteen hundred and seventy-five and for the payment of such damages, with the approval of the attorney general . . . . . 300,000

SECTION 7.

TREASURER AND RECEIVER GENERAL.

- 0610-8771 For the purchase of shares of the Massachusetts Community Development Finance Corporation, as authorized by section four of chapter forty F of the General Laws. . . . . 10,000,000

SECTION 7A. The commonwealth shall reimburse subject to the approval of the board established by section two of chapter six hundred and eighty-four of the acts of nineteen hundred and sixty-eight, the towns of Chester, Hancock, Mount Washington, New Ashford, North Adams, Peru, Plainfield, and Williamstown, for expenses incurred by the flooding caused by heavy rain on June thirtieth, and on August eighth and ninth, nineteen hundred and seventy-six.

SECTION 8. Any premium or accrued interest received from the sale of bonds and notes payable from the several funds shall be applied respectively without appropriation to the payment of maturities and interest of said bonds and notes; provided, that assessments made under any bond or note authorization payable from the General Fund, wherein it is provided that said assessments shall be credited to the General Fund, shall, beginning July first, nineteen hundred and seventy-six, be credited to the General Fund debt service account; and provided further, that any other receipts, disposition of which is not provided in the bond or note authorization, shall be credited to the respective fund debt service account.

SECTION 9. 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 payments, as authorized by sections two through seven of this act, 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 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. Notes and the interest thereon issued under the authority of this section, notwithstanding any other provisions of this act shall be general obligations of the commonwealth; provided, however, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to allocate the said interest to the several state and other funds to which the payments of said sections two through seven are charged. All payments on account of principal on the said notes allocable to the Federal Capital Improvement Fund shall be repaid from the said Federal Capital Improvement Fund.

SECTION 10. To meet the expenditures necessary in carrying out the provisions of section two 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 sixty-three million eight hundred thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Capital Outlay Loan, Act of 1976, and shall be on the serial payment plan for such maximum terms 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. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth; provided, however, that the governor, upon recommendation of the commissioner of administration, is hereby authorized to allocate to the Marine Fisheries Fund on account of item 2330-8771 of section two of this

act the amount of maturities and interest properly chargeable to this fund.

SECTION 11. To meet the expenditures necessary in carrying out the provisions of section three 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 eight hundred and twenty-six thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Highway Improvement Loan, Act of 1976, 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 and payment on account of principal of such obligations shall be payable from the Highway Fund. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 12. To meet the expenditures necessary in carrying out the provisions of 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 three million six hundred and forty-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, State Recreation Areas Loan, Act of 1976, and shall be on 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 and payments on account of principal of such obligations shall be payable from the State Recreation Areas Fund. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 13. To meet the expenditures necessary in carrying out the provisions of section five 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 eight million eight hundred and thirty-five thousand dollars.

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Parks District Loan, Act of 1976, 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 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 and payments on accounts of principal of such obligations shall be payable from the Metropolitan District Parks District Fund. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 14. To meet the expenditures necessary in carrying out the provisions of section six 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

All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Metropolitan Water District Loan, Act of 1976, and shall be on the serial payment plan for such maximum term of years, not exceeding thirty 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 eleven. All interest and payments on account of principal of such obligations shall be payable from the Metropolitan District Commission Water District Fund. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 15. To meet the expenditures necessary in carrying out the provisions of section seven 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 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 ten million dollars. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Community Development Finance Corporation Shares Loan, Act of 1976, and shall be on the serial payment plan for such maximum term of years, not exceeding ten 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, nineteen hundred and ninety-one. Bonds and the interest thereon issued under the authority of this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 15A. To meet the expenditures necessary in carrying out the provisions of section seven A 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 one million dollars. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face, Disaster Relief Loan, Act of 1976, and shall be on the serial payment plan for such maximum term of years, not exceeding ten years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the Con-

stitution 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.

Federal funds received as reimbursement on account of expenditures authorized by this section shall reduce by an equal amount the total amount of bonds authorized to be issued by this section.

SECTION 16. To meet the cost of a portion of the expenditures authorized by items 0431-8771, 2130-8771, 2270-8771, 2330-8771, and 4190-8771 of section two, item 8400-8771 of section three and item 2120-8774 of section four of this act, there is hereby appropriated from the Federal Capital Improvement Fund the sum of ten million six hundred and fifteen thousand dollars; provided, that federal funds received on account of the said items and any items incorporated therein by reference shall be credited to said Federal Capital Improvement Funds; and provided further, that the condition precedent requiring federal participation, when required in any of the said items, shall also apply to the items incorporated therein by reference.

SECTION 16A. Section 1 of chapter 742 of the acts of 1970 is hereby amended by striking out, in lines 8 and 9, the words "and such other property as may be necessary or expedient therefore".

SECTION 17. Section 11 of chapter 519 of the acts of 1974 is hereby amended by striking out, in line 7, the words "fourteen million eight" and inserting in place thereof the words:- eleven million one.

SECTION 18. Section 12 of said chapter 519 is hereby amended by striking out, in line 7, the words "eleven million one hundred ninety-five" and inserting in place thereof the words:- nine million seven hundred twenty.

SECTION 19. The first paragraph of section 1 of chapter 725 of the acts of 1970, as most recently amended by section 2 of chapter 1181 of the acts of 1973, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The metropolitan district commission is hereby authorized and directed to expend a sum not exceeding ten million dollars to construct recreational facilities within the metropolitan parks district, and to enlarge and improve existing facilities, in such manner and at such locations as it may determine, and in a manner designed to serve all parts of the metropolitan parks district equally in proportion to the need, and shall charge reasonable fees whenever feasible to cover the costs of operation and maintenance of its facilities, provided, that said commission

shall expend from the proceeds of the bonds authorized to be issued under section three, such amounts as said commission may deem necessary to meet recreational needs in the towns of Canton, Needham, Dedham, Weston, Winchester, Wellesley, Watertown, Nahant and the cities of Boston, Chelsea, Medford, Somerville, Quincy, Newton, and Cambridge and on George's and Lovell's Islands, and shall expend from such proceeds the sum of nine hundred thousand dollars for the construction of a covered skating rink and related facilities at the corner of Prince street and Commercial street in the city of Boston; the sum of nine hundred and fifty thousand dollars for the construction of a covered skating rink and related facilities in the town of Canton; the sum of nine hundred and fifty thousand dollars for the construction of a covered skating rink and related facilities in North Cambridge on land to be provided by the city of Cambridge; the sum of nine hundred and fifty thousand dollars for the replacement of the skating rink and related facilities in the city of Waltham; and the sum of nine hundred and fifty thousand dollars for the construction of a swimming pool and related facilities in the Havey beach area in West Roxbury, and the enclosing of the Walter D. Byran Memorial Rink in West Roxbury and the sum of nine hundred and fifty thousand dollars for the acquisition, refurbishing and construction of certain park and recreational facilities in the city of Quincy and the town of Braintree; and the sum of two hundred and fifty thousand dollars for the erection of a field house facility at the William J. Daly Memorial located in the Brighton district of the city of Boston and the city of Newton; and not less than two million for the construction, reconstruction and upgrading of recreational facilities in the Constitution beach area to include the construction of two tennis courts, additional parking area, landscaping, the renovation of the Louis E. Porrazzo rink to include dressing rooms and additional recreational features, and the remainder of said two million dollars for the acquisition of land in the Belle Isle section of East Boston and the construction of park and recreational facilities thereon and on the recently\*acquired Suffolk Downs drive-in theatre site.

SECTION 20. Section 5 of chapter 803 of the acts of 1972 is hereby amended by inserting after the word "disposal", in line 27, the words:- ; and to construct necessary projects and works for the control and regulation or elimination of combined sewage and storm drainage overflows into Dorchester bay, so-called, including, but not limited to, holding tanks, pumping stations, conduits, tunnels and related appurtenances; and to reconstruct, repair, and rehabilitate the primary sewage treatment facilities at the Nut Island sewage treatment plant and appurtenances, including, but not limited to, the extension of sewer outfalls, so-called; and for investigation, borings, designs, plans and specifications for the reconstruction, repair and rehailitation of the pump-

ing facilities and primary sewage treatment facilities at the Deer Island sewage treatment plant and appurtenances, including, but not limited to, the extension of sewer outfalls, so-called; and for investigations, borings, designs, plans and specifications only of secondary sewage treatment facilities at the Deer Island and Nut Island sewage treatment plants and appurtenances, including but not limited to, sewer outfalls and necessary sludge treatment facilities; and for investigations, borings, designs, plans and specifications of a sewage treatment plant and appurtenances at a suitable point in the middle reach of the Charles river, including, but not limited to, necessary sewers and other related works to provide relief for the Framingham trunk interceptor sewer and the Wellesley extension sewer; and for investigations, borings, designs, plans and specifications of a sewage treatment plant and appurtenances at a suitable point in the upper Neponset river area, including, but not limited to, necessary sewers and other related works to provide relief for the new Neponset valley sewer; and for investigations, borings, designs, plans and specifications of necessary projects and works for the control and regulation or elimination of combined sewage and storm drainage overflows into the Charles and Neponset rivers and tributaries thereof; and for investigations, borings, designs, plans and specifications of necessary projects and works for the control and regulation or elimination of combined sewage and storm drainage overflows into Boston inner harbor; and for investigations, borings, designs, plans and specifications of necessary sewers and other related works to provide relief for the Hingham force main and the Braintree-Weymouth sewer; and for investigations, borings, designs, plans and specifications for the reconstruction, repair and rehabilitation of the Braintree-Weymouth sewage pumping station and appurtenances; and for investigations and studies of infiltration and inflow impacts, user service charges and such other matters as may be necessary to fully secure such state and federal grant assistance as may be available for the improvement of the metropolitan sewerage system.

SECTION 20A. Section 14 of said chapter 803 is hereby amended by striking out, in line 1, the words “metropolitan district commission, the”.

SECTION 20B. Said chapter 803 is hereby further amended by inserting after section 14 the following section:-

*Section 14A.* The metropolitan district commission is hereby authorized to accept funds from public and private sources and may make application for federal and state funds and assistance in carrying out any of the projects authorized by this act. Any such funds and assistance for projects authorized by this act shall be in addition to the sums herein authorized; provided, that such funds when received shall be deposited in the state treasury and be available for expenditure subject to appropriation.

SECTION 21. Chapter 763 of the acts of 1975, as amended by chapter 104 of the acts of 1976, is hereby further amended by striking out the first, second and third sentences and inserting in place thereof the following two paragraphs:-

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, subsequent to entering into an agreement with the Gloucester Community Pier Association, Inc., shall have prepared necessary preliminary, economic feasibility and other studies; and shall prepare architectural and engineering 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, the installation of fish conveying systems, and the construction of a dockage facility for intermediate and large commercial fishing vessels.

In addition to the fifty thousand dollars appropriated in item 2270-0500 of section two of chapter six hundred and eighty-four of the acts of nineteen hundred and seventy-five for the preparation of preliminary studies and expenses related to an application for a grant under the federal Public Works and Economic Development Act, Public Law 89-136, said department may without further appropriation expend therefor a sum not exceeding one hundred and fifty thousand dollars from item number 2270-0500; provided, that any expenditures under this act shall be contingent upon 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 the New State Fish Pier at Gloucester, and assurances by the United States Department of Commerce Economic Development Administration that the federal allocation for the cost of the project will be not less than five million four hundred thousand dollars; provided, that an amount not exceeding twenty-five thousand dollars of said funds may be expended for preparation of further studies necessary to obtain said grant without said prior certification; and for the cost of reimbursements of expenses incurred by the Gloucester Community Pier Association, Inc. for the preparation and submission of said grant application.

SECTION 22. Section 1 of chapter 822 of the acts of 1973 is hereby amended by inserting after the word "covered;", in line 15, the words:- provided further, that said department is hereby authorized to expend a sum of not more than two hundred thousand dollars for studies, analyses, engineering and designs in connection with and as a state share of the project in Buzzards bay at Taylor's point in the town of Bourne, authorized by chapter eight

---

hundred and fourteen of the acts of nineteen hundred and seventy-two, subject to the conditions set forth in said chapter eight hundred and fourteen.

SECTION 23. This act shall take effect as of July first, nineteen hundred and seventy-six.

*I disapprove Item 2270-8776; Item 7250-8717; Item 7508-8771; Item 2611-8751; Item 2440-8779; Item 2441-8771; Item 2441-8772; and SECTIONS 7A, 15A, and 16A.*

*I reduce Item 0511-8771 to \$500,000;*

*I reduce Item 7502-8771 to \$35,500;*

*I reduce Item 2440-8777 to \$500,000.*

*The remainder of this bill I hereby approve.*

*Approved October 26, 1976.*

**Chap. 482.** 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 date 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-six, and which are payable January sixteenth, nineteen hundred and seventy-seven. 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 October 26, 1976.*

**Chap. 483.** AN ACT RELATIVE TO THE APPOINTMENT OF TOWN TREASURER AND COLLECTOR OF TAXES IN THE TOWN OF SOUTHBOROUGH.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Southborough is hereby authorized at its annual town meeting or at a special town meeting to combine the duties of the offices of town treasurer and collector of taxes in said town and to establish the office of town treasurer

and collector of taxes whose holder shall be appointed by the board of selectmen for a term of three years. Upon the appointment and qualification of said town treasurer and collector of taxes, the terms of office of the persons holding the offices of town treasurer and collector of taxes shall terminate. The provisions of law relative to town treasurers and to collectors of taxes, except insofar as the same may be inconsistent with the provisions of this act, shall apply to said treasurer and collector.

SECTION 2. Chapter two hundred and eighty-two of the acts of nineteen hundred and seventy-six is hereby repealed.

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

*Approved October 26, 1976.*

**Chap. 484.** AN ACT AUTHORIZING THE NARRAGANSETT REGIONAL SCHOOL DISTRICT TO HOLD ANNUAL DISTRICT WIDE ELECTIONS WITH RESIDENCY REQUIREMENTS AND VALIDATING CERTAIN PROCEEDINGS TAKEN IN SAID DISTRICT AND IN THE MEMBER TOWNS OF PHILLIPSTON AND TEMPLETON.

*Be it enacted, etc., as follows:*

SECTION 1. The Narragansett regional school district consisting of the member towns of Phillipston and Templeton may by amendment to its regional school district agreement provide that members of its regional district school committee may be elected from the district at an annual district wide election called by said district. Said amendment may provide for residency requirements relating to the composition of the regional district school committee. 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. The amendment to its regional school district agreement proposed by the regional district school committee by the vote passed on May eighteenth, nineteen hundred and seventy-six, containing provisions authorized by section one of this act is hereby validated.

SECTION 3. The proceedings taken by the regional district school committee of said district on May eighteenth, nineteen hundred and seventy-six and at town meetings held in the town of Phillipston on June twenty-fifth, nineteen hundred and seventy-six and the town of Templeton on June tenth, nineteen hundred and seventy-six, at which said amendment was considered are hereby validated and confirmed in all respects.

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

*Approved October 26, 1976.*

**Chap. 485.** AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY ANNUAL IN ANTICIPATION OF THE CELEBRATION OF THE TWO HUNDREDTH OR TWO HUNDRED AND FIFTIETH ANNIVERSARY OF THEIR INCORPORATION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith cities and towns to appropriate money annually in anticipation of the celebration of the two hundredth or two hundred and fiftieth anniversary of their incorporation, 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 5 of chapter 40 of the General Laws is hereby amended by inserting after clause (27A), inserted by chapter 506 of the acts of 1969, the following clause:-

(27B) For the celebration of the two hundredth or two hundred and fiftieth anniversary of its settlement or of its incorporation any city or town may appropriate money annually during the five years preceding such anniversary. Such city or town may establish in its treasury a special fund in which shall be deposited such sums as may be appropriated by it under the provisions of this clause, and any and all sums of money received by way of income from the sale of commemorative items or from admission charges for commemorative ceremonies or events. Any and all such sums received by the treasurer shall be kept separate from any other moneys, 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, the board of selectmen, or of the majority of any special committee established to plan such celebration, be expended for the purposes of said celebration in the year of such celebration and in the year preceding or succeeding same. Any surplus remaining in said special fund after such celebration is concluded, shall be transferred by said treasurer into the treasury of such city or town.

*Approved October 26, 1976.*

---

**Chap. 486.** AN ACT TRANSFERRING THE DIVISION OF VITAL STATISTICS FROM THE OFFICE OF THE SECRETARY OF STATE TO THE DEPARTMENT OF PUBLIC HEALTH.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to transfer the division of vital statistics from the office of the secretary of state to the department of public health on January first, nineteen hundred and seventy-seven, therefor 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 ten of chapter nine of the General Laws is hereby repealed.

SECTION 2. Section 11 of said chapter 9, as appearing in the Tercentenary Edition, is hereby amended by adding the following sentence:- The secretary of the commonwealth shall permit the commissioner of public health to use the Great Seal of the commonwealth for the purpose of authenticating copies of birth, marriage and death record in his department; and copies of such records when certified by him and authenticated by said seal, shall be evidence like the originals.

SECTION 3. Section 4 of chapter 17 of the General Laws, as most recently amended by section 2 of chapter 409 of the acts of 1974, is hereby further amended by inserting after the first paragraph the following paragraph:-

There shall also be in the department a registry of vital records and statistics which may be located within such division as the commissioner determines to be appropriate. The commissioner shall appoint a registrar, subject to the approval of the public health council. The registrar shall be subject to chapter thirty-one and shall, under the supervision of the commissioner, enforce all laws relative to the registry and return of births, marriages and deaths, and may prosecute in the name of the commonwealth any violations thereof.

SECTION 4. Section 2A of chapter 46 of the General Laws, as most recently amended by chapter 10 of the acts of 1965, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- Examination of records and returns of illegitimate births, or abnormal sex births, or fetal deaths, or of the notices of intention of marriage and marriage records in cases where a physician's certificate has been filed under the provisions of section twenty A of chapter two hundred and seven, or those of illegitimate persons, or of copies of such records in the department of public health, shall not be permitted except upon proper judicial order, or upon request of a person seeking his own birth or marriage record, or his attorney, parent, guardian, or conservator, or a person whose official duties, in the opinion of the town clerk or the commissioner of public health, as the case may be, entitle him to the information contained therein, nor shall certified copies thereof be furnished except upon such order, or the request of such person.

SECTION 5. The second paragraph of section 3 of said chapter 46, as appearing in section 2 of chapter 84 of the acts of 1968, is hereby amended by striking out, in line 6, the words "state secretary" and inserting in place thereof the words:- commissioner of public health.

SECTION 6. Section 3A of said chapter 46, as so appearing, is hereby amended by striking out, in line 6, the words "state secre-

tary” and inserting in place thereof the words:- commissioner of public health.

SECTION 7. Section 3B of said chapter 46, inserted by chapter 288 of the acts of 1971, is hereby amended by striking out, in line 5, the words “state secretary” and inserting in place thereof the words:- commissioner of public health.

SECTION 8. Section 9A of said chapter 46, inserted by section 4 of chapter 48 of the acts of 1960, is hereby amended by striking out, in line 8, the words “secretary of state” and inserting in place thereof the words:- commissioner of public health.

SECTION 9. Section 12 of said chapter 46 is hereby amended by striking out, in line 21, the words “state secretary”, as appearing in chapter 439 of the acts of 1945, and inserting in place thereof the words:- commissioner of public health.

SECTION 10. The first sentence of the fifth paragraph of section 13 of said chapter 46, as amended by chapter 120 of the acts of 1966, is hereby further amended by striking out, in lines 14, 16, 17, 19 and 20, the words “state Secretary” and inserting in place thereof, in each instance, the words:- commissioner of public health.

SECTION 11. Said chapter 46 is hereby further amended by striking out section 16, as most recently amended by section 2B of chapter 613 of the acts of 1958, and inserting in place thereof the following section:-

*Section 16.* The commissioner of public health shall prepare and furnish to the clerks and boards of health of towns and to the superintendent of the Tewksbury hospital, record books, books for indexes thereto, forms for returns, on paper of uniform size, and any necessary instructions and explanations, including an explanation that sections one hundred and ten and one hundred and eleven of chapter one hundred and eleven require physicians, registered hospital medical officers, nurses, relatives or other attendants to report immediately to the local board of health every child one or both of whose eyes become inflamed, swollen and red and show an unnatural discharge within two weeks after birth. Town clerks shall distribute the blank forms as the commissioner of public health shall direct. A town may provide such books and forms if they conform to those so prepared. The commissioner of public health shall prepare and furnish to the probate courts of the several counties forms for certificates of adoption required by section six A of chapter two hundred and ten.

SECTION 12. Section 17 of said chapter 46, as most recently amended by section 1 of chapter 21 of the acts of 1960, is hereby further amended by striking out, in lines 5 and 6, 11, 12, 18 and 23, the words “state secretary” and inserting in place thereof, in each instance, the words:- commissioner of public health.

SECTION 13. Section 19 of said chapter 46, as most recently amended by chapter 478 of the acts of 1969, is hereby further

amended by striking out the second, third and fourth sentences, and inserting in place thereof the following three sentences:- A certificate of such a record, signed by the town clerk or assistant clerk, or a certificate of the copy of the record relative to a birth, marriage or death required to be kept in the department of public health, signed by the commissioner of public health or the registrar of vital records and statistics, shall be admissible as evidence of such record. Upon request for an abbreviated record of a birth, marriage or death, the clerk or assistant clerk, commissioner of public health or registrar of vital records and statistics, shall make an abstract of the record of the same without notation thereon of the name of the parent or parents, except by request of the applicant. Upon the written request of the person to whom the record relates or of either of his parents, the clerk or assistant clerk, commissioner of public health or registrar of vital records and statistics, shall issue a certified copy of a birth record containing no reference to the color of said person or his parents.

SECTION 14. Section 19A of said chapter 46, inserted by chapter 759 of the acts of 1969, is hereby amended by striking out, in line 3, the words "secretary of state or one of his deputies" and inserting in place thereof the words:- commissioner of public health.

SECTION 15. Section twenty-one of said chapter forty-six is hereby repealed.

SECTION 16. The first sentence of section 26 of said chapter 46, as amended by chapter 283 of the acts of 1947, is hereby further amended by striking out, in line 4, the words "state secretary" and inserting in place thereof the words:- commissioner of public health.

SECTION 17. Section 2 of chapter 111 of the General Laws is hereby amended by striking out the second paragraph, as amended by section 1 of chapter 544 of the acts of 1971, and inserting thereof the following paragraph:-

The commissioner shall prepare from the birth, marriage and death records received by him under the provisions of chapter forty-six, and from the divorce returns received by him under the provisions of section forty-six of chapter two hundred and eight, such statistical tables as he deems useful, and shall make annual report thereof to the general court. The commissioner may make further use of such records as he deems useful for administrative and research purposes connected with health programs and population studies. He shall, as soon as is reasonably practicable, cause the birth, marriage and death records to be bound with indexes thereto and shall retain their custody. He shall prepare an alphabetical index of such divorce returns showing the names of the parties, year and number of the judgment and the county in which the divorce occurred.

SECTION 18. Section 24B of said chapter 111, inserted by section 3 of chapter 358 of the acts of 1968, is hereby amended by

striking out, in lines 3 and 4, the words “shall certify to the state secretary as” and inserting in place thereof the word:- deems,- and by striking out, in line 5, the words “state secretary” and inserting in place thereof the word:- commissioner.

SECTION 19. Section 14 of chapter 207 of the General Laws is hereby amended by striking out the second paragraph as most recently amended by section 3 of chapter 400 of the acts of 1975, and inserting in place thereof the following paragraph:-

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 commissioner of public health, 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 commissioner of public health 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 20. The first sentence of section 20 of said chapter 207, as appearing in chapter 127 of the acts of 1933, is hereby amended by striking out, in line 3, the words “state secretary” and inserting in place thereof the words:- commissioner of public health.

SECTION 21. Section 37 of said chapter 207, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 1, the words “state secretary” and inserting in place thereof the words:- commissioner of public health.

SECTION 22. Chapter 208 of the General Laws is hereby amended by striking out section 46, as most recently amended by section 1 of chapter 246 of the acts of 1976, and inserting in place thereof the following section:-

*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, on the tenth day of the second month following every month in which divorces become absolute, transmit to the commissioner of public health for statistical purposes, upon suitable blank forms provided by him, the date and number of the judgment, the name, residence, date of birth of each of the parties, the number of times each of the parties had been married before, if any, the date of the marriage being dissolved, the number of children born of such marriage, if any, and how many of such children are under eighteen years of age, the cause for which the divorce was granted and the name of the plaintiff.

SECTION 23. Section forty-seven of said chapter two hundred and eight is hereby repealed.

SECTION 24. The second paragraph of section 6A of chapter

210 of the General Laws, a appearing in section 2 of chapter 107 of the acts of 1955, is hereby amended by striking out, in line 2, the words "state secretary" and inserting in place thereof the words:- commissioner of public health.

SECTION 25. Said chapter 210 is hereby further amended by striking out section 14, as amended by section 2 of chapter 342 of the acts of 1966, and inserting in place thereof the following section:-

*Section 14.* Each register of probate shall annually, in December, make a return to the commissioner of public health and the commissioner of probate to all changes of name made in his court.

SECTION 26. Section 36 of chapter 262 of the General Laws is hereby amended by striking out the third sentence, as amended by section 2 of chapter 497 of the acts of 1975, 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.

SECTION 27. Said chapter 262 is hereby further amended by inserting after section 44 the following section:-

*Section 44A.* The fee for a certified copy of a birth, marriage or death record issued by the office of the commissioner of public health shall be two dollars each; except that any person whom the commissioner or registrar of vital records and statistics considers to be entitled to exemption from said fees shall receive such copies at reduced fee or no fee as the commissioner or registrar shall determine.

SECTION 28. The secretary of state shall transfer to the commissioner of public health all the birth, marriage and death records required to be filed in the office of the state secretary since eighteen hundred and forty-one and henceforth said commissioner shall be the official custodian of such records and be responsible for the preservation thereof as is provided for by law.

SECTION 29. All forms relative to birth, deaths, marriages and divorces prepared by the state secretary prior to the effective date of this act shall remain in effect as forms of the commissioner of public health upon the effective date of this act, until such time thereafter as said commissioner shall expressly replace or revise said forms.

SECTION 30. All officers and employees serving in positions within the division of vital statistics in the office of the secretary of state immediately prior to the effective date of this act shall be transferred to comparable positions in the registry of vital records and statistics in the department of public health without impairment of seniority, retirement or other employment rights, and without reduction in compensation. Such employees so transferred shall not be involuntarily separated from said comparable positions except in accordance with the provisions of sections forty-three, forty-five and forty-six A of chapter thirty-one of the General Laws to the same extent as if said positions

were classified under said chapter thirty-one.

SECTION 31. This act shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 26, 1976.*

---

**Chap. 487.** AN ACT PROVIDING FOR A CORPORATE TAX INCENTIVE FOR THE USE OF ALTERNATIVE ENERGY SOURCES.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide corporate tax incentives for alternative energy sources in taxable years ending on and after December thirty-first, nineteen hundred and seventy-six, therefore, it is hereby declared to be an emergency law necessary for the preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 63 of the General Laws is hereby amended by inserting after section 38G of the following section:-

*Section 38H.* (a) In determining the net income subject to tax under this chapter a domestic or foreign business corporation, at its election, may deduct the expenditures paid or incurred during the taxable year with respect to the installation of any solar or wind powered climatic control unit and any solar or wind powered water heating unit or any other type unit or system powered thereby including the cost of labor attendant to the installation thereof and the conversion of any climatic control unit or any water heating unit, or other unit, to solar or wind power including the cost of labor attendant to the conversion thereof; provided, however, that such unit or system has a situs in the commonwealth and is used exclusively in the trade or business of such corporation.

(b) Such deduction shall be allowed only-

(1) on condition that the net income for the taxable year and all succeeding taxable years be computed without any exemption, credit or deduction for such expenditures or for depreciation of the property other than the deductions allowed by this section, and

(2) with respect to a solar or wind powered climate control unit and any solar or wind powered water heating unit or any other type unit or system powered thereby for which the manufacturer's british thermal unit impact statement has been submitted to the director of the bureau of building construction and which have been certified by said director as complying with applicable provisions of regulations and standards issued by him pursuant to law.

(c) No deduction shall be allowed under the provisions of this section for the cost of purchase, installation, operation or maintenance of any other climate control unit, any water heating unit or other unit used ancillary to any solar or wind powered unit.

(d) If expenditures with respect to any solar or wind powered climate control unit and any solar or wind powered water heating

unit or any other type unit or system powered thereby have been deducted as provided herein and if within ten years from the end of the taxable year in which such deduction was allowed such unit or system or any part thereof is used other than exclusively in the corporation's trade or business, the corporation shall report such change of use in its return for the first taxable year during which it occurs, and the commissioner may recompute the tax for the year or years for which such deduction was allowed and may assess any additional tax resulting from such recomputation within the period of assessment applicable to such return.

(e) In any taxable year when property is sold or otherwise disposed of, with respect to which a deduction has been allowed pursuant to this section, such deduction shall be disregarded in computing gain or loss, and the gain or loss on the sale or other disposition of such property shall be the gain or loss resulting if the deduction provided by this section had not been elected and the cost or other basis of the solar or wind powered climate control unit and any solar or wind powered water heating unit or any other type unit or system powered thereby had been reduced by straight-line depreciation based on the useful life of such unit or system; provided, however, that if such sale or other disposition of such unit or system occurs within three years of the date such unit or system is placed in service the basis shall be zero.

(f) A solar or wind powered climate control unit and any solar or wind powered water heating unit or any other type unit or system powered thereby which qualifies for the deduction provided for by this section shall not be subject to taxation under the tangible property measure of the excise imposed by clause (1)(i) of subsection (a) of section thirty-two or clause (1)(i) of subsection (a) of section thirty-nine.

SECTION 2. The provisions of this act shall apply to taxable years ending on and after December thirty-first, nineteen hundred and seventy-six.

*Approved October 26, 1976.*

**Chap. 488.** AN ACT INCREASING THE NUMBER OF VOTING PRECINCTS IN THE TOWN OF FRAMINGHAM.

*Be it enacted, etc., as follows:*

Section 2 of chapter 143 of the acts of 1949, as amended by section 1 of chapter 76 of the acts of 1952, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- The selectmen shall forthwith divide the territory of the town into seventeen voting precincts, each of which shall be plainly designated and shall contain approximately an equal number of inhabitants.

*Approved October 26, 1976.*

**Chap. 489.** AN ACT EXTENDING TO OPTOMETRISTS, CHIROPRACTORS AND PODIATRISTS THE LAW AUTHORIZING THE ADMISSIBILITY IN EVIDENCE OF CERTAIN MEDICAL BILLS.

*Be it enacted, etc., as follows:*

Section 79G of chapter 233 of the General Laws, as amended by chapter 442 of the acts of 1974, is hereby further amended by striking out the first two paragraphs and inserting in place thereof the following two paragraphs:-

In an action of tort or contract, or for consequential damages arising therefrom, an itemized bill for medical, dental or hospital services rendered to a person injured, subscribed and sworn to under the penalties of perjury, by the physician, dentist, optometrist, chiropractor, or podiatrist, or authorized agent of the hospital rendering such services, shall be admissible as evidence of the necessary, fair and reasonable charge for such services; provided, that said bill shall include only the date and place of each service rendered because of said injury and the charge therefor without reference to the injury itself or the history thereof; and provided, further that written notice of the intention to offer such a bill as such evidence, together with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same by certified mail, return receipt requested, not less than ten days before the trial, and that an affidavit of such notice and the return receipt is filed with the clerk of the court forthwith after said receipt has been returned. Nothing contained in this section shall be construed to limit the right of the defendant to summon, at his own expense, such physician, dentist, optometrist, chiropractor or podiatrist, or agent or the records of such hospital for the purpose of cross examination with respect to such bill or record or to rebut the contents thereof, or for any other purpose, nor to limit the right of the defendant to summon any other person to testify in respect to such bill or record or for any other purpose.

The words "physician", "dentist", "optometrist", "chiropractor", and "podiatrist" shall not include any person who is not licensed to practice as such under the laws of the jurisdiction within which such services were rendered.

*Approved October 26, 1976.*

---

**Chap. 490.** AN ACT CHANGING THE NAME OF THE WILLIAM E. LAVERNE AND WALTER F. NEAL BRIDGE IN THE TOWN OF NEWBURY TO THE DONALD WILKINSON BRIDGE.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of chapter one hundred and sixty-two of the acts of nineteen hundred and sixty-eight the William E. Laverne and Walter F. Neal bridge in the town of Newbury shall hereafter be designated and known as the Donald Wilkinson bridge, in memory of Donald Wilkinson, who was

killed in action while a member of the armed forces of the United States during the Vietnam conflict. A suitable marker bearing said designation shall be attached thereto by the department of public works.

*Approved October 26, 1976.*

**Chap. 491.** AN ACT INCREASING THE PENALTY FOR VIOLATING THE RULES AND REGULATIONS OF THE MASSACHUSETTS TURNPIKE AUTHORITY.

*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 most recently amended by section 1 of chapter 843 of the acts of 1975, 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 five hundred 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. Clause (d) of section 5 of chapter 598 of the acts of 1958 is hereby amended by striking out, in line 3, the word "fifty" and inserting in place thereof the words:- five hundred.

*Approved October 26, 1976.*

**Chap. 492.** AN ACT EXEMPTING INDUSTRIAL RELATIONS ADJUSTERS WITHIN THE BOARD OF CONCILIATION AND ARBITRATION 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 is hereby amended by inserting after the word "state;", in line 23, as appearing in section 8 of chapter 780 of the acts of 1967, the words:- Industrial relations adjusters within the board of conciliation and arbitration in the department of labor and industries;.

SECTION 2. 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 of any person holding employment on a permanent basis on the effective date of this act.

*Approved October 26, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 26, 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 Articles XLVIII of the Amendments of 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 492 of the Acts of 1976, entitled AN ACT EXEMPTING INDUSTRIAL RELATIONS ADJUSTERS WITHIN THE BOARD OF CONCILIATION AND ARBITRATION FROM THE PROVISIONS OF THE CIVIL SERVICE LAW., and the enactment of which received my approval on October 26, 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 allow for the immediate exemption of said employees from the provisions of Civil Service.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 27, 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 & 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 four hundred and ninety-two of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

**Chap. 493.** AN ACT PROVIDING THAT THE TOWN OF NORWOOD SHALL BE REIMBURSED FOR CERTAIN REPAIRS OF RUNWAYS, TAXIWAYS, AND PARKING APRONS AT ITS AIRPORT.

*Be it enacted, etc., as follows:*

Section 27 of chapter 1140 of the acts of 1973 is hereby amended by inserting after the first sentence the following sentence:- The town of Norwood shall, pursuant to said sections thirty-nine

F and fifty-one K, be so reimbursed for the cost of the repair of existing runways, taxiways and parking aprons, made at its airport with the approval of said town and the Massachusetts aeronautics commission.

*Approved October 26, 1976.*

**Chap. 494.** AN ACT FURTHER REGULATING CERTAIN RETAIL INSTALLMENT SALE AGREEMENTS AND REVOLVING CREDIT AGREEMENTS EXECUTED BY BUYERS WHO ARE NON-RESIDENTS OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

SECTION 1. The definition of "Retail installment sale agreement" in section 1 of chapter 255D of the General Laws, as most recently amended by section 3 of chapter 924 of the acts of 1973, is hereby further amended by inserting after the first sentence the following sentence:- A retail installment sales agreement shall not include an agreement signed by a nonresident buyer in the commonwealth if such buyer has agreed that the law of his state shall apply.

SECTION 2. The definition of "Revolving credit agreement" in said section 1 of said chapter 255D, as most recently amended by chapter 116 of the acts of 1976, is hereby further amended by adding the following sentence:- A revolving credit agreement shall not include an agreement signed by a nonresident buyer in the commonwealth if the buyer has agreed that the law of his state shall apply.

*Approved October 26, 1976.*

**Chap. 495.** AN ACT AUTHORIZING THE TRUSTEES OF SOUTHEASTERN MASSACHUSETTS UNIVERSITY TO LEASE CERTAIN PROPERTY IN THE TOWN OF DARTMOUTH TO SOUTHEASTERN MASSACHUSETTS UNIVERSITY ALUMNI ASSOCIATION, INCORPORATED.

*Be it enacted, etc., as follows:*

Section 13 of chapter 75B of the General Laws, as most recently amended by section 18 of chapter 396 of the acts of 1969, is hereby further amended by adding the following paragraph:-

The trustees may, in the name of and for the commonwealth, lease to the Southeastern Massachusetts University Alumni Association, Incorporated the dwelling known as the Lynam House on such written terms and conditions as said trustess may establish.

*Approved October 26, 1976.*

**Chap. 496.** AN ACT PROVIDING THAT THE MOVEMENT OF CERTAIN SEXUALLY DANGEROUS PERSONS WITHIN A TREATMENT CENTER MAY BE RESTRICTED.

*Be it enacted, etc., as follows:*

Chapter 123A of the General Laws is hereby amended by inserting after section 6 the following section:-

*Section 6A.* Any person committed as a sexually dangerous person under the provisions of this chapter may be restricted to the buildings and the secured grounds of the center by the court that ordered the commitment after a hearing on the issuance of said restrictions which may be combined with the hearing held pursuant to section five or six. The court shall set forth in writing its reasons for the issuance of said restrictions. If the director of the treatment center communicates his intention to remove or modify such restriction in writing to the court that ordered the commitment and within fourteen days thereafter the court does not order that such action be stayed, such restrictions may be removed or so modified by said director. If the court orders a stay of such action, the director shall refer the matter to the parole board, which shall within thirty days thereafter, review the director's determination and shall allow the restrictions to be removed or so modified if it finds that the rehabilitation of the person committed will be substantially aided by such removal or modification and that proper provisions for supervision and monitoring have been instituted so as to protect the security and safety of the public. The board may require the director to furnish such information as it may find necessary for its review. The person committed shall be notified of such referral in writing by the director and shall be given an opportunity for a hearing before a panel of the board or a hearing officer appointed by the board, at which he may present evidence and cross-examine witnesses. After the board has approved the removal or modification of such restrictions, the director shall from time to time advise the board as to the person's treatment progress, disciplinary record and performance in any program in which his participation was made possible by such removal or modification. If the board concludes on the basis of such information that reinstatement of some or all of the restrictions may be warranted, it shall schedule a hearing to be held in accordance with the provisions of this paragraph and may thereafter reinstitute the restrictions in whole or in part.

Any person committed under restrictions pursuant to the preceding paragraph, with regard to whom the director has not communicated his intention to remove or modify such restrictions, may petition the court that ordered the commitment once during the first six months following commitment and once in each subsequent six-month period for the removal or modification of such restrictions. The court shall to the extent applicable treat such petition in the same manner as a petition filed pursuant to

the second paragraph of section nine, and may remove or modify the restrictions if it finds that the rehabilitation of the petitioner will be substantially aided thereby and if proper provisions for supervision and monitoring have been made.

*Approved October 26, 1976.*

---

**Chap. 497.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO PURCHASE TWO PARCELS OF LAND IN THE CITY OF BROCKTON FOR THE PURPOSE OF PROVIDING ADDITIONAL PARKING AREAS FOR PERSONS IN ATTENDANCE AT THE SUPERIOR AND PROBATE COURT IN THE CITY OF BROCKTON AND AT THE BROCKTON DISTRICT COURT.

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of Plymouth county are hereby authorized to purchase two parcels of land, with the buildings thereon, hereinafter described, and to raze said buildings, pave the area and make such other improvements necessary for providing an area for the parking of motor vehicles of persons in attendance at the building housing the superior court and probate court and at the district court of Brockton.

Parcel (1) Said land to expand the parking area at the superior court and probate court is located on Warren avenue in the city of Brockton, and bounded and described as follows:

Westerly on Warren Avenue, thirty-six and 2/100 feet (36.02)

Northerly by land of the Inhabitants of the County of Plymouth sixty-five (65) feet;

Easterly by land of the Inhabitants of the County of Plymouth, forty-six (46) feet;

Southerly by land of the Inhabitants of the County of Plymouth, sixty-eight and 70/100 (68.70) feet;

containing 2,858 square feet and being shown on "Plan of Lot in Brockton surveyed for Colonial Filling Station, Inc., April 7, 1924, Hayward & Hayward, Surveyors", recorded with the registry of deeds in Plymouth county in Plan Book 3, Page 880.

Parcel (2) Said land to expand the parking area at the Brockton District Court is located on Palm Place and Ellsworth Avenue in the City of Brockton, and bounded and described as follows:

*Lot 1:*

Northerly by Ellsworth Avenue, twenty and no/100 (20.00) feet;

Easterly by Lot 2, ninety and no/100 (90.00) feet;

Southerly by Lot 2, fifteen and no/100 (15.00) feet;

Easterly again by Lot 2, eighty-one and 13/100 (81.13) feet;

Southerly again by land of the Inhabitants of Plymouth County, sixty-four and 65/100 (64.65) feet;

---

Westerly by land now or formerly of Julius J. Valla and land of Enrique Horneedo, eighty-seven and 22/100 (87.22) feet;

Northerly again by land now or formerly of John and Beatrice MacDonald, fifty-three and 28/100 (53.28) feet;

Northwesterly by land now or formerly of John and Beatrice MacDonald, five and 66/100 (5.66) feet; and

Westerly again by land now or formerly of John and Beatrice MacDonald, seventy-one and 30/100 (71.30) feet;

Containing 7,515 square feet.

*Lot 2:*

Northerly by Ellsworth Avenue, thirty-three and no/100 (33.00) feet;

Easterly by land now or formerly of Samuel Gaffen and land now or formerly of Henry and Edith Kirshbaum, one hundred ten and no/100 (110.00) feet;

Northerly again by land now or formerly of Henry and Edith Kirshbaum, forty-six and no/100 (46.00) feet;

Easterly again by Lot 3 and land now or formerly of David and Faith Horton, seventy-three and 82/100 (73.82) feet;

Southerly by land of the Inhabitants of Plymouth County, ninety-five and 36/100 (95.36) feet;

Westerly by Lot 2, eighty-one and 13/100 (81.13) feet;

Northerly again by Lot 2, fifteen and no/100 (15.00) feet;

Westerly, again by Lot 2, ninety and no/100 (90.00) feet;

Containing 10,302 square feet.

*Lot 3:*

Easterly by Palm Place, forty and no/100 (40.00) feet;

Southerly by land now or formerly of David and Faith Horton, sixty and no/100 (60.00) feet;

Westerly by Lot 2, thirty-nine and 51/100 (39.51) feet;

Northerly by land now or formerly of Henry and Edith Kirshbaum, sixty and no/100 (60.00) feet;

containing 2,385 square feet and being shown on a plan entitled "Plan of Land in Brockton, July 27, 1971, Hayward-Boynton and Williams, Inc. Surveyors" and recorded in the registry of deeds in Plymouth county in Book 2324, Page 286.

SECTION 2. For the purposes authorized by section one, the treasurer of Plymouth county, with the approval of the county commissioners thereof, may borrow upon the credit of said county such sums as may be necessary, not exceeding, in the aggregate, one hundred and ninety-five thousand dollars, of which no more than sixty thousand dollars may be expended for the purchase, and other improvements necessary to fulfill the purposes of section one, on the property described as being located on Warren avenue, the balance of one hundred and thirty-five thousand dollars to purchase and improve the property located on Palm place and Ellsworth avenue, and may issue bonds or notes of the county therefor, which shall bear on their face the words, "Superior and District Courts of Brockton Parking Loan, Act of

1976''. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than five years from their dates. The bonds or notes shall be signed by the county treasurer and countersigned by a majority of the county commissioners. Said county may sell the 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 October 26, 1976.*

**Chap. 498.** AN ACT AUTHORIZING THE FILLING OF PRESCRIPTIONS FOR CONTROLLED SUBSTANCES WRITTEN BY CERTAIN PHYSICIANS REGISTERED IN STATES CONTIGUOUS TO THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Section 18 of chapter 94C of the General Laws, as amended by section 14 of chapter 806 of the acts of 1972, is hereby further amended by adding the following paragraph:-

(c) A prescription for a controlled substance may also be issued by any physician who is licensed or registered in a contiguous state and who resides or practices in said state provided that such physician is registered with the commissioner subject to such rules and regulations as he may establish. Such registration shall be valid only for the purpose of authorizing the filling of prescriptions within the commonwealth and shall not authorize such physician to possess, administer or dispense controlled substances as provided in section nine, or to practice medicine within the commonwealth. Any prescription issued under this paragraph shall be issued in the manner prescribed in section twenty-two and all relevant provisions of this chapter shall apply to such physician and prescription.

*Approved October 26, 1976.*

**Chap. 499.** AN ACT PROVIDING FOR THE RENOVATION, ALTERATION AND REPAIR OF THE HAMPDEN COUNTY JAIL AND HOUSE OF CORRECTION.

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of Hampden county are hereby authorized to expend a sum not to exceed one million eight hundred thousand dollars for the purpose of renovating, altering and repairing the Hampden county jail and house of correction. 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 aforesaid, 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 one million eight hundred thousand dollars in the aggregate and may issue bonds or notes of the county therefor which shall bear on their face the words, Hampden County Jail and House of Correction Renovation Loan, Act of 1976. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than twenty years from their date. 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 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 October 26, 1976.*

---

**Chap. 500.**

AN ACT REQUIRING WATER COMPANIES TO GIVE WRITTEN NOTICE OF INSTALLATION OF PLASTIC PIPE CONNECTIONS TO OWNERS OR OCCUPANTS OF DWELLINGS OR OTHER BUILDINGS AND REQUIRING SUCH OWNERS TO PROPERTY GROUND SUCH BUILDINGS UNDER PENALTY OF LAW WITHIN THIRTY DAYS.

*Be it enacted, etc., as follows:*

Chapter 165 of the General Laws is hereby amended by inserting after section 1B the following section:-

*Section 1C.* No water company shall install plastic pipe connections in any building or dwelling house without first giving notice to the occupant or owner of said building or dwelling house, and sending a copy of such notice to the wire inspector of the city or town in which the building or dwelling house is located. Such notice shall include a warning that the required grounding of the building or dwelling house might be affected by the installation of plastic pipe. Within thirty days of such notice, the owner of such building or dwelling house shall cause the building or dwelling house to be properly grounded. Upon the expiration of such thirty day period, the wire inspector shall inspect the building or dwelling house to determine that the building or dwelling house has been grounded in accordance with safety standards.

Whoever fails to ground a building or dwelling house in accordance with safety standards within thirty days after such notice, as hereinbefore provided, shall be punished by a fine of not less than fifty nor more than one hundred dollars.

*Approved October 26, 1976.*

**Chap. 501.** AN ACT AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONFIRM BY DEED AN EASEMENT OVER LAND OF THE ASHLAND STATE PARK.

*Be it enacted, etc., as follows:*

The commissioner of the department of environmental management is hereby authorized to execute and deliver to Ingrid Kadlick of the town of Framingham a deed granting an easement for a right of way over land of the Ashland State Park.

Said easement was omitted from an order of taking made by the governor and council, dated May 26, 1955, and recorded with the Middlesex County Registry of Deeds, Southern District, in Book 8479 Page 307.

*Approved October 26, 1976.*

**Chap. 502.** AN ACT AUTHORIZING THE STATE AUDITOR TO ENTER INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT AND AGENCIES OF THE COMMONWEALTH FOR AUDIT PURPOSES.

*Be it enacted, etc., as follows:*

Chapter 11 of the General Laws is hereby amended by adding the following section:-

*Section 13.* The state auditor may enter into agreements or contracts with the federal government or its agencies, or state agencies, acting in behalf thereof for the purpose of conducting mutual financial audits of programs funded in whole or in part by the federal government and carried out by agencies of the commonwealth. Such audits shall be undertaken only after related contracts or agreements between the parties have been filed with the joint legislative committee on federal financial assistance and funds received in accordance with such agreements have been deposited with the state treasurer into a separate account and expended solely for the purpose of this section. The costs of these audits shall not exceed the amount of funds received therefor and for these purposes may be expended without appropriation and providing further that the commonwealth shall receive the maximum reimbursement for the cost of providing group insurance, workmen's compensation and retirement benefits. The term of employment of any individual hired by the state auditor under the provisions of this section shall be expressly limited in duration by the availability of federal funds. The term of employment shall expire on the date of expiration of the federal funds.

*Approved October 26, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 25, 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 502 of the Acts 1976, entitled AN ACT AUTHORIZING THE STATE AUDITOR TO ENTER INTO AGREEMENTS WITH THE FEDERAL GOVERNMENT AND AGENCIES OF THE COMMONWEALTH FOR AUDIT PURPOSES., and the enactment of which received my approval on October 26, 1976, should take effect forthwith.

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

In order to permit the state auditor to immediately enter into certain agreements with the federal government.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 27, 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-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 five hundred and two of the acts of nineteen hundred and seventy-six.

Paul Guzzi,  
*Secretary of the Commonwealth*

---

**Chap. 503.** AN ACT DESIGNATING A CERTAIN PORTION OF U.S. HIGHWAY ROUTE 1 AS "GENERAL ISRAEL PUTNAM HIGHWAY."

*Be it enacted, etc., as follows:*

That portion of U.S. highway route 1 from the point of its intersection with state highway route 128, north to the Danvers-

Topsfield town line, shall be designated and known as the General Israel Putnam highway in memory of Major General Israel Putnam, for his gallant and illustrious service in the war for American independence. The department of public works shall erect a suitable marker bearing said designation in compliance with the standards of said department and as authorized by the federal highway administration.

*Approved October 26, 1976.*

**Chap. 504.** AN ACT PROVIDING FOR CERTAIN CONSTRUCTION AND IMPROVEMENTS AT THE CORRECTIONAL INSTITUTION AT BRIDGEWATER.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to expedite certain programs for improvement of the facilities of the correctional institution at Bridgewater, 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:*

Item 4312-8751 of section 2 of chapter 519 of the acts of 1974 is hereby amended by striking out the wording and inserting in place thereof the following:-

For the construction of a new building for sexually dangerous persons, a main kitchen and warehouse, repairs and improvements to existing treatment center for sexually dangerous persons, the demolition of certain buildings, the extension of certain utilities; and including the cost of furnishings and equipment; to be in addition to the funds appropriated in item 8072-83 of section two of chapter nine hundred and seventy-six of the acts of nineteen hundred and seventy-one.

*Approved October 27, 1976.*

**Chap. 505.** AN ACT FURTHERING REGULATING THE FILING TIMES FOR THE ASSESSMENT OF AGRICULTURAL OR HORTICULTURAL LAND.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to make an immediate change in the time for filing applications for the valuation, assessment and taxation of agricultural or horticultural land, 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 8 of chapter 61A of the General Laws is hereby amended by striking out the first sentence, as appearing in section 1 of chapter 1118 of the acts of 1973, and inserting in

place thereof the following sentence:- In any city or town in which a program of revaluation of all property therein has been or shall be undertaken and completed in time to be reflected in the assessments for the next succeeding tax year but not in sufficient time to permit landowners to make application prior to October first of the pre-tax year for the valuation, assessment and taxation of their lands for the ensuing tax year on the basis of being actively devoted to agricultural or horticultural use, any such application which has been or shall be filed with the board of assessors after October first and not more than thirty days following the mailing of the tax bill containing the new valuation shall be deemed to have been timely made for the tax year of the revaluation program, notwithstanding any provision of this chapter to the contrary.

SECTION 2. This act shall take effect as of January first, nineteen hundred and seventy-six.

*Approved October 27, 1976.*

---

**Chap. 506.** AN ACT ESTABLISHING A REVENUE RECOGNITION SYSTEM TO ENCOURAGE SPEEDY CONTRACT COMPLETION, AND PERMITTING THE USE OF BID BONDS UNDER THE LAWS RELATIVE TO PUBLIC WORKS CONSTRUCTION.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is, in part, to encourage speedy contract completion relative to public works 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 30 of the General Laws is hereby amended by striking out section 39G, as most recently amended by section 3 of chapter 774 of the acts of 1972, and inserting in place thereof the following section:-

*Section 39G.* Upon substantial completion of the work required by a contract with the commonwealth, or any agency or political subdivision thereof, for the construction, reconstruction, alteration, remodeling, repair or improvement of public ways, including bridges and other highway structures, sewers and, water mains, airports and other public works, the contractor shall present in writing to the awarding authority its certification that the work has been substantially completed. Within twenty-one days thereafter, the awarding authority shall present to the contractor either a written declaration that the work has been substantially completed or an itemized list of incomplete or unsatisfactory work items required by the contract sufficient to demonstrate that the work has not been substantially completed. The awarding authority may include with such list a notice setting forth a reasonable time, which shall not in any event be prior to the contract completion date, within which the contractor

must achieve substantial completion of the work. In the event that the awarding authority fails to respond, by presentation of a written declaration or itemized list as aforesaid, to the contractor's certification within the twenty-one day period, the contractor's certification shall take effect as the awarding authority's declaration that the work has been substantially completed.

Within sixty-five days after the effective date of a declaration of a substantial completion, the awarding authority shall prepare and forthwith send to the contractor for acceptance a substantial completion estimate for the quantity and price of the work done and all but one per cent retainage on that work, including the quantity, price and all but one per cent retainage for the undisputed part of each work item and extra work item in dispute but excluding the disputed part thereof, less the estimated cost of completing all incomplete and unsatisfactory work items and less the total periodic payments made to date for the work. The awarding authority also shall deduct from the substantial completion estimate an amount equal to the sum of all demands for direct payment filed by subcontractors and not yet paid to subcontractors or deposited in joint accounts pursuant to section thirty-nine F, but no contract subject to said section thirty-nine F shall contain any other provision authorizing the awarding authority to deduct any amount by virtue of claims asserted against the contract by subcontractors, material suppliers or others.

If the awarding authority fails to prepare and send to the contractor any substantial completion estimate required by this section on or before the date herein above set forth, the awarding authority shall pay to the contractor interest on the amount which would have been due to the contractor pursuant to such substantial completion estimate at the rate of three percentage points above the rediscount rate then charged by the Federal Reserve Bank of Boston from such date to the date on which the awarding authority sends that substantial completion estimate to the contractor for acceptance or to the date of payment therefor, whichever occurs first. The awarding authority shall include the amount of such interest in the substantial completion estimate.

Within fifteen days after the effective date of the declaration of substantial completion, the awarding authority shall send to the contractor by certified mail, return receipt requested, a complete list of all incomplete or unsatisfactory work items, and, unless delayed by causes beyond his control, the contractor shall complete all such work items within forty-five days after the receipt of such list or before the then contract completion date, whichever is later. If the contractor fails to complete such work within such time, the awarding authority may, subsequent to seven days' written notice to the contractor by certified mail, return receipt requested, terminate the contract and complete the incomplete or unsatisfactory work items and charge the cost of same to the contractor.

Within thirty days after receipt by the awarding authority of a notice from the contractor stating that all of the work required by the contract has been completed, the awarding authority shall prepare and forthwith send to the contractor for acceptance a final estimate for the quantity and price of the work done and all retainage on that work less all payments made to date, unless the awarding authority's inspection shows that work items required by the contract remain incomplete or unsatisfactory, or that documentation required by the contract has not been completed. If the awarding authority fails to prepare and send to the contractor the final estimate within thirty days after receipt of notice of completion, the awarding authority shall pay to the contractor interest on the amount which would have been due to the contractor pursuant to such final estimate at the rate hereinabove provided from the thirtieth day after such completion until the date on which the awarding authority sends the final estimate to the contractor for acceptance or the date of payment therefor, whichever occurs first, provided that the awarding authority's inspection shows that no work items required by the contract remain incomplete or unsatisfactory. Interest shall not be paid hereunder on amounts for which interest is required to be paid in connection with the substantial completion estimate as hereinabove provided. The awarding authority shall include the amount of the interest required to be paid hereunder in the final estimate.

The awarding authority shall pay the amount due pursuant to any periodic, substantial completion or final estimate within thirty-five days after receipt of written acceptance for such estimate from the contractor and shall pay interest on the amount due pursuant to such estimate at the rate hereinabove provided from that thirty-fifth day to the date of payment.

No periodic, substantial completion or final estimate or acceptance or payment thereof shall bar a contractor from reserving all rights to dispute the quantity and amount of, or the failure of the awarding authority to approve a quantity and amount of, all or part of any work item or extra work item.

Substantial completion, for the purposes of this section, shall mean either that the work required by the contract has been completed except for work having a contract price of less than one per cent of the then adjusted total contract price, or substantially all of the work has been completed and opened to public use except for minor incomplete or unsatisfactory work items that do not materially impair the usefulness of the work required by the contract.

SECTION 2. Section 39M of said chapter 30 is hereby amended by inserting after the first sentence the following two sentences:- Every bid for such contract shall be accompanied by a bid deposit in the form of a bid bond, or cash, or a certified check on, or a treasurer's or cashier's check issued by, a responsible bank or trust company, payable to the awarding authority. Such bid

deposit shall be in an amount not less than five per cent of the value of the proposed work, as estimated by the awarding authority, but in no event less than one hundred dollars.

SECTION 3. This act shall not be applicable to contracts executed prior to January first, nineteen hundred and seventy-six.

*Approved October 27, 1976.*

**Chap. 507.** AN ACT AUTHORIZING THE COUNTY TREASURER OF BRISTOL COUNTY TO PAY CERTAIN UNPAID BILLS.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any contrary provision of section seventeen of chapter thirty-four of the General Laws, the county treasurer of Bristol county is hereby authorized to pay out of any funds available in the county treasury of said county the following unpaid bills in order to correct inequities, to fulfill moral obligations, and to adjust bidding procedures to C. Nason Burden, M.D. of the city of Taunton the sum of fifty dollars, Holiday Inn of New Bedford of the city of New Bedford the sum of fifty-six dollars and fifty-two cents, Elizabeth O'Neill LaStaiti of the city of New Bedford the sum of two thousand five hundred dollars, Linsky Uniforms of the city of Boston the sum of sixty-seven dollars Manuel A. Moniz Construction Co., Inc. of the city of Fall River the sum of four hundred and sixty-seven dollars and to T.J. Moore, Jr., of the city of Fall River the sum of two hundred seventy-five dollars and ninety-five 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 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 October 27, 1976.*

**Chap. 508.** AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO USE CERTAIN PARCELS OF LAND WITHIN ITS BLUE HILLS RESERVATION FOR WATER SUPPLY PURPOSES.

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of carrying out the provisions of appropriation item 2429-8757 in section five of chapter five hundred and nineteen of the acts of nenteen hundred and seventy-four, for the construction of certain work and facilities including, but not limited to, pipelines, pumping stations, blow-off chambers and air release valves, and such other appurtenances as may from time to time be deemed necessary, the metropolitan district commission is hereby authorized, for the aforesaid purpose, to use certain parcels of land being a portion of its Blue Hills Reservation in the city of Quincy and towns of Braintree and Randolph, presently devoted to open spaces for exercise and recreational purposes. Said parcels of land are bounded and described as follows:-

*Parcel 1 - Quincy* Beginning at Braintree-Quincy corner 6, commonly known as the Hemlock Bound, thence running along the Quincy-Braintree corporate boundary S 0° 34' 16" E, 171.23 feet to a point, thence turning and running N 36° 18' 20" W, 210.80 feet to a point, thence turning and running N 35° 03' 49" E, 5056.87 feet to a point on the centerline of Chickatawbut Road, thence turning and running N 9° 24' 01" E, 116.0 feet to a point on the boundary of the city of Quincy cemetery, thence along said boundary to Purgatory Road, thence southerly by said Purgatory Road. Said parcel is comprised of 11.83 acres more or less.

*Parcel 2 - Quincy* Beginning at the north east corner at a Massachusetts highway bound on the southerly sideline of Route 128 as established by Massachusetts Department of Public Works layout number 4603, said bound being opposite station 155 + 0 of said layout, thence running westerly along said sideline 2354 feet more or less to the center line of the Blue Hills River, thence easterly and woutherly by the meander of said river 100 feet more or less to a point thence, easterly and northerly, parallel to and 100 feet distant from the southerly sideline of route 128, 2227 feet more or less to a point thence N 80° 08' 09" E, 1356.36 feet to a point in the Quincy-Braintree Corporate Boundary, thence by said boundary N 0° 34' 16" W, 101.33 feet to a point thence S 82° 02' 11" W, 1256.56 feet to the point of beginning. Said parcel is comprised of 8.93 acres more or less.

*Parcel 1 - Braintree* Beginning at the northeasterly corner at Braintree-Quincy corner 6, commonly known as the Hemlock Bound, S 36° 18' 20" E, 820.03 feet along the easterly border of the Blue Hills Reservation to the northerly sideline of route 128 as established by Massachusetts Department of Public Works layout number 4055, thence turning and running southwesterly along said sideline 103.83 feet to a point, thence turning and

running N 36° 18' 20'' W, 709.90 feet to a point on the Quincy-Braintree corporate boundary to the point of beginning. Said parcel is comprised of 1.76 acres more or less.

*Parcel 2 - Braintree* Beginning at the northeasterly corner of the premises herein described at a Massachusetts highway bound on the southerly sideline of route 128, thence S 36° 18' 20'' E, 1573.23 feet to the northerly sideline of west street, thence S 43° 35' 51'' W, 177.75 feet along said sideline to a point thence turning and running N 36° 18' 20'' W, 102.08 feet to a point thence turning and running S 80° 08' 09'' W, 1414.82 feet to a point on the Quincy-Braintree corporate boundary, thence turning and running along said corporate boundary N 0° 34' 16'' W, 101.33 feet to a point thence turning and running N 80° 08' 09'' E, 1348.73 feet to a point thence turning and running N 36° 18' 20'' W, 271.79 feet to a point thence turning and running N 8° 41' 29'' E, 106.07 feet to a point, thence turning and running N 36° 18, 20'' W, 1017.27 feet to a point on the southerly sideline of route 128, thence northerly and easterly along said sideline 103.47 feet to the point of beginning, said parcel is comprised of 7.66 acres more or less.

*Parcel 1 - Randolph* Beginning at a point in the westerly sideline of High Street at other land of the Commonwealth of Massachusetts, Metropolitan District Commission, which point is distant southerly two thousand (2000) feet more or less from the Randolph-Quincy town and city line:

Thence line runs due west 102 feet more or less to a point;

Thence S 45° 00' W, 182.71 feet to a point;

Thence S 82° 21' W, 395.14 feet to a point;

Thence S 7° 39' E, 50.00 feet to a point;

Thence S 82° 21' W, 600.00 feet to a point;

Thence N 7° 39' W, 310.00 feet to a point;

Thence N 82° 21' E, 600.00 feet to a point;

Thence S 7° 39' E, 200.00 feet to a point;

Thence N 82° 21' E, 374.86 feet to a point;

Thence N 45° 00' E, 187.28 feet to a point;

Thence due east, 137 feet more or less to said westerly sideline of High Street;

Thence southerly by said westerly sideline of High Street 61 feet more or less to the point of beginning; all of said bounds being by other land of the Commonwealth of Massachusetts, Metropolitan District Commission and forming a part of the Blue Hills Reservation, and containing five and 21/100 (5.21) acres more or less of land.

SECTION 2. Nothing contained in section one of this act shall be construed to limit the carrying out of the provisions of sections three, four and five of chapter six hundred and seventy-seven of the acts of nineteen hundred and seventy.

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

*Approved October 27, 1976.*

**Chap. 509.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO BORROW MONEY FOR CONSTRUCTING AND EQUIPPING A COURT HOUSE FOR THE DISTRICT COURT OF EASTERN HAMPDEN.

*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 Eastern Hampden including landscaping, parking, and furnishing such sums as may be necessary, not exceeding, in the aggregate, one million five hundred thousand 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 of this act, 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, one million five hundred thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words District Court of Eastern Hampden Court House Construction Loan, Act of 1976. 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. Indebtedness 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 October 27, 1976.*

---

**Chap. 510.** AN ACT RELATIVE TO THE TAXATION OF INCOME OF CERTAIN TRUSTS.

*Whereas,* The deferred operation of this act would tend to defeat its purpose, which is to provide for the taxation of income of certain trusts 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. Section 10 of chapter 62 of the General Laws is hereby amended by adding the following three subsections:-

(e) If the grantor or another person is treated as the owner of any portion of a trust by reason of the provisions of section six hundred and seventy-one to six hundred and seventy-eight, in-

clusive, of the federal Internal Revenue Code, the items of income, deduction and credits against tax which are attributable to that portion of the trust shall not be taken into account in calculating the income taxable to the trust but shall be taken into account in computing the taxable income or credits against the tax of such grantor or other person under section two.

(f) A trustee or other fiduciary receiving income taxable to a grantor or another person as owner shall file with its return of income a schedule indicating the items of income, deductions and credits against tax attributable to such portion of the trust and the name and taxpayer identification number of the person treated as owner.

(g) A trustee or other fiduciary having control of the payment to a nonresident of the commonwealth, who is a grantor or other person within the meaning of section six hundred and seventy-one of the code, of any Part A income or Part B income subject to the taxes imposed by this chapter, shall deduct and withhold from such income a tax at the rate applicable to income of that class. The tax so withheld shall not reduce the amount of income taxable to a nonresident but shall be included in his return of income and shall be credited against the amount of income tax as computed in such return.

SECTION 1A. During taxable years commencing after December thirty-first, nineteen hundred and seventy-five but before January first, nineteen hundred and seventy-seven, estimated tax payments, made by a trustee, or other fiduciary on items of income taxable to grantors or other persons treated as owners of any portion of a trust under subsection (e) of section ten of chapter sixty-two of the General Laws added by section one of this act, shall be credited against the amount of tax due on the individual income tax returns of such grantors or other persons required by said chapter sixty-two.

SECTION 2. The provisions of this act shall apply to taxable years commencing after December thirty-first, nineteen hundred and seventy-five.

*Approved October 27, 1976.*

---

**Chap. 511.** AN ACT CLARIFYING CERTAIN PROVISIONS OF LAW GOVERNING THE SCHOOL BUILDING ASSISTANCE PROGRAM.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to clarify the existing law that eligible school building projects in the cities, towns, counties and regional school districts of the commonwealth may be approved for state financial assistance, 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 8A of chapter 645 of the acts of 1948, as appearing in section 4 of chapter 302 of the acts of 1976, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- The aggregate amount of such first annual estimated payments for projects approved by the board in any fiscal year shall not exceed such amount as may be duly authorized therefor as a part of an annual general or supplemental appropriation act or otherwise; provided that school projects ordered or approved by a court as necessary for desegregation or such projects as may be required in the judgment of the board to reduce or eliminate racial imbalance may be approved only in the event that there is a special authorization sufficient to provide for the first annual estimated payments therefor.

SECTION 2. The aggregate amount of the first annual estimated payments on account of all school projects approved by the board of education under the provisions of chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as amended, during the period from July first, nineteen hundred and seventy-six through June thirtieth, nineteen hundred and seventy-seven shall not exceed the respective amount authorized by chapter two hundred and eighty-three of the acts of nineteen hundred and seventy-six and by section twelve of chapter three hundred and two of the acts of nineteen hundred and seventy-six.

*Approved October 27, 1976.*

---

**Chap. 512.** 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 twenty two thousand one hundred and nineteen dollars and eighty two 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 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 of that such services were rendered to said county, or both.

SECTION 3. Any person who knowingly files a certificate re-

quired 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 October 27, 1976.*

**Chap. 513.** AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN DECEASED AND RETIRED EMPLOYEES OF SAID CITY CERTAIN ACCUMULATED AND UNUSED SICK LEAVE DUE SAID EMPLOYEES AT THE TIME OF THEIR DEATH OR RETIREMENT.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any general or special law to the contrary, the city of Lawrence is hereby authorized to appropriate the sum of nineteen thousand five hundred and forty-nine dollars and fifty-six cents, and after such appropriation the treasurer of said city is authorized to pay said sum to certain retired employees of said city and to the estate or legal representative of certain deceased employees in accordance with Section 2-105.1 of the Lawrence Revised Ordinances providing for the unused portion of accumulated leave payable upon retirement or death.

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

*Approved October 27, 1976.*

**Chap. 514.** AN ACT PROVIDING THAT ALCOHOLIC BEVERAGES LICENSES MAY BE PLEDGED FOR LOANS UNDER CERTAIN CIRCUMSTANCES.

*Be it enacted, etc., as follows:*

Section 23 of chapter 138 of the General Laws is hereby amended by adding the following paragraph:-

Any license granted under the provisions of this chapter may be pledged by the licensee for a loan, provided approval of such loan and pledge is given by the local licensing authority and the commission. Such pledge shall not be construed so as to affect the right of such local licensing authority or the commission to suspend, revoke, or otherwise regulate such license, as provided in this chapter.

*Approved October 27, 1976.*

**Chap. 515.** AN ACT MAKING CERTAIN CHANGES IN THE PROBATE LAWS OF THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

SECTION 1. Section 5 of chapter 65A of the General Laws, as

most recently amended by section 73 of chapter 684 of the acts of 1975, is hereby further amended by adding the following clause:-

5. If the court shall determine that is inequitable, because of special circumstances, to apportion interest and penalties in connection with estate taxes as provided herein, it may direct apportionment thereof in such manner as it shall find equitable.

SECTION 2. Section 1 of chapter 190 of the General Laws, as most recently amended by section 1 of chapter 637 of the acts of 1970, is hereby amended by striking paragraph (2) and inserting in place thereof the following paragraph:-

(2) If the deceased leaves issue, the survivor shall take one half of the personal and one half of the real property.

SECTION 3. Section 1 of chapter 191 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 4, the word "three" and inserting in place thereof the word:- two.

SECTION 4. Said chapter 191 is hereby further amended by inserting after section 1 the following section:-

*Section 1A.* The following rules of construction shall apply to the provisions of a will:

1. A legatee or devisee who fails to survive a testator by one hundred and twenty hours shall be deemed to have predeceased the testator unless the will of the decedent otherwise provides by express reference to survivorship or with respect to simultaneous deaths or common disaster, or by other like provision.

2. The construction and legal effect of a disposition in a will shall be determined by the law of the commonwealth or by the local law of any foreign state or commonwealth selected by the testator in the will, unless the application of that law is contrary to the public policy of this commonwealth.

3. The intention of a testator as expressed in his will shall control the legal effect of his dispositions and the rules of construction expressed in the succeeding clauses four to six, inclusive, shall apply unless a contrary intention is indicated by the will.

4. In the case of bequeathed securities, the legatee shall be entitled only to (1) as much of the bequeathed securities as are a part of the estate at the time of the testator's death; (2) any additional or other securities of the same issuer owned by the testator or his estate by reason of action initiated by the issuer excluding any acquired by exercise of purchase options; and (3) securities of another issuer owned by the testator or his estate as a result of a merger, consolidation or reorganization or other similar action, received in exchange for the bequeathed securities.

5. No general residuary clause in a will and no will making general disposition of all of the testator's property shall exercise a power of appointment created by another instrument which does not specify a specific method of exercise unless reference is made to powers of appointment or there is some other indication of intention to exercise the power.

6. Where there is a residuary gift to two or more legatees or devisees and the share of one or more of them totally fails for any reason, such share or shares shall pass to the other residuary legatees or devisees proportionately.

SECTION 5. Section 2 of said chapter 191, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 5, the word “three” and inserting in place thereof the word: “two”.

SECTION 6. Section 9 of said chapter 191, as so appearing, is hereby amended by adding the following paragraph:-

If, after executing a will, the testator shall be divorced or his marriage shall be annulled, the divorce or annulment shall revoke any disposition or appointment of property made by the will to the former spouse, any provision conferring a general or special power of appointment on the former spouse, and any nomination of the former spouse, as executor, trustee, conservator or guardian, unless the will shall expressly provide otherwise. Property prevented from passing to a former spouse because of revocation by divorce shall pass as if a former spouse had failed to survive the decedent, and other provisions conferring a power or office on the former spouse shall be interpreted as if the spouse had failed to survive the decedent. If provisions shall be revoked solely by this section, they shall be revived by the testator's remarriage to the former spouse. A decree of separation which does not terminate the status of husband and wife is not a divorce for the purpose of this section.

SECTION 7. Section 22 of said chapter 191, as most recently amended by chapter 411 of the acts of 1971, is hereby further amended by adding the following paragraph:-

This section shall apply to a devise or legacy under a class gift whether the death occurred before or after the execution of the will.

SECTION 8. Said chapter 191 is hereby further amended by striking out section 23, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 23.* A specific devise of real estate or a specific bequest of personal property subject to a security interest given by the testator, unless the contrary shall plainly appear by his will, shall be deemed to be the devise or bequest of the interest only which the testator had at the time of his decease in such real estate or personal property over and above such security interest, and if the note or obligation of the testator secured by such security interest be paid out of his other property after his decease, the executor of his will or the administrator with the will annexed of his estate shall, at the request of any person interested and by leave of the probate court, sell such real estate specifically devised or such personal property specifically bequeathed for the purpose of satisfying the estate of the testator for the amount so paid, together with the costs and expenses thereof.

SECTION 9. Chapter 192 of the General Laws is hereby amend-

ed by striking out section 2, as so appearing, and inserting in place thereof the following section:-

*Section 2.* If it appears to the probate court, by the consent in writing of the heirs, or by other satisfactory evidence, that no person interested in the estate of deceased person intends to object to the probate of an instrument purporting to be the will of such deceased, the court may grant probate thereof; (i) upon the testimony of one of the subscribing witnesses; and the affidavit of such witness taken before the register or an assistant register of probate may be received as evidence; (ii) without testimony if it is self-proved by affidavits of the testator and of the witnesses, each made before an officer authorized to administer oaths under the laws of the commonwealth, under official seal, in form and content substantially as follows: Commonwealth of Massachusetts, County of \_\_\_\_\_, before me, the undersigned authority on this day personally appeared \_\_\_\_\_ and \_\_\_\_\_ known to me to be the testator and the witnesses, respectively whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn, \_\_\_\_\_ the testator declared to me and to the witnesses in my presence that the instrument is his last will and that he had willingly signed or directed another to sign for him, and that he executed it as his free and voluntary act of the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that he signed the will as witness and that to the best of his knowledge the testator was eighteen years of age or over, of sound mind and under no constraint or undue influence. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Testator Witness Witness  
Subscribed and sworn to before me by the said testator and the said witnesses, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. (signed) \_\_\_\_\_ (SEAL) official capacity of officer; or (iii) without testimony if the probate of such instrument is assented to in writing by the widow or husband of the deceased, if any, and by all the heirs at law and next of kin.

SECTION 10. Said chapter 192 is hereby further amended by adding the following four sections:-

*Section 13.* The probate court may, without the necessity of any notice, appoint the executor or executors named in a will, if suitable, temporary executor or executors upon application contained in the petition for probate or made subsequent to the filing thereof, if the testator has requested such appointment, or if said application is assented to in writing by the widow or husband, if any, of the deceased, and by all the heirs at law and next of kin of the deceased of full age and legal capacity. Where the appointment is made at the testator's request without assent of all heirs at law and next of kin of the decedent, seven days prior written notice of intent to seek such appointment shall be given to all the heirs at law and next of kin of the decedent. A certificate of counsel that such notice has been given shall be prima facie evidence thereof.

*Section 14.* A temporary executor of a temporary administrator with the will annexed shall collect all the personal property of the deceased and preserve the same for the executor, administrator or administrator with the will annexed when appointed, and for that purpose may commence, maintain and defend suits. Unless otherwise directed in the will, the court may, in the decree appointing him or otherwise, without the necessity of notice, authorize the temporary executor or temporary administrator with the will annexed:-

(1) to take charge of the real property of the deceased or any part thereof, and collect rents, make necessary repairs and do all other things which the court may consider necessary for the preservation of such real property and as a charge thereon;

(2) to sell any personal property of the estate and to make such investments as would be proper investments for an executor;

(3) to pay from the personal property in his hands the reasonable expenses of the last sickness, funeral and taxes of the deceased; and

(4) to continue the business of the deceased for the benefit of his estate.

The probate court may, upon such notice, if any, as it considers reasonable, authorize or require a temporary executor or temporary administrator with the will annexed to do such other acts relative to any property or estate in his charge as it may deem necessary, but except as to continuing the business of the deceased this section shall not give to the temporary executor or temporary administrator with the will annexed other or greater powers than those granted to the named executor by the will. The temporary executor or temporary administrator with the will annexed shall not distribute any of the property in his hands except such amounts as may be allowed by the court to the widow or minor children for necessities.

*Section 15.* The powers of the temporary executor or temporary administrator with the will annexed shall cease upon the approval of the executor or administrator c.t.a., or upon the earlier entry of a decree terminating such powers and in any event at the expiration of ninety days from the appointment of the temporary executor or temporary administrator with the will annexed unless prior to such expiration, the court upon such prior notice, if any, as it considers reasonable, may extend the appointment of the temporary executor or temporary administrator with the will annexed for one or more terms not to exceed ninety days each, but no such extension shall take effect until the temporary executor or temporary administrator with the will annexed shall return an inventory of all the deceased's real and personal property which shall have come to his possession or knowledge, and such extension shall terminate upon the appointment of an executor.

The probate court may, with or without notice, discharge a temporary executor or temporary administrator with the will annexed.

---

*Section 16.* If all of the persons appointed executors or administrators with the will annexed are the same persons as the temporary executors or temporary administrators with the will annexed, they may account for their administration as temporary executors or temporary administrators with the will annexed in their accounts as executors or administrators with the will annexed, and in such case no new inventory need be filed by such executors or administrators with the will annexed. A temporary executor or temporary administrator with the will annexed who is discharged or not appointed executor or administrator with the will annexed shall within thirty days after his discharge or the cessation of his powers render upon oath a true account of his administration including an inventory of all the deceased's real and personal property which shall have come to his possession or knowledge unless he has previously returned his inventory.

SECTION 11. Chapter 193 of the General Laws is hereby amended by inserting after section 7 the following section:-

*Section 7A.* The probate court may, without the necessity of any notice, upon application contained in a petition for administration of an estate with the will annexed filed in accordance with the provisions of section seven or made subsequent to the filing thereof, appoint the petitioner or petitioners, if suitable, temporary administrator or administrators with the will annexed if the testator has requested such appointment or if said application is assented to in writing by the widow or husband, if any, of the deceased and by all the heirs at law and next of kin of the deceased of full age and legal capacity.

SECTION 12. Chapter 195 of the General Laws is hereby amended by inserting after section 5 the following section:-

*Section 5A.* Except as restricted or otherwise provided for by the will or by order of the probate court, and in addition to other powers conferred by law, executors and administrators shall have the following powers:

(1) power to sell any personal property of the estate, or any interest therein, for cash credit or for part cash and part credit, and with or without security for unpaid balances.

(2) power to invest in prudent investments.

(3) power to distribute assets of the estate in kind or partly in cash and partly in kind and pro rata or not pro rata at then current values as between beneficiaries.

(4) power to effect a fair and reasonable compromise with any debtor, creditor, obligor or obligee.

Nothing in this act shall prevent an executor or administrator from obtaining specific authority from the probate court to exercise the powers herein set forth.

SECTION 13. Said chapter 195 is hereby further amended by adding the following section:-

*Section 17.* Unless otherwise provided in the contract, an executor or administrator shall not be individually liable on a con-

tract properly entered into in his fiduciary capacity in the course of administration of the estate unless he failed to reveal his representative capacity and identify the estate in the contract.

An executor or administrator shall be individually liable for obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate only if he was personally at fault.

Claims based on contracts entered into by an executor or administrator in his fiduciary capacity, on obligations arising from ownership or control of the estate or on torts committed in the course of administration of the estate may be asserted against the estate by proceeding against the personal representative in his fiduciary capacity, whether or not the personal representative is individually liable therefor.

Issues of liability between the estate and an executor or administrator individually may be determined by an accounting, surcharge, indemnification or other appropriate proceeding.

SECTION 14. Chapter 197 of the General Laws is hereby amended by striking out section 2, as amended by section 3 of chapter 221 of the acts of 1933, and inserting in place thereof the following section:-

*Section 2.* If an executor or administrator shall not within four months after the approval of his bond have had notice of demands against the estate of the deceased sufficient to warrant him to represent such estate to be insolvent, he may, after the expiration of said four months, pay the debts due from the estate and shall not be personally liable to any creditor in consequence of such payments made before notice of such creditor's demand; and if such executor or administrator shall be in doubt as to the validity of any debt which, if valid, he would have a right to pay under this section, he may, with the approval of the probate court, after notice to all persons interested, pay such debt or so much thereof as the court may authorize.

SECTION 15. Said chapter 197 is hereby further amended by striking out section 9, as most recently amended by chapter 256 of the acts of 1972, and inserting in place thereof the following section:-

*Section 9.* Except as provided in this chapter, an executor or administrator shall not be held to answer to an action by a creditor of the deceased unless (a) the claim is presented within four months from the time of his giving bond for the performance of his trust, and, in the event of disallowance in whole or in part in accordance with this section, such action is commenced within sixty days after mailing to him of a notice of disallowance or partial allowance warning the claimant of the impending bar, or (b) unless such action is commenced within nine months after the executor or administrator gives bond for the performance of his trust, whichever is later, and, unless in either case, before the expiration of the period, the process in such action has been served

by delivery in hand upon such executor or administrator or service thereof accepted by him or a notice stating the name of the estate, the name and address of the creditor, the amount of the claim and the court in which the action has been brought has been filed in the proper registry of probate. An executor, administrator or administrator *de bonis non* shall not be held to answer to an action by a creditor of the deceased which is commenced within any other or additional period of limitation for bringing such action provided by or under this chapter unless before the expiration of such period the process in such action has been served by delivery in hand upon him or service thereof accepted by him or a notice as aforesaid has been filed in the proper registry of probate. The probate court may allow creditors further time for bringing actions, not exceeding one year from the time of giving bond by such executor or administrator, provided that application for such further time be made before the expiration of nine months from the date of approval of the bond.

Claims against a decedent's estate may be presented as follows:

(a) The claimant within four months after approval of the official bond of the executor or administrator may deliver or mail to the executor or administrator a written statement of the claim indicating its basis, the name and address of the claimant, and the amount claimed, or within such time may file a written statement of the claim on an approved form with proper registry of probate and a copy thereof delivered or mailed to the executor or administrator. The claim shall be deemed presented on the first to occur of receipt of the written statement of claim by the personal representative, or the filing of the claim in the registry of probate. If the claim is secured, the security shall be described. Failure to describe the security correctly will not invalidate the presentation made.

(b) Or the claimant may commence a proceeding against the executor or administrator in any court where he may be subjected to jurisdiction, to obtain payment of his claim against the estate, but the commencement of the proceeding must occur within the time limit and in the time stated in this section.

As to claims presented by written statements of claim within the time limit prescribed above, an executor or administrator may mail a notice to any such claimant stating that the claim has been disallowed. If, after allowing or disallowing a claim, the executor or administrator changes his decision concerning the claim he shall so notify the claimant. The executor or administrator may not change a disallowance of a claim after the time for the claimant to commence a proceeding on the claim has expired and the claim has been barred. Failure of the executor or administrator to mail notice to a claimant of action on his claim within sixty days after the time for original presentation of the claim has expired shall have the effect of a notice of allowance.

A judgment in a proceeding in another court against an executor

or administrator to enforce a claim against a decedent's estate is an allowance of his claim.

Unless otherwise provided in any judgment in another court entered against the executor or administrator, allowed claims shall bear interest at the legal rate for the period commencing sixty days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case such claims shall bear interest in accordance with said provision.

SECTION 16. Said chapter 197 is hereby further amended by striking out section 11, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 11.* If new assets shall come to the hands of an executor or administrator after the barring of creditor's claims under section nine, he shall account for and apply the same in like manner as if they had been received within said period, and shall be liable, on account of such new assets, to an action at law or to a proceeding in the probate court by or for the benefit of a creditor, in like manner as if such assets had been received within the period, if such action or proceeding is commenced within four months after the creditor has notice of the receipt of such assets, and within six months after they are actually received.

SECTION 17. Said chapter 197 is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following section:-

*Section 12.* If an action commenced against an executor or administrator within the time limited in section nine shall fail of a sufficient service or return by an unavoidable accident, if the process in such action shall be abated or defeated in consequence of a defect in the form thereof or of a mistake in the form of the proceeding, if, after a verdict for the plaintiff, the judgment shall be arrested, or, if a judgment for the plaintiff shall be reversed on a writ of error, the plaintiff may commence a new action for the same cause within sixty days after the abatement or other determination of the original action, or after the reversal of the judgment therein.

SECTION 18. Said chapter 197 is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

*Section 13.* A creditor of the deceased, whose right of action shall not accrue within the time fixed for presentation of claims, or within such further time as may be allowed by an extension granted under section nine, or in the case of an administrator de bonis non, within the period allowed by section seventeen, may present his claim to the probate court at any time before the estate is fully administered; and if, upon examination thereof, the court shall find that such claim is or may become justly due from the estate, it shall order the executor or administrator to retain in his hands sufficient assets to satisfy the same. But if a person interested in

the estate offers to give bond to the alleged creditor with sufficient surety or sureties for the payment of his claim if it is proved to be due, the court may order such bond to be taken, instead of requiring assets to be retained as aforesaid. If because of partial distribution already made, or because of inability to sell the real estate of the deceased, the executor or administrator shall be unable to retain sufficient assets to satisfy the claim in full as finally established, the creditor may enforce his claim for the balance under section twenty-nine within nine months from the final settlement of said estate or from the time when the amount of said balance is finally determined.

SECTION 19. Said chapter 197 is hereby further amended by striking out section 17, as so appearing, and inserting in place thereof the following section:-

*Section 17.* An administrator de bonis non shall be liable to an action by a creditor of the deceased for the same period as provided by section nine for actions against an original executor or administrator, less the period during which the statutory limitation provided by said section nine has run against previous executors or administrators of the same estate, but in any event for not less than two months from the date of his appointment. The court may allow further time for bringing actions as provided in said section nine, provided application therefor is made before the expiration of the period herein provided. This section shall not apply to claims already barred by said section nine at the date of the appointment of the administrator de bonis non.

SECTION 20. Said chapter 197 is hereby further amended by striking out section 21, as so appearing, and inserting in place thereof the following section:-

*Section 21.* If an executor or administrator, within the time for the commencement of actions by creditors is required by a legatee or next of kin to make payment, in whole or in part, of a legacy or distributive share, the probate court may require that such legatee or next of kin shall first give bond to the executor or administrator, with surety or sureties approved by the court, and conditioned to repay the amount so to be paid or so much thereof as may be necessary to satisfy any demands which may be thereafter recovered against the estate of the deceased, and to indemnify the executor or administrator against all loss and damage on account of such payment.

SECTION 21. Said chapter 197 is hereby further amended by inserting after section 25 the following section:-

*Section 25A.* Property which a testator gives in his lifetime to a pecuniary legatee subsequent to the will providing for such pecuniary legacy, shall be treated to the extent of the gift as satisfaction of the pecuniary legacy in whole or in part only if the will so provides, or if the testator so declared in a contemporaneous writing, or if the legatee has acknowledged in writing that the gift was in satisfaction. For purposes of partial satisfaction, pro-

perty given during a lifetime shall be valued as of the time the donee came into possession or enjoyment of the property or as of the time of death of the testator, whichever first occurred.

SECTION 22. The General Laws are hereby amended by inserting after chapter 199 the following chapter:

# **CHAPTER 199A**

## **General Provisions Regarding Certain Foreign Fiduciaries.**

*Section 1.* In this chapter the following words shall have the following meanings unless the context clearly requires otherwise:

“Domiciliary foreign guardian or foreign conservator”, a foreign guardian or foreign conservator currently qualified and acting under appointment by a court of another jurisdiction in which the protected person is currently domiciled.

“Domiciliary foreign personal representative”, a foreign personal representative under the law of the jurisdiction of a decedent’s domicile.

“Foreign guardian or foreign conservator”, a guardian or conservator who was appointed by a court of another jurisdiction to administer the estate of a minor or other protected person.

“Foreign personal representative”, a personal representative under the law of another jurisdiction.

“Local administration”, administration by a personal representative appointed in the commonwealth pursuant to appointment proceedings described in chapters one hundred and ninety-two, one hundred and ninety-three or one hundred and ninety-four.

“Local guardian or conservator”, a guardian or conservator appointed in the commonwealth pursuant to appointment proceedings described in chapter two hundred and one, but excluding one who is merely a guardian ad litem.

“Local personal representative”, any personal representative appointed in the commonwealth pursuant to appointment proceedings described in chapter one hundred and ninety-two, one hundred and ninety-three or one hundred and ninety-four and shall exclude foreign personal representatives who acquire the power of a local personal representative pursuant to section six.

“Nonresident decedent”, a decedent who was domiciled in another jurisdiction at the time of his death.

“Nonresident protected person”, a protected person who is currently domiciled in another jurisdiction.

“Personal representative”, an executor, administrator, successor personal representative, special administrator, public administrator, and persons who perform substantially the same function under the law governing their status.

“Protected person”, a minor or other person whose estate in the commonwealth or in any other jurisdiction is currently administered by a guardian or conservator appointed by a court.

“Resident creditor”, a person domiciled in, or doing business in the commonwealth, who is, or could be, a claimant against an

estate of a nonresident decedent or nonresident protected person.

*Section 2.* At any time after the expiration of sixty days from the death of a nonresident decedent, any person indebted to the estate of the nonresident decedent or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock or chose in action belonging to the estate of the nonresident decedent, or holding personal property subject to a general power of appointment exercised by the will of a nonresident decedent duly admitted to probate in a foreign jurisdiction, may pay the debt, deliver the personal property, or the instrument evidencing the debt, obligation, stock or chose in action, to the domiciliary foreign personal representative of the nonresident decedent upon being presented with proof of his status and an affidavit made by or on behalf of the representative stating:

- (1) the date of death of the nonresident decedent,
- (2) that no local administration, or application or petition therefor, is pending in the commonwealth, and
- (3) that the foreign personal representative is entitled to payment of delivery.

Payment or delivery may be made to a foreign personal representative of a nonresident decedent appointed in a jurisdiction which was not the domicile of the decedent upon similar proof of appointment and affidavit, if such affidavit also states that there is no domiciliary foreign personal representative and no proceedings are pending for appointment of a personal representative in any court in the jurisdiction of the decedent's domicile and that the foreign personal representative is the personal representative appointed in the appointment proceeding first commenced.

If such nonresident decedent owned tangible personal property located in the commonwealth at the time of his death, or at any time during the twelve months preceding his death had a permanent or temporary place of abode in the commonwealth, a foreign personal representative of the decedent shall not accept payment or delivery pursuant to this section two (*a*) earlier than one month after filing proof of his authority in accordance with section five with a copy to the commissioner of corporations and taxation.

Any person indebted to a nonresident protected person who has not been domiciled in the commonwealth at any time within the preceding year, or having possession or control of personal property, or of an instrument evidencing a debt, obligation, stock or chose in action belonging to such nonresident protected person may pay the debt, deliver the personal property, or the instrument to the domiciliary foreign guardian or conservator upon being presented with proof of his appointment and an affidavit made by or on behalf of the guardian or conservator stating:

- (1) that the protected person is not and has not been domiciled in the commonwealth at any time within the preceding year,
- (2) that no local guardian or conservator has been appointed for the protected person and no application or petition therefor is

pending in the commonwealth, and

(3) that the foreign guardian or conservator has duly qualified, is currently acting and is entitled to payment or delivery.

Payment or delivery may be made to a foreign guardian or conservator of a nonresident protected person appointed in a jurisdiction which is not the current domicile of the protected person upon similar proof of appointment and affidavit, if such affidavit also states:

(1) that there is no domiciliary foreign guardian or conservator and no proceedings are pending for appointment of a guardian or conservator in any court of the jurisdiction of the protected person's domicile, and

(2) that either the protected person was domiciled in the jurisdiction in which the foreign guardian or conservator was appointed at the time of his appointment, or that the foreign guardian or conservator is the guardian or conservator appointed in the appointment proceeding first commenced.

*Section 3.* Payment or delivery made in good faith on the basis of the proof of authority and affidavit shall release the debtor or person having possession of the personal property to the same extent as if payment or delivery had been made to a local personal representative or local guardian or conservator.

*Section 4.* Payment or delivery under section two may not be made if a resident creditor of the nonresident decedent or nonresident protected person has notified the debtor of the nonresident decedent or nonresident protected person or the person having possession of the personal property belonging to or appointed by the nonresident decedent or belonging to the nonresident protected person that the debt should not be paid nor the property delivered to the foreign personal representative, guardian or conservator.

*Section 5.* If no local administration or application or petition therefor is pending in the commonwealth, a domiciliary foreign personal representative may file with a probate court in the commonwealth in a county in which property belonging to the decedent is located, authenticated copies of his appointment and of any official bond he had given.

*Section 6.* A domiciliary foreign personal representative who has complied with section five may exercise as to personal property in the commonwealth all the powers of a local personal representative acting in a similar representative capacity and may maintain actions and proceedings in the commonwealth, subject to compliance with sections eight and nine of chapter one hundred and ninety-five.

*Section 7.* The power of a foreign personal representative under section two or six shall be exercised only if there is no administration or application therefor pending in the commonwealth. An application for local administration of the estate shall terminate the power of the domiciliary foreign personal represen-

tative to act under section six, but the probate court may allow the domiciliary foreign personal representative to exercise limited powers to preserve the estate. No personal representative, who, before receiving actual notice of a pending local administration, has changed his position in reliance upon the powers of a foreign personal representative shall be prejudiced by reason of the application for, or grant of, local administration. The local personal representative shall be subject to all duties and obligations which have accrued by virtue of the exercise of the powers by the foreign personal representative and may be substituted for him in any action or proceedings in the commonwealth.

The power of a foreign guardian or conservator under section two shall be exercised only if no local guardian or conservator has been appointed and no application therefor is pending in the commonwealth. No person who, before receiving actual notice of such appointment or application, has changed his position in reliance upon the powers of a foreign guardian or conservator shall be prejudiced by reason of the appointment of a local guardian or conservator or an application therefor.

*Section 8.* A foreign personal representative shall submit himself to the jurisdiction of the courts of the commonwealth by (1) filing authenticated copies of his appointment as provided in section five, (2) receiving payment of money or taking delivery of personal property under section two, or (3) doing any act as a personal representative in the commonwealth which would have given the commonwealth jurisdiction over him as an individual. Jurisdiction under section two shall be limited to the money or value of personal property collected.

A foreign guardian or conservator shall submit himself to the jurisdiction of the courts of the commonwealth by acting under clauses (2) and (3) of the preceding paragraph.

*Section 9.* In addition to jurisdiction conferred by section eight, a foreign personal representative shall be subject to the jurisdiction of the courts of the commonwealth to the same extent that his decedent was subject to jurisdiction immediately prior to death.

*Section 10.* In any proceeding in the commonwealth to determine rights in real or personal property in the commonwealth or administered by a fiduciary in the commonwealth or under a will admitted to probate in the commonwealth:

(a) The interest of a nonresident decedent whose estate is not under local administration may be represented by any foreign personal representative of a decedent named a party to the proceeding and served in the manner provided in section eleven or by other lawful means;

(b) The interest of a nonresident protected person named a party to the proceeding for whom there is no local guardian or conservator may be represented by a foreign guardian or conservator served in the manner provided in section eleven or by

other lawful means. The authority of a foreign personal representative or of a foreign guardian or conservator under this section shall include authority to be a party to an agreement of compromise in respect of the rights of the decedent or the protected person in such property. The procedures authorized in this section are in addition to and not in limitation of all other applicable procedures.

*Section 11.* In addition to and not in limitation of other provision of law, service of process may be made upon the foreign personal representative, guardian or conservator by registered or certified mail, addressed to his last reasonably ascertainable address, requesting a return receipt signed by addressee only. Notice by ordinary first class mail is sufficient if registered or certified mail service to the addressee is unavailable. Service may be made upon a foreign personal representative in the manner in which service could have been made under other laws of the commonwealth on either the foreign personal representative or his decedent immediately prior to death.

If service is made upon a foreign personal representative, guardian or conservator as provided in this section, he shall be allowed at least thirty days within which to appear or respond.

*Section 12.* An adjudication rendered in any jurisdiction in favor of or against any personal representative of the estate of a nonresident decedent shall be as binding on the local personal representative as if he were a party to the adjudication.

*Section 13.* Nothing in this chapter shall limit the jurisdiction of the probate court under other provisions of the General Laws.

SECTION 23. Chapter 201 of the General Laws is hereby amended by striking out section 3, as appearing in the Tercenary Edition, and inserting in place thereof the following section:-

*Section 3.* A father or mother may by will appoint a guardian for a minor child, whether born at the time of making the will or afterward, to continue during minority or for a less time, effective when the guardian accepts appointment by filing his bond in acceptable form, except that if a guardian has already been appointed, whether testamentary or otherwise, a later testamentary appointment shall become effective only when approved by the court. A testamentary guardian appointed by will of a parent shall have the same powers and perform the same duties relative to the property of the ward, and, if the other parent is not living, relative to the person of the ward, as a guardian appointed under section two. If application is made to the probate court for approval of the appointment of a testamentary guardian after the appointment of a guardian, whether testamentary or otherwise, has become effective, notice of such application shall be given to such previous guardian, and thereafter the court may remove such previous guardian and approve the appointment in his place of the person applying for approval of appointment as testamen-

tary guardian or it may appoint any other suitable person, or it may approve the appointment of the person making such application to serve as guardian with the guardian already in office.

SECTION 24. Section 37 of said chapter 201, as so appearing, is hereby amended by adding the following paragraph:-

Individual liability of the conservator or guardian shall be determined as follows:

(a) Unless otherwise provided in the contract, a conservator or guardian shall not be individually liable on a contract properly entered into in his fiduciary capacity in the course of administration of the estate unless he failed to reveal his representative capacity and identify the estate in the contract.

(b) A conservator or guardian shall be individually liable for obligations arising from ownership or control of property of the estate or for torts committed in the course of administration of the estate only if he was personally at fault.

(c) Claims based on contracts entered into by a conservator or guardian in his fiduciary capacity, on obligations arising from ownership or control of the estate, or on torts committed in the course of administration of the estate may be asserted against the estate by proceeding against the conservator or guardian in his fiduciary capacity, whether or not the conservator or guardian is individually liable therefor.

(d) Any question of liability between the estate and the conservator or guardian individually may be determined in an accounting, surcharge, indemnification or other appropriate proceeding or action.

SECTION 25. The first paragraph of section 38 of said chapter 201, as so appearing, is hereby amended by adding the following sentence:- He shall have custody of all wills, codicils, and other instruments purporting to be testamentary dispositions executed by his ward.

SECTION 26. Said section 38 of said chapter 201 is hereby further amended by striking out the second, third and fourth paragraphs and inserting in place thereof the following three paragraphs:-

The probate court, upon the petition of a conservator or guardian, other than the guardian of a minor, and after such notice to all other persons interested as it directs, may authorize such conservator or guardian to take such action, or to apply such funds as are not required for the ward's own maintenance and support, in such fashion as the court shall approve as being in keeping with the ward's wishes so far as they can be ascertained and as designed to minimize insofar as possible current or prospective state or federal income, estate and inheritance taxes, and to provide for gifts to such charities, relatives and friends as would be likely recipients of donations from the ward.

Such action or application of funds may include but shall not be limited to the making of gifts, to the conveyance or release of

the ward's contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to the exercise or release of his powers as donee of a power of appointment, the making of contracts, the creation or revocable or irrevocable trusts of property of the ward's estate which may extend beyond his disability or life, the exercise of options of the ward to purchase securities or other property, the exercise of his rights to elect options and to change beneficiaries under insurance and annuity policies, and the surrendering of policies for their cash value, the exercise of his right to an elective share in the estate of his deceased spouse, and the renunciation or disclaimer of any interest acquired by testate or intestate succession or by inter vivos transfer.

The guardian or conservator in his petition shall briefly outline the action or application of funds for which he seeks approval, the results expected to be accomplished thereby and the tax savings expected to accrue. The proposed action or application of funds may include gifts of the ward's personal property or real estate, but transfers of real estate shall be subject to the requirements of chapter two hundred and two. Gifts may be for the benefit of prospective legatees, devisees or heirs apparent of the ward or may be made to individuals or charities in which the ward is believed to have an interest. The conservator or guardian shall also indicate in the petition that any planned disposition is consistent with the intentions of the ward insofar as they can be ascertained, and if the ward's intentions cannot be ascertained, the ward will be presumed to favor reduction in the incidence of the various forms of taxation and the partial distribution of his estate as herein provided. The conservator or guardian shall not, however, be required to include as a beneficiary any person whom he has reason to believe would be excluded by the ward.

SECTION 27. Said chapter 201 is hereby further amended by adding the following section:-

*Section 50.* The death, mental illness or other disability recognized under the General Laws, of any principal who has executed a power of attorney in writing shall not revoke or terminate the agency as to the attorney in fact, agent or other person who, without actual knowledge of the death, mental illness or other disability of the principal, shall act in good faith under the power of attorney or agency. Any action so taken unless otherwise invalid or unenforceable, shall bind the principal and his heirs, devisees, and personal representatives. An affidavit, executed by the attorney in fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, mental illness or other disability, and signed under the penalties of perjury, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermina-

tion of the power at that time. If the exercise of the power shall require execution and delivery of any instrument which is recordable, the affidavit when authenticated for record shall likewise be recordable.

This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

SECTION 28. Chapter 203 of the General Laws is hereby amended by inserting after section 14 the following section:-

*Section 14A.* Unless otherwise provided in the contract, a trustee shall not be personally liable on contracts properly entered into in his fiduciary capacity in the course of administration of the trust estate unless he failed to reveal his representative capacity and identify the trust estate in the contract.

A trustee shall be personally liable for obligations arising from ownership or control of property of the trust estate or for torts committed in the course of administration of the trust estate only if he was personally at fault.

Claims based on contracts entered into by a trustee in his individual capacity, on obligations arising from ownership or control of the trust estate, or on torts committed in the course of trust administration may be asserted against the trust estate by proceeding against the trustee in his fiduciary capacity, whether or not the trustee was personally liable therefor.

The question of liability as between the trust estate and the trustee individually may be determined in an accounting, surcharge, indemnification or other appropriate proceeding.

SECTION 29. Section 1 of chapter 205 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "executor", in line 1, the words:- , temporary executor or temporary administrator with the will annexed, - and by adding the following paragraph:-

8. In the case of a temporary executor appointed under section thirteen of chapter one hundred and ninety-two or a temporary administrator with the will annexed appointed under section seven A of chapter one hundred and ninety-three:

First, when required by the provisions of chapter one hundred and ninety-two and whenever required by the probate court, to make and return to the probate court a true inventory of all the deceased's real and personal property which at the time of making such inventory shall have come to his possession or knowledge, and to render upon oath a true account of his administration;

Second, to deliver all the property of the deceased which may be received by him as such temporary executor or temporary administrator with the will annexed to any person who may be appointed executor, administrator or administrator with the will annexed of the deceased, or may be otherwise lawfully authorized to receive the same.

SECTION 30. Section 4 of said chapter 205, as amended by section 1 of chapter 45 of the acts of 1945, is hereby further amended by inserting after the word “executor”, in line 1, the words:- or administrator with the will annexed.

SECTION 31. Said chapter 205 is hereby further amended by inserting after section 4 the following section:-

*Section 4A.* A temporary executor or temporary administrator with the will annexed shall be exempt from giving a surety on his bond if the widow or husband, if any, and all of the heirs at law and next of kin of the deceased of full age and legal capacity certify to the probate court their assent thereto; and the testator has ordered or requested that such person be exempt as executor from giving a surety or from giving bond, or all the devisees and legatees who would take present vested interests, or their legal guardians, under the will certify to the probate court their assent thereto; provided that the petition for appointment as temporary executor or temporary administrator with the will annexed has annexed thereto an affidavit of the petitioner that to the best of his knowledge and belief the real and personal property of the estate exceeds the debts of the deceased and the charges of his last sickness and funeral, the anticipated costs of the settlement of his estate, and any allowances anticipated to be payable under the provisions of chapter one hundred and ninety-six.

The probate court may, however, at any time require the temporary executor or temporary administrator with the will annexed to give a bond with sureties.

SECTION 32. The provisions of sections one to three, inclusive, section six, sections ten to twenty-two, inclusive, and sections twenty-nine to thirty-one, inclusive, of this act shall take effect only with respect to decedents dying on or after January first, nineteen hundred and seventy-eight.

SECTION 33. Clauses one to four, inclusive, and clause six of section one A of chapter one hundred and ninety-one of the General Laws, inserted by section four of this act; and the provisions of sections seven to nine of this act shall take effect only with respect to wills executed or republished on or after January first, nineteen hundred and seventy-eight.

SECTION 34. Clause five of section one A of chapter one hundred and ninety-one of the General Laws, inserted by section five of this act, shall take effect only with respect to wills executed on or after January first, nineteen hundred and seventy-eight, or republished by a codicil executed on or after January first, nineteen hundred and seventy-eight, which modifies the residuary clause of the will.

SECTION 35. This act shall take effect on July first, nineteen hundred and seventy-eight.

*Approved October 27, 1976.*

**Chap. 516.** AN ACT REQUIRING THE POSTING OF CERTAIN EMERGENCY TELEPHONE NUMBERS AT ICE SKATING FACILITIES.

*Be it enacted, etc., as follows:*

Chapter 45 of the General Laws is hereby amended by adding the following section:-

*Section 25.* In cities and towns the emergency telephone numbers of the local municipally-designated emergency ambulance service to render emergency first aid and transport persons to hospitals shall be posted in a conspicuous place at ice skating facilities, both public and private.

*Approved October 27, 1976.*

---

**Chap. 517.** AN ACT FURTHER REGULATING THE POWERS OF THE WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY.

*Be it enacted, etc., as follows:*

Section 4 of chapter 701 of the acts of 1960 is hereby amended by striking out clause (g) and inserting in place thereof the following clause:-

(g). To receive and accept from any federal agency grants for any purpose for or in aid of the acquisition or operation of the steamship line, or any vessels, equipment and facilities thereof, and to receive and to accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and further, to be authorized as a designated agency to receive directly federal participation under Section 139 of Title 23 of the United States Code, notwithstanding the provisions of section one of chapter seven hundred and sixty-eight of the acts of nineteen hundred and sixty-nine and to be further authorized to match directly any such federal funds as required under such federal participation; and to do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

*Approved October 27, 1976.*

---

**Chap. 518.** AN ACT RELATIVE TO FINANCIAL ASSISTANCE TO CERTAIN BUS TRANSPORTATION PROGRAMS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 7B the following section:-

*Section 7C.* No financial assistance shall be provided by the commonwealth for the purchase of buses or the operation thereof to any applicant for such assistance unless such applicant and

the secretary of transportation and construction shall have first entered into an agreement that such applicant will not engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private school bus operators. This section shall not apply to an applicant with respect to operation of a school bus program if the applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system. This section shall not apply unless private school bus operators are able to provide adequate transportation at reasonable rates, and in conformance with applicable safety standards.

SECTION 2. Section seven C of chapter seventy-one of the General Laws, inserted by section one of this act, shall not apply with respect to the commonwealth or any political subdivision thereof if it, or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel along with facilities to be used therefor, was so engaged in school bus operations any time during the twelve-month period immediately prior to the effective date of said section seven C. A violation of an agreement under said section seven C shall bar such applicant from receiving any other financial assistance from the commonwealth.

*Approved October 27, 1976.*

---

**Chap. 519.** AN ACT FURTHER REGULATING THE MASSACHUSETTS HOUSING FINANCE AGENCY.

*Be it enacted, etc., as follows:*

SECTION 1. Section 4 of chapter 708 of the acts of 1966, as most recently amended by section 1 of chapter 689 of the acts of 1974, is hereby further amended by inserting after clause (t) the following clause:-

(u) The MHFA may establish a program or programs to insure its mortgage loans alone or in conjunction with private enterprise or the commonwealth or the United States or any agency of either or both of them. The MHFA may establish loss reserve accounts for insurance programs and may fund such accounts from available monies.

SECTION 2. Said chapter 708 is hereby further amended by striking out section 9B, inserted by section 4 of chapter 709 of the acts of 1968, and inserting in place thereof the following section:-

*Section 9B. (a)* MHFA shall create and establish special funds, herein individually referred to as a "Capital Reserve Fund", and shall pay into each such Capital Reserve Fund any monies appropriated and made available by the commonwealth for the purposes of such Fund, any proceeds of sale of notes or bonds to the extent provided in the resolution of the MHFA

authorizing issuance thereof, and any other monies which may be available to the MHFA for the purpose of such Fund from any other source or sources. All monies held in a Capital Reserve Fund, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the MHFA which are secured by such Capital Reserve Fund as the same mature, the purchase of such bonds, the payment of interest on such bonds or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity; provided, however, that, monies in a Capital Reserve Fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such Fund to less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on outstanding bonds which are secured by such Capital Reserve Fund, except for the purpose of paying the principal of and interest on such bonds maturing and becoming due and for the payment of which other monies of the MHFA are not available. Any income or interest earned by, or increment to, a Capital Reserve Fund due to the investment thereof shall be used by the MHFA for the purposes of such Capital Reserve Fund.

(b) The MHFA shall not issue bonds which are secured by a Capital Reserve Fund at any time if the maximum amount of principal and interest maturing or becoming due in a succeeding calendar year on such bonds then to be issued and on all other outstanding bonds of the MHFA which are secured by such Capital Reserve Fund will exceed the amount of such Capital Reserve Fund at the time of issuance unless the MHFA, at the time of issuance of such bonds, shall deposit in such Fund from the proceeds of the bonds so to be issued, or otherwise, an amount which together with the amount then in such Fund, will be not less than the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on such bonds then to be issued and on all other outstanding bonds of the MHFA which are secured by such Capital Reserve Fund.

(c) To assure the continued operation and solvency of the MHFA for the carrying out of the public purposes of this act, provision is made in paragraph (a) for the accumulation in a Capital Reserve Fund of an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on all outstanding bonds which are secured by such Capital Reserve Fund. In order further to assure such maintenance of a Capital Reserve Fund there shall be annually appropriated and paid to the MHFA for deposit in such Capital Reserve Fund such sum, if any, as shall be certified by the chairman of the MHFA to the governor as necessary to restore such Capital Reserve Fund to an amount equal to the maximum amount of principal and interest maturing and becoming due in any succeeding calendar year on the outstanding bonds which are secured by such Capital Reserve Fund. The chairman of the

MHFA shall annually, on or before December first, make and deliver to the governor his certificate stating the amount, if any, required to restore a Capital Reserve Fund to the amount aforesaid and the amount so stated, if any, shall be appropriated and paid to the MHFA during the then current fiscal year of the commonwealth. Such amount, if any, shall be repaid to the commonwealth as soon as possible by the MHFA from monies in the Working Capital Fund in excess of the amount required to make and keep MHFA self-supporting.

(d) In computing the amount of a Capital Reserve Fund for the purposes of this section, securities in which all or a portion of such Fund are invested shall be valued at par, or if purchased at less than par, at their cost to the MHFA.

*Approved October 27, 1976.*

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

November 8, 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 519 of the Acts of 1976 entitled, AN ACT FURTHER REGULATING THE MASSACHUSETTS HOUSING FINANCE AGENCY., and the enactment of which received my approval on October 27, 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 implement certain regulations regarding the Massachusetts Housing Finance Agency.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, November 8, 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 twenty-eight 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 five hundred and nineteen of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth*

---

**Chap. 520.** AN ACT DIRECTING THE COMMISSIONER OF MENTAL HEALTH TO CONVEY CERTAIN LAND TO THE COUNTY COMMISSIONER OF HAMPSHIRE COUNTY.

*Be it enacted, etc., as follows:*

The commissioner of mental health is hereby authorized and directed to convey, in the name and on behalf of the commonwealth, to the county commissioners of Hampshire county, by deed approved as to form by the attorney general, a certain portion of land hereinafter referred to as parcel #1 and a 75-foot wide easement over a contiguous portion of land hereinafter referred to as parcel #2, shown on a plan by Almer Huntley, Jr., and Associates, Inc., surveyors-engineers-planners, 125 Pleasant street, Northampton, Mass. entitled "Plan of Land in Northampton, Massachusetts, prepared for the county commissioners of Hampshire county," scale 1" = 100', dated July 21, 1976 and more particularly bounded and described as follows:

*PARCEL #1* Beginning at an iron pin on the northerly sideline of Rocky Hill road, said iron pin being at the southeasterly corner of the parcel herein described and said iron pin being 989.89 feet westerly of the southwest corner of land of Jeanette L. Morin; thence, turning and running S62°34'15"W along Rocky Hill Road a distance of 545.96 feet to a highway bound point; thence turning and running along Rocky Hill Road southwesterly and westerly along a curve to the right having a radius of 253.08 feet an arc length of 139.12 feet to a highway bound point; thence turning and running N85°56'03"W along Rocky Hill Road a distance of 270.20 feet to a highway bound point; thence turning and running along Rocky Hill Road westerly along a curve to the left having a radius of 1298.75 feet an arc length of 50.00 feet to an iron pin at land of the Commonwealth of Massachusetts; thence turning and running N06°25'00"W a distance of 450.00 feet to an iron pin; thence turning and running N77°42'00"W a distance of 290.00 feet to an iron pin; thence turning and running N22°05'00"W a distance of 700.00 feet to an iron pin, said pin bearing N88°48'28"E and a distance of 124.34 feet from the northeast corner of land of Richard T. Blais; thence turning and running N23°00'00"E a distance of 321.00 feet to an iron pin; thence turning and running N58°26'54"E a distance of 350.00 feet to an iron pin; thence turning and running S74°20'00"E a distance of 237.96 feet to an iron pin at the southwesterly corner of an easement hereinafter described; thence continuing S74°20'00"E along the southerly end of said

easement a distance of 75.00 feet to an iron pin; thence turning and running S22°05'00"E a distance of 1263.60 feet to an iron pin; thence turning and running N67°55'00"E a distance of 68.31 feet to an iron pin; thence turning and running easterly, southeasterly and southerly along a curve to the right having a radius of 190.00 feet an arc length of 280.72 feet to an iron pin; thence turning and running S27°25'45"E a distance of 68.31 feet to an iron pin and the point of beginning, the last eleven (11) courses being along land of the Commonwealth of Massachusetts. Said parcel containing 29.13 acres, more or less.

**PARCEL #2** Beginning at an iron pin marking the northeasterly corner of the parcel hereinbefore described, said iron pin being at the southeasterly corner of the easement herein described; thence turning and running N74°20'00"W along the above-described parcel a distance of 75.00 feet to an iron pin; thence turning and running N15°21'38"E through land of the Commonwealth of Massachusetts a distance of 1077.78 feet to an iron pin on the southerly sideline of Burts Pit Road; thence turning and running S69°41'51"E along Burts Pit Road a distance of 26.63 feet to a highway bound point; thence turning and running N75°12'58"E along Burts Pit Road a distance of 56.04 feet to an iron pin; thence turning and running S15°21'38"W through land of the Commonwealth of Massachusetts a distance of 1104.03 feet to an iron pin and the point of beginning. Said easement containing 1.868 acres, more or less.

Said conveyances shall be subject to such conditions and restrictions as the commissioner of mental health may deem advisable, including a provision that the conveyance of parcel #1 shall be subject to a twenty-foot wide easement to the Berkshire Gas Company and including a further provision that title to such lands shall revert to the commonwealth if such conditions and restrictions are not complied with within a period of five years after the effective date of this act.

*Approved October 27, 1976.*

---

**Chap. 521.** AN ACT PROVIDING FOR REIMBURSEMENT BY THE COMMONWEALTH TO THE CITY OF BEVERLY FOR CERTAIN LAND TAKEN BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

There shall be allowed to be paid out of the state treasury to the city of Beverly an amount equal to the amount said city would have received for the transfer of land to the commonwealth under the provisions of section seventeen of chapter fifty-eight of the General Laws had said section been applicable.

Said land is located off Dodge street in said city and is further described in Book 5849 Page 129, 130 and 131 at the south district registry of deeds in Essex county.

*Approved October 27, 1976.*

**Chap. 522.** AN ACT PROVIDING FOR AN ADDITIONAL JUSTICE IN  
THE FIRST DISTRICT COURT OF BARNSTABLE.

*Be it enacted, etc., as follows:*

SECTION 1. The first sentence of the first paragraph of section 6 of chapter 218 of the General Laws, as most recently amended by section 1 of chapter 959 of the acts of 1973, is hereby further amended by inserting after the word "Brockton", in line 3, the words:- , the first district court of Barnstable.

SECTION 2. Notwithstanding the provisions of the third paragraph of section six of chapter two hundred and eighteen of the General Laws, the number of special justices provided for the first district court of Barnstable prior to the effective date of this act shall not be increased.

SECTION 3. This act shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 27, 1976.*

---

**Chap. 523.** AN ACT AUTHORIZING THE SALE OF CERTAIN PARK  
LAND IN THE TOWN OF GRAFTON BY SAID TOWN.

*Be it enacted, etc., as follows:*

The town of Grafton is hereby authorized to sell and convey to Robert A. Fleming, Sr. and William H. Fleming for the consideration of two thousand dollars plus expenses of such sale, title to a certain parcel of park land located on the easterly side of Faulkner road in said town and shown as lots 41 and 42 on a plan entitled "Camp Sites, Grafton, Mass., of C. A. Faulkner, dated May 25, 1926, by C. M. Allen, Civil Engineer", recorded in the Worcester district registry of deeds, Plan Book 47, Plan 22, a copy of which is on file in the selectmen's office. Said land consists of nine thousand five hundred and ninety square feet, more or less.

*Approved October 27, 1976.*

---

**Chap. 524.** AN ACT INCREASING THE CEILING FOR THE VOLUNTARY  
PURCHASE OF OPTIONAL GROUP LIFE AND GROUP AC-  
CIDENTAL DEATH AND DISMEMBERMENT INSURANCE BY  
STATE EMPLOYEES WITH NO PREMIUM CONTRIBUTION  
BY THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

The first paragraph of section 10A of chapter 32A of the General Laws, as amended by chapter 633 of the acts of 1969, is further amended by striking out the schedule and inserting in place thereof the following schedule:-

OPTIONAL

If Annual Compensation Is		Additional Amount Of Group Life Insurance Shall Not Exceed	Additional Amount Of Accidental Death and Dismemberment Insurance Shall Not Exceed
At Least	But Less Than		
\$ 2,000	\$ 3,000	\$ 1,000	\$ 1,000
3,000	4,000	2,000	2,000
4,000	5,000	3,000	3,000
5,000	6,000	4,000	4,000
6,000	7,000	5,000	5,000
7,000	8,000	6,000	6,000
8,000	9,000	7,000	7,000
9,000	10,000	8,000	8,000
10,000	11,000	9,000	9,000
11,000	12,000	10,000	10,000
12,000	13,000	11,000	11,000
13,000	14,000	12,000	12,000
14,000	15,000	13,000	13,000
15,000	16,000	14,000	14,000
16,000	17,000	15,000	15,000
17,000	18,000	16,000	16,000
18,000	19,000	17,000	17,000
19,000	20,000	18,000	18,000
20,000	21,000	19,000	19,000
21,000	22,000	20,000	20,000
22,000	23,000	21,000	21,000
23,000	24,000	22,000	22,000
24,000	25,000	23,000	23,000
25,000	26,000	24,000	24,000
26,000	27,000	25,000	25,000
27,000	28,000	26,000	26,000
28,000	29,000	27,000	27,000
29,000	30,000	28,000	28,000
30,000	31,000	29,000	29,000
31,000	32,000	30,000	30,000
32,000	33,000	31,000	31,000
33,000	34,000	32,000	32,000
34,000	35,000	33,000	33,000
35,000	36,000	34,000	34,000
36,000	37,000	35,000	35,000
37,000	38,000	36,000	36,000
38,000	39,000	37,000	37,000
39,000	40,000	38,000	38,000
40,000	41,000	39,000	39,000
41,000	42,000	40,000	40,000
42,000	43,000	41,000	41,000
43,000	44,000	42,000	42,000
44,000	45,000	43,000	43,000
45,000	46,000	44,000	44,000
46,000	47,000	45,000	45,000
47,000	48,000	46,000	46,000
48,000	49,000	47,000	47,000
49,000	50,000	48,000	48,000
50,000	51,000	49,000	49,000

If Annual Compensation Is At                      But Less Least                      Than		Additional Amount Of Group Life Insurance Shall Not Exceed	Additional Amount Of Death and Dismemberment Insurance Shall Not Exceed
51,000	52,000	50,000	50,000
52,000	53,000	51,000	51,000
53,000	54,000	52,000	52,000
54,000	55,000	53,000	53,000
55,000	56,000	54,000	54,000
56,000	57,000	55,000	55,000
57,000	58,000	56,000	56,000
58,000	59,000	57,000	57,000
59,000	60,000	58,000	58,000
60,000	61,000	59,000	59,000
61,000	62,000	60,000	60,000
62,000	63,000	61,000	61,000
63,000	64,000	62,000	62,000
64,000	65,000	63,000	63,000
65,000	66,000	64,000	64,000
66,000	67,000	65,000	65,000
67,000	68,000	66,000	66,000
68,000	69,000	67,000	67,000
69,000	70,000	68,000	68,000
70,000	71,000	69,000	69,000
71,000	72,000	70,000	70,000
72,000	73,000	71,000	71,000
73,000	74,000	72,000	72,000
74,000	75,000	73,000	73,000
75,000	No Limit	74,000	74,000

*Approved October 27, 1976.*

**Chap. 525.** AN ACT FURTHER REGULATING THE APPLICATION OF SURCHARGES IN MERIT RATING PLANS FOR MOTOR VEHICLE INSURANCE.

*Be it enacted, etc., as follows:*

SECTION 1. The seventh paragraph of section 113P of chapter 175 of the General Laws, inserted by section 18 of chapter 266 of the acts of 1976, is hereby amended by striking out the first sentence and inserting in place thereof the following two sentences:- Any insured aggrieved by any determination of an insurer as to the application of a surcharge may, within thirty days of receiving notification of such surcharge, file a written complaint with the board on a form approved by the commissioner and supplied by the insurer at the time of such notification. Such complaint shall be accompanied by a filing fee to be determined by the board.

SECTION 2. The eighth paragraph of said section 113P of said

chapter 175, as so appearing is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentences:- The hearing officer shall file a memorandum of his findings or orders in the office of the board, and shall send a copy to the insurer and the insured.

SECTION 3. The ninth paragraph of said section 113P of said chapter 175, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any person or company aggrieved by any finding or order of the board may, within ten days after the filing of the memorandum thereof in the office of the board, appeal therefrom to the superior court, in any county in case of an appeal by any complainant, and in the county in which the complainant resides in case of an appeal by the company.

*Approved October 27, 1976.*

---

**Chap. 526.** AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO DEPOSIT CERTAIN UNCLAIMED AWARDS FROM MINIMUM WAGE CLAIMS.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1B of chapter 151 of the General Laws is hereby amended by adding the following paragraph:-

In any action or administrative proceeding by an employee or the commissioner instituted upon such a wage claim in which the employee prevails and the commissioner thereafter in possession of the resulting award is unable after a reasonable search to locate the employee or to identify and locate the employee's successor in interest, the commissioner shall, upon expiration of one year from the date of said award, deposit the funds from any such award, less costs and reasonable attorney's fees where applicable, in the General Fund.

SECTION 2. Section 20 of said chapter 151 is hereby amended by adding the following paragraph:-

In any action or administrative proceeding by an employee or the commissioner instituted upon such a wage claim in which the employee prevails and the commissioner thereafter in possession of the resulting award is unable after a reasonable search to locate the employee or to identify and locate the employee's successor in interest, the commissioner shall, upon expiration of one year from the date of said award, deposit the funds from any such award, less costs and reasonable attorney's fees where applicable, in the General Fund.

*Approved October 27, 1976.*

---

**Chap. 527.** AN ACT REGULATING THE EXPENDITURE OF FUNDS FOR THE REPAIR OF STATE-OWNED MOTOR VEHICLES.

*Be it enacted, etc., as follows:*

Chapter 30 of the General Laws is hereby amended by striking out section 36A, as appearing in section 14 of chapter 1230 of the acts of 1973, and inserting in place thereof the following section:-

*Section 36A.* Motor vehicles to be purchased from sums appropriated by the general court shall be authorized by the purchasing agent in accordance with schedules filed by the budget director with the house and senate committees on ways and means of the general court prior to the passage of the act making such appropriation provided, the commissioner of administration may authorize the replacement of other motor vehicles with similar models from available funds when he determines that the replacement is necessary because the cost of necessary repairs would not be economical; and provided further, that no expenditure in excess of three hundred dollars shall be authorized for the repair of a motor vehicle whose purchase price is six thousand dollars or less and no expenditure in excess of six hundred dollars shall be authorized for the repair of a motor vehicle whose purchase price is greater than six thousand dollars by any department or agency in a garage or shop other than one maintained and operated by such department or agency or by the executive office of administration and finance without the prior written approval of the commissioner of administration.

*Approved October 27, 1976.*

---

**Chap. 528.** AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE CERTAIN PUBLIC LANDS FOR HIGHWAY PURPOSES IN THE CITY OF GARDNER.

*Be it enacted, etc., as follows:*

Subject to the provisions of section forty-four of chapter thirty of the General Laws and 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 under chapter seventy-nine of the General Laws, or to acquire by purchase or otherwise, the public lands under the control of the department of mental health hereinafter described, or such portions thereof as said department of public works may determine, and to divert said lands from their present public uses to highway use, as hereinafter provided.

Said lands to be so transferred and diverted are shown on a map entitled "Commonwealth of Massachusetts Department of Public Works - Public Lands Needed for Highway Purposes, September 19, 1975," which said department is hereby directed to file in the office of the state secretary and which said secretary is hereby authorized to receive for filing are identified as follows:

In the city of Gardner approximately 10.5 acres of Gardner

state hospital land for the reconstruction of a portion of route 140.

*Approved October 27, 1976.*

**Chap. 529.** AN ACT PROVIDING THAT REGISTRARS OF VOTERS SHALL HOLD CONTINUOUS SESSION FOR REGISTRATION FROM TWELVE O'CLOCK NOON UNTIL EIGHT O'CLOCK IN THE EVENING ON THE SATURDAY PRECEDING THE LAST DAY FOR REGISTRATION.

*Be it enacted, etc., as follows:*

SECTION 1. Section 28 of chapter 51 of the General Laws, as most recently amended by section 2 of chapter 853 of the acts of 1973, is hereby further amended by striking out, in line 8, the word "ten" and inserting in place thereof the word:- eight.

SECTION 2. Section 29B of said chapter 51 is hereby amended by striking out the second sentence, as appearing in section 2 of chapter 236 of the acts of 1966, and inserting in place thereof the following sentence:- They shall hold at their principal office at least one night session in each week during the last three weeks prior to the close of registration.

SECTION 3. Section 30 of said chapter 51 is hereby amended by striking out the second sentence, as appearing in section 3 of said chapter 236, and inserting in place thereof the following sentence:- They shall hold at their principal office at least one night session in each week during the last three weeks prior to the close of registration.

*Approved October 27, 1976.*

**Chap. 530.** AN ACT AUTHORIZING RESTRAINT OF DOGS WHICH ATTACK OTHER ANIMALS.

*Be it enacted, etc., as follows:*

Section 157 of chapter 140 of the General Laws, as amended by section 20 of chapter 320 of the acts of 1934, is hereby further amended by adding the following paragraph:-

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

*Approved October 27, 1976.*

**Chap. 531.** AN ACT FURTHER REGULATING THE INVESTMENT IN BONDS BY ELECTRIC AND GAS COMPANIES.

*Be it enacted, etc., as follows:*

Section 46 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 subdivision B and inserting in place thereof the following subdivision:-

B. Other Companies. Any such corporation may invest in the bonds of any company which at the time of such investment is incorporated under the laws of the United States or any state thereof, or the District of Columbia, and transacting the business of supplying electrical energy or artificial gas, or natural gas purchased from another company and supplied in substitution for, or in mixture with, artificial gas, for light, heat, power and other purposes, or transacting any or all of such business, provided at least eighty per centum of the gross operating revenues of any such company are derived from such business, subject to the following conditions:

1. Such company shall have been in existence for a period of not less than eight fiscal years and at no time within such period of eight fiscal years next preceding the date of such investment shall said company have failed to pay promptly and regularly the matured principal and interest of all its indebtedness direct, assumed or guaranteed, but the period of life of the company, together with the period of life of any predecessor company or companies from which a major portion of its property was acquired by consolidation, merger or purchase shall be considered together in determining the required period.

2. Such company shall make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year.

3. Either the outstanding full paid capital stock together with premiums thereon and the surplus of such company shall be equal to at least two thirds of the total debt secured by mortgage lien on any part or all of its property, or the outstanding full paid capital stock together with premiums thereon and surplus and unsecured debt not maturing within five years and not in excess of fifty per cent of such capital stock, premiums and surplus shall be equal to at least three-fourths of the total debt secured by mortgage lien on any part or all of its property, provided, however, that in case of a company having no-par value shares, the amount of capital which such shares represent shall be the capital as shown by the books of the company.

4. For a period of five fiscal years next preceding such investment the net earnings of such company shall have averaged per year not less than two and one-half times the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than one and three-quarters times the interest charges on its total funded debt for such year, and for such period the gross operating revenues of any such company shall have averaged per year not less than five million dollars.

5. In determining the qualifications of any bond under this section where a company shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation or merger, or by the purchase of all or a substantial portion of the property of any other company or companies, the gross operating revenues, net earnings, and interest charges of the several predecessor or constituent companies shall be consolidated and adjusted so as to ascertain whether the requirements of paragraph 4 of this section have been complied with.

6. Such bonds shall be

(a) bonds secured by a first or refunding mortgage on property owned and operated, or controlled, by the company issuing or assuming them, or underlying mortgage bonds secured by a lien on property owned and operated, or controlled, by the company issuing or assuming them, provided that such underlying mortgage bonds are to be refunded by a junior mortgage providing for their retirement, that the bonds under such junior mortgage comply with the requirements of this section, and that such underlying mortgage is either a closed mortgage or remains open solely for the issue of additional bonds which are to be pledged under such junior mortgage and provided that the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed two thirds of the net value of the physical property owned or controlled as shown by the books of the owning company, and subject to the lien of such mortgage or mortgages securing the total mortgage debt and provided further, that if a refunding mortgage, it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property, or

(b) bonds, other than mortgage bonds, provided, that (1) for a period of five fiscal years next preceding such investment the net earnings of such company shall have averaged per year not less than two and one-half times the average annual interest charges on its total funded debt applicable to that period, and for the last fiscal year preceding such investment such net earnings shall have been not less than two and one-quarter times the interest charges on its total funded debt outstanding for such year, (2) the capital stock together with premiums thereon and surplus of such company shall be equal to at least two-thirds of its total funded debt outstanding, (3) such bonds, if issued for a term longer than fifteen years, shall have been issued under an indenture containing a covenant providing for the establishment of a sinking fund for the benefit of such bonds whereby such bonds shall be redeemed at an annual rate of not less than two per cent of the largest principal amount of their issue at any one time outstanding, and (4) the mortgage bonds of such company, if any, shall qualify under the provisions of this section.

7. For the purposes of this section

(a) the gross operating revenues and expenses of a company shall be, respectively, the total amount earned from the operation of, and the total expense of maintaining and operating, all property owned and operated, or leased and operated, by such company, as determined by a system of accounts adopted by a federal, state or municipal public service commission, public utility commission or other similar regulatory body;

(b) the net value of any property shall be its value as shown by the books of the company less the amounts of any reserves for depreciation, retirement or amortization thereof;

(c) property shall be deemed to be controlled by a company if such company shall own not less than ninety per cent of the capital stock of the company owning such property;

(d) the net earnings of any company shall be the balance obtained by deducting from its gross operating revenues, its operating and maintenance expenses, taxes other than federal and state income taxes, rentals and provision for depreciation of the physical assets of the company, and by adding to said balance its net income from securities and miscellaneous sources but not, however, to exceed fifteen per centum of said balance where such income is a positive amount;

(e) the term "funded debt" shall be construed to mean all interest-bearing debt;

(f) whenever a company shall own a majority of the capital stock of another company, the consolidated statements of such other company shall be used in determining the gross operating revenues, the amount of net earnings and the amount of interest charges of the company provided that all the mortgage bonds, if any, and a controlling interest in the capital stock of such other company, is pledged as part security for the mortgage debt, if any, of the principal company;

(g) in the computation of the ratio of mortgage debt to net mortgaged property value there shall be excluded from the amount of outstanding mortgage bonds the amount of any cash deposited with the trustee of the mortgage and held in trust pursuant to the terms of such mortgage;

(h) the term "bond" includes a note or a debenture.

8. The bonds shall be part of an original issue of not less than twenty-five million dollars in principal amount.

9. No bond which is rated within the fourth grade or lower by two independent rating services designated by the commissioner shall be eligible for investment hereunder.

10. Not more than twenty-five per cent of the deposits of any such bank shall be invested in obligations under this section, nor shall more than four per cent of such deposits be invested in the obligations of any one such company. This provision shall limit, by inclusion, any amounts invested in obligations of companies engaged in the sale and distribuion of electricity or gas, or both,

authorized for investment under the provisions of section fifty.

*Approved October 27, 1976.*

**Chap. 532.** AN ACT REDEFINING THE TERM "EXECUTIVE OFFICE PROMOTIONAL EXAMINATION" IN THE CIVIL SERVICE LAW.

*Be it enacted, etc., as follows:*

The definition of "Executive office promotional examination" in section 1 of chapter 31 of the General Laws, inserted by section 1 of chapter 685 of the acts of 1971, is hereby amended by inserting after the word "six A", in line 1, the words:- , chapter seven, or chapter nineteen A.

*Approved October 27, 1976.*

**Chap. 533.** AN ACT AUTHORIZING WORK ACTIVITIES FOR JUVENILE OFFENDERS.

*Be it enacted, etc., as follows:*

The first paragraph of section fifty-eight of chapter one hundred and nineteen of the General Laws, as amended by section thirteen of chapter one thousand and seventy-three of the acts of nineteen hundred and seventy-three, is hereby further amended by striking out the second sentence and inserting in place thereof the following two sentences:- If the allegations against a child are proved beyond a reasonable doubt, he may be adjudged a delinquent child, or in lieu thereof, the court may continue the case without a finding and, with the consent of the child and at least one of the child's parents or guardians, place said child on probation. Said probation may include a requirement, subject to agreement by the child and at least one of the child's parents or guardians, that the child do work or participate in activities of a type and for a period of time deemed appropriate by the court.

*Approved October 27, 1976.*

**Chap. 534.** AN ACT EXTENDING FOR A LIMITED PERIOD THE LAW PROVIDING FOR THE PROTECTION OR RESTORATION OF THE RIGHTS OF CERTAIN PUBLIC EMPLOYEES.

*Be it enacted, etc., as follows:*

SECTION 1. If the rights of any person acquired under the provisions of chapter thirty-one of the General Laws or under any rule made thereunder have been prejudiced through no fault of his own, the personnel administrator of the civil service commission, with the approval of said commission, may take such action as will restore or protect such rights, notwithstanding the failure of any person to comply with any requirement of said

chapter thirty-one or any such rule as a condition precedent to the restoration or protection of such rights.

SECTION 2. This act shall take effect on January first, nineteen hundred and seventy-seven.

*Approved October 27, 1976.*

---

**Chap. 535.** AN ACT RELATIVE TO THE PLANNING BOARDS OF 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, in cities and towns constituting the Merrimack Valley Planning Commission district having appointed planning boards, the members of said commission may be elected as provided in said section or may be appointed by the board of selectmen or town council of a town or the mayor or city council of a city, as may be provided by local ordinance or by-law.

*Approved October 27, 1976.*

---

**Chap. 536.** AN ACT REPEALING THE CONSTRUCTION REQUIREMENTS OF TENEMENT HOUSES IN CITIES AND TOWNS.

*Be it enacted, etc., as follows:*

SECTION 1. Sections one, three to ninety-four, inclusive, and sections ninety-six to ninety-eight, inclusive, of chapter one hundred and forty-four of the General Laws are hereby repealed.

SECTION 2. Sections one, three to fifty-eight, inclusive, and sections sixty-one to sixty-three, inclusive, of chapter one hundred and forty-five of the General Laws are hereby repealed.

*Approved October 27, 1976.*

---

**Chap. 537.** AN ACT AUTHORIZING THE CLERK OF THE DISTRICT COURT OF MARLBOROUGH TO ADJUST HIS BOOKS ON ACCOUNT OF MONEY STOLEN FROM HIS OFFICE.

*Be it enacted, etc., as follows:*

The clerk of the district court of Marlborough is hereby authorized to adjust his accounts by deducting from his cashbook receipts of money due the county of Middlesex the sum of ninety-nine dollars and sixty-one cents, which was the sum stolen from said court and not recovered in a burglary during the night of August twenty-seventh, nineteen hundred and seventy-four.

*Approved October 27, 1976.*

---

**Chap. 538.** AN ACT AUTHORIZING THE TOWN OF WESTON TO JOIN WITH THE CITY OF WALTHAM IN THE CONSTRUCTION OF

THE BEAR HILL VALLEY RELIEF SEWER AND TO LAY OUT,  
CONSTRUCT AND OPERATE A SEWER FORCE MAIN IN THE  
CITY OF WALTHAM CONNECTING WITH SAID BEAR HILL  
VALLEY RELIEF SEWER.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 913 of the acts of 1971 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

The town of Weston is hereby authorized to join with the city of Waltham in the construction of the Bear Hill Valley relief sewer in the city of Waltham and to lay out, construct, maintain, operate and repair a sewer force main in the city of Waltham which will connect with said Bear Hill Valley relief sewer and extend from the Waltham-Weston municipal border adjacent to Kendall Common road in said Weston to a connection point in said Waltham adjacent to pump station No. 2 - Legion road. The connection into the Bear Hill Valley relief sewer, and the layout, construction, maintenance, operation and repair of such main as well as the wastes, wastewaters and septage disposed of through such connection and main shall be at all times in compliance with rules and regulations established by the sewer committee of the town of Weston and contracts or agreements between the town of Weston and the city of Waltham as authorized in section four.

SECTION 2. Section 2 of said chapter 913 is hereby amended by inserting after the words "seventy-one", in line 6, the words:- and as further authorized under Articles 10 and 11 of the warrant for the annual town meeting held May tenth, nineteen hundred and seventy-six.

SECTION 3. Section 3 of said chapter 913 is hereby amended by striking out the first and second sentences and inserting in place thereof the following three sentences:- For the purposes of paying damages for any takings or paying for purchases, as authorized aforesaid, and for the purposes of connecting to the Bear Hill Valley relief sewer and laying out and constructing the said sewer force main, a sewer collection system in the town of Weston, a sewerage system or systems in the town of Weston or the city of Waltham and the construction of a pumping station and any sewage disposal facility required for such ends, the town of Weston may borrow from time to time such sums as may be necessary for its share of project costs, not exceeding, in the aggregate, three million dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Weston Sewer Loan, Act of 1971. Each authorized issue shall constitute a separate loan, may be at varying interest rates and terms, all such loans to be paid at least within thirty years from their dates of issue. Indebtedness incurred under this act shall be in excess of the statutory limit, as prescribed by section ten of chapter forty-four of the General Laws, but shall, except as provided herein, be subject to said chapter, exclusive of any limita-

tion or requirement contained in sections seven or eight thereof.

SECTION 4. Section 4 of said chapter 913 is hereby amended by striking out, in lines 1 and 2, the words “the cities of Cambridge and Waltham” and inserting in place thereof the words: the city of Waltham-, and by striking out, in line 9, the word “cities” and inserting in place thereof the word:- City.

SECTION 5. Said chapter 913 is hereby further amended by striking out section 5 and inserting in place thereof the following section:-

*Section 5.* For the purpose of financing the Bear Hill Valley relief sewer connection and the town of Weston’s portion of the Bear Hill Valley relief sewer construction, and in the construction, operation, maintenance and repair of the sewer mains, sewage and septage collection system, and the sewerage system or systems and a pumping station and facilities to be laid out and constructed in the town of Weston and, pursuant to this act, in the city of Waltham, the town of Weston is further authorized to charge, in addition to other charges authorized by law, its inhabitants or those persons who enter into or in any way receive service from such sewerage system or systems a capital cost assessment to be established initially and, from time to time, by the sewer committee of the town of Weston or its successors, which capital cost assessment may be payable by the inhabitant or person receiving such service in annual installments over a period of time not to exceed twenty years. Interest on any unpaid balance of such charge shall bear annual interest to be established by said sewer committee, not to exceed eight per cent per annum.

*Approved October 27, 1976.*

---

**Chap. 539.** AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MIDDLESEX COUNTY TO BORROW MONEY TO MAKE CERTAIN IMPROVEMENTS AT 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 Middlesex county hospital a sum not exceeding five hundred thousand dollars to purchase and install an emergency power system and other electrical equipment, to install a central life support system, to replace four vacuum pumps, to construct a sewer line, and to reconstruct three elevators, including architectural and engineering fees and other costs incidental thereto and connected therewith.

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 five hundred thousand dollars and may issue bonds or notes of the county therefor, which shall bear on their face the words, Middlesex

County Hospital Loan, Act of 1976. Each authorized issue shall constitute a separate loan and such loans shall be payable not more than fifteen 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 October 27, 1976.*

---

**Chap. 540.** AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF MARBLEHEAD TO SELL A CERTAIN PARCEL OF PARK LAND IN SAID TOWN.

*Be it enacted, etc., as follows:*

The board of selectmen of the town of Marblehead is hereby authorized to sell a certain parcel of land consisting of about one hundred and fifteen square feet, together with an easement four feet wide and forty-eight feet in length, adjacent thereto, all as shown on a plan of land entitled "Marblehead, Mass., Town of Marblehead to Marblehead-Swampscott Y.M.C.A., dated April 26, 1976, George H. Clark, Town Engineer" for such sum of money as may be determined by said board, but not less than one dollar, and upon such terms and conditions as said board may determine, and said board is authorized to execute, acknowledge and deliver such deeds or other instruments as may be necessary to effect such conveyance.

Said parcel of land is bounded and described as follows:

*Town of Marblehead to Marblehead-Swampscott Y.M.C.A.*

Parcel "A"

Beginning at a point in the westerly line of Essex Street about one hundred and fifty-seven (157) feet from the intersection of the westerly line of Essex Street and the northeasterly line of School Street; thence in a northwesterly direction twenty-five (25) feet; thence in a northeasterly direction five (5) feet; thence in a southeasterly direction twenty-one (21) feet; thence in a southwesterly direction about seven (7) feet to the point of beginning.

Said described parcel containing about one hundred fifteen (115) square feet.

All as shown on a plan entitled "Town of Marblehead to Marblehead-Swampscott Y.M.C.A." dated "April 26, 1976, George H. Clark, Jr., Town Engineer", a copy of said plan being on file in the office of the town engineer of said town.

*Approved October 27, 1976.*

**Chap. 541.** AN ACT ESTABLISHING TERMS OF OFFICE 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, except that at the annual town election to be held in the year nineteen hundred and seventy-seven, one member shall be elected for a term of four years; thereafter in subsequent years all members shall be elected for terms of three years each.

*Approved October 27, 1976.*

---

**Chap. 542.** AN ACT RELATIVE TO ASSISTANT DISTRICT ATTORNEYS IN THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

SECTION 1. Section 14 of chapter 12 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 1 of chapter 1117 of the acts of 1971, and inserting in place thereof the following paragraph:-

For the middle district, fourteen 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 313 of the acts of 1976, and inserting in place thereof the following sections:-

*Section 16.* Assistant district attorneys shall devote their 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 salaries as follows: for the Suffolk district, two assistants, a sum equivalent to ninety per cent of the salary of the district attorney; eight assistants, a sum equivalent to eighty per cent of the salary of the district attorney; seven assistants, a sum equivalent to seventy per cent of the salary of the district attorney; ten assistants, a sum equivalent to sixty per cent of the salary of the district attorney; six assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistants, a sum equivalent to forty per cent of the salary of the district attorney; for the Northern district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney, two assistants, a sum equivalent to eighty per cent of the salary of the district attorney; three assistants, a sum equivalent to seventy per cent of the salary of the district attorney; five assistants, a sum equivalent to sixty per cent of the salary of the district attorney; four assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of

the salary of the district attorney; for the Middle district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; two assistants, a sum equivalent to eighty per cent of the salary of the district attorney; four assistants, a sum equivalent to seventy per cent of the salary of the district attorney; four assistants, a sum equivalent to sixty per cent of the salary of the district attorney; three assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; for the Eastern district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; one assistant, a sum equivalent to eighty per cent of the salary of the district attorney; two assistants, a sum equivalent to seventy per cent of the salary of the district attorney; three assistants, a sum equivalent to sixty per cent of the salary of the district attorney; two assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; for the Norfolk district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; two assistants, a sum equivalent to eighty per cent of the salary of the district attorney; two assistants, a sum equivalent to seventy per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; for the Western district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; one assistant, a sum equivalent to eighty per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; three assistants, a sum equivalent to sixty per cent of the salary of the district attorney; two assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; for the Bristol district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; one assistant, a sum equivalent to eighty per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; two assistants, a sum equivalent to sixty per cent of the salary of the district attorney; two assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; for the Cape and Islands district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; one assistant, a sum equivalent to sixty per cent of the salary of the district attorney; one assistant, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attor-

neys, a sum equivalent to forty per cent of the salary of the district attorney; for the Plymouth district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; two assistants, a sum equivalent to eighty per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; two assistants, a sum equivalent to sixty per cent of the salary of the district attorney; one assistant, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney; and for the Northwestern district, one assistant, a sum equivalent to ninety per cent of the salary of the district attorney; one assistant, a sum equivalent to seventy per cent of the salary of the district attorney; one assistant, a sum equivalent to sixty per cent of the salary of the district attorney; two assistants, a sum equivalent to fifty per cent of the salary of the district attorney; all other assistant district attorneys, a sum equivalent to forty per cent of the salary of the district attorney.

SECTION 3. Section 20A of said chapter 12 is hereby amended by striking out the last sentence, as most recently amended by section 3 of chapter 769 of the acts of 1969, and inserting in place thereof the following sentence:- Such special assistants shall have all the powers of an assistant district attorney and shall receive from the commonwealth such salary not exceeding a sum equivalent to forty per cent of the salary of the district attorney.

SECTION 4. This act shall take effect on January first, nineteen hundred and seventy-nine; provided, however, that any district attorney, assistant district attorney or special assistant 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 sections one or two of this act, as the case may be.

*Approved October 27, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

November 15, 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 542 of the Acts of 1976, entitled AN ACT RELATIVE TO ASSISTANT DISTRICT ATTORNEYS IN THE COMMONWEALTH, and the enactment of which received my approval on October 27, 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 allow for immediate changes in the law relative to assistant district attorneys in the commonwealth.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, November 15, 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 three o'clock and thirty-eight 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 forty-two of the acts of nineteen hundred and seventy-six.

Paul Guzzi  
*Secretary of the Commonwealth.*

---

**Chap. 543.** AN ACT CLARIFYING THE LAW AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO CONVEY CERTAIN LAND IN THE TOWN OF SHARON.

*Be it enacted, etc., as follows:*

Chapter 834 of the acts of 1975 is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

Parcel 1. Beginning at a point on the easterly side of Massapoag Avenue at the intersection of Massapoag Avenue and Mansfield Street; thence north along the easterly side of Massapoag Avenue approximately Five Hundred feet (500') to a point; thence north-easterly at an interior angle of One Hundred and Twenty-Two degrees (122°) more or less, approximately One Thousand feet (1000') to a point; thence south-westerly at an interior angle of Fifty-Nine degrees (59°) more or less, along land now or formerly owned by the Department of Environmental Management, approximately Two Thousand Six Hundred feet (2600') to a point; thence north-westerly at an interior angle of Thirty-Four degrees (34°) more or less, approximately One Thou-

sand-Four Hundred feet (1400') to a point; thence northerly at an interior angle of One Hundred Sixty-Four degrees (164°) more or less, approximately Four Hundred feet (400') to the point of beginning. Containing 31.5 acres more or less.

Parcel 2. Beginning at a point on the road in said Sharon leading from Sahron, Easton or East Foxboro known as Mansfield Street about South sixty-nine degrees West, thirty-six chains to a corner of land formerly of Charles T. Howard: thence South twenty-seven degrees east, four chains fifty-six links on land formerly of said Howard to a corner at the road leading to East Foxboro: thence about North seventy-one and  $\frac{1}{2}$  degrees East, three chains, twenty-nine lengths on the line of said road to East Foxboro: thence continuing along the line of said road to the point of beginning. Containing 2 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, and more particularly described as follows:

Parcel 1. Beginning at a point on the easterly side of Massapoag Avenue and approximately Eight Hundred feet (800') north of the Sharon-Easton Town Line; thence along the easterly side of Massapoag Avenue in the same direction approximately Eight Hundred feet (800') to a point; thence easterly at an interior angle of Ninety-Nine degrees (99°) more or less, approximately One Thousand One Hundred feet (1100') to a point; thence south-easterly at an interior angle of Ninety-Two degrees (92°) more or less, approximately Seven Hundred feet (700') to a point; thence north-westerly at an interior angle of Eighty-Nine degrees (89°) more or less approximately One Thousand-Three Hundred feet (1300') to the point of beginning. Containing 27.3 acres more or less.

Parcel 2. Beginning at a point on the westerly edge of property now or formerly owned by the Department of Environmental Management and approximately Two Thousand feet (2000') from the intersection of Massapoag Avenue and Mansfield Street southerly along the western edge of said property; thence southerly in the same direction approximately One Thousand-Four Hundred feet (1400') to a point; thence westerly at an interior angle of Ninety-Three degrees (93°) more or less, approximately Three Hundred feet (300') to a point; thence northerly at an interior angle of Sixty-Seven degrees (67°) more or less, approximately Two Hundred feet (200') to a point; thence in a northerly direction at an interior angle of Two Hundred and One degrees (201°) more or less, approximately Seven Hundred feet (700') to a point; thence northerly at an interior angle of One Hundred and Fifty-Nine degrees (159°) more or less, approximately Three Hundred feet (300') to the point of beginning. Containing 4.2 acres more or less.

Parcel 3. Beginning at the northeast corner of Ruby S. Ful-

ler's lot at stake and stones: thence N72° E. in line with land of George Howard four chains and fifty links to a corner; thence S29° E. thirteen chains and fifty-six links to stake and stones in an old wall at corner: thence S72° W. four chains and fifty links to a corner: thence N29° W. thirteen chains and sixty-three links to the point of beginning. Containing 6 acres more or less.

*Approved October 27, 1976.*

**Chap. 544.** AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH TO CONVEY A PARCEL OF LAND IN THE TOWN OF FOXBOROUGH TO THE NORWOOD HOSPITAL.

*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 convey a certain parcel of land located in the town of Foxborough, known as the Walnut Lodge property, by a deed approved in form by the attorney general, for consideration of one dollar, to the Trustees of the Norwood Hospital to be used as an intermediate care facility for the treatment of alcoholism and related conditions.

The boundaries of said parcel shall be determined by the mutual consent of the commissioner of mental health and the Trustees of the Norwood Hospital.

Said conveyance shall be subject to such conditions and restrictions as the commissioner of mental health may deem advisable, including a provision that said property shall revert to the commonwealth if such conditions and restrictions are not complied with within a period of two years after the recording of said deed.

Said conveyance shall be used as an intermediate care facility for the treatment of alcoholism and related conditions and if it shall cease to be used as such, title shall revert to the commonwealth.

*Approved October 27, 1976.*

**Chap. 545.** AN ACT PROVIDING THAT THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF DARTMOUTH SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter three hundred and forty-five of the acts of nineteen hundred and seventy-six is hereby repealed.

SECTION 2. The office of chief of police of the town of Dartmouth shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that the present incumbent of said office who is subject to said chapter thirty-one shall continue to be subject to said chapter.

SECTION 3. This act shall be submitted for acceptance to the

voters of the town of Dartmouth 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-six, entitled ‘An act providing that the office of chief of police of the town of Dartmouth shall be exempt from civil service laws and rules’, be accepted”? If a majority of the votes in answer to said question is in the affirmative, then this act shall there upon take full effect, but not otherwise.

*Approved October 27, 1976.*

---

**Chap. 546.** AN ACT CLARIFYING THE LAW GOVERNING THE APPOINTMENT OF CERTAIN POSITIONS IN THE SERVICE OF THE DEPARTMENT OF MENTAL HEALTH.

*Be it enacted, etc., as follows:*

Chapter 31 of the General Laws is hereby amended by striking out section 42, as most recently amended by section 121 of chapter 835 of the acts of 1974, and inserting in place thereof the following section:-

*Section 42.* Appointments of treasurers, stewards, regional business managers, business managers, directors of engineering services at the soldiers’ home in Massachusetts, directors of business services at the soldiers’ home in Massachusetts, adjutants and assistant adjutants in the service of the commonwealth may be made in accordance with the provisions of this chapter, or at the discretion of the appointing authority, as appointments exempt from the provisions of this chapter.

If an appointing authority proposes to fill a vacancy in the office of treasurer, steward, regional business manager, business manager, director of engineering services at the soldiers’ home in Massachusetts, director of business services at the soldiers’ home in Massachusetts, adjutant or assistant adjutant in the service of the commonwealth, as an appointment exempt from the provisions of this chapter, he shall certify to the administrator the name of a person believed to be competent by reason of training and experience to fill the vacancy and shall give the administrator such information concerning the proposed appointee as the administrator may require. The administrator shall immediately make a careful inquiry into the qualifications of the proposed appointee and if he is satisfied that the appointee is a competent person, with the requisite qualifications, he shall notify the appointing authority that the appointment is approved. Upon receipt of such notice the appointment shall take effect, subject to the provisions of law relating to the filing of bonds by the treasurers of institutions. If the administrator does not, within thirty days after the appointee is certified to him, notify the appointing

authority of his approval, the appointment shall be void. No person appointed under this section in accordance with the appointing authority's discretionary powers to exempt the appointment from the provisions of this chapter shall be classified under the civil service law and rules, and if said person has permanent civil service status in a position in the department at the time of such exempt appointment, he shall be notified in writing by the appointing authority that his civil service status is terminated. A copy of such notification shall be filed with the administrator.

*Approved October 27, 1976.*

---

**Chap. 547.** AN ACT RELATIVE TO THE INVESTMENT OF INSURANCE COMPANIES.

*Be it enacted, etc., as follows:*

SECTION 1. Paragraph 2 of section 63 of chapter 175 of the General Laws, as most recently amended by section 11 of chapter 391 of the acts of 1968 is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) In the bonds or notes of any county, city, school or water district, or other political subdivision, located in any other state in the United States, and having a population, according to the last national or state census preceding the date of such investment, of more than twenty-five thousand inhabitants, provided that such notes or bonds are legally authorized and are a direct obligation of the county, city, school or water district or political subdivision issuing the same.

SECTION 2. Said section 63 of said chapter 175 is hereby further amended by striking out paragraph 4, as amended by section 3 of chapter 266 of the acts of 1947, and inserting in place thereof the following paragraph:-

4. In the bonds, notes or other evidences of indebtedness of any corporation primarily engaged in public transportation which is incorporated or located wholly or in part in the commonwealth, or in the bonds, notes or other evidences of indebtedness of any corporation primarily engaged in public transportation which is located wholly or in part in any state of the United States, whose capital stock equals at least one third of its funded indebtedness, which has paid regularly for the five years next preceding the date of such investment all interest charges on said funded indebtedness, and which has paid regularly for such period dividends of at least four per cent per annum upon all its issues of capital stock, or whose net earnings available for fixed charges during each of any three, including the last two, of the five fiscal years next preceding the date of investment, have been for such years not less than one and one half times the total of its present fixed charges, or in the bonds, notes or other evidences of indebtedness of any corporation which have been, both as to principal and interest, assumed or guaranteed by any

such corporation primarily engaged in public transportation. "Net earnings available for fixed charges", as used in this paragraph, shall mean net income after deducting operating and maintenance expenses, taxes other than federal, state, dominion and provincial income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing corporation. "Fixed charges", as used in this paragraph, shall include interest on debt, annual apportionment of debt discount or premium and rentals for leased properties.

SECTION 3. Said section 63 of said chapter 175 is hereby further amended by striking out paragraph 6, as amended by section 5 of said chapter 266, and inserting in place thereof the following paragraph:-

In equipment trust obligations or certificates which are adequately secured or other adequately secured instruments evidencing an interest in transportation equipment to be used wholly or in part within the United States or the Dominion of Canada and a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such equipment.

SECTION 4. Said section 63 of said chapter 175 is hereby further amended by striking out paragraph 14F, as amended by section 2 of chapter 384 of the acts of 1968, and inserting in place thereof the following paragraph:-

In equipment or chattels or in instruments evidencing interests therein, or in obligations secured thereby; provided, that (a) any such property or property interest is acquired for or subject to lease, installment sale or other similar disposition to (1) the United States of America or any instrumentality thereof of any state of the United States or any county, city, town, school or water district, authority or other political subdivision in any such state, or (2) one or more companies incorporated under the laws of the United States or any state thereof, or of the Dominion of Canada or a province thereof, or one or more associations or trusts as defined in section one of chapter one hundred and eighty-two, whose average net earnings during the five fiscal years next preceding the date of investment have been not less than three times the average fixed charged for said period if such company, association for trust is not engaged in wholesale, retail, installment, commercial or consumer financing, factoring or the small loan business, or is not a bank chartered or incorporated under the laws of the United States or any state thereof, or one and one half times the average fixed charges for said period if such company, association or trust is so engaged or is such a bank, or (3) one or more companies engaged directly and primarily in the production, distribution, transmission or sale of electricity or gas, or in the operation of telephone or telegraph systems or water works located wholly or in part in any state of the

United States or in any province of the Dominion of Canada, the issue of which is subject to the jurisdiction of a federal, state, dominion, or provincial commission or other regulatory body, the net earnings available fixed charges of the issuing company during each of any three, including the last two, of the five fiscal years next preceding the date of investment, having been for telephone and telegraph systems and electric light or power companies not less than twice the fixed charges, for gas companies not less than two and one half times the fixed charges and for water companies not less than one and one half times the fixed charges, (b) any county, city, town, school or water district or political subdivision located outside the commonwealth, as set forth under clause (1) above, shall satisfy the requirements as to population or debt limitation as set forth in paragraph 2(b) and 2(c), respectively, of this section; (c) any right to receive rental, purchase or other fixed obligatory payments for the use or purchase of such equipment of chattels shall be for a period of not less than five years; and (d) no company shall acquire such property or property interest if the costs thereof plus the aggregate book value of all such property or property interests held under this paragraph at the time of any such acquisition exceeds five per cent of the assets of such company. As used in this paragraph, "net earnings" and "fixed charges" shall have the same meanings as set forth in paragraph 14A.

*Approved October 27, 1976.*

---

**Chap. 548.** AN ACT PROVIDING FOR THE APPOINTMENT OF GUARDIANS *AD LITEM* AND NEXT FRIENDS FOR MENTALLY RETARDED PERSONS AND OTHER PERSONS UNDER DISABILITY.

*Be it enacted, etc., as follows:*

Chapter 201 of the General Laws is hereby amended by striking out section 34, as appearing in the Tercentenary Edition, and inserting in place thereof the following section:-

*Section 34.* If, under the terms of a written instrument or otherwise, a minor, a mentally retarded person, or person under disability, or a person not ascertained or not in being, may be or may become interested in any property real or personal, or in the enforcement or defense of any legal rights, the court in which any action, petition or proceeding of any kind relative to or affecting any such estate or legal rights is pending may, upon the representation of any party thereto, or of any person interested, appoint a suitable person to appear and act therein as guardian *ad litem* or next friend of such minor, mentally retarded person or person under disability or not ascertained or not in being; and a judgement, order or decree in such proceedings, made after such appointment, should be conclusive upon all persons for

whom such guardian ad litem or next friend was appointed.

*Approved October 27, 1976.*

---

**Chap. 549.** AN ACT FURTHER REGULATING THE RESPONSIBILITY OF EXECUTORS AND ADMINISTRATORS IN SELLING CERTAIN REAL ESTATE.

*Be it enacted, etc., as follows:*

Chapter 202 of the General Laws is hereby amended by adding the following section:-

*Section 38.* After the entry of a decree authorizing or licensing an executor, administrator, guardian, conservator or trustee to sell real estate at public or private sale, provided: (a) the notice of the petition for license to sell real estate and of the time and place appointed for hearing the same shall have been given by publication once in each of three successive weeks in such newspaper as the court orders, and (b) there shall have been no appearance entered against such sale prior to the entry of the decree, or where such appearance shall have been entered and withdrawn prior to the entry of the decree, notwithstanding the fact that an appeal may have been taken prior to the expiration of the period allowed for an appeal therefrom, it shall be conclusively presumed that the amount of the advantageous offer stated in said petition for license to sell real estate is the highest possible price obtainable for the real estate described in such petition and that the executor, administrator, guardian, conservator or trustee has fully satisfied his fiduciary duty to obtain the highest possible price for such real estate.

*Approved October 27, 1976.*

---

**Chap. 550.** AN ACT AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT OF CERTAIN PARK LAND IN THE TOWN OF NATICK FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS FOR HIGHWAY PURPOSES.

*Be it enacted, etc., as follows:*

Subject to the provisions of section forty-four A of chapter thirty of the General Laws and chapter six hundred and ninety-three of the acts of nineteen hundred and fifty-five, the department of environmental management is hereby authorized and directed to convey a permanent easement to the department of public works of certain land for drainage and sloping in the construction of state highway route 9 at Speen street, in the town of Natick, being a portion of Lake Cochituate State Park. Said parcel is shown on a plan on file in the department of public works and described as follows:

A parcel of land now under the care, custody and control of the department of environmental management, located on the southerly side of auto route 9, in the town of Natick, needed by the department of public works for permanent easement for drainage and sloping, bounded and described as follows: Beginning at a point bearing south  $13^{\circ}-18'-47''$  west and 35.00 feet distant from Route 9 baseline station 54+72.06; thence south  $76^{\circ}-41'-13''$  east 150.00 feet along the present state highway location line; thence south  $13^{\circ}-18'-47''$  west 30.00 feet; thence north  $76^{\circ}41'-13''$  west 151.80 feet; thence north  $16^{\circ}-44'-52''$  east 30.05 feet to the point of beginning. Containing approximately 4,527 square feet of land.

The department of public works is hereby authorized to construct slopes of excavation or embankment appurtenant to said improvement outside of the such location.

For the purposes of this act the department of public works is hereby authorized to divert to highway use the above described lands or portions thereof presently in public use as park lands, recreational areas or nature preserves.

*Approved October 27, 1976.*

---

**Chap. 551.** AN ACT AMENDING THE LAW PERTAINING TO FETAL RESEARCH.

*Be it enacted, etc., as follows:*

Chapter 112 of the General Laws is hereby amended by striking out section 12J and inserting in place thereof the following section:-

*Section 12J.* (a) I. No person shall use any live human fetus whether before or after expulsion from its mother's womb, for scientific, laboratory, research or other kind of experimentation. This section shall not prohibit procedures incident to the study of a human fetus while it is in its mother's womb, provided that in the best medical judgment of the physician, made at the time of the study, said procedures do not substantially jeopardize the life or health of the fetus, and provided said fetus is not the subject of a planned abortion. In any criminal proceeding a fetus shall be conclusively presumed not to be the subject of a planned abortion if the mother signed a written statement at the time of the study, that she was not planning an abortion.

This section shall not prohibit or regulate diagnostic or remedial procedures the purpose of which is to determine the life or health of the fetus involved or to preserve the life or health of the fetus involved or the mother involved.

A fetus is a live fetus for purposes of this section when, in the best medical judgment of a physician, it shows evidence of life as determined by the same medical standards as are used in determining evidence of life in a spontaneously aborted fetus at ap-

proximately the same stage of gestational development.

(a) II. No experimentation may knowingly be performed upon a dead fetus unless the consent of the mother has first been obtained, provided, however, that such consent shall not be required in the case of a routine pathological study. In any criminal proceeding, consent shall be conclusively presumed to have been granted for the purposes of this section by a written statement, signed by the mother who is at least eighteen years of age, to the effect that she consents to the use of her fetus for scientific, laboratory, research or other kind of experimentation or study; such written consent shall constitute lawful authorization for the transfer of the dead fetus.

(a) III. No person shall perform or offer to perform an abortion where part or all of the consideration for said performance is that the fetal remains may be used for experimentation or other kind of research or study.

(a) IV. No person shall knowingly sell, transfer, distribute or give away any fetus for a use which is in violation of the provisions of this section. For purposes of this section, the word "fetus" shall include also an embryo or neonate.

(a) V. Except as hereafter provided, whoever violates the provisions of this section shall be punished by imprisonment in a jail or house of correction for not less than one year nor more than two and one-half years or by imprisonment in the state prison for not more than five years and by the imposition of a fine of up to ten thousand dollars.

(a) VI. In any criminal action under this subsection (a), it shall be a complete defense that at the time of its performance the subject procedure had received the written approval of a duly appointed Institutional Review Board provided that such Board sets forth in its written approval that the procedure does not violate the provisions of this subsection (a) and sets forth therein a reasonable basis for such conclusion and provided that there was not outstanding, at any time that the subject procedure was being performed, a judgment of a court entered pursuant to the provisions of subsection (b), that the subject procedure violates the provisions of this subsection (a). The written approval shall contain a detailed description of the procedure by attachment of a protocol or other writing or otherwise and shall be maintained as a permanent record by such Board or by the hospital or other institution for which the Board acts.

A copy of the written approval, together with any attached protocol or other writing, shall be filed with the office of the District Attorney for the county in which the hospital or other institution for which the board acts, is located. Such copy shall be available for public inspection at reasonable times. No member of an Institutional Review Board voting not to approve a procedure, or not present at such a vote, shall be criminally or civilly liable for such approval by the Institutional Review Board

or for the performance of the procedure by others. No member of such a Board voting to approve a procedure shall be criminally or civilly liable for such approval by him or the performance of the procedure by others if, based on the written approval and the basis thereof referred to above, such a member acts on a good faith belief that the procedure does not violate the provisions of this section.

(a) VII. Where there is outstanding such a judgment that the subject procedure violates the provisions of this subsection (a), it shall not constitute a defense that the person performing said procedure did not receive notice, or otherwise know, of that judgment; provided, however, that until the District Attorney files a copy of the judgment prohibiting a procedure with the Commissioner of Public Health as provided in subsection (b) VII it shall constitute a defense that the person performing the subject procedure did not have notice of the judgment and that he had obtained the approval of the Institutional Review Board for the subject procedure as provided in subsection (a) VI.

(b) I. Whenever a procedure has been approved by a duly appointed Institutional Review Board which the District Attorney for the district where said procedure is performed has reasonable grounds to believe is prohibited under the provisions of subsection (a), he shall file a complaint in the Superior Court sitting in a county where the procedure is performed seeking a determination of whether said procedure violates the provisions of this statute. The complaint shall describe the procedure and the reason or reasons why there are reasonable grounds to believe that the said procedure is in violation of the provisions of this statute. The complaint shall name as defendants those persons within his jurisdiction whom the District Attorney reasonably believes have performed, are performing, or are about to perform, the described procedure and those institutions within his jurisdiction in which said procedure has been performed, is being performed, or is about to be performed; such defendants shall be served with a copy of the complaint and a summons in accordance with the provisions of Rule 4 of the Massachusetts Rules of Civil Procedure. Upon the filing of the complaint, notice thereof shall be given by the District Attorney, by certified or registered mail, to the Commissioner of Public Health, who in turn shall give the same notice to those institutions in the Commonwealth who, in the judgment of said Commissioner, may be affected by a judgment in the action, and in any event to all of the licensed medical schools in the Commonwealth.

(b) II. Any person or institution which has performed, is performing, or is about to perform, a procedure, may file a complaint in the Superior Court seeking a determination of whether said procedure violates the provision of this statute. Said determination may be sought irrespective of whether said procedure has been approved by an institutional review board. The

complaint, which shall have attached thereto a copy of any protocol relative to said procedure, shall describe the procedure and state the reason or reasons which cause the plaintiff to seek the judicial determination. The complaint shall name the District Attorney for the district where the procedure is performed as defendant in the action and he shall be served with a copy of the complaint, including the attached protocol, if any, and the summons in accordance with the provisions of Rule 4 of the Massachusetts Rules of Civil Procedure. Service shall be made by delivery to the office of said District Attorney; or by mailing by certified or registered mail to said office. Upon receipt of service, notice shall be given by the District Attorney, by certified or registered mail, to the Commissioner of Public Health who in turn shall give notice to those institutions who in the judgment of said commissioner may be affected by a judgment in the action, and in any event to all of the licensed medical schools in the Commonwealth.

(b) III. Any person or institution desiring to intervene in the action may file a motion to intervene with the court in which the action is pending within ten days from the mailing of such notice, except that the court, for good cause shown, may allow said motion after the ten-day period. A copy of the motion to intervene shall also be served upon the District Attorney and upon the persons or institutions initiating the action or against whom the action has been initiated. The motion shall be signed and certified under oath by the applicant and shall state the grounds therefore showing that the applicant claims an interest in the issue of the lawfulness of the subject procedure in that he has performed said procedure, or that he is performing said procedure, or that he is about to perform said procedure, and that the disposition of the action may impair or impede his ability to perform or continue to perform said procedure. Upon a determination by the court that the applicant has satisfied the requirement of this section, the court shall allow the applicant to intervene in the action.

(b) IV. After service of the complaint upon an original party, such party shall serve and file an answer within twenty days unless otherwise directed by order of the court. The answer shall state whether, in the opinion of the pleader, the subject procedure is prohibited by the provisions of this statute and the reason or reasons for such opinion. An intervenor may serve and file a pleading in support of either the complaint or answer within ten days from receipt of notice of the granting of the motion to intervene. Unless the court otherwise orders, no response to the pleading of an intervenor is required.

(b) V. Any party may move for summary judgment, in accordance with Rule 56 of the Massachusetts Rules of Civil Procedure, or for judgment on the pleadings in accordance with Rule 12 (c) of the Massachusetts Rules of Civil Procedure. If, on a

motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion.

(b) VI. Any trial on the merits shall be without a jury. The court shall find the facts specially and shall set forth in writing separately its findings of facts and conclusions of law thereon and shall enter judgment accordingly. Such judgment may be appealed to the Supreme Judicial Court. Until reversed, however, by the Supreme Judicial Court, such judgment shall constitute an in rem judgment, binding within the Commonwealth of Massachusetts, that the subject procedure is prohibited or is not prohibited by the provisions of this statute.

(b) VII. Upon the entry of a judgment that a procedure is prohibited by the provisions of this statute, the District Attorney shall promptly give notice by publication in a newspaper of general circulation in each of the counties of the Commonwealth and by sending notification by registered or certified mail to each licensed hospital and medical school in the Commonwealth; such notice shall contain a description of the prohibited medical procedure and shall state that the performance of such procedure constitutes a crime punishable under the provisions of this statute. A copy of all judgments and accompanying opinions permitting or prohibiting a procedure shall be filed by the District Attorney with the Commissioner of Public Health. The Commissioner of Public Health shall maintain a permanent file of such judgments and opinions for public inspection.

(b) VIII. Any action brought under this statute to determine whether a procedure is prohibited by the provisions of this statute and any appeal of a judgment that a procedure is or is not prohibited by the provisions of this statute shall be advanced for a prompt and speedy disposition consistent, however, with a reasonable opportunity being afforded to the parties to properly prepare the case.

(b) IX. If any section, subsection, paragraph, sentence or clause of this statute is held to be unconstitutional, such holding shall not affect the remaining portions of this statute.

*Approved October 27, 1976.*

---

**Chap. 552.** AN ACT RELATIVE TO MOTOR VEHICLE SAFETY STANDARDS FOR THE TRANSPORTATION OF SCHOOL CHILDREN TO AND FROM SCHOOL OR CHILDREN ENROLLED IN RECREATIONAL PROGRAMS.

*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 878 of the acts of 1975, and inserting in place thereof the following definition:-

“School bus”, any motor vehicle used for the transportation of school pupils and school personnel to and from school or for the transportation of children enrolled in a camp or recreational program, while so used, but not including any such motor vehicle used for not more than five days in case of emergency or a motor vehicle while also used for the common carriage of the public under a certificate and permit issued under sections seven and eight of chapter one hundred and fifty-nine A, or a motor vehicle having permanent seating accommodations for and carrying not more than eight persons in addition to the operator.

SECTION 1A. Clause (1) of section 7B of said chapter 90, as appearing in section 2 of said chapter 878, is hereby amended by striking out the second sentence.

SECTION 2. Clause (6) of section 7B of said chapter 90, as appearing in section 2 of said chapter 878 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Beginning with the chassis model year nineteen hundred and seventy-five and subsequent model years, 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 United States motor vehicle D.O.T. Safety standard No. 17, as amended, and bumpers, lettering, wheels and trim shall be painted a glossy black, in accordance with such standard.

SECTION 3. Clause (7) of section 7B of said chapter 90, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Each school bus shall be equipped with front and rear alternating flashing red signal lamps complying with United States motor vehicle D.O.T. Safety standard No. 108, which shall be left flashing when school pupils are entering or leaving said bus.

SECTION 4. Said chapter 90 is hereby further amended by striking out section 7D, as most recently amended by section 3 of said chapter 878, and inserting in place thereof the following section:-

*Section 7D.* The requirements of clauses (1), (2), (3), (5), (7), (8), (9), (10), (13), and (16) of section seven B shall apply to any motor vehicle having permanent seating accommodations for and carrying not more than eight passengers in addition to the operator, regularly used for the transportation of school pupils, while so used. In addition each such vehicle shall be required to be equipped with one pair of adequate chock blocks and three flares in compliance with United States motor vehicle D.O.T. Safety standard No. 125 which shall be placed upon the roadway in compliance with section fourteen B of chapter eighty-five when such vehicle becomes disabled upon the traveled portion of any street or highway.

SECTION 5. Section 8A of said chapter 90, as most recently amended by section 4 of said chapter 878, is hereby further amended by inserting after the second paragraph the following two paragraphs:-

Notwithstanding the provisions of section thirty-two G of chapter ninety to the contrary, a person may engage in the business of instructing in pre-service and in-service school bus driver's training programs by being a certified school bus instructor.

Applications for a certificate, under this section, may be filed with the registrar and shall contain such information as he shall prescribe. Each such application shall be accompanied by an application fee of five dollars, which in no event shall be refunded. Such persons shall pay a fee of five dollars per year to maintain said certificate. No fee or compensation shall be charged in whatever manner to the participants in the pre-service and in-service training courses.

*Approved October 27, 1976.*

---

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT  
STATE HOUSE • BOSTON 02133

October 27, 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 552 of the Acts of 1976 entitled AN ACT RELATIVE TO MOTOR VEHICLE SAFETY STANDARDS FOR THE TRANSPORTATION OF SCHOOL CHILDREN TO AND FROM SCHOOL OR CHILDREN ENROLLED IN RECREATIONAL PROGRAMS., and the enactment of which received my approval on October 27, 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 provide for certain immediate safety standards for school buses transporting children.

Sincerely,  
Michael S. Dukakis  
*Governor of the Commonwealth*

OFFICE OF THE SECRETARY, BOSTON, October 28, 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 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 five hundred and fifty-two of the acts of nineteen hundred and seventy-six.

Paul Guzzi

*Secretary of the Commonwealth*

---

**Chap. 553.** AN ACT DIRECTING THE DEPARTMENT OF MENTAL HEALTH TO CONVEY CERTAIN LANDS IN THE TOWN OF NORTON TO THE TOWN OF MANSFIELD FOR THE PURPOSE OF CONSTRUCTING A SEWAGE TREATMENT PLANT AND RELATED IMPROVEMENTS.

*Be it enacted, etc., as follows:*

The department of mental health, acting for and on behalf of the commonwealth, is hereby authorized and directed to convey, by a deed, approved as to form by the attorney general, for consideration of one dollar, a parcel of land located within the town of Norton, to the town of Mansfield for the purpose of constructing a sewage treatment plant and related improvements as required by the Massachusetts division of water pollution control in the Taunton River Basin Plan for Water Quality Management as approved by the Federal Environmental Protection Agency. Said parcel is bounded and described as follows:-

Beginning at a point on the easterly sideline of Hill St., said point being 460 ft. northerly of the intersection of Hill and Crane Streets, thence running N58-34-40E 1420 ft., to an iron pin. Thence running S31-25-20E 836.45 to an iron pin. Thence running S32-39-16W 648.53 ft., Thence running N31-25-20W 520.91 ft. to an iron pin, thence running S58-34-40W 958.72 ft. to an iron pin set on the easterly sideline of Hill Street, the last 5 courses being by the land of the Grantor (The Commonwealth of Massachusetts), thence running N38-49-14W 172.43 ft. to a drill hole in a road stone, thence running by the remains of a stone wall N14-25-12W 111.23 ft. to a concrete bound, thence running by a stone wall N10-59-11W 54.55 ft. to a drill hole in a boulder, running N12-46-45W 177.61 ft. to a drill hole in a boulder, thence running by a stone wall N08-25-10W 42.53 ft. to a drill hole in a boulder, thence running by a stone wall N14-29-08E 66.00 ft. to the point of beginning.

Said land shall be used only to construct and maintain a wastewater treatment facility and shall be further subject to the condition that said land and facility shall be made available for use by the towns of Norton and Foxborough in fulfilling their requirements of said Basin Plan for Water Quality Management.

In the event that said land is not used for the purpose of constructing and maintaining a wastewater treatment facility within a period of five years after the effective date of this act, title to said land shall revert to the commonwealth.

*Approved October 27, 1976.*

# RESOLVES.

---

## **Chap. 1.** 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 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, eighteen, nineteen, sixty-three, seventy-one, one hundred and five, one hundred and sixteen, one hundred and twenty-two, 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, chapters thirty-one, thirty-seven, thirty-eight, forty-three, forty-nine, fifty, fifty-two, sixty-three, seventy-two, seventy-seven, seventy-eight, seventy-nine and eighty-eight of the resolves of nineteen hundred and seventy-four and chapters twenty-six, fifty-four, fifty-eight, sixty, sixty-four and sixty-five of the resolves of nineteen hundred and seventy-five are hereby revived and continued.

Each special commission hereby revived and continued shall file a status report with the clerk of the house of representatives by the fourth Wednesday in June of the current year. Such report shall include information as to the activities of such commission.

*Approved, March 16, 1976.*

---

## **Chap. 2.** 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-five is hereby further revived and continued. Said commission shall report not later than March thirty-first, nineteen hundred and seventy-seven.

*Approved, April 14, 1976.*

---

- Chap. 3.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT RELATIVE TO THE DEVELOPMENT AND MAINTENANCE OF A CERTAIN PUBLIC BEACH ALONG THE TAUNTON RIVER, IN THE CITY OF FALL RIVER.

*Resolved,* That the department of environmental management is hereby authorized and directed to make an investigation and study relative to the development and maintenance of a public beach along the Taunton River, in the city of Fall River, in what was formerly known as the Sandy Beach area, and shall in the course of its investigation and study prepare suitable plans for pollution control and complete development of a beach area. Said department shall report to the general court the results of its investigation and study, and its 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 on or before the last Wednesday of December, nineteen hundred and seventy-six. *Approved, April 30, 1976.*

---

- Chap. 4.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE PROBLEMS CONCERNING ARSON.

*Resolved,* That a special commission, to consist of three members of the senate, seven members of the house of representatives, the commissioner of public safety or his designee, and four persons to be appointed by the governor, one of whom shall be a member of the insurance industry, one of whom shall be a representative of the National Fire Protection Association, the chief of the Massachusetts Firefighting Academy, or his designee, and a city or town fire chief designated by the Fire Chiefs Association of Massachusetts, is hereby established for the purpose of making an investigation and study relative to the problems concerning arson throughout the commonwealth.

*Approved, May 19, 1976.*

---

- Chap. 5.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DIVISION OF MARINE AND RECREATIONAL VEHICLES IN THE REGISTRY OF MOTOR VEHICLES RELATIVE TO REQUIRING THE LICENSING OF MOTORBOAT OPERATORS.

*Resolved,* That the division of marine and recreational vehicles in the registry of motor vehicles is hereby authorized and directed to make an investigation and study relative to requiring the licensing of motorboat operators. Said division 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 last Wednesday of December, nineteen hundred and seventy-six.

*Approved, May 24, 1976.*

---

**Chap. 6.** RESOLVE CONTINUING AN ANNUITY FOR JAMES. J. MURPHY OF FALL RIVER, A FORMER MEMBER OF THE STATE POLICE.

*Resolved,* That, for the purpose of discharging a moral obligation of the commonwealth, there shall be allowed and paid out of the state treasury to James J. Murphy of the city of Fall River, formerly a member of the state police, an annuity of two thousand four hundred dollars per year, payable in equal monthly installments, for a period of ten years commencing June the first, nineteen hundred and seventy-six. Said annuity shall cease upon the death of said James J. Murphy if it occurs prior to the expiration of said period of ten years; and be it further

*Resolved,* That chapter thirty-five of the resolves of nineteen hundred and seventy-one is hereby repealed as of June the first, nineteen hundred and seventy-six. *Approved, May 28, 1976.*

---

**Chap. 7.** RESOLVE IN FAVOR OF PATIENCE LANDRY, WIDOW OF RICHARD E. LANDRY.

*Resolved,* That, for the purpose of promoting the public good, and after an appropriation has been made therefor, there be paid out of the state treasury to Patience Landry, the widow of the late Richard E. Landry, who died while a member of the present house of representatives, the salary to which he would have been entitled had he lived and served until the end of the term for which he was elected. *Approved, May 28, 1976.*

---

**Chap. 8.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE SECRETARY OF ENVIRONMENTAL AFFAIRS RELATIVE TO THE FEASIBILITY OF ALLOWING FISHING THROUGH THE ICE, UNDER A CONTROLLED PROGRAM, AT THE WACHUSETT RESERVOIR.

*Resolved,* That the secretary of environmental affairs is hereby authorized and directed to make an investigation and study relative to the feasibility of allowing fishing through the ice, under a controlled program, at the Wachusett reservoir. The division of fisheries and wildlife, the division of recreational vehicles, the metropolitan district commission and the department of public health shall assist in said investigation and study. The secretary shall consider the possibility of a permit or fee system to fund any expenses that may be incurred by such a fishing 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 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 shall file his final report on or before October first, nineteen hundred and seventy-six.

*Approved, June 1, 1976.*

---

**Chap. 9.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE FEASIBILITY OF CONSTRUCTING A BY-PASS NEAR STATE HIGHWAY ROUTE 2 IN THE TOWN OF WESTMINSTER.

*Resolved,* That the department of public works is hereby authorized and directed to make an investigation and study relative to the feasibility of constructing a motor vehicle by-pass north of state highway route 2 in the town of Westminster. 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 such 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-six.

*Approved, June 1, 1976.*

---

**Chap. 10.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO ESTABLISHING AN ANNUAL EMISSIONS INSPECTION PROGRAM FOR ALL MOTOR VEHICLES.

*Resolved,* That a special commission to consist of three members of the senate, five members of the house of representatives, the secretary of public safety or his designee, the registrar of motor vehicles or his designee, and the secretary of environmental affairs or his designee, is hereby established for the purpose of making an investigation and study of the subject matter of current house document number 3642, relative to establishing an annual emissions inspection program for all motor vehicles. 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 June twenty-fifth, nineteen hundred and seventy-six.

*Approved, June 10, 1976.*

---

**Chap. 11.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

THROUGH ITS DIVISION OF FORESTS AND PARKS RELATIVE TO THE CONSTRUCTION OF CERTAIN POOLS AND RINKS.

*Resolved*, That the department of environmental management, through its division of forests and parks, is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 3278, authorizing the department of natural resources to construct a swimming pool in the city of Marlborough; 3459, authorizing the department of natural resources to construct and maintain a skating rink at Hubbard Park in the Indian Orchard section of the city of Springfield; 3629, authorizing the department of natural resources to construct a swimming pool at Hubbard Park in the Indian Orchard section of the city of Springfield; 3869, authorizing and directing the department of natural resources to construct a swimming pool at Marshall Fay Field in the city of Springfield; and 3876, relative to the disposition of receipts from use of ice skating rinks operated by the department of natural resources. Said department shall report to the general court the results of its investigation and study, and its 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 on or before the last Wednesday of December, nineteen hundred and seventy-six. *Approved, June 18, 1976.*

---

**Chap. 12.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE PROTECTION OF CHILDREN AND THE ELDERLY AND CERTAIN OTHER RELATED MATTERS.

*Resolved*, That the judicial council be requested to investigate the subject matter of current senate documents numbered 607, pertaining to the disposition of care and protection proceedings; 608, establishing evidentiary procedures in care and protection hearings; 609, authorizing emergency court orders transferring the custody of a child; 610, revising the definitions and procedures applicable to children in need of care and protection; 702, relative to notice to parents in cases in which their minor children have been killed; and of current house documents numbered 703, increasing the penalties for the commission of violent crimes upon the elderly; 984, relative to the evasion of payment of fare; 1587, relative to discouraging cruelty to animals in the production of commercial visual entertainment materials; 3436, relative to the laws pertaining to certain children; 3452, allowing an adopted person to obtain any and all information on such adoption upon reaching the age of twenty-one; 3858, relative to the status of a husband or a wife who petitions for adoption and dies before it is allowed; and 4168, granting probate courts the power to make decrees concerning the care, custody, education and maintenance of certain illegitimate

children, 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 28, 1976.*

---

**Chap. 13.** RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO THE CHILD CUSTODY LAWS AND RELATIVE TO PROVIDING FOR THE IMPROVEMENT OF THE FISCAL, BUDGETARY AND ADMINISTRATIVE PROCEDURES OF THE DISTRICT COURTS.

*Resolved,* That the judicial council be requested to investigate the subject matter of current house documents numbered 306, providing the sharing of custody, visitation and support of children; 1784, amending the child custody laws to allow the probate court to enter an order for joint legal custody; 1951, providing for the improvement of the fiscal, budgetary and administrative procedures of the district courts; and of the investigation and study proposed by current house document numbered 4028, providing for an investigation relative to the feasibility of adopting the child custody jurisdiction law, so called, as in effect in other states, 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 30, 1976.*

---

**Chap. 14.** RESOLVE DIRECTING THE DIVISION OF WATERWAYS TO CONDUCT AN ENGINEERING FEASIBILITY STUDY FOR THE REPAIR OF RED DAM IN THE TOWN OF WRENTHAM.

*Resolved,* That, the division of waterways of the department of environmental quality engineering is hereby authorized and directed to conduct an engineering feasibility study for the repair of Red Dam in the town of Wrentham; provided, however, that said Red Dam is owned by the town of Wrentham. Funds expended in carrying out the purposes of this resolve shall not exceed fifteen thousand dollars and shall be charged against the harbor and inland waters maintenance fund established by chapter eight hundred and seventy-eight of the acts of nineteen hundred and seventy. Said division shall report to the general court the results of its investigation and study and its recommendations, if any, by filing the same with the clerk of the house of representatives on or before the last Wednesday of April, nineteen hundred and seventy-seven.

*Approved, August 13, 1976.*

---

**Chap. 15.** RESOLVE REACTIVATING THE MASSACHUSETTS BRIGADE OF THE CONTINENTAL LINE.

*Resolved*, That, for the purpose of preserving the tradition and heritage of the Revolutionary Army, the Massachusetts Brigade of the Continental Line composed of the IIIrd Corps Artillery, the Continental Navy, and the 1st through the XVIIIth Massachusetts Line Regiments organized in the Continental Army under the command of Major General George Washington is hereby reactivated as the Massachusetts Brigade, to be the official heir and successor to said ancestor Brigade. Said Massachusetts Brigade shall be governed by regulations and by-laws promulgated by said Brigade to ensure standard authenticity and the safety of the members and of the public in accordance with the laws of the Commonwealth. Said Brigade may drill and parade as the Massachusetts Brigade of the Continental Army.

*Approved, August 13, 1976.*

---

**Chap. 16.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE RETIREMENT LAW COMMISSION RELATIVE TO THE FUNDING OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM.

*Resolved*, That, the retirement law commission is hereby authorized and directed to make an investigation and study of the subject matter of the current senate document numbered 896, providing for funding of the public employee retirement systems; of the investigation and study proposed by current senate document numbered 898, relative to funding the state retirement system; of current house documents numbered 956, providing for funding of retirement systems in counties, cities and towns; 4079, requiring all state, county and municipal pension plans to be fully funded; and 4190, relative to the liabilities of the commonwealth. 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 such recommendations into effect by filing the same with the clerk of the senate on or before the last Wednesday of December, nineteen hundred and seventy-six.

*Approved. August 27, 1976.*

---

**Chap. 17.** RESOLVE IN FAVOR OF THE WIDOW OF FRANCIS C. COMFORT, LATE MEMBER OF THE STATE POLICE.

*Resolved*, That, for the purpose of the discharging a moral obligation of the commonwealth, and subject to appropriation, and notwithstanding the provisions of chapter seventy-eight of the resolves of nineteen hundred and thirty-eight, there be allowed and paid from the state treasury to the widow of Francis C. Comfort, who died on April seventh, nineteen hundred and thirty-eight, in consequence of injuries sustained by him in the performance of duty as a member of the state police, in an amount equal to that received by the widow of a member of the uniformed branch of the

state police under the provisions of option (d) of subsection 2 of section twelve of chapter thirty-two of the General Laws, payable in equal monthly instalments, so long as said widow does not remarry. No payment shall be made hereunder until there shall have been filed with the state treasurer an agreement signed by said widow that the amount, if any, paid or to be paid for legal services rendered in connection with the passage of this resolve shall not exceed ten per cent of the amounts to be paid hereunder.

*Approved, August 27, 1976.*

---

**Chap. 18.** RESOLVE INCREASING THE SCOPE OF THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION AND STUDY RELATIVE TO THE ADEQUACY AND SCOPE OF VOCATIONAL EDUCATION IN THE COMMONWEALTH.

*Resolved,* That the special commission established by chapter sixty of the resolves of nineteen hundred and seventy-five and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-six shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 284, relative to the qualifications for vocational education instructors; 285, regulating funds used for the purpose of planning, evaluating or implementing vocational training programs; 286, regulating the hiring of certain teachers; and the subject matter of current house document numbered 4484, relative to vocational schools.

*Approved, September 7, 1976.*

---

**Chap. 19.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE RETIREMENT LAW COMMISSION OF CERTAIN PROPOSALS RELATIVE TO THE FINANCIAL PRACTICES WITHIN THE PUBLIC EMPLOYEE RETIREMENT SYSTEMS.

*Resolved,* That the retirement law commission is hereby authorized and directed to make an investigation and study of the subject matter of the investigation and study proposed by current senate document numbered 897, relative to the investment practices of the public employee retirement boards in the commonwealth; of the investigation and study proposed by current senate document numbered 955, relative to pension plans of state, municipal and county employees; of current senate document numbered 964, providing for certain corrective changes in the commonwealth's retirement system; and of current house document numbered 3663, relative to the investment of contributory retirement system funds by cities and towns. 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 such recommendations into effect, by filing the same with the clerk of the senate on or before the last Wednesday

of December, nineteen hundred and seventy-six.

*Approved, September 7, 1976.*

---

**Chap. 20.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING THROUGH ITS DIVISION OF WATERWAYS RELATIVE TO THE VARIOUS DREDGING AND CONSTRUCTION PROJECTS.

*Resolved,* That, the department of environmental quality engineering through its division of waterways is hereby authorized and directed to make an investigation and study of the subject matter of current house documents numbered 3084, directing the division of waterways in the department of environmental quality engineering to dredge the Neponset river; 3627, relative to reimbursing cities and towns for seventy-five per cent of the cost of constructing, reconstructing or repairing of sea walls; 3635, directing the department of public works to dredge certain waterways in the town of Braintree; and 4048, directing the department of public works to dredge a certain part of the Saugus river in the town of Saugus. Said department shall, in the course of its investigation and study, consider the feasibility of dredging parts of the Pines river located in the city of Revere and the town of Saugus for the purpose of creating a navigation channel and using portions of the dredged material to resand the public beach located on the Revere side of said Pines river and said department shall also consider the feasibility of dredging and removing sedimentary material in the vicinity of the Plum Island Turnpike bridge and in the Plum Island river for the purpose of providing a navigable channel and increasing the flow in said Plum Island river. Said department is hereby further authorized and directed to make an investigation and study relative to dredging certain parts of the Hoosic River located in the towns of Adams, Clarksburg and Williamstown and the city of North Adams. Said department shall report to the general court the results of its investigation and study, and its 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 on or before the last Wednesday of December, nineteen hundred and seventy-seven. *Approved, October 1, 1976.*

---

**Chap. 21.** RESOLVE IN FAVOR OF THE HEIRS OF CORPORAL CHARLES MCMAHON, JR.

*Resolved,* That, in order to promote the public good, the sum of three hundred dollars shall be paid out of the treasury of the commonwealth to the heirs of Corporal Charles McMahon, Jr., late of

of the city of Woburn, a member of the armed services who was killed on April twenty-ninth, nineteen hundred and seventy-three while on active duty in Vietnam. *Approved, October 5, 1976.*

---

**Chap. 22.** 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 two of the resolves of nineteen hundred and seventy-six, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 1009, revising the preference of purchase of supplies and materials by the commonwealth; 1019, providing for the use of approved securities in lieu of cash retainages; 1020, relative to the payment of contractors and sub-contractors; 1033, requiring finish hardware to be included as a competitive bid item; and 1040, requiring a general contractor to perform the work contained in his contract; of current house documents numbered 972, expediting payments to general contractors and to sub-contractors and to improve the flow of funds in the construction industry; 1427, amending the competitive bidding statute; 2206, to insure fair treatment of all domestic bidders for contracts awarded by state and local purchasing agents; 2549, protecting the fringe benefits of employees who perform labor on certain public works projects; 2550, relative to payment of sums due contractors after completion of certain public works contracts; 3304, to provide uniformity in the preparation of specifications and plans for public projects; 3305, providing for a bid allowance to be issued by the awarding authority if any sub-bid is totally restricted from use; 4084, providing that every construction contract for a public building shall be awarded to the lowest bidder; 4089, providing that the commonwealth and any political subdivision thereof give preference in the awarding of contracts to persons whose employees participate in an employer stock ownership plan; of the investigation and study proposed by current house document numbered 4194, relative to the adoption of the American Society of Heating, Refrigerating, Air Conditioning Engineers standard 90-75 as a state regulation to provide design requirements which will improve the utilization of energy in new buildings; and of current house document numbered 4402, amending the appeal procedure on change orders issued by the bureau of building construction.

*Approved, October 7, 1976.*

**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 one of the resolves of nineteen hundred and seventy-six, shall, in the course of its investigation and study, consider the subject matter of current senate documents numbered 148, requiring each county to make available to all dog owners a public clinic for the purpose of tattooing dogs; 149, requiring pounds and shelters to release dogs and cats to their rightful owners regardless of their ability to pay; 150, requiring shelters which are paid to be public pounds for lost and stray dogs to remain open during certain hours; 151, requiring any animal shelter or pound operated by an animal humane society to fence and roof outside runs; and 167, permitting counties to expend monies from the dog fund for animal population control; and of current house documents numbered 470, further regulating the duties of dog officers; 471, allowing a dog officer to destroy a dog upon the request of the owner; and 1227, regulating the time period to license dogs.

*Approved, October 15, 1976.*

---

**Chap. 24.** RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE RETIREMENT LAW COMMISSION RELATIVE TO THE JUDICIAL PENSION SYSTEM.

*Resolved,* That the retirement law commission is hereby authorized and directed to make an investigation and study of the subject matter of the current senate document numbered 892, providing for contribution to the retirement system of certain members of the judiciary; of current house documents numbered 4070, relative to the judicial pension system; and 4078, providing that the justices shall be employees under the provisions of the contributory retirement law. 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 last Wednesday of August, nineteen hundred and seventy-seven.

*Approved, October 26, 1976.*

---

**Chap. 25.** RESOLVE IN FAVOR OF RALPHE E. ROCHELEAU.

*Resolved,* That for the purpose of discharging a moral obliga-

tion of the commonwealth and after an appropriation has been made therefor, there shall be allowed and paid out of the state treasury to Ralph E. Rocheleau of the town of Winchendon the sum of nine thousand and fifty dollars in settlement of his claim for loss of a dump truck, towing, loss of tools, lost work time and medical expense as a result of a bridge, under the control of the division of fisheries and game, collapsing at the Birch Hill Wildlife Management Area in the town of Winchendon. Said bridge collapsed while Ralph E. Rocheleau was traveling over it.

*Approved, October 26, 1976.*

---

**Chap. 26** RESOLVE INCREASING THE MEMBERSHIP AND 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 by chapter seventy-eight of the resolves of nineteen hundred and seventy-one, and most recently revived and continued by chapter one of the resolves of nineteen hundred and seventy-six, shall, in the course of its investigation and study, consider the total energy needs of Massachusetts, including all related administrative schemes and the feasibility of expediting the granting of the necessary licenses and permits to allow offshore drilling and related activities, coal mining and nuclear, solar energy and fossil fuel power plant construction; all methods of energy generation; and the marine and energy resources of the commonwealth and the impact of the development of those resources on the commonwealth. Said commission shall also consider the feasibility of encompassing offshore energy resources activities and offshore facilities, including but not limited to the development, utilization and regulation of the waters within the boundaries of the commonwealth and of the seabed and subsoil lying beneath those waters. Said commission shall further consider the effect on the commonwealth of the exploration and development of marine and energy resources which lay beyond the boundaries of the commonwealth and the long-range planning needs of the commonwealth in this regard. The membership of said commission shall be increased by two persons to be appointed by the governor, one of whom shall be the president of the Massachusetts building and construction trades council, AFL-CIO or his designee, and one of whom shall be the president of the Greater Boston Chamber of Commerce or his designee.

*Approved, October 27, 1976.*

---

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 second session held in 1976 passed 553 Acts and 6 Resolves of which 550 Acts and 26 Resolves received executive approval. 3 Acts from which executive approval was withheld became law by virtue of Chapter 1, Section 1, Article II of the Constitution of the Commonwealth.

Two (2) Acts entitled, respectively, "An Act authorizing the City of Boston to pay a sum of money to Monument Contracting Co., Inc. and authorizing said city to award certain contracts without advertising for bids if approved by the Law Department of said City." (Chapter 159) and "An Act authorizing the Superior Court to vacate its judgment in the case of Raymond A. Sullivan vs. Commonwealth." (Chapter 259) 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 have the force of law, under the provisions of the Constitution governing such cases and have been so certified.

The Governor returned 2 Acts with his objections thereto in writing. Upon said 1 Act objections were sustained and upon 1 Act his objections were not sustained.

One (1) Act entitled "An Act authorizing the construction and operation of a new hospital facility for St. John of God Hospital, Inc." was returned by him with his objections thereto, to the branch in which it originated, was reconsidered and, the vote being taken on its passage, the objections of the Governor thereto notwithstanding, it was rejected and said Act thereby became void.

One (1) Act entitled "An Act directing the Commissioner of Public Health to issue certificates of need to the St. Joseph Manor Nursing Home, Inc. and to the Cape Cod Hospital." (Chapter 417) was passed and laid before the Governor for his approval, was returned by him with his objections thereto, to the branch in which it originated, was reconsidered, agreeably to the provisions of the Constitution and, the vote being taken on its passage, the objections of the Governor thereto notwithstanding, it was passed and said Act has thereby the force of law.

Thirty (30) Acts, Chapters 64, 91, 104, 114, 118, 120, 190, 195, 230, 233, 266, 272, 277, 310, 313, 322, 366, 385, 395, 415, 432, 446, 463, 468, 477, 492, 502, 519, 542 and 552 were declared to be emergency laws by the Governor in accordance with the provisions of the Forty-eighth Amendment to the Constitution, the Referen-

dum II, Emergency Measures.

Twenty-nine (29) Acts, having been passed by the General Court and the General Court having prorogued, failed to become effective as they did not receive executive approval within ten days.

The General Court was prorogued on Saturday, October 16, 1976 at 12:55 A. M., the session having occupied 284 days.

## AMENDMENT OF THE CONSTITUTION

1976

## ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

## MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-three, and by the Legislature of the political year one thousand nine hundred and seventy-six, agreeably to the provisions of the Constitution, and approved by the People on the second day of November in the year one thousand nine hundred and seventy-six.

## ONE HUNDRED AND FIFTH ARTICLE OF AMENDMENT.

ART. CV. Article XLV of the articles of amendment to the constitution, as amended by Article LXXVI of said articles of amendment, is hereby annulled and the following is adopted in place thereof:-

*Article XLV.* The general court shall have power to provide by law for voting, in the choice of any officer to be elected or upon any question submitted at an election, by qualified voters of the commonwealth who, at the time of such an election, are absent from the city or town of which they are inhabitants or are unable by reason of physical disability to cast their votes in person at the polling places or who hold religious beliefs in conflict with the act of voting on the day on which such an election is to be held.

## THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

DECEMBER 2, 1976.

I Hereby Certify that the foregoing is the One Hundred and Fifth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the second day of November, in the year one thousand nine hundred and seventy-six, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI.

*Secretary of the Commonwealth.*

## AMENDMENT OF THE CONSTITUTION

1976

## ARTICLE OF AMENDMENT OF THE CONSTITUTION

OF

## MASSACHUSETTS

adopted by the Legislature of the political year one thousand nine hundred and seventy-three, and by the Legislature of the political year one thousand nine hundred and seventy-five, agreeably to the provisions of the Constitution, and approved by the People on the second day of November in the year one thousand nine hundred and seventy-six.

## ONE HUNDRED AND SIXTH ARTICLE OF AMENDMENT.

ART. CVI. 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 natural origin.

---

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY

DECEMBER 2, 1976.

I Hereby Certify that the foregoing is the One Hundred and Sixth Article of Amendment of the Constitution of this Commonwealth, as approved by the People at the State Election held on the second day of November, in the year one thousand nine hundred and seventy-six, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution.

PAUL GUZZI,  
*Secretary of the Commonwealth.*

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 2, 1976.

*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 joint sessions of the House of Representatives and Senate on August 15, 1973, by a vote of 261-0, and on May 14, 1975, by a vote of 217-55?*

### Summary

*The proposed amendment would provide that equality under the law may not be denied or abridged on the basis of sex, race, color, creed or national origin. This amendment adds one sentence to Article I of Part the First of the Constitution which now contains a general statement of individual rights, including the right to enjoy and defend life and liberty and the right to acquire and protect property.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE .....	48,298	21,844	4,171	74,313
BERKSHIRE .....	38,089	25,658	6,182	69,929
BRISTOL .....	113,303	60,269	21,433	195,205
DUKES .....	3,772	981	469	5,222
ESSEX .....	167,201	117,740	22,723	307,064
FRANKLIN .....	19,272	10,541	1,856	31,669
HAMPDEN .....	102,892	71,727	13,801	188,420
HAMPSHIRE .....	39,491	18,417	3,057	60,965
MIDDLESEX .....	373,797	239,143	41,616	654,556
NANTUCKET .....	1,813	599	251	2,663
NORFOLK .....	168,125	123,084	16,680	207,889
PLYMOUTH .....	83,247	75,457	9,132	167,836
SUFFOLK .....	112,008	89,235	37,271	238,514
WORCESTER .....	173,558	91,094	24,765	289,417
Totals .....	1,445,066	945,789	203,407	2,594,262

### Cities and Towns. County of Barnstable.

Barnstable .....	9,734	4,218	674	14,626
Bourne .....	2,793	1,928	366	5,087
Brewster .....	1,804	743	89	2,636
Chatham .....	2,680	1,174	147	4,001
Dennis .....	4,332	1,940	304	6,576
Eastham .....	1,328	541	58	1,927
Falmouth .....	7,695	3,085	666	11,446
Harwich .....	3,389	1,525	191	5,105
Mashpee .....	1,203	481	120	1,804
Orleans .....	2,090	830	143	3,063
Provincetown .....	1,485	451	215	2,151
Sandwich .....	2,269	1,233	125	3,627
Tirol .....	549	203	33	785

## RETURN OF VOTES, ETC.

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Wellfleet .....	958	418	51	1,427
Yarmouth .....	5,989	3,074	989	10,052
Totals .....	48,298	21,844	4,171	74,313

## County of Berkshire.

Adams .....	2,945	2,206	599	5,750
Alford .....	144	67	15	226
Becket .....	313	143	34	490
Cheshire .....	892	622	111	1,625
Clarksburg .....	412	430	50	892
Dalton .....	2,165	1,242	158	3,565
Egremont .....	378	235	30	643
Florida .....	185	165	23	373
Great Barrington .....	1,492	1,310	435	3,237
Hancock .....	237	86	16	339
Hinsdale .....	475	247	35	757
Lanesborough .....	753	539	79	1,371
Lee .....	1,420	1,080	246	2,746
Lenox .....	1,633	1,119	210	2,962
Monterey .....	274	123	18	415
Mount Washington .....	34	18	6	58
New Ashford .....	67	34	3	104
New Marlborough .....	317	160	53	530
NORTH ADAMS .....	3,676	3,625	751	8,052
Otis .....	268	128	47	443
Peru .....	159	82	13	254
PITTSFIELD .....	13,787	9,196	2,738	25,721
Richmond .....	576	251	30	857
Sandisfield .....	192	57	52	301
Savoy .....	122	71	18	211
Sheffield .....	775	479	68	1,322
Stockbridge .....	994	374	66	1,434
Tyringham .....	118	53	15	186
Washington .....	150	78	11	239
West Stockbridge .....	432	244	49	725
Williamstown .....	2,511	1,096	193	3,800
Windsor .....	193	98	10	301
Totals .....	38,089	25,658	6,182	69,929

## County of Bristol

Acushnet .....	2,747	1,394	303	4,444
ATTLEBORO .....	7,675	4,095	920	12,690
Berkley .....	608	294	94	996
Dartmouth .....	6,024	3,348	679	10,051
Dighton .....	1,392	829	166	2,387
Easton .....	3,391	3,366	271	7,028
Fairhaven .....	4,181	2,311	713	7,205
FALL RIVER .....	20,827	9,960	7,052	37,839
Freetown .....	1,523	762	107	2,392
Mansfield .....	3,171	2,072	253	5,496
NEW BEDFORD .....	22,484	11,533	4,345	38,362
North Attleborough .....	4,766	2,888	701	8,355
Norton .....	2,609	1,561	213	4,383
Raynham .....	2,106	1,438	209	3,753
Rehoboth .....	2,128	793	254	3,175
Seekonk .....	3,870	1,201	514	5,585
Somerset .....	6,071	2,797	798	9,666
Swansea .....	4,480	1,842	633	6,955
TAUNTON .....	9,660	6,050	2,697	18,407
Westport .....	3,790	1,735	511	6,036
Totals .....	113,503	60,269	21,433	195,205

# RETURN OF VOTES, ETC.

843

## County of Dukes.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Chilmark .....	288	69	16	373
Edgartown .....	968	270	118	1,356
Gay Head .....	95	10	18	123
Gosnold .....	50	18	6	74
Oak Bluffs .....	789	229	147	1,165
Tisbury .....	1,113	307	135	1,555
West Tisbury .....	469	78	29	576
Totals .....	3,772	981	469	5,222

## County of Essex.

Amesbury .....	2,916	1,967	545	5,428
Andover .....	7,664	5,150	485	13,299
BEVERLY .....	11,269	6,959	1,086	19,314
Boxford .....	1,545	921	57	2,523
Danvers .....	5,956	5,544	532	12,032
Essex .....	1,039	488	79	1,606
Georgetown .....	1,563	1,105	116	2,784
GLOUCESTER .....	7,656	4,214	1,116	12,986
Groveland .....	1,466	923	72	2,461
Hamilton .....	2,135	1,334	105	3,574
HAVERHILL .....	11,779	6,644	1,968	20,391
Ipswich .....	3,497	2,148	332	5,977
LAWRENCE .....	11,691	11,475	3,314	26,480
LYNN .....	18,777	13,555	3,911	36,243
Lynnfield .....	4,005	2,365	175	6,545
Manchester .....	1,951	1,037	114	3,102
Marblehead .....	8,425	4,003	440	12,868
Merrimac .....	1,207	659	114	1,980
Methuen .....	8,323	8,220	1,372	17,915
Middleton .....	1,009	793	92	1,894
Nahant .....	1,296	866	100	2,262
Newbury .....	1,383	856	86	2,325
NEWBURYPORT .....	4,497	2,611	747	7,855
North Andover .....	4,938	4,039	484	9,461
PEABODY .....	11,958	8,998	1,578	22,534
Rockport .....	2,486	1,058	283	3,827
Rowley .....	966	642	81	1,689
SALEM .....	8,846	8,611	1,708	19,165
Salisbury .....	1,417	885	227	2,529
Saugus .....	7,282	4,574	650	12,506
Swampscott .....	4,268	2,863	598	7,729
Topsfield .....	1,952	995	54	3,001
Wenham .....	1,203	722	55	1,980
West Newbury .....	836	516	47	1,399
Totals .....	167,201	117,740	22,723	307,664

## County of Franklin

Ashfield .....	497	241	35	773
Bernardston .....	570	294	40	904
Buckland .....	512	416	76	1,004
Charlemont .....	309	166	35	510
Colrain .....	461	279	32	772
Conway .....	517	165	28	710
Deerfield .....	1,396	779	80	2,255
Erving .....	402	255	39	696
Gill .....	405	227	36	668
Greenfield .....	5,108	3,217	602	8,927
Hawley .....	92	28	5	125
Heath .....	162	64	14	240
Levernett .....	531	158	15	704
Leyden .....	156	72	7	235
Monroe .....	47	42	8	97

## RETURN OF VOTES, ETC.

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Montague .....	2,545	1,503	314	4,362
New Salem .....	219	113	23	355
Northfield .....	874	408	81	1,363
Orange .....	1,681	883	164	2,728
Rowe .....	113	92	13	218
Shelburne .....	555	345	47	947
Shutesbury .....	345	107	21	473
Sunderland .....	933	305	50	1,288
Warwick .....	185	92	22	299
Wendell .....	239	65	25	329
Whately .....	418	225	44	687
Totals .....	19,272	10,541	1,856	31,669

## County of Hampden.

Agawam .....	6,056	3,846	617	10,519
Blandford .....	284	224	17	525
Brimfield .....	630	383	58	1,071
Chester .....	312	174	57	543
CHICOPEE .....	14,090	10,746	1,714	26,550
East Longmeadow .....	3,974	2,603	229	6,806
Granville .....	387	191	36	614
Hampden .....	1,225	813	54	2,092
Holland .....	433	201	34	668
HOLYOKE .....	9,952	7,595	2,105	19,652
Longmeadow .....	5,919	2,799	229	8,947
Ludlow .....	4,239	3,820	497	8,556
Mooson .....	1,857	1,087	161	3,105
Montgomery .....	167	124	7	298
Palmer .....	3,066	2,256	366	5,688
Russell .....	412	257	37	706
Southwick .....	1,847	1,082	106	3,035
SPRINGFIELD .....	28,692	19,421	6,169	54,282
Tolland .....	100	48	7	155
Wales .....	262	183	23	468
West Springfield .....	6,927	5,190	389	12,506
WESTFIELD .....	8,401	6,151	650	15,202
Wilbraham .....	3,666	2,533	239	6,432
Totals .....	102,892	71,727	13,801	188,420

## County of Hampshire.

Amherst .....	9,024	1,809	309	11,142
Belchertown .....	1,855	750	114	2,719
Chesterfield .....	245	135	24	404
Cummington .....	255	123	25	403
Easthampton .....	4,194	2,663	437	7,294
Goshen .....	153	121	17	291
Granby .....	1,509	859	133	2,501
Hadley .....	1,421	736	136	2,293
Hatfield .....	920	621	115	1,656
Huntington .....	508	230	60	798
Middlefield .....	130	39	12	181
NORTHAMPTON .....	8,700	4,273	767	13,740
Pelham .....	404	156	19	579
Plainfield .....	119	57	9	185
South Hadley .....	5,209	2,784	346	8,339
Southampton .....	1,042	708	75	1,825
Ware .....	2,447	1,659	352	4,458
Westhampton .....	308	169	26	503
Williamsburg .....	755	377	54	1,186
Worthington .....	293	148	27	468
Totals .....	39,491	18,417	3,057	60,965

# RETURN OF VOTES, ETC.

845

## County of Middlesex.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Acton .....	5,902	2,569	151	8,622
Arlington .....	15,940	10,911	1,361	28,212
Ashby .....	692	359	51	1,102
Ashland .....	2,285	1,682	225	4,192
Ayer .....	1,278	782	148	2,208
Bedford .....	3,707	1,985	288	5,980
Belmont .....	9,595	6,049	779	16,423
Billerica .....	7,538	5,747	537	13,822
Boxborough .....	827	358	26	1,211
Burlington .....	5,018	5,129	454	10,601
CAMBRIDGE .....	30,329	10,156	2,745	43,230
Carlisle .....	1,214	463	42	1,719
Chelmsford .....	8,996	6,113	488	15,597
Concord .....	5,585	2,888	398	8,871
Dracut .....	4,827	4,469	644	9,940
Dunstable .....	448	258	43	749
EVERETT .....	7,774	7,906	2,616	18,296
Framingham .....	19,302	9,913	1,220	30,435
Groton .....	1,569	974	95	2,638
Holliston .....	3,975	1,881	150	6,006
Hopkinton .....	1,670	1,417	114	3,201
Hudson .....	3,969	2,530	468	6,967
Lexington .....	11,152	5,218	761	17,131
Lincoln .....	2,166	631	71	2,868
Littleton .....	2,102	1,092	129	3,323
LOWELL .....	18,601	15,479	3,416	37,496
MALDEN .....	12,358	11,174	2,065	25,597
MARLBOROUGH .....	8,159	4,643	727	13,529
Maynard .....	2,619	1,718	305	4,642
MEDFORD .....	15,410	11,624	2,555	29,589
MELROSE .....	8,671	6,281	1,109	16,011
Natick .....	8,732	5,460	751	14,943
NEWTON .....	29,638	13,171	3,013	45,822
North Reading .....	3,504	1,947	162	5,613
Pepperell .....	1,685	1,048	148	2,881
Reading .....	6,794	4,934	402	12,130
Sherborn .....	1,414	726	36	2,176
Shirley .....	956	618	79	1,653
SOMERVILLE .....	17,599	11,190	3,115	31,904
Stoneham .....	6,042	4,019	621	10,682
Stow .....	1,433	807	57	2,297
Sudbury .....	5,198	1,982	174	7,354
Tewksbury .....	5,605	4,307	337	10,249
Townsend .....	1,477	795	120	2,392
Tyngsborough .....	1,140	1,030	122	2,292
Wakefield .....	7,495	5,102	755	13,352
WALTHAM .....	11,843	9,493	2,780	24,116
Watertown .....	10,589	6,479	1,937	19,005
Wayland .....	4,937	1,975	179	7,091
Westford .....	3,193	2,626	229	6,048
Weston .....	4,108	2,010	117	6,235
Wilmington .....	3,722	3,277	467	7,466
Winchester .....	5,983	4,783	610	11,376
WOBURN .....	7,082	8,965	1,224	17,271
Totals .....	373,797	239,143	41,616	654,556

## County of Nantucket.

Nantucket .....	1,813	599	251	2,663
Totals .....	1,813	599	251	2,663

## County of Norfolk.

Avon .....	1,075	1,300	146	2,521
Bellingham .....	3,731	1,996	344	6,071

## RETURN OF VOTES, ETC.

## County of Norfolk — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Braintree .....	9,597	8,535	688	18,820
Brookline .....	19,349	6,679	3,094	29,172
Canton .....	4,640	4,340	447	9,427
Cohasset .....	2,193	1,857	134	4,184
Dedham .....	6,398	6,580	819	13,797
Dover .....	1,672	1,038	61	2,771
Foxborough .....	3,883	2,156	146	6,185
Franklin .....	4,469	2,812	392	7,673
Holbrook .....	2,781	2,480	268	5,529
Medfield .....	2,910	1,948	155	5,013
Medway .....	2,211	1,430	153	3,794
Millis .....	1,979	1,105	114	3,198
Milton .....	7,558	7,406	674	15,638
Needham .....	10,209	6,027	631	16,866
Norfolk .....	1,338	903	66	2,307
Norwood .....	7,830	6,770	606	15,206
Plainville .....	1,535	892	101	2,528
QUINCY .....	21,238	19,936	2,830	44,004
Randolph .....	7,740	5,294	1,008	14,042
Sharon .....	5,048	1,891	364	7,303
Stoughton .....	5,132	5,213	782	11,127
Walpole .....	5,526	3,263	332	9,121
Wellesley .....	9,538	4,981	509	15,028
Westwood .....	4,008	3,351	207	7,566
Weymouth .....	12,792	11,906	1,445	26,143
Wrentham .....	1,696	995	164	2,855
Totals .....	168,125	123,084	16,680	307,889

## County of Plymouth.

Abington .....	2,704	3,143	269	6,116
Bridgewater .....	3,125	2,892	293	6,310
BROCKTON .....	15,203	16,716	2,888	34,807
Carver .....	1,041	823	115	1,979
Duxbury .....	3,294	2,068	118	5,480
East Bridgewater .....	1,678	2,280	267	4,225
Halifax .....	1,109	1,226	94	2,429
Hanover .....	2,782	2,319	142	5,243
Hanson .....	1,438	1,732	179	3,349
Hingham .....	5,384	4,766	395	10,545
Hull .....	2,506	1,988	273	4,767
Kingston .....	1,610	1,461	190	3,261
Lakeville .....	1,457	892	70	2,419
Marion .....	1,279	624	78	1,981
Marshfield .....	5,235	3,741	305	9,281
Mattapoisett .....	1,970	817	65	2,852
Middleborough .....	3,529	2,251	408	6,188
Norwell .....	2,277	2,043	132	4,452
Pembroke .....	2,668	2,517	165	5,350
Plymouth .....	5,901	6,176	965	13,042
Plympton .....	456	344	37	837
Rochester .....	676	396	51	1,123
Rockland .....	3,040	3,219	375	6,634
Scituate .....	4,823	3,903	288	9,014
Wareham .....	3,953	2,447	582	6,982
West Bridgewater .....	1,344	1,718	107	3,169
Whitman .....	2,765	2,955	281	6,001
Totals .....	83,247	75,457	9,132	167,836

## County of Suffolk.

BOSTON .....	91,042	73,344	32,007	196,393
CHELSEA .....	5,598	3,692	1,964	11,254
REVERE .....	10,165	8,166	2,559	20,890
Winthrop .....	5,203	4,033	741	9,977
Totals .....	112,008	89,235	37,271	238,514

# RETURN OF VOTES, ETC.

847

## County of Worcester.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashburnham	1,160	533	88	1,781
Athol	2,746	1,728	354	4,828
Auburn	5,055	2,600	420	8,075
Barre	1,198	689	168	2,055
Berlin	697	349	54	1,100
Blackstone	1,796	831	335	2,962
Bolton	849	355	44	1,248
Boylston	1,178	487	56	1,721
Brookfield	645	357	79	1,081
Charlton	1,458	788	157	2,403
Clinton	3,397	2,085	554	6,036
Douglas	988	624	131	1,743
Dudley	2,238	1,102	365	3,705
East Brookfield	543	294	67	904
FITCHBURG	9,953	5,722	1,398	17,073
GARDNER	5,532	2,282	924	8,738
Grafton	3,352	1,774	353	5,479
Hardwick	605	386	111	1,102
Harvard	1,393	566	32	1,991
Holden	4,376	2,335	484	7,195
Hopedale	1,169	922	161	2,252
Hubbardston	524	190	57	771
Lancaster	1,549	770	143	2,462
Leicester	2,699	1,288	286	4,273
LEOMINSTER	8,797	4,983	1,350	15,130
Lunenburg	2,585	1,190	166	3,941
Mendon	817	591	80	1,488
Millford	5,567	4,231	880	10,678
Millbury	3,497	1,748	465	5,710
Millville	442	274	107	823
New Braintree	199	116	19	334
North Brookfield	1,052	808	129	1,989
Northborough	3,515	1,366	154	5,035
Northbridge	1,825	1,540	2,162	5,527
Oakham	290	167	31	488
Oxford	2,303	1,574	314	4,191
Paxton	1,330	561	68	1,959
Petersham	418	167	29	614
Phillipston	286	118	21	425
Princeton	735	297	22	1,054
Royalston	299	123	27	449
Rutland	1,151	527	63	1,741
Shrewsbury	7,278	3,437	555	11,270
Southborough	1,985	985	79	3,049
Southbridge	3,681	2,169	1,124	6,974
Spencer	2,849	1,521	353	4,723
Sterling	1,511	721	92	2,324
Sturbridge	1,459	938	221	2,618
Sutton	1,442	871	170	2,483
Templeton	1,664	798	153	2,615
Upton	1,088	718	144	1,950
Uxbridge	2,321	1,463	297	4,081
Warren	884	728	138	1,750
Webster	3,769	2,134	891	6,794
West Boylston	1,980	1,279	120	3,379
West Brookfield	823	429	102	1,354
Westborough	4,393	1,932	209	6,534
Westminster	1,590	751	101	2,442
Winchendon	1,839	723	219	2,781
WORCESTER	42,794	20,059	6,889	69,742
Totals	173,558	91,094	24,765	289,417

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 2, 1976.

*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 joint sessions of the House of Representatives and Senate on August 15, 1973, by a vote of 199-66, and on May 7, 1975, by a vote of 228-41?*

### Summary

*The proposed amendment would authorize the Legislature to substitute for the present system of flat or uniform personal income tax rates a system of rates graduated according to the total amount of income received. The Legislature would also be authorized to provide for reasonable exemptions, deductions, credits, and abatements and could base Massachusetts income tax provisions on provisions of Federal income tax law.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE .....	22,799	46,805	4,709	74,313
BERKSHIRE .....	20,185	42,938	6,806	69,929
BRISTOL .....	45,504	126,870	22,831	195,205
DUKES .....	2,445	2,256	521	5,222
ESSEX .....	67,832	216,704	23,128	307,664
FRANKLIN .....	10,768	18,913	1,988	31,669
HAMPDEN .....	49,911	123,887	14,622	188,420
HAMPSHIRE .....	21,805	35,561	3,599	60,965
MIDDLESEX .....	163,428	447,562	43,566	654,556
NANTUCKET .....	1,087	1,288	288	2,663
NORFOLK .....	71,324	218,976	17,589	307,889
PLYMOUTH .....	38,601	119,386	9,849	167,836
SUFFOLK .....	64,274	135,114	39,126	238,514
WORCESTER .....	65,520	201,042	22,855	289,417
Totals .....	645,485	1,737,302	211,477	2,594,262

### Cities and Towns. County of Barnstable.

Barnstable .....	4,023	9,827	776	14,626
Bourne .....	1,229	3,423	435	5,087
Brewster .....	913	1,625	98	2,636
Chatham .....	1,463	2,376	162	4,001
Dennis .....	2,023	4,208	345	6,576
Eastham .....	678	1,177	72	1,927
Falmouth .....	3,750	6,917	779	11,446
Harwich .....	1,618	3,260	227	5,105
Mashpee .....	557	1,108	139	1,804
Orleans .....	1,058	1,850	155	3,063
Provincetown .....	1,020	890	241	2,151
Sandwich .....	933	2,552	142	3,627
Truro .....	335	404	46	785

# RETURN OF VOTES, ETC.

849

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Wellfleet .....	632	726	69	1,427
Yarmouth .....	2,567	6,462	1,023	10,052
Totals .....	22,799	46,805	4,709	74,313

## County of Berkshire.

Adams .....	1,408	3,784	558	5,750
Alford .....	75	138	13	226
Becket .....	197	246	47	490
Cheshire .....	424	1,094	107	1,625
Clarksburg .....	222	625	45	892
Dalton .....	1,017	2,371	177	3,565
Egremont .....	224	382	37	643
Florida .....	103	240	30	373
Great Barrington .....	755	2,035	447	3,237
Hancock .....	138	178	23	339
Hinsdale .....	236	476	45	757
Lanesborough .....	338	938	95	1,371
Lee .....	708	1,751	287	2,746
Lenox .....	791	1,925	246	2,962
Monterey .....	202	177	36	415
Mount Washington .....	26	29	3	58
New Ashford .....	36	62	6	104
New Marlborough .....	210	271	49	530
NORTH ADAMS .....	2,281	4,971	800	8,052
Otis .....	145	248	50	443
Peru .....	82	157	15	254
PITTSFIELD .....	6,846	15,771	3,104	25,721
Richmond .....	271	546	40	857
Sandisfield .....	123	120	58	301
Savoy .....	54	137	20	211
Sheffield .....	488	753	81	1,322
Stockbridge .....	596	741	97	1,434
Tyringham .....	76	93	17	186
Washington .....	68	157	14	239
West Stockbridge .....	227	452	46	725
Williamstown .....	1,709	1,888	203	3,800
Windsor .....	109	182	10	301
Totals .....	20,185	42,938	6,806	69,929

## County of Bristol.

Acushnet .....	987	3,159	298	4,444
ATTLEBORO .....	2,944	8,695	1,051	12,690
Berkley .....	214	670	112	996
Dartmouth .....	2,368	6,908	775	10,051
Dighton .....	584	1,631	172	2,387
Easton .....	1,492	5,239	297	7,028
Fairhaven .....	1,699	4,742	764	7,205
FALL RIVER .....	8,446	22,025	7,368	37,839
Freetown .....	564	1,690	138	2,392
Mansfield .....	1,101	4,140	255	5,496
NEW BEDFORD .....	9,278	24,565	4,519	38,362
North Attleborough .....	1,632	5,961	762	8,355
Norton .....	872	3,274	237	4,383
Raynham .....	720	2,821	212	3,753
Rehoboth .....	1,109	1,776	290	3,175
Seekonk .....	2,335	2,667	583	5,585
Somerset .....	2,232	6,558	876	9,666
Swansea .....	1,938	4,302	715	6,955
TAUNTON .....	3,475	12,077	2,855	18,407
Westport .....	1,514	3,970	552	6,036
Totals .....	45,504	126,870	22,831	195,205

## RETURN OF VOTES, ETC.

## County of Dukes.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Chilmark .....	193	159	21	373
Edgartown .....	580	635	141	1,356
Gay Head .....	73	32	18	123
Gosnold .....	36	29	9	74
Oak Bluffs .....	492	524	149	1,165
Tisbury .....	728	679	148	1,555
West Tisbury .....	343	198	35	576
Totals .....	2,445	2,256	521	5,222

## County of Essex.

Amesbury .....	1,334	3,495	599	5,428
Andover .....	2,698	10,095	506	13,299
BEVERLY .....	4,097	14,052	1,165	19,314
Boxford .....	432	2,042	49	2,523
Danvers .....	2,502	8,984	546	12,032
Essex .....	424	1,093	89	1,606
Georgetown .....	557	2,098	129	2,784
GLOUCESTER .....	3,609	8,170	1,207	12,986
Groveland .....	515	1,848	98	2,461
Hamilton .....	845	2,616	113	3,574
HAVERHILL .....	4,654	13,777	1,960	20,391
Ipswich .....	1,588	4,046	343	5,977
LAWRENCE .....	5,256	18,026	3,198	26,480
LYNN .....	8,887	23,346	4,010	36,243
Lynnfield .....	1,236	5,130	179	6,545
Manchester .....	763	2,198	141	3,102
Marblehead .....	3,008	9,422	438	12,868
Merrimac .....	511	1,355	114	1,980
Methuen .....	3,277	13,303	1,335	17,915
Middleton .....	424	1,377	93	1,894
Nahant .....	577	1,596	89	2,262
Newbury .....	603	1,650	72	2,325
NEWBURYPORT .....	2,006	5,094	755	7,855
North Andover .....	1,796	7,178	487	9,461
PEABODY .....	4,207	16,759	1,568	22,534
Rockport .....	1,186	2,321	320	3,827
Rowley .....	386	1,220	83	1,689
SALEM .....	4,101	13,424	1,640	19,165
Salisbury .....	553	1,724	252	2,529
Saugus .....	2,719	9,069	718	12,506
Swampscott .....	1,665	5,397	667	7,729
Topsfield .....	623	2,327	51	3,001
Wenham .....	454	1,464	62	1,980
West Newbury .....	339	1,008	52	1,399
Totals .....	67,832	216,704	23,128	307,664

## County of Franklin.

Ashfield .....	315	417	41	773
Bernardston .....	287	566	51	904
Buckland .....	265	659	80	1,004
Charlemont .....	190	288	32	510
Colrain .....	256	477	39	772
Conway .....	323	357	30	710
Deerfield .....	738	1,410	107	2,255
Erving .....	179	476	41	696
Gill .....	223	411	34	668
Greenfield .....	2,819	5,453	655	8,927
Hawley .....	67	53	5	125
Heath .....	125	99	16	240
Leverett .....	424	257	23	704
Leyden .....	84	142	9	235
Monroe .....	23	68	6	97
Montague .....	1,338	2,724	300	4,362

# RETURN OF VOTES, ETC.

851

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
New Salem .....	114	223	18	355
Northfield .....	559	713	91	1,363
Orange .....	679	1,885	164	2,728
Rowe .....	65	141	12	218
Shelburne .....	282	609	56	947
Shutesbury .....	256	198	19	473
Sunderland .....	633	591	64	1,288
Warwick .....	126	152	21	299
Wendell .....	171	130	28	329
Whately .....	227	414	46	687
Totals .....	10,768	18,913	1,988	31,669

## County of Hampden.

Agawam .....	3,063	6,756	700	10,519
Blandford .....	147	363	15	525
Brimfield .....	358	649	64	1,071
Chester .....	165	324	54	543
CHICOPEE .....	5,607	19,277	1,666	26,550
East Longmeadow .....	1,791	4,740	275	6,806
Granville .....	161	415	38	614
Hampden .....	594	1,431	67	2,092
Holland .....	204	420	44	668
HOLYOKE .....	3,490	14,029	2,133	19,652
Longmeadow .....	2,243	6,439	265	8,947
Ludlow .....	2,254	5,778	524	8,556
Monson .....	993	1,925	187	3,105
Montgomery .....	61	229	8	298
Paimer .....	1,667	3,663	358	5,688
Russell .....	193	470	43	706
Southwick .....	917	1,991	127	3,035
SPRINGFIELD .....	16,743	30,911	6,628	54,282
Tolland .....	56	88	11	155
Wales .....	147	302	19	468
West Springfield .....	3,716	8,345	445	12,506
WESTFIELD .....	3,805	10,725	672	15,202
Wilbraham .....	1,536	4,617	279	6,432
Totals .....	49,911	123,887	14,622	188,420

## County of Hampshire.

Amherst .....	6,744	3,787	611	11,142
Belchertown .....	1,007	1,572	140	2,719
Chesterfield .....	127	245	32	404
Cummington .....	183	187	33	403
Easthampton .....	1,823	5,046	425	7,294
Goshen .....	80	194	17	291
Granby .....	605	1,748	148	2,501
Hadley .....	764	1,378	151	2,293
Hatfield .....	427	1,096	133	1,656
Huntington .....	273	461	64	798
Middlefield .....	88	84	9	181
NORTHAMPTON .....	4,959	7,888	893	13,740
Pelham .....	307	248	24	579
Plainfield .....	73	101	11	185
South Hadley .....	1,933	6,045	361	8,339
Southampton .....	411	1,340	74	1,825
Ware .....	1,288	2,812	358	4,458
Westhampton .....	140	337	26	503
Williamsburg .....	399	724	63	1,186
Worthington .....	174	268	26	468
Totals .....	21,805	35,561	3,599	60,965

## RETURN OF VOTES, ETC.

## County of Middlesex.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Acton .....	1,888	6,562	172	8,622
Arlington .....	7,395	19,452	1,365	28,212
Ashby .....	273	771	58	1,102
Ashland .....	744	3,237	211	4,192
Ayer .....	535	1,532	141	2,208
Bedford .....	1,365	4,313	302	5,980
Belmont .....	4,184	11,397	842	16,423
Billerica .....	2,961	10,299	562	13,822
Boxborough .....	233	950	28	1,211
Burlington .....	2,234	7,861	506	10,601
CAMBRIDGE .....	20,077	19,820	3,333	43,230
Carlisle .....	390	1,279	50	1,719
Chelmsford .....	3,362	11,709	526	15,597
Concord .....	2,391	6,053	427	8,871
Dracut .....	1,786	7,539	615	9,940
Dunstable .....	161	549	39	749
EVERETT .....	3,657	11,977	2,662	18,296
Framingham .....	5,994	23,173	1,268	30,435
Groton .....	707	1,820	111	2,638
Holliston .....	1,024	4,798	184	6,006
Hopkinton .....	587	2,466	148	3,201
Hudson .....	1,263	5,247	457	6,967
Lexington .....	4,837	11,376	918	17,131
Lincoln .....	894	1,893	81	2,868
Littleton .....	826	2,376	121	3,323
LOWELL .....	7,838	26,185	3,473	37,496
MALDEN .....	5,917	17,370	2,310	25,597
MARLBOROUGH .....	2,592	10,213	724	13,529
Maynard .....	1,028	3,310	304	4,642
MEDFORD .....	7,272	19,673	2,644	29,589
MELROSE .....	3,630	11,293	1,088	16,011
Natick .....	3,489	10,538	916	14,943
NEWTON .....	13,705	29,030	3,087	45,822
North Reading .....	1,442	3,976	195	5,613
Pepperell .....	710	2,013	158	2,881
Reading .....	2,764	8,919	447	12,130
Sherborn .....	389	1,732	55	2,176
Shirley .....	433	1,144	76	1,653
SOMERVILLE .....	9,903	18,875	3,126	31,904
Stoneham .....	2,665	7,347	670	10,682
Stow .....	380	1,861	56	2,297
Sudbury .....	1,366	5,804	184	7,354
Tewksbury .....	2,196	7,682	371	10,249
Townsend .....	503	1,761	128	2,392
Tyngsborough .....	432	1,741	119	2,292
Wakefield .....	2,873	9,732	747	13,352
WALTHAM .....	5,316	16,111	2,689	24,116
Watertown .....	5,609	11,588	1,808	19,005
Wayland .....	1,757	5,125	209	7,091
Westford .....	1,098	4,719	231	6,048
Weston .....	1,271	4,772	192	6,235
Wilmington .....	1,492	5,461	513	7,466
Winchester .....	2,293	8,410	673	11,376
WOBURN .....	3,297	12,728	1,246	17,271
Totals .....	163,428	447,562	43,566	654,556

## County of Nantucket.

Nantucket .....	1,087	1,288	288	2,663
Totals .....	1,087	1,288	288	2,663

## County of Norfolk.

Avon .....	528	1,838	155	2,521
Bellingham .....	1,547	4,187	337	6,071

# RETURN OF VOTES, ETC.

853

## County of Norfolk — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Braintree .....	3,905	14,189	726	18,820
Brookline .....	10,171	15,684	3,317	29,172
Canton .....	1,889	7,096	442	9,427
Cohasset .....	1,241	2,790	153	4,184
Dedham .....	2,803	10,163	831	13,797
Dover .....	406	2,308	57	2,771
Foxborough .....	1,323	4,676	186	6,185
Franklin .....	1,862	5,390	421	7,673
Holbrook .....	1,226	4,036	267	5,529
Medfield .....	945	3,904	164	5,013
Medway .....	759	2,877	158	3,794
Millis .....	653	2,426	119	3,198
Milton .....	3,249	11,565	824	15,638
Needham .....	3,581	12,603	682	16,866
Norfolk .....	482	1,752	73	2,307
Norwood .....	3,700	10,860	646	15,206
Plainville .....	580	1,842	106	2,528
QUINCY .....	10,087	31,082	2,835	44,004
Randolph .....	3,300	9,694	1,048	14,042
Sharon .....	1,870	5,070	363	7,303
Stoughton .....	2,150	8,139	838	11,127
Walpole .....	2,104	6,636	381	9,121
Wellesley .....	3,193	11,282	553	15,028
Westwood .....	1,458	5,897	211	7,566
Weymouth .....	5,691	18,919	1,533	26,143
Wrentham .....	621	2,071	163	2,855
Totals .....	71,324	218,976	17,589	307,889

## County of Plymouth.

Abington .....	1,425	4,429	262	6,116
Bridgewater .....	1,549	4,430	331	6,310
BROCKTON .....	7,185	24,643	2,979	34,807
Carver .....	489	1,365	125	1,979
Duxbury .....	1,154	4,186	140	5,480
East Bridgewater .....	963	2,967	295	4,225
Halifax .....	628	1,705	96	2,429
Hanover .....	1,183	3,859	201	5,243
Hanson .....	724	2,439	186	3,349
Hingham .....	2,260	7,848	437	10,545
Hull .....	1,332	3,149	286	4,767
Kingston .....	927	2,128	206	3,261
Lakeville .....	529	1,753	137	2,419
Marion .....	448	1,441	92	1,981
Marshfield .....	2,274	6,699	308	9,281
Mattapoisett .....	751	2,017	84	2,852
Middleborough .....	1,511	4,231	446	6,188
Norwell .....	908	3,351	173	4,452
Pembroke .....	1,244	3,946	160	5,350
Plymouth .....	3,089	8,891	1,062	13,042
Plympton .....	212	581	44	837
Rochester .....	200	868	55	1,123
Rockland .....	1,516	4,714	404	6,634
Scituate .....	2,169	6,491	354	9,014
Wareham .....	1,923	4,456	603	6,982
West Bridgewater .....	628	2,422	119	3,169
Whitman .....	1,360	4,377	264	6,001
Totals .....	38,601	119,386	9,849	167,836

## County of Suffolk.

BOSTON .....	54,076	108,639	33,678	196,393
CHELSEA .....	2,840	6,441	1,973	11,254
REVERE .....	4,530	13,797	2,563	20,890
Winthrop .....	2,828	6,237	912	9,977
Totals .....	64,274	135,114	39,126	238,514

## County of Worcester.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashburnham	434	1,249	98	1,781
Athol	996	3,478	354	4,828
Auburn	1,679	5,987	409	8,075
Barre	472	1,418	165	2,055
Berlin	218	821	61	1,100
Blackstone	907	1,715	340	2,962
Bolton	289	913	46	1,248
Boylston	351	1,302	68	1,721
Brookfield	254	740	87	1,081
Charlton	656	1,592	155	2,403
Clinton	1,453	4,056	527	6,036
Douglas	371	1,236	136	1,743
Dudley	858	2,518	329	3,705
East Brookfield	200	647	57	904
FITCHBURG	3,887	11,820	1,366	17,073
GARDNER	1,700	6,097	941	8,738
Grafton	1,141	3,927	411	5,479
Hardwick	293	706	103	1,102
Harvard	489	1,454	48	1,991
Holden	1,649	5,493	53	7,195
Hopedale	400	1,694	158	2,252
Hubbardston	190	543	38	771
Lancaster	613	1,702	147	2,462
Leicester	1,019	2,951	303	4,273
LEOMINSTER	2,984	10,796	1,350	15,130
Lunenburg	854	2,904	183	3,941
Mendon	266	1,133	89	1,488
Milford	1,897	7,919	862	10,678
Millbury	1,326	3,951	433	5,710
Millville	247	476	100	823
New Braintree	107	198	29	334
North Brookfield	431	1,417	141	1,989
Northborough	976	3,894	165	5,035
Northbridge	1,704	3,296	527	5,527
Oakham	142	325	21	488
Oxford	797	2,969	425	4,191
Paxton	378	1,514	67	1,959
Petersham	182	400	32	614
Phillipston	118	277	30	425
Princeton	210	815	29	1,054
Royalston	143	284	22	449
Rutland	370	1,303	68	1,741
Shrewsbury	2,304	8,409	557	11,270
Southborough	515	2,453	81	3,049
Southbridge	1,751	4,089	1,134	6,974
Spencer	995	3,351	377	4,723
Sterling	407	1,819	98	2,324
Sturbridge	595	1,797	226	2,618
Sutton	465	1,843	175	2,483
Templeton	520	1,937	158	2,615
Upton	375	1,431	144	1,950
Uxbridge	859	2,897	325	4,081
Warren	428	1,177	145	1,750
Webster	1,259	4,684	851	6,794
West Boylston	629	2,594	156	3,379
West Brookfield	308	949	97	1,354
Westborough	1,217	5,101	216	6,534
Westminster	510	1,819	113	2,442
Winchendon	739	1,835	207	2,781
WORCESTER	17,993	44,927	6,822	72,422
Totals	65,520	201,042	22,855	289,417

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 2, 1976.

*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 joint sessions of the House of Representatives and Senate on August 15, 1973, by a vote of 259-0, and on May 12, 1976, by a vote of 262-1?*

### Summary

*The proposed amendment would authorize the Legislature to provide for absentee voting by persons who hold religious beliefs in conflict with the act of voting on the day on which any election is to be held.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE.....	42,539	26,221	5,553	74,313
BERKSHIRE.....	34,129	28,089	7,711	69,929
BRISTOL.....	79,002	90,593	25,610	195,205
DUKES.....	3,085	1,564	573	5,222
ESSEX.....	160,391	119,088	28,185	307,664
FRANKLIN.....	15,764	13,589	2,316	31,669
HAMPDEN.....	101,076	71,538	15,806	188,420
HAMPSHIRE.....	35,305	21,726	3,934	60,965
MIDDLESEX.....	339,783	261,719	53,054	654,556
NANTUCKET.....	1,451	910	302	2,663
NORFOLK.....	162,774	123,266	21,849	307,889
PLYMOUTH.....	81,764	74,022	12,050	167,836
SUFFOLK.....	104,612	89,150	44,752	238,514
WORCESTER.....	132,627	126,454	30,336	289,417
Totals.....	1,294,302	1,047,929	252,031	2,594,262

### Cities and Towns. County of Barnstable.

Barnstable.....	8,730	4,965	931	14,626
Bourne.....	2,491	2,197	399	5,087
Brewster.....	1,628	870	138	2,636
Chatham.....	2,334	1,458	209	4,001
Dennis.....	3,848	2,308	420	6,576
Eastham.....	1,184	658	85	1,927
Falmouth.....	6,416	4,103	927	11,446
Harwich.....	2,963	1,893	249	5,105
Mashpee.....	1,005	648	151	1,804
Orleans.....	1,952	929	182	3,063
Provincetown.....	1,320	550	281	2,151
Sandwich.....	1,951	1,510	166	3,627
Truro.....	442	293	50	785
Wellfleet.....	875	468	84	1,427
Yarmouth.....	5,400	3,371	1,281	10,052
Totals.....	42,539	26,221	5,553	74,313

## RETURN OF VOTES, ETC.

## County of Berkshire.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Adams .....	2,375	2,679	696	5,750
Alford .....	124	88	14	226
Becket .....	249	204	37	490
Cheshire .....	721	763	141	1,625
Clarksburg .....	406	416	70	892
Dalton .....	1,908	1,458	199	3,565
Egremont .....	341	263	39	643
Florida .....	162	180	31	373
Great Barrington .....	1,388	1,319	530	3,237
Hancock .....	176	142	21	339
Hinsdale .....	365	346	46	757
Lanesborough .....	655	621	95	1,371
Lee .....	1,369	1,094	283	2,746
Lenox .....	1,615	1,099	248	2,962
Monterey .....	253	129	33	415
Mount Washington .....	31	23	4	58
New Ashford .....	50	48	6	104
New Marlborough .....	258	215	57	530
NORTH ADAMS .....	3,737	3,355	960	8,052
Otis .....	171	214	58	443
Peru .....	145	93	16	254
PITTSFIELD .....	12,330	9,927	3,464	25,721
Richmond .....	465	354	38	857
Sandisfield .....	142	99	60	301
Savoy .....	77	115	19	211
Sheffield .....	661	569	92	1,322
Stockbridge .....	884	461	89	1,434
Tyringham .....	92	76	18	186
Washington .....	111	112	16	239
West Stockbridge .....	357	307	61	725
Williamstown .....	2,355	1,192	253	3,800
Windsor .....	156	128	17	301
Totals .....	34,129	28,089	7,711	69,929

## County of Bristol.

Acushnet .....	1,718	2,398	328	4,444
ATTLEBORO .....	5,566	5,783	1,341	12,690
Berkley .....	369	512	115	996
Dartmouth .....	4,535	4,672	844	10,051
Dighton .....	918	1,252	217	2,387
Easton .....	3,538	3,114	376	7,028
Fairhaven .....	2,926	3,460	819	7,205
FALL RIVER .....	12,867	16,827	8,145	37,839
Freetown .....	1,096	1,169	127	2,392
Mansfield .....	2,629	2,539	328	5,496
NEW BEDFORD .....	15,836	17,584	4,942	38,362
North Attleborough .....	3,694	3,704	957	8,355
Norton .....	2,000	2,082	301	4,383
Raynham .....	1,701	1,790	262	3,753
Rehoboth .....	1,322	1,513	340	3,175
Seekonk .....	2,316	2,603	666	5,585
Somerset .....	4,015	4,706	945	9,666
Swansea .....	2,713	3,471	771	6,955
TAUNTON .....	6,851	8,370	3,186	18,407
Westport .....	2,392	3,044	600	6,036
Totals .....	79,002	90,593	25,610	195,205

## County of Dukes.

Chilmark .....	247	107	19	373
Edgartown .....	799	400	157	1,356
Gay Head .....	70	32	21	123
Gosnold .....	32	32	10	74
Oak Bluffs .....	628	375	162	1,165

# RETURN OF VOTES, ETC.

857

## County of Dukes — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Tisbury .....	920	471	164	1,555
West Tisbury .....	389	147	40	576
Totals .....	3,085	1,564	573	5,222

## County of Essex.

Amesbury .....	2,631	2,131	666	5,428
Andover .....	7,926	4,674	699	13,299
BEVERLY .....	10,918	7,089	1,307	19,314
Boxford .....	1,617	826	80	2,523
Danvers .....	6,791	4,508	733	12,032
Essex .....	898	607	101	1,606
Georgetown .....	1,406	1,223	155	2,784
GLOUCESTER .....	7,143	4,369	1,474	12,986
Groveland .....	1,221	1,113	127	2,461
Hamilton .....	2,179	1,235	160	3,574
HAVERHILL .....	8,371	9,606	2,414	20,391
Ipswich .....	3,285	2,265	427	5,977
LAWRENCE .....	11,743	11,033	3,704	26,480
LYNN .....	18,885	12,615	4,743	36,243
Lynnfield .....	3,770	2,535	240	6,545
Manchester .....	1,862	1,065	175	3,102
Marblehead .....	8,270	4,031	567	12,868
Merrimac .....	922	906	152	1,980
Methuen .....	8,367	7,928	1,620	17,915
Middleton .....	996	791	107	1,894
Nahant .....	1,313	834	115	2,262
Newbury .....	1,303	904	118	2,325
NEWBURYPORT .....	3,871	3,023	961	7,855
North Andover .....	4,951	3,868	642	9,461
PEABODY .....	11,486	9,149	1,899	22,534
Rockport .....	2,244	1,197	386	3,827
Rowley .....	865	729	95	1,689
SALEM .....	9,266	7,698	2,201	19,165
Salisbury .....	1,139	1,114	276	2,529
Saugus .....	6,290	5,316	900	12,506
Swampscott .....	4,547	2,466	716	7,729
Topsfield .....	1,889	1,033	79	3,001
Wenham .....	1,276	627	77	1,980
West Newbury .....	750	580	69	1,399
Totals .....	160,391	119,088	28,185	307,664

## County of Franklin.

Ashfield .....	410	317	46	773
Bernardston .....	415	431	58	904
Buckland .....	424	482	98	1,004
Charlemont .....	266	199	45	510
Colrain .....	376	354	42	772
Conway .....	401	265	44	710
Deerfield .....	1,135	1,007	113	2,255
Erving .....	310	336	50	696
Gill .....	332	300	36	668
Greenfield .....	4,374	3,833	720	8,927
Hawley .....	72	43	10	125
Heath .....	136	78	26	240
Leverett .....	503	170	31	704
Leyden .....	96	127	12	235
Monroe .....	40	50	7	97
Montague .....	2,009	1,991	362	4,362
New Salem .....	203	131	21	355
Northfield .....	701	561	101	1,363
Orange .....	1,227	1,266	235	2,728
Rowe .....	77	127	14	218
Shelburne .....	462	426	59	947

## RETURN OF VOTES, ETC.

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Shutesbury .....	302	147	24	473
Sunderland .....	837	390	61	1,288
Warwick .....	146	130	23	299
Wendell .....	193	111	25	329
Whately .....	317	317	53	687
Totals .....	15,764	13,589	2,316	31,669

## County of Hampden.

Agawam .....	5,712	4,087	720	10,519
Blandford .....	262	247	16	525
Brimfield .....	573	428	70	1,071
Chester .....	242	240	61	543
CHICOPEE .....	12,92 +	11,799	1,822	26,550
East Longmeadow .....	4,010	2,506	290	6,806
Granville .....	289	277	48	614
Hampden .....	1,260	764	68	2,092
Holland .....	352	276	40	668
HOLYOKE .....	10,073	7,347	2,232	19,652
Longmeadow .....	6,067	2,598	282	8,947
Ludlow .....	4,148	3,870	538	8,556
Monson .....	1,579	1,327	199	3,105
Montgomery .....	156	132	10	298
Palmer .....	2,636	2,644	408	5,688
Russell .....	375	282	49	706
Southwick .....	1,707	1,213	115	3,035
SPRINGFIELD .....	29,205	17,953	7,124	54,282
Tolland .....	76	71	8	155
Wales .....	252	192	24	468
West Springfield .....	7,261	4,723	522	12,506
WESTFIELD .....	8,286	6,069	847	15,202
Wilbraham .....	3,626	2,493	313	6,432
Totals .....	101,076	71,538	15,806	188,420

## County of Hampshire.

Amherst .....	8,603	2,032	507	11,142
Belchertown .....	1,549	1,029	141	2,719
Chesterfield .....	211	154	39	404
Cummington .....	223	154	26	403
Easthampton .....	3,589	3,208	497	7,294
Goshen .....	132	135	24	291
Granby .....	1,295	1,052	154	2,501
Hadley .....	1,138	969	186	2,293
Hatfield .....	725	769	162	1,656
Huntington .....	388	332	78	798
Middlefield .....	89	80	12	181
NORTHAMPTON .....	7,939	4,771	1,030	13,740
Pelham .....	372	178	29	579
Plainfield .....	99	68	18	185
South Hadley .....	4,728	3,212	399	8,339
Southampton .....	900	841	84	1,825
Ware .....	2,207	1,837	414	4,458
Westhampton .....	265	211	27	503
Williamsburg .....	620	495	71	1,186
Worthington .....	233	199	36	468
Totals .....	35,305	21,726	3,934	60,965

## County of Middlesex.

Acton .....	5,335	3,079	208	8,622
Arlington .....	15,793	10,626	1,793	28,212
Ashby .....	533	500	69	1,102

# RETURN OF VOTES, ETC.

859

## County of Middlesex — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashland.....	1,410	2,513	269	4,192
Ayer.....	1,048	987	173	2,208
Bedford.....	3,527	2,107	346	5,980
Belmont.....	9,233	6,209	981	16,423
Billerica.....	6,976	5,977	869	13,822
Boxborough.....	672	505	34	1,211
Burlington.....	5,557	4,565	479	10,601
CAMBRIDGE.....	27,570	11,947	3,713	43,230
Carlisle.....	1,091	570	58	1,719
Chelmsford.....	8,421	6,515	661	15,597
Concord.....	5,607	2,794	470	8,871
Dracut.....	4,244	4,957	739	9,940
Dunstable.....	349	352	48	749
EVERETT.....	7,362	7,981	2,953	18,296
Framingham.....	13,712	15,156	1,567	30,435
Groton.....	1,448	1,063	127	2,638
Holliston.....	2,566	3,221	219	6,006
Hopkinton.....	1,178	1,873	150	3,201
Hudson.....	3,101	3,302	564	6,967
Lexington.....	10,680	5,414	1,037	17,131
Lincoln.....	1,964	783	121	2,868
Littleton.....	1,839	1,334	150	3,323
LOWELL.....	17,063	16,375	4,058	37,496
MALDEN.....	11,808	10,910	2,879	25,597
MARLBOROUGH.....	6,130	6,481	918	13,529
Maynard.....	2,048	2,241	353	4,642
MEDFORD.....	13,669	12,854	3,066	29,589
MELROSE.....	8,201	6,536	1,274	16,011
Natick.....	6,718	7,312	913	14,943
NEWTON.....	27,288	13,435	5,099	45,822
North Reading.....	3,262	2,128	223	5,613
Pepperell.....	1,496	1,209	176	2,881
Reading.....	6,703	4,783	644	12,130
Sherborn.....	1,136	989	51	2,176
Shirley.....	836	726	91	1,653
SOMERVILLE.....	15,329	12,892	3,683	31,904
Stoneham.....	5,508	4,281	893	10,682
Stow.....	1,172	1,049	76	2,297
Sudbury.....	4,339	2,782	233	7,354
Tewksbury.....	5,361	4,449	439	10,249
Townsend.....	1,265	982	145	2,392
Tyngsborough.....	1,041	1,106	145	2,292
Wakefield.....	7,259	5,068	1,025	13,352
WALTHAM.....	11,208	9,724	3,184	24,116
Watertown.....	9,535	7,215	2,255	19,005
Wayland.....	4,209	2,633	249	7,091
Westford.....	3,087	2,676	285	6,048
Weston.....	3,932	2,118	185	6,235
Wilmington.....	3,652	3,310	504	7,466
Winchester.....	6,268	4,316	792	11,376
WOBURN.....	9,044	6,809	1,418	17,271
Totals.....	339,783	261,719	53,054	654,556

## County of Nantucket.

Nantucket.....	1,451	910	302	2,663
Totals.....	1,451	910	302	2,663

## County of Norfolk.

Avon.....	1,104	1,207	210	2,521
Bellingham.....	2,540	3,072	459	6,071
Braintree.....	9,409	8,459	952	18,820
Brookline.....	19,189	6,276	3,707	29,172
Canton.....	4,664	4,229	534	9,427
Cohasset.....	2,362	1,609	213	4,184

## RETURN OF VOTES, ETC.

## County of Norfolk — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Dedham .....	6,058	6,623	1,116	13,797
Dover .....	1,573	1,097	101	2,771
Foxborough .....	3,456	2,475	254	6,185
Franklin .....	3,609	3,533	531	7,673
Holbrook .....	2,634	2,541	354	5,529
Medfield .....	2,432	2,393	188	5,013
Medway .....	1,873	1,736	185	3,794
Millis .....	1,648	1,411	139	3,198
Milton .....	9,075	5,737	826	15,638
Needham .....	9,830	6,104	932	16,866
Norfolk .....	1,186	1,036	85	2,307
Norwood .....	7,927	6,483	796	15,206
Plainville .....	1,160	1,209	159	2,528
QUINCY .....	20,964	19,463	3,577	44,004
Randolph .....	7,551	5,123	1,368	14,042
Sharon .....	5,112	1,816	375	7,303
Stoughton .....	5,452	4,678	997	11,127
Walpole .....	4,760	3,862	499	9,121
Wellesley .....	9,076	5,188	764	15,028
Westwood .....	3,906	3,377	283	7,566
Weymouth .....	12,766	11,341	2,036	26,143
Wrentham .....	1,458	1,188	209	2,855
Totals .....	162,774	123,266	21,849	307,889

## County of Plymouth.

Abington .....	2,966	2,812	338	6,116
Bridgewater .....	3,241	2,682	387	6,310
BROCKTON .....	15,369	15,702	3,736	34,807
Carver .....	890	950	139	1,979
Duxbury .....	3,560	1,737	183	5,480
East Bridgewater .....	1,853	2,049	323	4,225
Halifax .....	1,116	1,171	142	2,429
Hanover .....	2,753	2,257	233	5,243
Hanson .....	1,555	1,550	244	3,349
Hingham .....	5,936	4,068	541	10,545
Hull .....	2,500	1,915	352	4,767
Kingston .....	1,528	1,488	245	3,261
Lakeville .....	748	1,500	171	2,419
Marion .....	1,027	849	105	1,981
Marshfield .....	5,061	3,818	402	9,281
Mattapoisett .....	1,448	1,304	100	2,852
Middleborough .....	2,856	2,834	498	6,188
Norwell .....	2,447	1,804	201	4,452
Pembroke .....	2,672	2,452	226	5,350
Plymouth .....	5,946	5,842	1,254	13,042
Plympton .....	416	377	44	837
Rochester .....	476	576	71	1,123
Rockland .....	3,021	3,083	530	6,634
Scituate .....	5,100	3,515	399	9,014
Wareham .....	3,087	3,217	678	6,982
West Bridgewater .....	1,375	1,651	143	3,169
Whitman .....	2,817	2,819	365	6,001
Totals .....	81,764	74,022	12,050	167,836

## County of Suffolk.

BOSTON .....	86,011	71,955	38,427	196,393
CHELSEA .....	4,661	4,396	2,197	11,254
REVERE .....	8,590	9,099	3,201	20,890
Winthrop .....	5,350	3,700	927	9,977
Totals .....	104,612	89,150	44,752	238,514

# RETURN OF VOTES, ETC.

861

• County of Worcester.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashburnham	893	753	135	1,781
Athol	2,104	2,281	443	4,828
Auburn	3,672	3,843	560	8,075
Barre	831	1,012	212	2,055
Berlin	562	470	68	1,100
Blackstone	1,177	1,385	400	2,962
Bolton	746	438	64	1,248
Boylston	869	769	83	1,721
Brookfield	474	504	103	1,081
Charlton	1,046	1,164	193	2,403
Clinton	2,851	2,568	617	6,036
Douglas	676	885	182	1,743
Dudley	1,635	1,661	409	3,705
East Brookfield	418	396	90	904
FITCHBURG	7,991	7,372	1,710	17,073
GARDNER	4,023	3,626	1,089	8,738
Grafton	2,536	2,482	461	5,479
Hardwick	457	519	126	1,102
Harvard	1,235	698	58	1,991
Holden	3,575	3,089	531	7,195
Hopedale	976	1,088	188	2,252
Hubbardston	355	365	51	771
Lancaster	1,483	833	146	2,462
Leicester	1,877	2,006	390	4,273
LEOMINSTER	6,953	6,396	1,781	15,130
Lunenburg	2,135	1,572	234	3,941
Mendon	614	762	112	1,488
Milford	4,428	5,248	1,002	10,678
Millbury	2,458	2,674	578	5,710
Millville	297	405	121	823
New Braintree	147	157	30	334
North Brookfield	815	998	176	1,989
Northborough	2,634	2,198	203	5,035
Northbridge	1,575	1,716	2,236	5,527
Oakham	240	218	30	488
Oxford	1,727	2,087	377	4,191
Paxton	1,024	836	99	1,959
Petersham	337	242	35	614
Phillipston	188	204	33	425
Princeton	567	449	38	1,054
Royalston	246	172	31	449
Rutland	880	790	71	1,741
Shrewsbury	5,610	4,907	753	11,270
Southborough	1,222	1,708	119	3,049
Southbridge	2,889	2,842	1,243	6,974
Spencer	2,066	2,212	445	4,723
Sterling	1,142	1,057	125	2,324
Sturbridge	1,287	1,072	259	2,618
Sutton	1,025	1,236	222	2,483
Templeton	1,066	1,343	206	2,615
Upton	826	947	177	1,950
Uxbridge	1,618	2,085	378	4,081
Warren	718	836	176	1,730
Webster	2,594	3,168	1,032	6,794
West Boylston	1,544	1,636	199	3,379
West Brookfield	626	606	122	1,354
Westborough	3,421	2,830	283	6,534
Westminster	1,217	1,077	148	2,442
Winchendon	1,431	1,091	259	2,781
WORCESTER	32,598	28,430	8,694	69,742
Totals	132,627	126,454	30,336	289,417

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 2, 1976.

*Votes for Question No. 4 (Proposed Amendment to the Constitution).*

*Do you approve of a law summarized below, which was disapproved by the House of Representatives on May 5, 1975, by a vote of 179-46, and on which no vote was taken by the Senate before May 7, 1975?*

### *Summary*

*SECTION 1 of the act inserts a new chapter 164B into the General Laws and establishes a Massachusetts Power Authority, a body corporate and politic with seven members appointed by the Governor to staggered six year terms. The Authority is to establish and operate a bulk power supply system to supply wholesale electric power to utilities throughout the Commonwealth. The primary purpose of the Authority is to supply the Commonwealth with power with the minimum adverse impact on the environment. The Authority is also authorized to engage in research and development of new sources of power, new siting techniques, and methods of environmental protection.*

*In carrying out its responsibilities, the Authority is authorized to adopt by-laws; adopt an official seal; maintain offices; sue and be sued; construct or acquire facilities either within or without the Commonwealth; issue revenue bonds and borrow money in anticipation of issuance of revenue bonds; acquire real and personal property; employ professional, managerial and other employees deemed necessary and fix their compensation to be paid solely out of revenues of the Authority; appear before other government agencies; apply for and receive federal or other grants of funds; and enter into contracts and agreements.*

*The Authority will build and operate all new generating and transmission facilities in the Commonwealth and has the option to purchase existing facilities through negotiation, condemnation, or eminent domain. After an initial two-year period, no other utility may construct a new facility unless the Authority certifies that it lacks the capability to finance the facility and the facility would further the purposes of the act.*

*The Authority will finance its activities by issuing revenue bonds. The bonds will be exempt from state taxation, but will not be backed by the full faith and credit of the Commonwealth. Power will be sold to other utilities by contract but no special discounts or bonuses to promote the increased use of power may be given. Public hearings are required on all major contracts.*

*The Authority is required to develop a master, 20-year demand study and siting plan within 18 months of its incorporation, to be updated each succeeding year. Cities will be selected in accordance with the Electric Power Facilities Siting Council Act of 1973. The Governor and the community in which any facility is to be located must affirmatively approve the facility before it can be constructed.*

*The Authority will be subject to all applicable federal and state environmental standards and must obtain all necessary federal and state permits and complete all necessary environmental impact statements.*

*The Authority will be exempt from taxation but will make payments in lieu of taxes to cities and towns in an amount equal to the tax which would be paid if the Authority's real and personal property were owned by a private electric utility company.*

*The Authority is forbidden from engaging in promotional or image advertising. The Authority has the authority to bargain collectively with its employees and is subject to the provisions of Chapter 150 of the General Laws, which governs the conciliation and arbitration of industrial disputes. Employees of the Authority are not subject to the civil service laws and rules. Employees of utilities displaced by the activities of the Authority have first preference in employment by the Authority.*

*SECTION 2 of the act amends section 43 of Chapter 164 of the General Laws to provide that if a city or town votes, in accordance with the provision of Chapter 164, to establish a municipal utility and acquire the facilities of the utility currently serving the community, and the utility refuses to sell its property to the city or town, that the Department of Public Utilities will establish a fair price for the facilities, and the utility will be required to accept the price determined by the department and tender the deed for the facilities to the city or town.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE.....	11,790	56,810	5,713	74,313
BERKSHIRE.....	7,744	54,770	7,415	69,929
BRISTOL.....	21,790	150,372	23,043	195,205
DUKES.....	1,174	3,482	566	5,222
ESSEX.....	35,500	240,884	31,280	307,664
FRANKLIN.....	4,144	25,408	2,117	31,669
HAMPDEN.....	20,114	149,555	18,751	188,420
HAMPSHIRE.....	10,520	46,171	4,274	60,965
MIDDLESEX.....	97,969	497,338	59,249	654,556
NANTUCKET.....	591	1,744	328	2,663
NORFOLK.....	39,672	244,824	23,393	307,889
PLYMOUTH.....	23,712	130,427	13,697	167,836
SUFFOLK.....	38,478	150,177	49,859	238,514
WORCESTER.....	33,529	231,356	24,532	289,417
Totals.....	346,727	1,983,318	264,217	2,594,262

## RETURN OF VOTES, ETC.

Cities and Towns.  
County of Barnstable.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Barnstable.....	2,228	11,542	856	14,626
Bourne.....	610	3,719	758	5,087
Brewster.....	474	2,027	135	2,636
Chatham.....	582	3,248	171	4,001
Dennis.....	997	5,058	521	6,576
Eastham.....	347	1,473	107	1,927
Falmouth.....	1,964	8,609	873	11,446
Harwich.....	749	4,077	279	5,105
Mashpee.....	311	1,365	128	1,804
Orleans.....	461	2,434	168	3,063
Provincetown.....	715	1,151	285	2,151
Sandwich.....	431	3,053	143	3,627
Truro.....	198	539	48	785
Wellfleet.....	344	978	105	1,427
Yarmouth.....	1,379	7,537	1,136	10,052
Totals.....	11,790	56,810	5,713	74,313

## County of Berkshire.

Adams.....	613	4,590	547	5,750
Alford.....	51	157	18	226
Becket.....	76	354	60	490
Cheshire.....	163	1,346	116	1,625
Clarksburg.....	72	776	44	892
Dalton.....	318	3,066	181	3,565
Egremont.....	82	528	33	643
Florida.....	37	314	22	373
Great Barrington.....	311	2,388	538	3,237
Hancock.....	52	265	22	339
Hinsdale.....	86	618	53	757
Lanesborough.....	139	1,113	119	1,371
Lee.....	253	2,211	282	2,746
Lenox.....	303	2,367	292	2,962
Monterey.....	103	289	23	415
Mount Washington.....	15	41	2	58
New Ashford.....	17	80	7	104
New Marlborough.....	89	400	41	530
NORTH ADAMS.....	875	6,439	738	8,052
Otis.....	50	345	48	443
Peru.....	27	214	13	254
PITTSFIELD.....	2,540	19,587	3,594	25,721
Richmond.....	101	720	36	857
Sandisfield.....	61	185	55	301
Savoy.....	28	165	18	211
Sheffield.....	190	1,049	83	1,322
Stockbridge.....	268	1,064	102	1,434
Tyringham.....	30	142	14	186
Washington.....	31	193	15	239
West Stockbridge.....	89	593	43	725
Williamstown.....	633	2,924	243	3,800
Windsor.....	41	247	13	301
Totals.....	7,744	54,770	7,415	69,929

## County of Bristol.

Acushnet.....	382	3,778	284	4,444
ATTLEBORO.....	1,606	9,813	1,271	12,690
Berkley.....	105	773	118	996
Dartmouth.....	1,075	8,265	711	10,051
Dighton.....	223	1,968	196	2,387
Easton.....	880	5,782	366	7,028
Fairhaven.....	784	5,445	976	7,205
FALL RIVER.....	4,217	26,628	6,994	37,839
Freetown.....	290	1,982	120	2,392
Mansfield.....	486	4,720	290	5,496

# RETURN OF VOTES, ETC.

865

## County of Bristol — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
NEW BEDFORD .....	4,709	29,340	4,313	38,362
North Attleborough .....	816	6,602	937	8,355
Norton .....	556	3,573	254	4,383
Raynham .....	353	3,127	273	3,753
Rehoboth .....	461	2,416	298	3,175
Seekonk .....	1,075	3,828	682	5,585
Somerset .....	541	8,564	561	9,666
Swansea .....	751	5,568	636	6,955
TAUNTON .....	1,774	13,389	3,244	18,407
Westport .....	706	4,811	519	6,036
Totals .....	21,790	150,372	23,043	195,205

## County of Dukes.

Chilmark .....	97	254	22	373
Edgartown .....	267	932	157	1,356
Gay Head .....	38	63	22	123
Gosnold .....	10	54	10	74
Oak Bluffs .....	220	782	163	1,165
Tisbury .....	334	1,070	151	1,555
West Tisbury .....	208	327	41	576
Totals .....	1,174	3,482	566	5,222

## County of Essex.

Amesbury .....	806	3,850	772	5,428
Andover .....	1,622	10,942	735	13,299
BEVERLY .....	2,502	15,525	1,287	19,314
Boxford .....	354	2,095	74	2,523
Danvers .....	1,317	10,014	701	12,032
Essex .....	227	1,281	98	1,606
Georgetown .....	245	2,405	134	2,784
GLOUCESTER .....	2,214	9,415	1,357	12,986
Groveland .....	221	2,141	99	2,461
Hamilton .....	501	2,900	173	3,574
HAVERHILL .....	2,469	15,857	2,065	20,391
Ipswich .....	881	4,717	379	5,977
LAWRENCE .....	3,441	19,671	3,368	26,480
LYNN .....	1,336	25,793	9,114	36,243
Lynnfield .....	702	5,572	271	6,545
Manchester .....	472	2,445	185	3,102
Marblehead .....	1,743	10,561	564	12,868
Merrimac .....	195	1,658	127	1,980
Methuen .....	2,002	14,486	1,427	17,915
Middleton .....	197	1,602	95	1,894
Nahant .....	339	1,817	106	2,262
Newbury .....	277	1,960	88	2,325
NEWBURYPORT .....	1,004	5,879	972	7,855
North Andover .....	1,008	7,766	687	9,461
PEABODY .....	2,496	18,224	1,814	22,534
Rockport .....	712	2,750	365	3,827
Rowley .....	163	1,433	93	1,689
SALEM .....	2,252	14,943	1,970	19,165
Salisbury .....	322	1,960	247	2,529
Saugus .....	1,582	10,050	874	12,506
Swampscott .....	1,088	5,831	810	7,729
Topsfield .....	365	2,557	79	3,001
Wenham .....	278	1,611	91	1,980
West Newbury .....	167	1,173	59	1,399
Totals .....	35,500	240,884	31,280	307,664

## County of Franklin.

Ashfield .....	177	559	37	773
----------------	-----	-----	----	-----

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Bernardston .....	82	774	48	904
Buckland .....	106	831	67	1,004
Charlemont .....	57	425	28	510
Colrain .....	92	651	29	772
Conway .....	146	526	38	710
Deerfield .....	271	1,868	116	2,255
Erving .....	36	618	42	696
Gill .....	82	559	27	668
Greenfield .....	939	7,235	753	8,927
Hawley .....	35	83	7	125
Heath .....	47	182	11	240
Leverett .....	206	465	33	704
Leyden .....	29	196	10	235
Monroe .....	7	88	2	97
Montague .....	504	3,552	306	4,362
New Salem .....	54	279	22	355
Northfield .....	160	1,112	91	1,363
Orange .....	291	2,256	181	2,728
Rowe .....	24	188	6	218
Shelburne .....	85	806	46	947
Shutesbury .....	132	308	33	473
Sunderland .....	268	952	68	1,288
Warwick .....	58	219	22	299
Wendell .....	106	182	41	329
Whately .....	140	494	53	687
Totals .....	4,144	25,408	2,117	31,669

## County of Hampden.

Agawam .....	1,186	8,246	1,087	10,519
Blandford .....	56	450	19	525
Brimfield .....	138	878	55	1,071
Chester .....	90	394	59	543
CHICOPEE .....	2,377	22,313	1,860	26,550
East Longmeadow .....	660	5,797	349	6,806
Granville .....	57	521	36	614
Hampden .....	273	1,760	59	2,092
Holland .....	90	535	43	668
HOLYOKE .....	1,645	15,738	2,269	19,652
Longmeadow .....	1,013	7,568	366	8,947
Ludlow .....	925	7,150	481	8,556
Monson .....	355	2,568	182	3,105
Montgomery .....	26	264	8	298
Palmer .....	652	4,682	354	5,688
Russell .....	69	588	49	706
Southwick .....	356	2,554	125	3,035
SPRINGFIELD .....	6,804	38,511	8,967	54,282
Tolland .....	18	130	7	155
Wales .....	56	388	24	468
West Springfield .....	1,196	10,242	1,068	12,506
WESTFIELD .....	1,335	13,080	787	15,202
Wilbraham .....	737	5,198	497	6,432
Totals .....	20,114	149,555	18,751	188,420

## County of Hampshire.

Amherst .....	3,554	6,644	944	11,142
Belchertown .....	484	2,066	169	2,719
Chesterfield .....	46	326	32	404
Cummington .....	59	325	19	403
Easthampton .....	849	6,009	436	7,294
Goshen .....	30	243	18	291
Granby .....	248	2,048	205	2,501
Hadley .....	369	1,762	162	2,293
Hatfield .....	219	1,301	136	1,656
Huntington .....	96	637	65	798
Middlefield .....	30	136	15	181

# RETURN OF VOTES, ETC.

867

## County of Hampshire — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
NORTHAMPTON .....	2,565	10,181	994	13,740
Norham .....	139	414	26	579
Plainfield .....	24	149	12	185
South Hadley .....	834	7,036	469	8,339
Southampton .....	172	1,589	64	1,825
Ware .....	450	3,622	386	4,458
Westhampton .....	49	430	24	503
Williamsburg .....	219	900	67	1,186
Worthington .....	84	353	31	468
Totals .....	10,520	46,171	4,274	60,965

## County of Middlesex.

Acton .....	1,143	7,233	246	8,622
Arlington .....	4,065	22,453	1,694	28,212
Ashby .....	150	886	66	1,102
Ashland .....	437	3,437	318	4,192
Ayer .....	292	1,739	177	2,208
Bedford .....	852	4,457	671	5,980
Belmont .....	2,407	13,022	994	16,423
Billerica .....	1,801	11,184	837	13,822
Boxborough .....	152	1,022	37	1,211
Burlington .....	1,354	8,194	1,053	10,601
CAMBRIDGE .....	13,380	25,407	4,443	43,230
Carlisle .....	261	1,409	49	1,719
Chelmsford .....	1,712	13,309	576	15,597
Concord .....	1,377	6,863	631	8,871
Dracut .....	1,203	7,989	748	9,940
Dunstable .....	102	600	47	749
EVERETT .....	1,779	13,365	3,152	18,296
Framingham .....	4,100	24,726	1,609	30,435
Groton .....	349	2,156	133	2,638
Holliston .....	577	5,200	229	6,006
Hopkinton .....	329	2,742	130	3,201
Hudson .....	599	5,842	526	6,967
Lexington .....	2,972	12,568	1,591	17,131
Lincoln .....	574	2,146	148	2,868
Littleton .....	376	2,802	145	3,323
LOWELL .....	5,045	28,641	3,810	37,496
MALDEN .....	3,781	19,050	2,766	25,597
MARLBOROUGH .....	1,441	11,319	769	13,529
Maynard .....	608	3,705	329	4,642
MEDFORD .....	4,184	22,253	3,152	29,589
MELROSE .....	1,888	12,519	1,604	16,011
Natick .....	1,868	11,822	1,253	14,943
NEWTON .....	8,508	32,111	5,203	45,822
North Reading .....	820	4,546	247	5,613
Pepperell .....	406	2,291	184	2,881
Reading .....	1,426	10,008	696	12,130
Sherborn .....	265	1,861	56	2,176
Shirley .....	198	1,375	80	1,653
SOMERVILLE .....	6,165	22,132	3,607	31,904
Stoneham .....	1,433	8,313	936	10,682
Stow .....	240	1,967	90	2,297
Sudbury .....	877	6,172	305	7,354
Tewksbury .....	1,272	8,564	413	10,249
Townsend .....	350	1,890	152	2,392
Tyngsborough .....	361	1,780	151	2,292
Wakefield .....	1,394	10,942	1,016	13,352
WALTHAM .....	2,939	16,994	4,183	24,116
Watertown .....	3,119	13,099	2,787	19,005
Wayland .....	1,190	5,630	271	7,091
Westford .....	706	5,007	335	6,048
Weston .....	789	5,097	349	6,235
Wilmington .....	965	5,040	1,461	7,466
Winchester .....	1,403	8,953	1,020	11,376
WOBURN .....	1,985	13,506	1,780	17,271
Totals .....	97,969	497,338	59,249	654,556

## RETURN OF VOTES, ETC.

## County of Nantucket.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Nantucket .....	591	1,744	328	2,663
Totals .....	591	1,744	328	2,663

## County of Norfolk.

Avon .....	301	2,016	204	2,521
Bellingham .....	876	4,761	434	6,071
Braintree .....	1,619	16,370	831	18,820
Brookline .....	6,342	18,000	4,830	29,172
Canton .....	1,230	7,651	546	9,427
Cohasset .....	518	3,456	210	4,184
Dedham .....	1,661	11,008	1,128	13,797
Dover .....	253	2,420	98	2,771
Foxborough .....	725	5,212	248	6,185
Franklin .....	1,132	6,064	477	7,673
Holbrook .....	601	4,582	346	5,529
Medfield .....	579	4,220	214	5,013
Medway .....	436	3,173	185	3,794
Millis .....	389	2,669	140	3,198
Milton .....	1,753	12,691	1,194	15,638
Needham .....	1,948	13,878	1,040	16,866
Norfolk .....	288	1,921	98	2,307
Norwood .....	1,995	12,453	758	15,206
Plainville .....	326	2,070	132	2,528
QUINCY .....	5,246	35,407	3,351	44,004
Randolph .....	1,912	10,672	1,458	14,042
Sharon .....	1,245	5,547	511	7,303
Stoughton .....	1,302	8,668	1,157	11,127
Walpole .....	1,080	7,540	501	9,121
Wellesley .....	1,873	12,289	866	15,028
Westwood .....	807	6,478	281	7,566
Weymouth .....	2,875	21,325	1,943	26,143
Wrentham .....	360	2,283	212	2,855
Totals .....	39,672	244,824	23,393	307,889

## County of Plymouth.

Abington .....	726	5,067	323	6,116
Bridgewater .....	890	5,008	412	6,310
BROCKTON .....	4,470	26,481	3,856	34,807
Carver .....	276	1,586	117	1,979
Duxbury .....	699	4,591	190	5,480
East Bridgewater .....	422	3,407	396	4,225
Halifax .....	321	1,976	132	2,429
Hanover .....	556	4,253	434	5,243
Hanson .....	409	2,700	240	3,349
Hingham .....	1,120	8,814	611	10,545
Hull .....	811	3,611	345	4,767
Kingston .....	464	2,577	220	3,261
Lakeville .....	246	2,025	148	2,419
Marion .....	233	1,641	107	1,981
Marshfield .....	1,260	7,648	373	9,281
Mattapoisett .....	296	2,465	91	2,852
Middleborough .....	622	5,083	483	6,188
Norwell .....	486	3,668	298	4,452
Pembroke .....	687	4,437	226	5,350
Plymouth .....	1,471	10,129	1,442	13,042
Plympton .....	128	666	43	837
Rochester .....	86	982	55	1,123
Rockland .....	795	5,323	516	6,634
Scituate .....	4,264	3,220	1,530	9,014
Wareham .....	949	5,378	655	6,982
West Bridgewater .....	342	2,690	137	3,169
Whitman .....	683	5,001	317	6,001
Totals .....	23,712	130,427	13,697	167,836

# RETURN OF VOTES, ETC.

869

## County of Suffolk.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
BOSTON .....	32,566	120,634	43,193	196,393
CHELSEA .....	1,762	7,235	2,257	11,254
REVERE .....	2,711	14,881	3,298	20,890
Winthrop .....	1,439	7,427	1,111	9,977
Totals .....	38,478	150,177	49,859	238,514

## County of Worcester.

Ashburnham .....	180	1,495	106	1,781
Athol .....	446	4,023	359	4,828
Auburn .....	924	6,693	458	8,075
Barre .....	276	1,619	160	2,055
Berlin .....	148	888	64	1,100
Blackstone .....	471	2,087	404	2,962
Bolton .....	145	1,044	59	1,248
Boylston .....	160	1,498	63	1,721
Brookfield .....	129	859	93	1,081
Charlton .....	283	1,947	173	2,403
Clinton .....	715	4,792	529	6,036
Douglas .....	220	1,396	127	1,743
Dudley .....	380	3,025	300	3,705
East Brookfield .....	95	743	66	904
FITCHBURG .....	2,323	13,327	1,423	17,073
GARDNER .....	873	6,989	876	8,738
Grafton .....	522	4,627	330	5,479
Hardwick .....	117	886	99	1,102
Harvard .....	267	1,672	52	1,991
Holden .....	591	6,016	588	7,195
Hopedale .....	190	1,906	156	2,252
Hubbardston .....	106	623	42	771
Lancaster .....	311	1,991	160	2,462
Leicester .....	535	3,396	342	4,273
LEOMINSTER .....	1,485	12,062	1,583	15,130
Lunenburg .....	520	3,241	180	3,941
Mendon .....	132	1,264	92	1,488
Milford .....	1,054	8,755	869	10,678
Millbury .....	705	4,591	414	5,710
Millville .....	99	634	90	823
New Braintree .....	72	242	20	334
North Brookfield .....	180	1,658	151	1,989
Northborough .....	527	4,346	162	5,035
Northbridge .....	684	4,286	557	5,527
Oakham .....	39	421	28	488
Oxford .....	437	3,327	427	4,191
Paxton .....	193	1,695	71	1,959
Petersham .....	79	503	32	614
Phillipston .....	42	353	30	425
Princeton .....	87	935	32	1,054
Royalston .....	84	345	20	449
Rutland .....	153	1,524	64	1,741
Shrewsbury .....	1,098	9,593	579	11,270
Southborough .....	284	2,674	91	3,049
Southbridge .....	665	4,922	1,387	6,974
Spencer .....	453	3,901	369	4,723
Sterling .....	154	2,082	88	2,324
Sturbridge .....	258	2,075	285	2,618
Sutton .....	309	2,013	161	2,483
Templeton .....	232	2,236	147	2,615
Upton .....	199	1,615	136	1,950
Uxbridge .....	440	3,329	312	4,081
Warren .....	185	1,403	162	1,750
Webster .....	701	5,263	830	6,794
West Boylston .....	294	2,927	158	3,379
West Brookfield .....	146	1,116	92	1,354
Westborough .....	577	5,744	213	6,534
Westminster .....	219	2,108	115	2,442
Winchendon .....	314	2,275	192	2,781
WORCESTER .....	10,022	52,356	7,364	69,742
Totals .....	33,529	231,356	24,532	289,417

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 2, 1976.

*Votes for Question No. 5 (Proposed Amendment to the Constitution).*

*Do you approve of a law summarized below, which was disapproved by the House of Representatives on May 3, 1976, by a vote of 197-35, and on which no vote was taken by the Senate before May 5, 1976?*

### Summary

*The proposed legislation would prohibit the possession, ownership or sale of any weapon from which a shot or bullet can be discharged and which has a barrel length of less than sixteen inches. The prohibition would not apply to military personnel, law enforcement officers, federally licensed handgun manufacturers and wholesalers, common carriers in the ordinary course of transport, or to historical societies and museums. The act would not affect the possession of rifles, shotguns, and certain antiques and replicas. The proposal also does not change the existing statutory penalties for unlawful possession, ownership or sale of handguns, including provision imposing mandatory jail sentences.*

*The proposal would permit owners of handguns to surrender their weapons to any law enforcement agency in the Commonwealth within six months of the effective date of the act without incurring criminal liability. Those surrendering handguns within that six months will be compensated at a rate to be determined by the Commissioner of Public Safety.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE.....	22,462	47,911	3,940	74,313
BERKSHIRE.....	14,014	50,603	5,312	69,929
BRISTOL.....	48,246	127,684	19,275	195,205
DUKES.....	1,940	2,837	445	5,222
ESSEX.....	88,113	199,462	20,089	307,664
FRANKLIN.....	5,981	24,311	1,377	31,669
HAMPDEN.....	36,391	138,876	13,153	188,420
HAMPSHIRE.....	16,438	41,894	2,633	60,965
MIDDLESEX.....	228,196	388,766	37,594	654,556
NANTUCKET.....	799	1,707	157	2,663
NORFOLK.....	103,217	190,053	14,619	307,889
PLYMOUTH.....	42,720	117,024	8,092	167,836
SUFFOLK.....	79,141	124,322	35,051	238,514
WORCESTER.....	55,356	214,495	19,566	289,417
Totals.....	743,014	1,669,945	181,303	2,594,262

### County of Barnstable.

Barnstable.....	4,382	9,581	663	14,626
Bourne.....	1,140	3,589	358	5,087

# RETURN OF VOTES, ETC.

871

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Brewster .....	890	1,657	89	2,636
Chatham .....	1,349	2,507	145	4,001
Dennis .....	1,968	4,269	339	6,576
Eastham .....	543	1,314	70	1,927
Falmouth .....	3,599	7,343	504	11,446
Harwich .....	1,631	3,267	207	5,105
Mashpee .....	576	1,123	105	1,804
Orleans .....	1,053	1,859	151	3,063
Provincetown .....	850	1,116	185	2,151
Sandwich .....	875	2,662	90	3,627
Truro .....	296	451	38	785
Wellfleet .....	495	865	67	1,427
Yarmouth .....	2,815	6,308	929	10,052
Totals .....	22,462	47,911	3,940	74,313

## County of Berkshire.

Adams .....	833	4,495	422	5,750
Alford .....	53	162	11	226
Becket .....	73	373	44	490
Cheshire .....	157	1,412	56	1,625
Clarksburg .....	95	755	42	892
Dalton .....	609	2,826	130	3,565
Egremont .....	123	493	27	643
Florida .....	26	336	11	373
Great Barrington .....	572	2,244	421	3,237
Hancock .....	57	269	13	339
Hinsdale .....	106	628	23	757
Lanesborough .....	185	1,100	86	1,371
Lee .....	456	2,109	181	2,746
Lenox .....	678	2,079	205	2,962
Monterey .....	166	234	15	415
Mount Washington .....	8	50	—	58
New Ashford .....	16	84	4	104
New Marlborough .....	106	392	32	530
NORTH ADAMS .....	1,626	5,725	701	8,052
Otis .....	56	369	18	443
Peru .....	28	226	—	254
PITTSFIELD .....	5,333	17,925	2,463	25,721
Richmond .....	186	660	11	857
Sandisfield .....	57	215	29	301
Savoy .....	21	180	10	211
Sheffield .....	278	987	57	1,322
Stockbridge .....	487	884	63	1,434
Tyringham .....	33	145	8	186
Washington .....	18	212	9	239
West Stockbridge .....	149	544	32	725
Williamstown .....	1,372	2,252	176	3,800
Windsor .....	51	238	12	301
Totals .....	14,014	50,603	5,312	69,929

## County of Bristol.

Acushnet .....	713	3,465	266	4,444
ATTLEBORO .....	3,428	8,445	817	12,690
Berkley .....	164	768	64	996
Dartmouth .....	2,362	7,005	684	10,051
Dighton .....	438	1,810	139	2,387
Easton .....	1,898	4,916	214	7,028
Fairhaven .....	1,493	4,875	837	7,205
FALL RIVER .....	10,479	20,948	6,412	37,839
Freetown .....	430	1,874	88	2,392
Mansfield .....	1,382	3,908	206	5,496
NEW BEDFORD .....	8,725	25,366	4,271	38,362
North Attleborough .....	2,005	5,739	611	8,355

## RETURN OF VOTES, ETC.

## County of Bristol — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Norton .....	1,122	3,075	186	4,383
Raynham .....	863	2,761	129	3,753
Rehoboth .....	766	2,222	187	3,175
Seekonk .....	1,856	3,245	484	5,585
Somerset .....	2,848	6,088	730	9,666
Swansea .....	1,852	4,560	543	6,955
TAUNTON .....	4,132	12,275	2,000	18,407
Westport .....	1,290	4,339	407	6,036
Totals .....	48,246	127,684	19,275	195,205

## County of Dukes.

Chilmark .....	157	200	16	373
Edgartown .....	453	781	122	1,356
Gay Head .....	50	57	16	123
Gosnold .....	19	53	2	74
Oak Bluffs .....	370	663	132	1,165
Tisbury .....	618	813	124	1,555
West Tisbury .....	273	270	33	576
Totals .....	1,940	2,837	445	5,222

## County of Essex.

Amesbury .....	1,260	3,566	602	5,428
Andover .....	5,137	7,734	428	13,299
BEVERLY .....	5,552	12,652	1,110	19,314
Boxford .....	765	1,716	42	2,523
Danvers .....	3,222	8,381	429	12,032
Essex .....	425	1,118	63	1,606
Georgetown .....	568	2,124	92	2,784
GLOUCESTER .....	3,643	8,224	1,119	12,986
Groveland .....	527	1,865	69	2,461
Hamilton .....	1,113	2,358	103	3,574
HAVERHILL .....	5,213	13,467	1,711	20,391
Ipswich .....	1,706	3,980	291	5,977
LAWRENCE .....	7,150	16,418	2,912	26,480
LYNN .....	9,579	23,260	3,404	36,243
Lynnfield .....	2,186	4,185	174	6,545
Manchester .....	1,075	1,914	113	3,102
Marblehead .....	5,205	7,245	418	12,868
Merrimac .....	409	1,489	82	1,980
Methuen .....	4,572	12,125	1,218	17,915
Middleton .....	386	1,425	83	1,894
Nahant .....	787	1,385	90	2,262
Newbury .....	571	1,680	74	2,325
NEWBURYPORT .....	2,127	5,149	579	7,855
North Andover .....	3,161	5,859	441	9,461
PEABODY .....	6,075	15,103	1,356	22,534
Rockport .....	1,296	2,278	253	3,827
Rowley .....	348	1,268	73	1,689
SALEM .....	5,030	12,781	1,354	19,165
Salisbury .....	493	1,836	200	2,529
Saugus .....	3,392	8,542	572	12,506
Swampscott .....	3,064	4,189	476	7,729
Topsfield .....	971	1,970	60	3,001
Wenham .....	687	1,244	49	1,980
West Newbury .....	418	932	49	1,399
Totals .....	88,113	199,462	20,089	307,664

## County of Franklin.

Ashfield .....	155	597	21	773
Bernardston .....	112	764	28	904

# RETURN OF VOTES, ETC.

873

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Buckland .....	194	769	41	1,004
Charlemont .....	70	420	20	510
Colrain .....	73	676	23	772
Conway .....	187	500	23	710
Deerfield .....	443	1,751	61	2,255
Erving .....	75	587	34	696
Gill .....	136	510	22	668
Greenfield .....	1,759	6,668	500	8,927
Hawley .....	26	95	4	125
Heath .....	53	176	11	240
Leverett .....	251	436	17	704
Leyden .....	31	199	5	235
Monroe .....	14	79	4	97
Montague .....	690	3,470	202	4,362
New Salem .....	70	274	11	355
Northfield .....	281	1,029	53	1,363
Orange .....	309	2,289	130	2,728
Rowe .....	30	179	9	218
Shelburne .....	146	765	36	947
Shutesbury .....	178	279	16	473
Sunderland .....	409	833	46	1,288
Warwick .....	73	213	13	299
Wendell .....	90	223	16	329
Whately .....	126	530	31	687
Totals .....	5,981	24,311	1,377	31,669

## County of Hampden.

Agawam .....	1,954	7,763	802	10,519
Blandford .....	75	443	7	525
Brimfield .....	170	866	35	1,071
Chester .....	65	460	18	543
CHICOPEE .....	4,302	20,722	1,526	26,550
East Longmeadow .....	1,338	5,201	267	6,806
Granville .....	60	537	17	614
Hampden .....	410	1,639	43	2,092
Holland .....	81	566	21	668
HOLYOKE .....	3,634	14,546	1,472	19,652
Longmeadow .....	3,106	5,595	246	8,947
Ludlow .....	1,171	6,991	394	8,556
Monson .....	428	2,574	103	3,105
Montgomery .....	32	255	11	298
Palmer .....	835	4,581	272	5,688
Russell .....	66	614	26	706
Southwick .....	322	2,638	75	3,035
SPRINGFIELD .....	12,305	35,330	6,647	54,282
Tolland .....	18	134	3	155
Wales .....	60	396	12	468
West Springfield .....	2,366	9,795	345	12,506
WESTFIELD .....	2,229	12,525	448	15,202
Wibraham .....	1,364	4,705	363	6,438
Totals .....	36,391	138,876	13,153	188,420

## County of Hampshire.

Amherst .....	6,217	4,579	346	11,142
Belchertown .....	547	2,086	86	2,719
Chesterfield .....	63	328	13	404
Cummington .....	79	311	13	403
Easthampton .....	1,132	5,796	366	7,294
Goshen .....	41	232	18	291
Granby .....	435	1,922	144	2,501
Hadley .....	540	1,612	141	2,293
Hatfield .....	236	1,326	94	1,656
Huntington .....	93	685	20	798

## RETURN OF VOTES, ETC.

## County of Hampshire — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Middlefield .....	25	156	0	181
NORTHAMPTON .....	3,943	9,062	735	13,740
Pelham .....	213	355	11	579
Plainfield .....	38	141	6	185
South Hadley .....	1,710	6,314	315	8,339
Southampton .....	228	1,559	38	1,825
Ware .....	502	3,733	223	4,458
Westhampton .....	65	433	5	503
Williamsburg .....	243	899	44	1,186
Worthington .....	88	365	15	468
Totals .....	16,438	41,894	2,633	60,965

## County of Middlesex.

Acton .....	3,202	5,274	146	8,622
Arlington .....	10,036	16,968	1,208	28,212
Ashby .....	158	897	47	1,102
Ashland .....	885	3,141	166	4,192
Ayer .....	485	1,637	86	2,208
Bedford .....	2,145	3,528	307	5,980
Belmont .....	6,814	8,863	746	16,423
BillERICA .....	3,325	10,132	365	13,822
Boxborough .....	391	797	23	1,211
Burlington .....	3,284	6,950	367	10,601
CAMBRIDGE .....	23,559	10,821	2,850	43,230
Carlisle .....	711	987	21	1,719
Chelmsford .....	4,319	10,907	371	15,597
Concord .....	3,995	4,541	335	8,871
Dracut .....	2,042	7,345	553	9,940
Dunstable .....	145	575	29	749
EVERETT .....	4,691	11,247	2,358	18,296
Framingham .....	10,489	18,656	1,290	30,435
Groton .....	665	1,907	66	2,638
Holliston .....	1,611	4,267	128	6,006
Hopkinton .....	679	2,429	93	3,201
Hudson .....	1,612	4,966	389	6,967
Lexington .....	8,239	8,025	867	17,131
Lincoln .....	1,532	1,260	76	2,868
Littleton .....	920	2,309	94	3,323
LOWELL .....	9,633	24,855	3,008	37,496
MALDEN .....	7,961	15,817	1,819	25,597
MARLBOROUGH .....	3,465	9,457	607	13,529
Maynard .....	1,091	3,271	280	4,642
MEDFORD .....	9,682	17,552	2,355	29,589
MELROSE .....	5,552	9,261	1,198	16,011
Natick .....	4,988	9,277	678	14,943
NEWTON .....	24,403	19,249	2,170	45,822
North Reading .....	1,479	4,018	116	5,613
Pepperell .....	537	2,227	117	2,881
Reading .....	4,149	7,627	354	12,130
Sherborn .....	824	1,331	21	2,176
Shirley .....	259	1,337	57	1,653
SOMERVILLE .....	11,194	17,865	2,845	31,904
Stoneham .....	3,517	6,663	502	10,682
Stow .....	633	1,628	36	2,297
Sudbury .....	3,115	4,097	142	7,354
Tewksbury .....	2,546	7,406	297	10,249
Townsend .....	349	1,985	58	2,392
Tyngsborough .....	389	1,802	101	2,292
Wakefield .....	3,803	8,974	575	13,352
WALTHAM .....	7,626	13,765	2,725	24,116
Watertown .....	7,262	10,065	1,678	19,005
Wayland .....	3,159	3,763	169	7,091
Westford .....	1,239	4,673	136	6,048
Weston .....	2,931	3,171	133	6,235
Wilmington .....	1,820	5,158	488	7,466

# RETURN OF VOTES, ETC.

875

## County of Middlesex — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Winchester .....	4,092	6,602	682	11,376
WOBURN .....	4,564	11,441	1,266	17,271
Totals .....	228,196	388,766	37,594	654,556

## County of Nantucket.

Nantucket .....	799	1,707	157	2,663
Totals .....	799	1,707	157	2,663

## County of Norfolk.

Avon .....	572	1,840	109	2,521
Bellingham .....	1,254	4,504	313	6,071
Braintree .....	5,522	12,630	668	18,820
Brookline .....	15,834	10,349	2,989	29,172
Canton .....	2,658	6,465	304	9,427
Cohasset .....	1,520	2,515	149	4,184
Dedham .....	4,188	9,039	570	13,797
Dover .....	1,091	1,618	62	2,771
Foxborough .....	1,675	4,388	122	6,185
Franklin .....	1,767	5,595	311	7,673
Holbrook .....	1,370	3,946	213	5,529
Medfield .....	1,703	3,198	112	5,013
Medway .....	870	2,814	110	3,794
Millis .....	808	2,277	113	3,198
Milton .....	6,067	8,854	717	15,638
Needham .....	6,630	9,737	499	16,866
Norfolk .....	503	1,757	47	2,307
Norwood .....	5,148	9,406	652	15,206
Plainville .....	589	1,809	130	2,528
QUINCY .....	13,032	28,267	2,705	44,004
Randolph .....	4,496	8,803	743	14,042
Sharon .....	3,001	4,171	131	7,303
Stoughton .....	2,785	7,706	636	11,127
Walpole .....	2,689	6,157	273	9,121
Wellesley .....	7,058	7,505	465	15,028
Westwood .....	2,632	4,754	180	7,566
Weymouth .....	7,122	17,830	1,191	26,143
Wrentham .....	633	2,117	105	2,855
Totals .....	103,217	190,053	14,619	307,889

## County of Plymouth.

Abington .....	1,537	4,358	221	6,116
Bridgewater .....	1,697	4,360	253	6,310
BROCKTON .....	8,795	23,556	2,456	34,807
Carver .....	436	1,455	88	1,979
Duxbury .....	1,947	3,413	120	5,480
East Bridgewater .....	727	3,217	281	4,225
Halifax .....	492	1,870	67	2,429
Hanover .....	1,283	3,807	153	5,243
Hanson .....	638	2,592	119	3,349
Hingham .....	3,555	6,652	338	10,545
Hull .....	1,307	3,228	232	4,767
Kingston .....	829	2,267	165	3,261
Lakeville .....	418	1,918	73	2,419
Marion .....	637	1,259	85	1,987
Marshfield .....	2,812	6,220	249	9,281
Mattapoisett .....	622	2,144	86	2,852
Middleborough .....	1,068	4,828	292	6,188
Norwell .....	1,269	3,006	177	4,452
Pembroke .....	1,189	4,018	143	5,350
Plymouth .....	3,295	8,599	1,148	13,042

## RETURN OF VOTES, ETC.

## County of Plymouth — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Plympton .....	168	641	28	837
Rochester .....	177	903	43	1,123
Rockland .....	1,452	4,896	286	6,634
Scituate .....	3,138	5,573	303	9,014
Wareham .....	1,373	5,186	423	6,982
West Bridgewater .....	590	2,497	82	3,169
Whitman .....	1,259	4,561	181	6,001
Totals .....	42,720	117,024	8,092	167,836

## County of Suffolk.

BOSTON .....	66,850	99,147	30,396	196,393
CHELSEA .....	3,060	6,464	1,730	11,254
REVERE .....	5,618	13,181	2,091	20,890
Winthrop .....	3,613	5,530	834	9,977
Totals .....	79,141	124,322	35,051	238,514

## County of Worcester.

Ashburnham .....	254	1,471	56	1,781
Athol .....	449	4,184	195	4,828
Auburn .....	1,389	6,388	298	8,075
Barre .....	253	1,684	118	2,055
Berlin .....	166	902	32	1,100
Blackstone .....	626	2,058	278	2,962
Bolton .....	341	884	23	1,248
Boylston .....	348	1,315	58	1,721
Brookfield .....	116	904	61	1,081
Charlton .....	360	1,912	131	2,403
Clinton .....	1,043	4,594	399	6,036
Douglas .....	218	1,435	90	1,743
Dudley .....	662	2,773	270	3,705
East Brookfield .....	122	753	29	904
FITCHBURG .....	3,431	12,432	1,210	17,073
GARDNER .....	1,384	6,687	667	8,738
Grafton .....	880	4,360	239	5,479
Hardwick .....	130	910	62	1,102
Harvard .....	705	1,259	27	1,991
Holden .....	1,482	5,167	546	7,195
Hopedale .....	376	1,756	120	2,252
Hubbardston .....	104	641	26	771
Lancaster .....	515	1,868	79	2,462
Leicester .....	683	3,429	161	4,273
LEOMINSTER .....	2,974	11,152	1,004	15,130
Lunenburg .....	845	2,976	120	3,941
Mendon .....	209	1,209	70	1,488
Milford .....	2,026	8,058	594	10,678
Millbury .....	850	4,542	318	5,710
Millville .....	153	573	97	823
New Braintree .....	47	270	17	334
North Brookfield .....	221	1,688	80	1,989
Northborough .....	1,191	3,733	111	5,035
Northbridge .....	700	2,718	2,109	5,527
Oakham .....	52	426	10	488
Oxford .....	607	3,293	291	4,191
Paxton .....	412	1,504	43	1,959
Petersham .....	112	485	17	614
Phillipston .....	29	383	13	425
Princeton .....	204	827	23	1,054
Royalston .....	53	390	6	449
Rutland .....	169	1,536	36	1,741
Shrewsbury .....	2,572	8,289	409	11,270
Southborough .....	802	2,178	69	3,049
Southbridge .....	1,176	4,821	977	6,974
Spencer .....	593	3,887	243	4,723

# RETURN OF VOTES, ETC.

877

## County of Worcester — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Sterling .....	306	1,946	72	2,324
Sturbridge .....	488	1,953	177	2,618
Sutton .....	334	2,053	96	2,483
Templeton .....	258	2,258	99	2,615
Upton .....	311	1,565	74	1,950
Uxbridge .....	603	3,210	268	4,081
Warren .....	176	1,493	81	1,750
Webster .....	1,028	5,267	499	6,794
West Boylston .....	569	2,696	114	3,379
West Brookfield .....	169	1,116	69	1,354
Westborough .....	1,723	4,661	150	6,534
Westminster .....	362	2,009	71	2,442
Winchendon .....	436	2,189	156	2,781
WORCESTER .....	16,559	47,375	5,808	69,742
Totals .....	55,356	214,495	19,566	289,417

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 2, 1976.

*Votes for Question No. 6 (Proposed Amendment to the Constitution).*

*Do you approve of the law summarized below, which was disapproved by the House of Representatives on May 3, 1976, by a vote of 146-85, and on which no vote was taken by the Senate before May 5, 1976?*

### Summary

*The proposed act would require every beverage container sold or offered for sale in the Commonwealth to have a refund value of at least five (5) cents, and would prohibit the sale of metal beverage containers with flip-tops. It would apply to containers for beer and other malt beverages and to soft drinks. It would not apply to containers for dairy products of natural fruit juices, nor to containers which are biodegradable.*

*The act would authorize the Secretary of Environmental Affairs to certify containers as reusable or recyclable. It contains both enforcement and penalty provisions and would take effect on February 1, 1977.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE.....	43,392	27,459	3,462	74,313
BERKSHIRE.....	36,568	28,009	5,352	69,929
BRISTOL.....	65,154	114,896	15,155	195,205
DUKES.....	3,263	1,644	315	5,222
ESSEX.....	139,951	151,456	16,257	307,664
FRANKLIN.....	14,087	15,705	1,877	31,669
HAMPDEN.....	92,121	83,989	12,310	188,420
HAMPSHIRE.....	36,259	22,525	2,181	60,965
MIDDLESEX.....	319,192	302,596	32,768	654,556
NANTUCKET.....	1,409	1,105	149	2,663
NORFOLK.....	149,863	145,119	12,907	307,889
PLYMOUTH.....	78,488	81,307	8,041	167,836
SUFFOLK.....	98,446	105,478	34,590	238,514
WORCESTER.....	129,041	146,897	13,479	289,417
Totals.....	1,207,162	1,228,185	158,915	2,594,262

### Cities and Towns. County of Barnstable.

Barnstable.....	8,538	5,628	460	14,626
Bourne.....	2,478	2,229	380	5,087
Brewster.....	1,721	849	66	2,636
Chatham.....	2,495	1,400	106	4,001
Dennis.....	3,679	2,682	215	6,576
Eastham.....	1,219	665	43	1,927
Falmouth.....	7,105	3,907	434	11,446
Harwich.....	3,043	1,929	133	5,105
Mashpee.....	1,045	666	93	1,804
Orleans.....	1,906	1,060	97	3,063

# RETURN OF VOTES, ETC.

879

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Provincetown .....	1,200	776	175	2,151
Sandwich .....	2,190	1,372	65	3,627
Truro .....	463	297	25	785
Wellfleet .....	936	454	37	1,427
Yarmouth .....	5,374	3,545	1,133	10,052
Totals .....	43,392	27,459	3,462	74,313

## County of Berkshire.

Adams .....	2,637	2,700	413	5,750
Alford .....	142	77	7	226
Becket .....	269	162	59	490
Cheshire .....	802	742	81	1,625
Clarksburg .....	419	446	27	892
Dalton .....	2,064	1,400	101	3,565
Egremont .....	409	217	17	643
Florida .....	145	215	13	373
Great Barrington .....	1,456	1,306	475	3,237
Hancock .....	186	139	14	339
Hinsdale .....	427	308	22	757
Lanesborough .....	746	532	93	1,371
Lee .....	1,431	1,110	205	2,746
Lenox .....	1,624	1,135	203	2,962
Monterey .....	283	118	14	415
Mount Washington .....	33	23	2	58
New Ashford .....	62	39	3	104
New Marlborough .....	335	165	30	530
NORTH ADAMS .....	3,370	4,158	524	8,052
Otis .....	216	187	40	443
Peru .....	163	86	5	254
PITTSFIELD .....	13,328	9,727	2,666	25,721
Richmond .....	578	267	12	857
Sandisfield .....	157	105	39	301
Savoy .....	103	95	13	211
Sheffield .....	842	440	40	1,322
Stockbridge .....	998	378	58	1,434
Tyringham .....	114	66	6	186
Washington .....	156	78	5	239
West Stockbridge .....	425	271	29	725
Williamstown .....	2,463	1,208	129	3,800
Windsor .....	185	109	7	301
Totals .....	36,568	28,009	5,352	69,929

## County of Bristol.

Acushnet .....	1,249	2,987	208	4,444
ATTLEBORO .....	4,962	6,801	927	12,690
Berkley .....	475	469	52	996
Dartmouth .....	3,420	5,920	711	10,051
Dighton .....	977	1,319	91	2,387
Easton .....	3,472	3,404	152	7,028
Fairhaven .....	2,262	4,123	820	7,205
FALL RIVER .....	9,798	23,415	4,626	37,839
Freetown .....	937	1,392	63	2,392
Mansfield .....	1,643	3,746	107	5,496
NEW BEDFORD .....	10,526	24,690	3,146	38,362
North Attleborough .....	2,994	4,671	690	8,355
Norton .....	1,690	2,586	107	4,383
Raynham .....	1,655	1,999	99	3,753
Rehoboth .....	1,569	1,424	182	3,175
Seekonk .....	2,787	2,400	398	5,585
Somerset .....	3,080	6,096	490	9,666

## RETURN OF VOTES, ETC.

## County of Bristol — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Swansea .....	2,406	4,152	397	6,955
TAUNTON .....	6,904	9,880	1,623	18,407
Westport .....	2,348	3,422	266	6,036
Totals .....	65,154	114,896	15,155	195,205

## County of Dukes.

Chilmark .....	265	98	10	373
Edgartown .....	833	428	95	1,356
Gay Head .....	73	36	14	123
Gosnold .....	41	26	7	74
Oak Bluffs .....	651	425	89	1,165
Tisbury .....	951	520	84	1,555
West Tisbury .....	449	111	16	576
Totals .....	3,263	1,644	315	5,222

## County of Essex.

Amesbury .....	2,250	2,700	478	5,428
Andover .....	7,292	5,502	505	13,299
BEVERLY .....	9,194	9,442	678	19,314
Boxford .....	1,570	922	31	2,523
Danvers .....	5,767	5,738	527	12,032
Essex .....	979	585	42	1,606
Georgetown .....	1,456	1,268	60	2,784
GLOUCESTER .....	6,241	5,947	798	12,986
Groveland .....	1,239	1,183	39	2,461
Hamilton .....	2,137	1,361	76	3,574
HAVERHILL .....	8,733	10,529	1,129	20,391
Ipswich .....	3,341	2,442	194	5,977
LAWRENCE .....	9,163	15,322	1,995	26,480
LYNN .....	15,600	16,870	3,773	36,243
Lynnfield .....	3,491	2,954	100	6,545
Manchester .....	1,865	1,148	89	3,102
Marblehead .....	6,233	6,348	287	12,868
Merrimac .....	889	1,041	50	1,980
Methuen .....	6,843	10,345	727	17,915
Middleton .....	904	941	49	1,894
Nahant .....	1,310	904	48	2,262
Newbury .....	1,109	1,174	42	2,325
NEWBURYPORT .....	2,855	4,495	505	7,855
North Andover .....	4,846	4,342	273	9,461
PEABODY .....	9,106	12,495	933	22,534
Rockport .....	2,464	1,191	172	3,827
Rowley .....	814	844	31	1,689
SALEM .....	7,523	10,053	1,589	19,165
Salisbury .....	884	1,532	113	2,529
Saugus .....	5,959	6,209	338	12,506
Swampscott .....	3,873	3,356	500	7,729
Topsfield .....	1,914	1,067	20	3,001
Wenham .....	1,244	693	43	1,980
West Newbury .....	863	513	23	1,399
Totals .....	139,951	151,456	16,257	307,664

## County of Franklin.

Ashfield .....	454	302	17	773
Bernardston .....	321	563	20	904
Buckland .....	390	568	46	1,004
Charlmont .....	266	227	17	510
Colrain .....	347	401	24	772
Conway .....	444	252	14	710

# RETURN OF VOTES, ETC.

881

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Deerfield .....	1,131	1,066	58	2,255
Erving .....	268	408	20	696
Gill .....	313	344	11	668
Greenfield .....	3,018	4,759	1,150	8,927
Hawley .....	74	46	5	125
Heath .....	145	86	9	240
Leverett .....	535	152	17	704
Leyden .....	95	134	6	235
Monroe .....	37	57	3	97
Montague .....	1,608	2,587	167	4,362
New Salem .....	227	117	11	355
Northfield .....	620	699	44	1,363
Orange .....	1,291	1,338	99	2,728
Rowe .....	100	113	5	218
Shelburne .....	444	472	31	947
Shutesbury .....	355	106	12	473
Sunderland .....	818	434	36	1,288
Warwick .....	190	101	8	299
Wendell .....	199	112	18	329
Whately .....	397	261	29	687
Totals .....	14,087	15,705	1,877	31,669

## County of Hampden.

Agawam .....	5,014	4,613	892	10,519
Blandford .....	299	219	7	525
Brimfield .....	579	457	35	1,071
Chester .....	243	271	29	543
CHICOPEE .....	11,964	13,409	1,177	26,550
East Longmeadow .....	3,748	2,811	247	6,806
Granville .....	397	195	22	614
Hampden .....	1,277	783	32	2,092
Holland .....	317	328	23	668
HOLYOKE .....	8,760	9,212	1,680	19,652
Longmeadow .....	5,038	3,750	159	8,947
Ludlow .....	3,881	4,303	372	8,556
Monson .....	1,649	1,347	109	3,105
Montgomery .....	169	123	6	298
Palmer .....	2,702	2,769	217	5,688
Russell .....	339	348	19	706
Southwick .....	1,637	1,340	58	3,035
SPRINGFIELD .....	25,777	22,402	6,103	54,282
Tolland .....	67	84	4	155
Wales .....	244	234	10	468
West Springfield .....	6,735	5,413	358	12,506
WESTFIELD .....	7,700	7,136	366	15,202
Wilbraham .....	3,605	2,442	385	6,432
Totals .....	92,121	83,989	12,310	188,420

## County of Hampshire.

Amherst .....	8,846	1,854	442	11,142
Belchertown .....	1,661	1,000	58	2,719
Chesterfield .....	227	163	14	404
Cummington .....	232	162	9	403
Easthampton .....	3,669	3,350	275	7,294
Goshen .....	150	132	9	291
Granby .....	1,334	1,013	154	2,501
Hadley .....	1,345	853	95	2,293
Hatfield .....	799	791	66	1,656
Huntington .....	409	359	30	798
Middlefield .....	106	69	6	181
NORTHAMPTON .....	7,867	5,347	526	13,740
Pelham .....	419	145	15	579

## County of Hampshire — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Plainfield .....	115	60	10	185
South Hadley .....	4,732	3,403	204	8,339
Southampton .....	1,050	746	29	1,825
Ware .....	2,042	2,237	179	4,458
Westhampton .....	298	192	13	503
Williamsburg .....	676	479	31	1,186
Worthington .....	282	170	16	468
Totals .....	36,259	22,525	2,181	60,965

## County of Middlesex.

Acton .....	5,125	3,406	91	8,622
Arlington .....	14,749	12,698	765	28,212
Ashby .....	544	530	28	1,102
Ashland .....	1,723	2,283	186	4,192
Ayer .....	809	1,332	67	2,208
Bedford .....	3,724	1,931	325	5,980
Belmont .....	8,785	7,115	523	16,423
Billerica .....	6,297	7,007	518	13,822
Boxborough .....	703	496	12	1,211
Burlington .....	5,176	4,902	523	10,601
CAMBRIDGE .....	27,191	14,111	1,928	43,230
Carlisle .....	1,273	427	19	1,719
Chelmsford .....	7,334	8,026	237	15,597
Concord .....	5,873	2,658	340	8,871
Dracut .....	3,564	6,066	310	9,940
Dunstable .....	399	331	19	749
EVERETT .....	5,704	10,407	2,185	18,296
Frammingham .....	12,320	17,353	762	30,435
Groton .....	1,466	1,126	46	2,638
Holliston .....	2,732	3,201	73	6,006
Hopkinton .....	1,489	1,660	52	3,201
Hudson .....	3,112	3,584	271	6,967
Lexington .....	11,270	4,965	896	17,131
Lincoln .....	2,107	662	99	2,868
Littleton .....	1,793	1,481	49	3,323
LOWELL .....	13,710	21,775	2,011	37,496
MALDEN .....	9,788	13,842	1,967	25,597
MARLBOROUGH .....	5,741	7,403	385	13,529
Maynard .....	2,092	2,377	173	4,642
MEDFORD .....	12,163	15,846	1,580	29,589
MELROSE .....	8,003	6,944	1,064	16,011
Natick .....	6,480	7,898	565	14,943
NEWTON .....	25,841	16,665	3,316	45,822
North Reading .....	3,184	2,341	88	5,613
Pepperell .....	1,204	1,599	78	2,881
Reading .....	6,818	4,872	440	12,130
Sherborn .....	1,386	776	14	2,176
Shirley .....	714	902	37	1,653
SOMERVILLE .....	14,624	15,409	1,871	31,904
Stoneham .....	5,203	4,853	626	10,682
Stow .....	1,310	965	22	2,297
Sudbury .....	4,622	2,605	127	7,354
Tewksbury .....	4,527	5,514	208	10,249
Townsend .....	1,074	1,261	57	2,392
Tyngsborough .....	975	1,258	59	2,292
Wakefield .....	6,389	6,305	658	13,352
WALTHAM .....	9,777	11,817	2,522	24,116
Watertown .....	9,050	8,280	1,675	19,005
Wayland .....	4,511	2,465	115	7,091
Westford .....	3,006	2,931	111	6,048
Weston .....	4,149	1,994	92	6,235
Wilmington .....	3,461	3,493	512	7,466
Winchester .....	6,476	4,202	698	11,376
WOBURN .....	7,652	8,246	1,373	17,271
Totals .....	319,192	302,596	32,768	654,556

# RETURN OF VOTES, ETC.

883

## County of Nantucket.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Nantucket .....	1,409	1,105	149	2,663
Totals .....	1,409	1,105	149	2,663

## County of Norfolk.

Avon .....	1,102	1,274	145	2,521
Bellingham .....	1,798	4,072	201	6,071
Braintree .....	8,973	9,476	371	18,820
Brookline .....	16,781	9,164	3,227	29,172
Canton .....	4,407	4,813	207	9,427
Cohasset .....	2,578	1,519	87	4,184
Dedham .....	6,262	6,834	701	13,797
Dover .....	1,741	991	39	2,771
Foxborough .....	3,193	2,902	90	6,185
Franklin .....	3,068	4,383	222	7,673
Holbrook .....	2,355	3,039	135	5,529
Medfield .....	2,589	2,352	72	5,013
Medway .....	1,331	2,384	79	3,794
Millis .....	1,223	1,928	47	3,198
Milton .....	7,890	7,337	411	15,638
Needham .....	9,594	6,671	601	16,866
Norfolk .....	1,206	1,073	28	2,307
Norwood .....	7,424	7,383	399	15,206
Plainville .....	1,057	1,411	60	2,528
QUINCY .....	19,247	22,996	1,761	44,004
Randolph .....	5,770	7,378	894	14,042
Sharon .....	4,207	2,937	159	7,303
Stoughton .....	4,562	5,971	594	11,127
Walpole .....	4,861	4,067	193	9,121
Wellesley .....	8,908	5,611	509	15,028
Westwood .....	4,305	3,149	112	7,566
Weymouth .....	12,020	12,705	1,418	26,143
Wrenham .....	1,411	1,299	145	2,855
Totals .....	149,863	145,119	12,907	307,889

## County of Plymouth.

Abington .....	2,937	3,035	144	6,116
Bridgewater .....	3,264	2,857	189	6,310
BROCKTON .....	12,784	19,143	2,880	34,807
Carver .....	969	956	54	1,979
Duxbury .....	3,368	2,039	73	5,480
East Bridgewater .....	1,877	2,056	292	4,225
Halifax .....	1,125	1,254	50	2,429
Hanover .....	2,569	2,589	85	5,243
Ilanson .....	1,567	1,618	164	3,349
Hingham .....	5,961	4,177	407	10,545
Hull .....	2,243	2,350	174	4,767
Kingston .....	1,674	1,476	111	3,261
Lakeville .....	1,093	1,274	52	2,419
Marion .....	1,041	880	60	1,981
Marshfield .....	5,098	4,030	153	9,281
Mattapoisett .....	1,211	1,582	59	2,852
Middleborough .....	2,788	3,175	225	6,188
Norwell .....	2,444	1,823	185	4,452
Pembroke .....	2,610	2,650	90	5,350
Plymouth .....	5,965	5,596	1,481	13,042
Plympton .....	462	349	26	837
Rochester .....	471	623	29	1,123
Rockland .....	2,826	3,461	347	6,634
Scituate .....	5,229	3,619	166	9,014
Wareham .....	2,764	3,861	357	6,982
West Bridgewater .....	1,446	1,668	55	3,169
Whitman .....	2,702	3,166	133	6,001
Totals .....	78,488	81,307	8,041	167,836

## RETURN OF VOTES, ETC.

## County of Suffolk.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
BOSTON .....	83,420	82,915	30,058	196,393
CHELSEA .....	3,709	6,158	1,387	11,254
REVERE .....	6,704	11,918	2,268	20,890
Winthrop .....	4,613	4,487	877	9,977
Totals .....	98,446	105,478	34,590	238,514

## County of Worcester.

Ashburnham .....	901	846	34	1,781
Athol .....	2,237	2,434	157	4,828
Auburn .....	3,925	3,987	163	8,075
Barre .....	1,052	915	88	2,055
Berlin .....	616	458	26	1,100
Blackstone .....	831	1,927	204	2,962
Bolton .....	794	434	20	1,248
Boylston .....	911	779	31	1,721
Brookfield .....	520	520	41	1,081
Charlton .....	1,178	1,126	99	2,403
Clinton .....	2,628	3,067	341	6,036
Douglas .....	740	932	71	1,743
Dudley .....	1,766	1,759	180	3,705
East Brookfield .....	411	465	28	904
FITCHBURG .....	6,260	10,022	791	17,073
GARDNER .....	3,936	4,255	547	8,738
Grafton .....	2,518	2,781	180	5,479
Hardwick .....	547	494	61	1,102
Harvard .....	1,368	609	14	1,991
Holden .....	3,851	2,976	368	7,195
Hopedale .....	483	1,705	64	2,252
Hubbardston .....	461	288	22	771
Lancaster .....	1,373	1,025	64	2,462
Leicester .....	2,000	2,150	123	4,273
LEOMINSTER .....	5,263	8,644	1,223	15,130
Lunenburg .....	1,967	1,903	71	3,941
Mendon .....	409	1,042	37	1,488
Milford .....	1,960	8,392	326	10,678
Millbury .....	2,473	3,023	214	5,710
Millville .....	281	477	65	823
New Braintree .....	212	107	15	334
North Brookfield .....	982	947	60	1,989
Northborough .....	2,738	2,230	67	5,035
Northbridge .....	2,305	2,676	546	5,507
Oakham .....	288	194	6	488
Oxford .....	1,780	2,115	296	4,191
Paxton .....	1,070	863	26	1,959
Petersham .....	394	228	12	614
Phillipston .....	226	187	12	425
Princeton .....	659	385	10	1,054
Royalston .....	275	156	18	449
Rutland .....	972	734	35	1,741
Shrewsbury .....	5,208	5,778	284	11,270
Southborough .....	1,451	1,553	45	3,049
Southbridge .....	2,818	3,138	1,018	6,974
Spencer .....	2,030	2,538	155	4,723
Sterling .....	1,201	1,086	37	2,324
Sturbridge .....	1,383	998	237	2,618
Sutton .....	1,180	1,211	92	2,483
Templeton .....	1,202	1,309	74	2,615
Upton .....	734	1,151	65	1,950
Uxbridge .....	1,377	2,523	181	4,081
Warren .....	778	890	82	1,750
Webster .....	2,834	3,544	416	6,794
West Boylston .....	1,783	1,539	57	3,379
West Brookfield .....	667	634	53	1,354
Westborough .....	3,266	3,223	105	6,534
Westminster .....	1,274	1,105	63	2,442

# RETURN OF VOTES, ETC.

885

County of Worcester — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Winchendon.....	1,428	1,241	112	2,781
WORCESTER.....	32,946	33,149	3,647	69,742
Totals .....	129,041	146,897	13,479	289,417

RETURN OF VOTES ON QUESTION NO. 7, 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 2, 1976.

*Votes for Question No. 7 (Proposed Amendment to the Constitution).*

*Do you approve of the law summarized below, which was disapproved by the House of Representatives on May 3, 1976, by a vote of 182-49, and on which no vote was taken by the Senate before May 5, 1976?*

### Summary

*The proposed act would impose a general requirement that every electric utility company charge a uniform rate per kilowatt hour of electricity. The proposed act would except from this general rule rates charged to other electric utility companies and to residential customers who heat their principle place of residence by electricity. The Act would also permit a different rate to be charged residential customers for the first three hundred (300) kilowatt hours they consume each month, and would authorize "peak load" pricing whereby a higher rate than the uniform rate per kilowatt hour may be charged during the periods of the day or seasons of the year when consumption of electricity is the greatest. The Act would authorize the Department of Public Utilities to issue implementing rules and regulations and provides for enforcement.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE .....	22,708	46,746	4,859	74,313
BERKSHIRE .....	8,455	56,130	5,344	69,929
BRISTOL .....	39,524	137,265	18,416	195,205
DUKES .....	2,043	2,678	501	5,222
ESSEX .....	66,888	220,594	20,182	307,664
FRANKLIN .....	5,796	23,705	2,168	31,669
HAMPDEN .....	32,395	143,696	12,328	188,420
HAMPSHIRE .....	14,508	43,457	3,000	60,965
MIDDLESEX .....	170,246	442,358	41,952	654,556
NANTUCKET .....	878	1,528	257	2,663
NORFOLK .....	77,041	214,700	16,148	307,889
PLYMOUTH .....	41,856	116,805	9,175	167,836
SUFFOLK .....	75,791	124,274	38,449	238,514
WORCESTER .....	50,562	219,085	19,770	289,417
Totals .....	608,691	1,793,022	192,549	2,594,262

### Cities and Towns. County of Barnstable.

Barnstable .....	4,432	9,492	702	14,626
Bourne .....	1,341	3,243	503	5,087
Brewster .....	861	1,685	90	2,636
Chatham .....	1,157	2,662	182	4,001

# RETURN OF VOTES, ETC.

887

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Dennis .....	2,123	4,132	321	6,576
Eastham .....	623	1,245	59	1,927
Falmouth .....	3,711	7,013	722	11,446
Harwich .....	1,501	3,392	212	5,105
Mashpee .....	622	1,066	116	1,804
Orleans .....	888	2,029	146	3,063
Provincetown .....	970	955	226	2,151
Sandwich .....	1,033	2,476	118	3,627
Truro .....	311	432	42	785
Wellfleet .....	564	791	72	1,427
Yarmouth .....	2,571	6,133	1,348	10,052
Totals .....	22,708	46,746	4,859	74,313

## County of Berkshire.

Adams .....	624	4,811	315	5,750
Alford .....	40	177	9	226
Becket .....	89	343	58	490
Cheshire .....	153	1,409	63	1,625
Clarksburg .....	66	810	16	892
Dalton .....	361	3,059	145	3,565
Egremont .....	135	478	30	643
Florida .....	51	298	24	373
Great Barrington .....	452	2,388	397	3,237
Hancock .....	63	264	12	339
Hinsdale .....	93	633	31	757
Lanesborough .....	151	1,131	89	1,371
Lee .....	305	2,232	209	2,746
Lepox .....	368	2,365	229	2,962
Monterey .....	137	255	23	415
Mount Washington .....	16	40	2	58
New Ashford .....	21	81	2	104
New Marlborough .....	118	373	39	530
NORTH ADAMS .....	866	6,785	401	8,052
Otis .....	88	309	46	443
Peru .....	39	201	14	254
PITTSFIELD .....	2,660	20,331	2,730	25,721
Richmond .....	125	704	28	857
Sandisfield .....	85	167	49	301
Savoy .....	31	163	17	211
Sheffield .....	216	1,042	64	1,322
Stockbridge .....	267	1,082	85	1,434
Tyringham .....	28	145	13	186
Washington .....	49	181	9	239
West Stockbridge .....	130	558	37	725
Williamstown .....	578	3,075	147	3,800
Windsor .....	50	240	11	301
Totals .....	8,455	56,130	5,344	69,929

## County of Bristol.

Acushnet .....	899	3,313	232	4,444
ATTLEBORO .....	2,596	9,201	893	12,690
Berkley .....	204	705	87	996
Dartmouth .....	2,029	7,363	659	10,051
Dighton .....	449	1,792	146	2,387
Easton .....	1,712	5,042	274	7,028
Fairhaven .....	1,526	4,942	737	7,205
FALL RIVER .....	7,752	24,481	5,606	37,839
Freetown .....	530	1,766	96	2,392
Mansfield .....	800	4,516	180	5,496
NEW BEDFORD .....	8,083	26,593	3,686	38,362
North Attleborough .....	1,242	6,502	611	8,355
Norton .....	896	3,301	186	4,383
Raynham .....	692	2,886	175	3,753

## RETURN OF VOTES, ETC.

## County of Bristol — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Rehoboth .....	863	2,049	263	3,175
Seekonk .....	1,684	3,301	600	5,585
Somerset .....	1,745	7,330	591	9,666
Swansea .....	1,514	4,914	527	6,955
TAUNTON .....	2,948	13,006	2,453	18,407
Westport .....	1,360	4,262	414	6,036
Totals .....	39,524	137,265	18,416	195,205

## County of Dukes.

Chilmark .....	169	180	24	373
Edgartown .....	516	690	150	1,356
Gay Head .....	60	47	16	123
Gosnold .....	15	51	8	74
Oak Bluffs .....	417	620	128	1,165
Tisbury .....	565	857	133	1,555
West Tisbury .....	301	233	42	576
Totals .....	2,043	2,678	501	5,222

## County of Essex.

Amesbury .....	1,059	3,694	675	5,428
Andover .....	2,770	10,040	489	13,299
BEVERLY .....	4,381	13,946	987	19,314
Boxford .....	511	1,957	55	2,523
Danvers .....	2,094	9,434	504	12,032
Essex .....	378	1,145	83	1,606
Georgetown .....	507	2,168	109	2,784
GLOUCESTER .....	3,379	8,519	1,088	12,986
Groveland .....	453	1,941	67	2,461
Hamilton .....	668	2,768	138	3,574
Haverhill .....	3,873	14,980	1,538	20,391
Ipswich .....	1,226	4,446	305	5,977
LAWRENCE .....	5,308	18,577	2,595	26,480
LYNN .....	9,373	23,343	3,527	36,243
Lynnfield .....	1,523	4,840	182	6,545
Manchester .....	780	2,145	177	3,102
Marblehead .....	2,563	9,831	474	12,868
Merrimac .....	409	1,485	86	1,980
Methuen .....	3,451	13,403	1,061	17,915
Middleton .....	379	1,438	77	1,894
Nahant .....	622	1,545	95	2,262
Newbury .....	554	1,690	81	2,325
NEWBURYPORT .....	1,761	5,462	632	7,855
North Andover .....	1,685	7,237	539	9,461
PEABODY .....	4,594	16,622	1,318	22,534
Rockport .....	1,091	2,457	279	3,827
Rowley .....	331	1,299	59	1,689
SALEM .....	3,817	13,906	1,442	19,165
Salisbury .....	579	1,754	196	2,529
Saugus .....	3,515	8,422	569	12,506
Swampscott .....	1,972	5,215	542	7,729
Topsfield .....	596	2,340	65	3,001
Wenham .....	377	1,505	98	1,980
West Newbury .....	309	1,040	50	1,399
Totals .....	66,888	220,594	20,182	307,664

## County of Franklin.

Ashfield .....	202	544	27	773
Bernardston .....	145	727	32	904
Buckland .....	166	776	62	1,004
Charlemont .....	97	385	28	510

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Colrain . . . . .	152	592	28	772
Conway . . . . .	190	494	26	710
Deerfield . . . . .	451	1,720	84	2,255
Erving . . . . .	68	611	17	696
Gill . . . . .	99	546	23	668
Greenfield . . . . .	1,314	6,410	1,203	8,927
Hawley . . . . .	39	80	6	125
Heath . . . . .	65	165	10	240
Leverett . . . . .	282	388	34	704
Leyden . . . . .	44	184	7	235
Monroe . . . . .	11	85	1	97
Montague . . . . .	735	3,409	218	4,362
New Salem . . . . .	71	273	11	355
Northfield . . . . .	225	1,070	68	1,363
Orange . . . . .	327	2,300	101	2,728
Rowe . . . . .	38	174	6	218
Shelburne . . . . .	128	779	40	947
Shutesbury . . . . .	184	268	21	473
Sunderland . . . . .	422	824	42	1,288
Warwick . . . . .	60	222	17	299
Wendell . . . . .	117	184	28	329
Whately . . . . .	164	495	28	687
Totals . . . . .	5,796	23,705	2,168	31,669

## County of Hampden.

Agawam . . . . .	2,112	7,697	710	10,519
Blandford . . . . .	90	425	10	525
Brimfield . . . . .	234	786	51	1,071
Chester . . . . .	98	403	42	543
CHICOPEE . . . . .	3,311	20,032	1,207	26,550
East Longmeadow . . . . .	1,190	5,356	260	6,806
Granville . . . . .	95	491	28	614
Hampden . . . . .	449	1,584	59	2,092
Holland . . . . .	153	489	26	668
HOLYOKE . . . . .	2,286	15,757	1,609	19,652
Longmeadow . . . . .	1,448	7,237	262	8,947
Ludlow . . . . .	1,571	6,591	394	8,556
Monson . . . . .	677	2,298	130	3,105
Montgomery . . . . .	50	239	9	298
Palmer . . . . .	1,015	4,440	233	5,688
Russell . . . . .	85	596	25	706
Southwick . . . . .	597	2,354	84	3,035
SPRINGFIELD . . . . .	10,926	37,388	5,968	54,282
Tolland . . . . .	35	113	7	155
Wales . . . . .	123	328	17	468
West Springfield . . . . .	2,399	9,743	364	12,506
WESTFIELD . . . . .	2,246	12,460	496	15,202
Wilbraham . . . . .	1,205	4,890	337	6,432
Totals . . . . .	32,395	143,696	12,328	188,420

## County of Hampshire.

Amherst . . . . .	4,732	5,699	711	11,142
Belchertown . . . . .	711	1,863	145	2,719
Chesterfield . . . . .	79	300	25	404
Cummington . . . . .	98	292	13	403
Easthampton . . . . .	1,267	5,729	298	7,294
Goshen . . . . .	63	214	14	291
Granby . . . . .	485	1,885	131	2,501
Hadley . . . . .	557	1,581	135	2,393
Hatfield . . . . .	332	1,245	79	1,656
Huntington . . . . .	152	605	41	798
Middlefield . . . . .	32	138	11	181

## RETURN OF VOTES, ETC.

## County of Hampshire — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
NORTHAMPTON .....	3,112	9,894	734	13,740
Pelham .....	193	360	26	579
Plainfield .....	33	144	8	185
South Hadley .....	1,118	6,950	211	8,339
Southampton .....	316	1,472	37	1,825
Ware .....	779	3,469	210	4,458
Westhampton .....	84	405	14	503
Williamsburg .....	256	875	55	1,186
Worthington .....	109	337	22	468
Totals .....	14,508	43,457	3,000	60,965

## County of Middlesex.

Acton .....	2,396	4,989	1,237	8,622
Arlington .....	8,001	18,988	1,223	28,212
Ashby .....	185	869	48	1,102
Ashland .....	733	3,269	190	4,192
Ayer .....	468	1,647	93	2,208
Bedford .....	1,560	4,089	331	5,980
Belmont .....	3,849	11,785	789	16,423
Billerica .....	3,655	9,711	456	13,822
Boxborough .....	220	966	25	1,211
Burlington .....	3,046	7,009	546	10,601
CAMBRIDGE .....	17,264	22,631	3,335	43,230
Carlisle .....	418	1,250	51	1,719
Chelmsford .....	3,246	11,947	404	15,597
Concord .....	2,095	6,317	459	8,871
Dracut .....	2,083	7,422	435	9,940
Dunstable .....	182	527	40	749
EVERETT .....	4,352	11,499	2,445	18,296
Frammingham .....	5,909	23,384	1,142	30,435
Groton .....	506	2,042	90	2,638
Holliston .....	1,075	4,759	172	6,006
Hopkinton .....	621	2,473	107	3,201
Hudson .....	995	5,621	351	6,967
Lexington .....	4,825	11,230	1,076	17,131
Lincoln .....	788	1,970	110	2,868
Littleton .....	662	2,561	100	3,323
LOWELL .....	8,077	26,840	2,579	37,496
MALDEN .....	7,074	16,222	2,301	25,597
MARLBOROUGH .....	2,386	10,610	533	13,529
Maynard .....	937	3,476	229	4,642
MEDFORD .....	8,678	18,743	2,168	29,589
MELROSE .....	4,188	10,595	1,228	16,011
Narick .....	3,040	11,128	775	14,943
NEWTON .....	13,043	29,000	3,779	45,822
North Reading .....	1,743	3,704	166	5,613
Pepperell .....	636	2,100	145	2,881
Reading .....	3,029	8,655	446	12,130
Sherborn .....	391	1,736	49	2,176
Shirley .....	320	1,261	72	1,653
SOMERVILLE .....	11,433	18,026	2,445	31,904
Stoneham .....	3,132	6,918	632	10,682
Stow .....	377	1,866	54	2,297
Sudbury .....	1,475	5,698	181	7,354
Tewksbury .....	2,601	7,353	395	10,249
Townsend .....	472	1,825	95	2,392
Tyngsborough .....	528	1,679	85	2,292
Wakefield .....	2,868	9,753	731	13,352
WALTHAM .....	5,842	15,530	2,744	24,116
Watertown .....	5,566	11,780	1,659	19,005
Wayland .....	1,632	5,248	211	7,091
Westford .....	1,270	4,615	163	6,048
Weston .....	1,294	4,712	229	6,235
Wilmington .....	2,088	4,806	572	7,466
Winchester .....	2,531	8,088	757	11,376
WOBBURN .....	4,461	11,436	1,374	17,271
Totals .....	170,246	442,358	41,952	654,556

# RETURN OF VOTES, ETC.

891

## County of Nantucket.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Nantucket .....	878	1,528	257	2,663
Totals .....	878	1,528	257	2,663

## County of Norfolk.

Avon .....	632	1,756	133	2,521
Bellingham .....	1,335	4,431	305	6,071
Braintree .....	4,229	13,970	621	18,820
Brookline .....	9,184	16,506	3,482	29,172
Canton .....	2,471	6,580	376	9,427
Cohasset .....	979	3,041	164	4,184
Dedham .....	3,507	9,585	705	13,797
Dover .....	527	2,173	71	2,771
Foxborough .....	1,376	4,640	169	6,185
Franklin .....	1,776	5,543	354	7,673
Holbrook .....	1,429	3,864	236	5,529
Medfield .....	1,137	3,731	145	5,013
Medway .....	758	2,921	115	3,794
Millis .....	729	2,376	93	3,198
Milton .....	3,715	11,109	814	15,638
Needham .....	3,761	12,476	629	16,866
Norfolk .....	585	1,648	74	2,307
Norwood .....	3,664	10,971	571	15,206
Plainville .....	571	1,866	91	2,528
QUINCY .....	11,695	29,856	2,453	44,004
Randolph .....	3,826	9,286	930	14,042
Sharon .....	2,123	4,927	253	7,303
Stoughton .....	2,737	7,590	800	11,127
Walpole .....	2,355	6,444	322	9,121
Wellesley .....	3,180	11,221	627	15,028
Westwood .....	1,759	5,613	194	7,566
Weymouth .....	6,248	18,599	1,296	26,143
Wrentham .....	753	1,977	125	2,855
Totals .....	77,041	214,700	16,148	307,889

## County of Plymouth.

Abington .....	1,480	4,399	237	6,116
Bridgewater .....	1,653	4,355	302	6,310
BROCKTON .....	8,370	23,691	2,746	34,807
Carver .....	615	1,276	88	1,979
Duxbury .....	1,370	3,967	143	5,480
East Bridgewater .....	1,035	2,889	301	4,225
Halifax .....	708	1,641	80	2,429
Hanover .....	1,310	3,690	243	5,243
Hanson .....	861	2,318	170	3,349
Hingham .....	2,040	8,083	422	10,545
Hull .....	1,319	3,203	245	4,767
Kingston .....	960	2,121	180	3,261
Lakeville .....	474	1,843	102	2,419
Marion .....	441	1,461	79	1,981
Marshfield .....	2,722	6,268	291	9,281
Mattapoisett .....	598	2,178	76	2,852
Middleborough .....	1,256	4,567	365	6,188
Norwell .....	1,102	3,142	208	4,452
Pembroke .....	1,546	3,652	152	5,350
Plymouth .....	3,372	8,461	1,209	13,042
Plympton .....	243	552	42	837
Rochester .....	201	882	40	1,123
Rockland .....	1,682	4,624	328	6,634
Scituate .....	2,395	6,300	319	9,014
Wareham .....	1,863	4,644	475	6,982
West Bridgewater .....	767	2,309	93	3,169
Whitman .....	1,473	4,289	239	6,001
Totals .....	41,856	116,805	9,175	167,836

## RETURN OF VOTES, ETC.

## County of Suffolk.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
BOSTON .....	62,635	99,996	33,762	196,393
CHELSEA .....	4,246	5,469	1,539	11,254
REVERE .....	5,877	12,762	2,251	20,890
Winthrop .....	3,033	6,047	897	9,977
Totals .....	75,791	124,274	38,449	238,514

## County of Worcester.

Ashburnham .....	285	1,432	64	1,781
Athol .....	550	4,064	214	4,828
Auburn .....	1,516	6,289	270	8,075
Barre .....	356	1,572	127	2,055
Berlin .....	168	887	45	1,100
Blackstone .....	737	1,927	298	2,962
Bolton .....	223	991	34	1,248
Boylston .....	274	1,406	41	1,721
Brookfield .....	184	841	56	1,081
Charlton .....	563	1,713	127	2,403
Clinton .....	888	4,777	371	6,036
Douglas .....	301	1,345	97	1,743
Dudley .....	701	2,781	223	3,705
East Brookfield .....	150	720	34	904
FITCHBURG .....	2,542	13,544	987	17,073
GARDNER .....	1,364	6,722	652	8,738
Grafton .....	901	4,335	243	5,479
Hardwick .....	198	442	462	1,102
Harvard .....	437	1,508	46	1,991
Holden .....	910	5,619	666	7,195
Hopedale .....	303	1,846	103	2,252
Hubbardston .....	163	576	32	771
Lancaster .....	378	1,967	117	2,462
Leicester .....	861	3,209	203	4,273
LEOMINSTER .....	1,917	12,211	1,002	15,130
Lunenburg .....	666	3,150	125	3,941
Mendon .....	243	1,184	61	1,488
Millford .....	1,617	8,454	607	10,678
Millbury .....	1,148	4,242	320	5,710
Millville .....	209	528	86	823
New Braintree .....	70	240	24	334
North Brookfield .....	324	1,569	96	1,989
Northborough .....	950	3,971	114	5,035
Northbridge .....	583	2,805	2,139	5,527
Oakham .....	97	379	12	488
Oxford .....	757	3,124	310	4,191
Paxton .....	317	1,571	71	1,959
Petersham .....	115	473	26	614
Phillipston .....	69	334	22	425
Princeton .....	162	863	29	1,054
Royalston .....	120	314	15	449
Rutland .....	259	1,424	58	1,741
Shrewsbury .....	1,833	9,008	429	11,270
Southborough .....	487	2,489	73	3,049
Southbridge .....	1,199	4,669	1,106	6,974
Spencer .....	765	3,689	269	4,723
Sterling .....	278	1,989	57	2,324
Sturbridge .....	496	1,896	226	2,618
Sutton .....	414	1,936	133	2,483
Templeton .....	349	2,169	97	2,615
Upton .....	357	1,496	97	1,950
Uxbridge .....	714	3,108	259	4,081
Warren .....	296	1,361	93	1,750
Webster .....	1,170	5,032	592	6,794
West Boylston .....	499	2,772	108	3,379
West Brookfield .....	255	1,037	62	1,354
Westborough .....	1,006	5,361	167	6,534
Westminster .....	343	2,010	89	2,442
Winchendon .....	466	2,162	153	2,781
WORCESTER .....	15,059	49,552	5,131	69,742
Totals .....	50,562	219,085	19,770	289,417

*Votes for Question No. 8.*

*The following is a non-binding advisory 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?"*

*Summary*

*The Legislature has placed this question on the ballot in order to determine whether the people favor or oppose the construction of an oil refinery and deep water port in Massachusetts. The vote on this question is not binding on the Legislature. The question deals with the general advisability of such construction and is not a specific proposal for a facility. If a specific proposal is made, it would be subject to approval by the communities directly affected and subject to any restrictions imposed by the Legislature.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE.....	43,989	24,274	6,050	74,313
BERKSHIRE.....	40,161	21,717	8,051	69,929
BRISTOL.....	116,962	53,239	25,004	195,205
DUKES.....	2,181	2,454	587	5,222
ESSEX.....	177,385	99,365	30,914	307,664
FRANKLIN.....	18,443	10,802	2,424	31,669
HAMPDEN.....	117,663	53,906	16,851	188,420
HAMPSHIRE.....	36,124	20,373	4,468	60,965
MIDDLESEX.....	386,103	207,266	61,187	654,556
NANTUCKET.....	1,198	1,166	299	2,663
NORFOLK.....	189,711	92,053	26,125	307,889
PLYMOUTH.....	105,194	48,853	13,789	167,836
SUFFOLK.....	105,528	81,312	51,674	238,514
WORCESTER.....	172,523	86,542	30,352	289,417
Totals.....	1,513,165	803,322	277,775	2,594,262

**Cities and Towns.  
County of Barnstable.**

Barnstable.....	9,048	4,522	1,056	14,626
Bourne.....	2,865	1,728	494	5,087
Brewster.....	1,512	991	133	2,636
Chatham.....	2,311	1,477	213	4,001
Dennis.....	4,119	1,995	462	6,576
Eastham.....	1,081	767	79	1,927
Falmouth.....	6,818	3,692	936	11,446
Harwich.....	3,250	1,562	293	5,105
Mashpee.....	1,132	528	144	1,804
Orleans.....	1,681	1,191	191	3,063
Provincetown.....	756	1,137	258	2,151
Sandwich.....	2,305	1,136	186	3,627

## RETURN OF VOTES, ETC.

## County of Barnstable — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Truro .....	371	363	51	785
Wellfleet .....	700	631	96	1,427
Yarmouth .....	6,040	2,554	1,458	10,052
Totals .....	43,989	24,274	6,050	74,313

## County of Berkshire.

Adams .....	3,616	1,443	691	5,750
Alford .....	142	70	14	226
Becket .....	271	165	54	490
Cheshire .....	1,005	470	150	1,625
Clarksburg .....	627	209	56	892
Dalton .....	2,360	983	222	3,565
Egremont .....	369	220	54	643
Florida .....	237	101	35	373
Great Barrington .....	1,497	1,131	609	3,237
Hancock .....	198	111	30	339
Hinsdale .....	442	272	43	757
Lanesborough .....	817	428	126	1,371
Lee .....	1,414	1,034	298	2,746
Lenox .....	1,614	1,068	280	2,962
Monterey .....	200	183	32	415
Mount Washington .....	39	15	4	58
New Ashford .....	67	33	4	104
New Marlborough .....	296	175	59	530
NORTH ADAMS .....	4,926	2,134	992	8,052
Otis .....	268	127	48	443
Peru .....	152	87	15	254
PITTSFIELD .....	13,925	8,302	3,494	25,721
Richmond .....	546	275	36	857
Sandisfield .....	150	99	52	301
Savoy .....	125	66	20	211
Sheffield .....	813	405	104	1,322
Stockbridge .....	752	562	120	1,434
Tyringham .....	114	56	16	186
Washington .....	141	83	15	239
West Stockbridge .....	384	282	59	725
Williamstown .....	2,461	1,040	299	3,800
Windsor .....	193	88	20	301
Totals .....	40,161	21,717	8,051	69,929

## County of Bristol.

Acushnet .....	3,038	1,093	313	4,444
ATTLEBORO .....	7,841	3,506	1,343	12,690
Berkley .....	588	292	116	996
Dartmouth .....	6,690	2,554	807	10,051
Dighton .....	1,552	632	203	2,387
Easton .....	4,669	1,941	418	7,028
Fairhaven .....	4,370	1,971	864	7,205
FALL RIVER .....	18,823	11,365	7,651	37,839
Freetown .....	1,560	717	115	2,392
Mansfield .....	3,397	1,754	345	5,496
NEW BEDFORD .....	24,523	9,123	4,716	38,362
North Attleborough .....	5,152	2,115	1,088	8,355
Norton .....	2,817	1,257	309	4,383
Raynham .....	2,440	1,017	296	3,753
Rehoboth .....	1,955	873	347	3,175
Seekonk .....	3,448	1,517	620	5,585
Somerset .....	6,153	2,609	904	9,666
Swansea .....	4,199	2,034	722	6,955
TAUNTON .....	10,127	5,088	3,192	18,407
Westport .....	3,620	1,781	635	6,036
Totals .....	116,962	53,239	25,004	195,205

# RETURN OF VOTES, ETC.

895

## County of Dukes.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Chilmark .....	121	226	26	373
Edgartown .....	576	610	170	1,356
Gay Head .....	43	61	19	123
Gosnold .....	45	22	7	74
Oak Bluffs .....	528	475	162	1,165
Tisbury .....	672	724	159	1,555
West Tisbury .....	196	336	44	576
Totals .....	2,181	2,454	587	5,222

## County of Essex.

Amesbury .....	2,741	1,934	753	5,428
Andover .....	8,410	3,915	974	13,299
BEVERLY .....	11,803	6,138	1,373	19,314
Boxford .....	1,774	652	97	2,523
Danvers .....	7,484	3,612	936	12,032
Essex .....	889	587	130	1,606
Georgetown .....	1,763	857	164	2,784
GLOUCESTER .....	6,100	5,369	1,517	12,986
Groveland .....	1,542	795	124	2,461
Hamilton .....	2,376	1,015	183	3,574
HAVERHILL .....	11,296	6,693	2,402	20,391
Ipswich .....	3,521	2,050	406	5,977
LAWRENCE .....	14,105	8,611	3,764	26,480
LYNN .....	21,307	9,258	5,678	36,243
Lynnfield .....	4,506	1,738	301	6,545
Manchester .....	1,740	1,180	182	3,102
Marblehead .....	7,872	4,206	790	12,868
Merrimac .....	1,146	674	160	1,980
Methuen .....	10,680	5,611	1,624	17,915
Middleton .....	1,182	583	129	1,894
Nahant .....	1,202	937	123	2,262
Newbury .....	1,274	934	117	2,325
NEWBURYPORT .....	3,450	3,396	1,009	7,855
North Andover .....	6,001	2,827	633	9,461
PEABODY .....	13,403	7,074	2,057	22,534
Rockport .....	1,775	1,673	379	3,827
Rowley .....	1,007	580	102	1,689
SALEM .....	9,669	6,892	2,604	19,165
Salisbury .....	1,280	982	267	2,529
Saugus .....	7,699	3,914	893	12,506
Swampscott .....	4,261	2,686	782	7,729
Topsfield .....	2,056	851	94	3,001
Wenham .....	1,266	619	95	1,980
West Newbury .....	805	522	72	1,399
Totals .....	177,385	99,365	30,914	307,664

## County of Franklin.

Ashfield .....	409	316	48	773
Bernardston .....	541	299	64	904
Buckland .....	585	321	98	1,004
Charlмонт .....	306	161	43	510
Colrain .....	454	263	55	772
Conway .....	356	302	52	710
Deerfield .....	1,391	732	132	2,255
Erving .....	442	205	49	696
Gill .....	390	239	39	668
Greenfield .....	5,023	3,169	735	8,927
Hawley .....	59	55	11	125
Heath .....	127	91	22	240
Leverett .....	333	322	49	704
Leyden .....	143	78	14	235
Monroe .....	63	23	11	97
Montague .....	2,605	1,398	359	4,362

## RETURN OF VOTES, ETC.

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
New Salem .....	237	99	19	355
Northfield .....	796	460	107	1,363
Orange .....	1,755	747	226	2,728
Rowe .....	121	82	15	218
Shelburne .....	626	256	65	947
Shutesbury .....	259	186	28	473
Sunderland .....	740	467	81	1,288
Warwick .....	152	117	30	299
Wendell .....	126	174	29	329
Whately .....	404	240	43	687
Totals .....	18,443	10,802	2,424	31,669

## County of Hampden.

Agawam .....	6,456	3,105	958	10,519
Blandford .....	355	147	23	525
Brimfield .....	682	311	78	1,071
Chester .....	364	125	54	543
CHICOPEE .....	17,242	7,874	1,434	26,550
East Longmeadow .....	4,690	1,808	308	6,806
Granville .....	400	162	52	614
Hampden .....	1,462	558	72	2,092
Holland .....	426	197	45	668
HOLYOKE .....	11,572	5,759	2,321	19,652
Longmeadow .....	6,331	2,252	364	8,947
Ludlow .....	5,623	2,370	563	8,556
Monson .....	2,010	889	206	3,105
Montgomery .....	194	93	11	298
Palmer .....	3,638	1,631	419	5,688
Russell .....	471	181	54	706
Southwick .....	2,153	733	149	3,035
SPRINGFIELD .....	30,559	15,940	7,783	54,282
Tolland .....	103	45	7	155
Wales .....	292	151	25	468
West Springfield .....	8,334	3,540	632	12,506
WESTFIELD .....	10,111	4,239	852	15,202
Wilbraham .....	4,195	1,796	441	6,432
Totals .....	117,663	53,906	16,851	188,420

## County of Hampshire.

Amherst .....	4,867	5,359	916	11,142
Belchertown .....	1,683	894	142	2,719
Chesterfield .....	245	122	37	404
Cummington .....	278	98	27	403
Easthampton .....	4,769	1,993	532	7,294
Goshen .....	170	101	20	291
Granby .....	1,570	768	163	2,501
Hadley .....	1,328	770	195	2,293
Hatfield .....	1,032	491	133	1,656
Huntington .....	498	235	65	798
Middlefield .....	103	62	16	181
NORTHAMPTON .....	7,863	4,716	1,161	13,740
Pelham .....	332	211	36	579
Plainfield .....	106	61	18	185
South Hadley .....	5,727	2,200	412	8,339
Southampton .....	1,240	503	82	1,825
Ware .....	1,918	1,171	369	4,458
Westhampton .....	316	156	31	503
Williamsburg .....	784	318	84	1,186
Worthington .....	295	144	29	468
Totals .....	36,124	20,373	4,468	60,965

# RETURN OF VOTES, ETC.

897

## County of Middlesex.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Acton .....	6,106	2,209	307	8,622
Arlington .....	16,759	9,400	2,053	28,212
Ashby .....	716	320	66	1,102
Ashland .....	2,636	1,234	322	4,192
Ayer .....	1,388	656	164	2,208
Bedford .....	3,698	1,823	459	5,980
Belmont .....	9,639	5,513	1,271	16,423
Billerica .....	8,987	3,853	982	13,822
Boxborough .....	826	347	38	1,211
Burlington .....	6,458	3,360	783	10,601
CAMBRIDGE .....	19,454	18,672	5,104	43,230
Carlisle .....	1,135	497	87	1,719
Chelmsford .....	10,439	4,440	718	15,597
Concord .....	5,388	2,909	574	8,871
Dracut .....	6,199	3,062	679	9,940
Dunstable .....	473	211	65	749
EVERETT .....	9,040	6,123	3,133	18,296
Framingham .....	20,447	8,076	1,912	30,435
Groton .....	1,697	801	140	2,638
Holliston .....	4,381	1,398	227	6,006
Hopkinton .....	2,129	909	163	3,201
Hudson .....	4,518	1,870	579	6,967
Lexington .....	10,305	5,329	1,497	17,131
Lincoln .....	1,669	1,005	194	2,868
Littleton .....	2,165	993	165	3,323
LOWELL .....	21,897	11,711	3,888	37,496
MALDEN .....	13,564	8,686	3,347	25,597
MARLBOROUGH .....	8,677	3,873	979	13,529
Maynard .....	2,888	1,391	363	4,642
MEDFORD .....	16,846	9,398	3,345	29,589
MELROSE .....	9,412	4,907	1,692	16,011
Natick .....	8,797	5,169	977	14,943
NEWTON .....	26,032	14,710	5,080	45,822
North Reading .....	3,878	1,476	259	5,613
Pepperell .....	1,854	841	186	2,881
Reading .....	8,020	3,233	877	12,130
Sherborn .....	1,473	633	70	2,176
Shirley .....	1,065	475	113	1,653
SOMERVILLE .....	16,707	11,275	3,922	31,904
Stoncham .....	6,413	3,050	1,219	10,682
Stow .....	1,574	628	95	2,297
Sudbury .....	4,978	2,075	301	7,354
Tewksbury .....	6,812	2,919	518	10,249
Townsend .....	1,642	590	160	2,392
Tyngsborough .....	1,451	683	158	2,292
Wakefield .....	8,369	3,679	1,304	13,352
WALTHAM .....	13,002	7,697	3,417	24,116
Watertown .....	10,063	6,212	2,730	19,005
Wayland .....	4,762	1,987	342	7,091
Westford .....	4,136	1,615	297	6,048
Weston .....	4,143	1,824	268	6,235
Wilmington .....	4,401	2,316	749	7,466
Winchester .....	6,579	3,748	1,049	11,376
WOBBURN .....	10,016	5,455	1,800	17,271
Totals .....	386,103	207,266	61,187	654,556

## County of Nantucket.

Nantucket .....	1,198	1,166	299	2,663
Totals .....	1,198	1,166	299	2,663

## County of Norfolk.

Avon .....	1,517	736	268	2,521
Bellingham .....	4,048	1,604	419	6,071

## RETURN OF VOTES, ETC.

## County of Norfolk — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Braintree .....	11,858	5,864	1,098	18,820
Brookline .....	14,855	9,436	4,881	29,172
Canton .....	5,882	2,917	628	9,427
Cohasset .....	2,617	1,349	218	4,184
Dedham .....	8,066	4,413	1,318	13,797
Dover .....	1,759	878	134	2,771
Foxborough .....	4,331	1,551	303	6,185
Franklin .....	4,854	2,236	583	7,673
Holbrook .....	3,485	1,656	388	5,529
Medfield .....	3,374	1,395	244	5,013
Medway .....	2,487	1,077	230	3,794
Millis .....	2,153	888	157	3,198
Milton .....	9,903	4,618	1,117	15,638
Needham .....	10,967	4,614	1,285	16,866
Norfolk .....	1,557	632	118	2,307
Norwood .....	9,370	4,895	941	15,206
Plainville .....	1,682	704	142	2,528
QUINCY .....	25,871	14,366	3,767	44,004
Randolph .....	8,687	3,600	1,755	14,042
Sharon .....	4,974	1,864	465	7,303
Stoughton .....	6,484	3,578	1,065	11,127
Walpole .....	6,218	2,330	573	9,121
Wellesley .....	9,763	4,254	1,011	15,028
Westwood .....	5,046	2,192	328	7,566
Weymouth .....	16,090	7,628	2,425	26,143
Wrentham .....	1,813	778	264	2,855
Totals .....	189,711	92,053	26,125	307,889

## County of Plymouth.

Abington .....	3,904	1,825	387	6,116
Bridgewater .....	4,062	1,817	431	6,310
BROCKTON .....	20,130	10,144	4,533	34,807
Carver .....	1,337	507	135	1,979
Duxbury .....	3,810	1,457	213	5,480
East Bridgewater .....	2,517	1,325	383	4,225
Halifax .....	1,627	655	147	2,429
Hanover .....	3,483	1,505	255	5,243
Hanson .....	2,185	899	265	3,349
Hingham .....	6,634	3,218	693	10,545
Hull .....	2,849	1,524	394	4,767
Kingston .....	2,053	950	258	3,261
Lakeville .....	1,601	672	146	2,419
Marion .....	1,269	600	112	1,981
Marshfield .....	6,004	2,834	443	9,281
Mattapoisett .....	2,117	637	98	2,852
Middleborough .....	4,026	1,679	483	6,188
Norwell .....	2,810	1,359	283	4,452
Pembroke .....	3,604	1,506	240	5,350
Plymouth .....	7,528	4,017	1,497	13,042
Plympton .....	532	253	52	837
Rochester .....	777	284	62	1,123
Rockland .....	4,107	1,908	619	6,634
Scituate .....	5,768	2,782	464	9,014
Wareham .....	4,309	1,992	681	6,982
West Bridgewater .....	2,110	907	152	3,169
Whitman .....	4,041	1,597	363	6,001
Totals .....	105,194	48,853	13,789	167,836

## County of Suffolk.

BOSTON .....	85,323	66,690	44,380	196,393
CHELSEA .....	5,271	3,749	2,234	11,254
REVERE .....	10,075	7,026	3,789	20,890
Winthrop .....	4,859	3,847	1,271	9,977
Totals .....	105,528	81,312	51,674	238,514

# RETURN OF VOTES, ETC.

899

## County of Worcester.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashburnham	1,167	497	117	1,781
Athol	3,062	1,327	439	4,828
Auburn	5,127	2,354	594	8,075
Barre	1,258	591	206	2,055
Berlin	689	338	73	1,100
Blackstone	1,805	787	370	2,962
Bolton	782	413	53	1,248
Boylston	1,144	499	78	1,721
Brookfield	657	319	105	1,081
Charlton	1,471	724	208	2,403
Clinton	3,508	1,858	670	6,036
Douglas	955	625	163	1,743
Dudley	2,188	1,103	414	3,705
East Brookfield	533	288	83	904
FITCHBURG	10,813	4,583	1,677	17,073
GARDNER	5,212	2,430	1,096	8,738
Grafton	3,344	1,690	445	5,479
Hardwick	642	336	124	1,102
Harvard	1,289	619	83	1,991
Holden	4,384	2,167	644	7,195
Hopedale	1,470	607	175	2,252
Hubbardston	484	227	60	771
Lancaster	1,613	667	182	2,462
Leicester	2,576	1,337	360	4,273
LEOMINSTER	9,160	3,982	1,988	15,130
Lunenburg	2,813	900	228	3,941
Mendon	913	468	107	1,488
Milford	6,013	3,657	1,008	10,678
Millbury	3,390	1,775	545	5,710
Millville	485	225	113	823
New Braintree	191	117	26	334
North Brookfield	1,162	669	158	1,989
Northborough	3,471	1,353	211	5,035
Northbridge	2,085	1,208	2,234	5,527
Oakham	303	149	36	488
Oxford	2,286	1,466	439	4,191
Paxton	1,285	581	93	1,959
Petersham	357	232	25	614
Phillipston	271	116	38	425
Princeton	668	341	45	1,054
Royalston	275	144	30	449
Rutland	1,178	475	88	1,741
Shrewsbury	7,139	3,358	773	11,270
Southborough	2,133	796	120	3,049
Southbridge	3,211	2,711	1,052	6,974
Spencer	2,782	1,494	447	4,723
Sterling	1,555	657	112	2,324
Sturbridge	1,413	901	304	2,618
Sutton	1,440	843	200	2,483
Templeton	1,626	800	189	2,615
Upton	1,182	601	167	1,950
Uxbridge	2,378	1,313	390	4,081
Warren	1,057	520	173	1,750
Webster	3,717	2,110	967	6,794
West Boylston	2,237	972	170	3,379
West Brookfield	863	368	123	1,354
Westborough	4,425	1,766	343	6,534
Westminster	1,697	597	148	2,442
Winchendon	1,889	634	258	2,781
WORCESTER	39,300	21,857	8,585	69,742
Totals	172,523	86,542	30,352	289,417

*Votes for Question No. 9.*

*The following is a non-binding advisory question: "Shall retail stores including package liquor stores, so called, be allowed to open for business on Sunday?"*

*Summary*

*The Legislature has placed this question on the ballot in order to determine whether the people favor or oppose the Sunday opening of certain retail stores, including package liquor stores. As the law now stands, most retail and all package liquor stores must be closed on Sundays. The vote on this question is not binding on the Legislature.*

Counties.	Yes	No	Blanks	Total Votes Cast
BARNSTABLE .....	37,902	31,883	4,528	74,313
BERKSHIRE .....	33,833	29,219	6,877	69,929
BRISTOL .....	84,574	88,609	22,022	195,205
DUKES .....	2,544	2,299	379	5,222
ESSEX .....	172,877	112,840	21,947	307,664
FRANKLIN .....	17,349	12,606	1,714	31,669
HAMPDEN .....	80,340	89,126	18,954	188,420
HAMPSHIRE .....	33,433	24,718	2,814	60,965
MIDDLESEX .....	343,383	267,554	43,619	654,556
NANTUCKET .....	1,373	1,073	217	2,663
NORFOLK .....	150,366	139,656	17,867	307,889
PLYMOUTH .....	84,809	73,261	9,766	167,836
SUFFOLK .....	105,519	92,079	40,916	238,514
WORCESTER .....	150,842	114,122	24,453	289,417
Totals .....	1,299,144	1,079,045	216,073	2,594,262

**Cities and Towns.  
County of Barnstable.**

	Yes	No	Blanks	Total Votes Cast
Barnstable .....	7,591	6,319	716	14,626
Bourne .....	2,620	2,049	418	5,087
Brewster .....	1,357	1,177	102	2,636
Chatham .....	1,946	1,879	176	4,001
Dennis .....	3,445	2,783	348	6,576
Eastham .....	970	902	55	1,927
Falmouth .....	5,916	4,785	745	11,446
Harwich .....	2,521	2,373	211	5,105
Mashpee .....	955	723	126	1,804
Orleans .....	1,402	1,519	142	3,063
Provincetown .....	1,224	715	212	2,151
Sandwich .....	1,891	1,597	139	3,627
Truro .....	440	301	44	785
Wellfleet .....	764	580	83	1,427
Yarmouth .....	4,860	4,181	1,011	10,052
Totals .....	37,902	31,883	4,528	74,313

# RETURN OF VOTES, ETC.

901

## County of Berkshire.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Adams	2,921	2,163	666	5,750
Alford	137	67	22	226
Becket	233	206	51	490
Cheshire	822	648	155	1,625
Clarksburg	480	354	58	892
Dalton	1,862	1,505	198	3,565
Egremont	315	283	45	643
Florida	184	150	39	373
Great Barrington	1,418	1,342	477	3,237
Hancock	196	126	17	339
Hinsdale	384	317	56	757
Lanesborough	699	574	98	1,371
Lee	1,325	1,164	257	2,746
Lenox	1,405	1,329	228	2,962
Montarey	185	193	37	415
Mount Washington	31	25	2	58
New Ashford	58	38	8	104
New Marlborough	263	218	49	530
NORTH ADAMS	3,974	3,280	798	8,052
Otis	225	180	38	443
Peru	160	80	14	254
PITTSFIELD	11,625	11,237	2,859	25,721
Richmond	478	315	64	857
Sandisfield	172	84	45	301
Savoy	121	64	26	211
Sheffield	679	568	75	1,322
Stockbridge	745	588	101	1,434
Tyringham	82	86	18	186
Washington	141	83	15	239
West Stockbridge	392	267	66	725
Williamstown	1,970	1,556	274	3,800
Windsor	151	129	21	301
Totals	33,833	29,219	6,877	69,929

## County of Bristol.

Acushnet	2,202	1,915	327	4,444
ATTLEBORO	5,975	5,729	986	12,690
Berkley	485	403	108	996
Dartmouth	4,199	5,186	666	10,051
Dighton	1,186	1,013	188	2,387
Easton	3,396	3,344	288	7,028
Fairhaven	3,040	3,475	690	7,205
FALL RIVER	13,526	17,161	7,152	37,839
Freetown	1,238	1,050	104	2,392
Mansfield	3,089	2,125	282	5,496
NEW BEDFORD	15,417	18,295	4,650	38,362
North Attleborough	4,482	3,211	662	8,355
Norton	2,472	1,638	273	4,383
Raynham	1,864	1,665	224	3,753
Rehoboth	1,608	1,266	301	3,175
Seekonk	2,587	2,528	470	5,585
Somerset	4,408	4,430	828	9,666
Swansea	3,040	3,313	602	6,955
TAUNTON	7,568	8,176	2,663	18,407
Westport	2,792	2,686	558	6,036
Totals	84,574	88,609	22,022	195,205

## County of Dukes.

Chilmark	192	154	27	373
Edgartown	721	513	122	1,356
Gay Head	61	48	14	123
Gosnold	45	25	4	74
Oak Bluffs	511	551	103	1,165

## RETURN OF VOTES, ETC.

## County of Dukes — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Tisbury .....	699	780	76	1,555
West Tisbury .....	315	228	33	576
Totals .....	2,544	2,299	379	5,222

## County of Essex.

Amesbury .....	3,219	1,640	569	5,428
Andover .....	7,708	5,063	528	13,299
BEVERLY .....	10,706	7,479	1,129	19,314
Boxford .....	1,539	904	80	2,523
Danvers .....	6,416	5,008	608	12,032
Essex .....	900	614	92	1,606
Georgetown .....	1,784	849	151	2,784
GLOUCESTER .....	6,704	5,076	1,206	12,986
Groveland .....	1,705	682	74	2,461
Hamilton .....	1,823	1,565	186	3,574
HAVERHILL .....	13,270	5,509	1,612	20,391
Ipswich .....	3,340	2,316	321	5,977
LAWRENCE .....	14,153	9,177	3,150	26,480
LYNN .....	19,953	13,093	3,197	36,243
Lynnfield .....	3,574	2,748	223	6,545
Manchester .....	1,709	1,222	171	3,102
Marblehead .....	7,642	4,699	527	12,868
Merrimac .....	1,273	601	106	1,980
Methuen .....	10,286	6,315	1,314	17,915
Middleton .....	1,113	671	110	1,894
Nahant .....	1,280	893	89	2,262
Newbury .....	1,561	647	117	2,325
NEWBURYPORT .....	5,089	2,046	720	7,855
North Andover .....	5,450	3,483	528	9,461
PEABODY .....	12,164	8,842	1,528	22,534
Rockport .....	1,711	1,811	305	3,827
Rowley .....	1,077	553	59	1,689
SALEM .....	9,663	8,030	1,472	19,165
Salisbury .....	1,693	651	185	2,529
Saugus .....	6,689	5,200	617	12,506
Swampscott .....	4,134	2,822	773	7,729
Topsfield .....	1,687	1,242	72	3,001
Wenham .....	982	919	79	1,980
West Newbury .....	880	470	49	1,399
Totals .....	172,877	112,840	21,947	307,664

## County of Franklin.

Ashfield .....	444	300	29	773
Bernardston .....	475	400	29	904
Buckland .....	533	416	55	1,004
Charlemont .....	295	196	19	510
Colrain .....	422	325	25	772
Conway .....	446	232	32	710
Deerfield .....	1,251	929	75	2,255
Erving .....	453	220	23	696
Gill .....	380	265	23	668
Greenfield .....	4,224	3,999	704	8,927
Hawley .....	70	46	9	125
Heath .....	124	104	12	240
Leverett .....	386	291	27	704
Leyden .....	116	113	6	235
Monroe .....	53	34	10	97
Montague .....	2,607	1,534	221	4,362
New Salem .....	213	128	14	355
Northfield .....	690	625	48	1,363
Orange .....	1,684	869	175	2,728
Rowe .....	132	80	6	218
Shelburne .....	503	405	39	947

# RETURN OF VOTES, ETC.

903

## County of Franklin — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Shutesbury .....	292	167	14	473
Sunderland .....	813	431	44	1,288
Warwick .....	189	93	17	299
Wendell .....	220	89	20	329
Whately .....	334	315	38	687
Totals .....	17,349	12,606	1,714	31,669

## County of Hampden.

Agawam .....	4,605	5,099	815	10,519
Blandford .....	244	266	15	525
Brimfield .....	535	473	63	1,071
Chester .....	275	234	34	543
CHICOPEE .....	11,561	13,738	1,251	26,550
East Longmeadow .....	2,719	3,510	577	6,806
Granville .....	277	309	28	614
Hampden .....	908	1,113	71	2,092
Holland .....	351	270	47	668
HOLYOKE .....	8,043	9,164	2,445	19,652
Longmeadow .....	4,501	4,135	311	8,947
Ludlow .....	3,754	4,322	480	8,556
Monson .....	1,532	1,397	176	3,105
Montgomery .....	114	163	21	298
Palmer .....	2,784	2,581	323	5,688
Russell .....	336	340	30	706
Southwick .....	1,498	1,443	94	3,035
SPRINGFIELD .....	20,732	23,107	10,443	54,282
Tolland .....	86	63	6	155
Wales .....	289	156	23	468
West Springfield .....	6,895	7,576	731	15,202
WESTFIELD .....	5,633	6,265	608	12,506
Wilbraham .....	2,668	3,402	362	6,432
Totals .....	80,340	89,126	18,954	188,420

## County of Hampshire.

Amherst .....	6,868	3,620	654	11,142
Belchertown .....	1,529	1,080	110	2,719
Chesterfield .....	201	181	22	404
Cummington .....	220	162	21	403
Easthampton .....	4,102	2,871	321	7,294
Goshen .....	173	109	9	291
Granby .....	1,247	1,220	34	2,501
Hadley .....	1,181	1,008	104	2,293
Hatfield .....	968	616	72	1,656
Huntington .....	388	355	55	798
Middlefield .....	88	82	11	181
NORTHAMPTON .....	7,523	5,561	656	13,740
Pelham .....	343	219	17	579
Plainfield .....	97	77	11	185
South Hadley .....	3,848	4,168	323	8,339
Southampton .....	962	816	47	1,825
Ware .....	2,470	1,716	272	4,458
Westhampton .....	267	219	17	503
Williamsburg .....	712	433	41	1,186
Worthington .....	246	205	17	468
Totals .....	33,433	24,718	2,814	60,965

## County of Middlesex.

Acton .....	5,348	3,054	220	8,622
Arlington .....	13,239	13,680	1,293	28,212
Ashby .....	691	362	49	1,102

## RETURN OF VOTES, ETC.

## County of Middlesex — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashland .....	2,322	1,656	214	4,192
Ayer .....	1,350	716	142	2,208
Bedford .....	3,057	2,591	332	5,980
Belmont .....	7,576	7,868	979	16,423
Billerica .....	8,126	5,215	481	13,822
Boxborough .....	825	357	29	1,211
Burlington .....	4,946	5,099	556	10,601
CAMBRIDGE .....	24,939	14,979	3,312	43,230
Carlisle .....	966	710	43	1,719
Chelmsford .....	9,143	5,901	553	15,597
Concord .....	4,624	3,804	443	8,871
Dracut .....	6,232	3,183	525	9,940
Dunstable .....	468	253	28	749
EVERETT .....	8,016	7,725	2,555	18,296
Frammingham .....	17,537	11,559	1,339	30,435
Groton .....	1,650	902	86	2,638
Holliston .....	3,597	2,223	186	6,006
Hopkinton .....	1,881	1,210	110	3,201
Hudson .....	4,198	2,255	514	6,967
Lexington .....	8,734	7,470	927	17,131
Lincoln .....	1,539	1,135	194	2,868
Littleton .....	1,862	1,347	114	3,323
LOWELL .....	21,893	12,642	2,961	37,496
MALDEN .....	12,200	10,805	2,592	25,597
MARLBOROUGH .....	7,942	4,717	870	13,529
Maynard .....	2,779	1,558	305	4,642
MEDFORD .....	13,295	14,185	2,109	29,589
MELROSE .....	7,504	7,257	1,250	16,011
Natick .....	6,977	7,073	893	14,943
NEWTON .....	24,642	17,733	3,447	45,822
North Reading .....	3,282	2,102	229	5,613
Pepperell .....	1,859	900	122	2,881
Reading .....	6,044	5,714	372	12,130
Sherborn .....	1,188	919	69	2,176
Shirley .....	980	565	108	1,653
SOMERVILLE .....	15,687	13,437	2,780	31,904
Stoneham .....	5,247	4,855	580	10,682
Stow .....	1,522	709	66	2,297
Sudbury .....	4,309	2,801	244	7,354
Tewksbury .....	6,404	3,378	467	10,249
Townsend .....	1,485	799	108	2,392
Tyngsborough .....	1,459	722	111	2,292
Wakefield .....	6,601	6,038	713	13,352
WALTHAM .....	10,435	10,816	2,865	24,116
Watertown .....	9,251	8,196	1,558	19,005
Wayland .....	3,943	2,921	227	7,091
Westford .....	3,938	1,885	235	6,048
Weston .....	3,365	2,681	189	6,235
Wilmington .....	3,813	3,039	614	7,466
Winchester .....	5,470	5,126	780	11,376
WOBURN .....	7,003	8,737	1,531	17,271
Totals .....	343,383	267,554	43,619	654,556

## County of Nantucket.

Nantucket .....	1,373	1,073	217	2,663
Totals .....	1,373	1,073	217	2,663

## County of Norfolk.

Avon .....	1,217	1,151	153	2,521
Bellingham .....	3,431	2,287	353	6,071
Braintree .....	8,598	9,570	652	18,820
Brookline .....	16,473	9,167	3,532	29,172
Canton .....	4,679	4,333	415	9,427

# RETURN OF VOTES, ETC.

905

## County of Norfolk — Concluded.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Cohasset .....	2,180	1,811	193	4,184
Dedham .....	5,892	6,688	1,217	13,797
Dover .....	1,292	1,359	120	2,771
Foxborough .....	3,145	2,828	212	6,185
Franklin .....	4,268	3,053	352	7,673
Holbrook .....	2,836	2,452	241	5,529
Medfield .....	2,793	2,042	178	5,013
Medway .....	2,112	1,514	168	3,794
Millis .....	1,802	1,293	103	3,198
Milton .....	6,127	8,667	844	15,638
Needham .....	7,782	8,481	603	16,866
Norfolk .....	1,322	913	72	2,307
Norwood .....	6,820	7,653	733	15,206
Plainville .....	1,369	1,020	139	2,528
QUINCY .....	19,586	21,454	2,964	44,004
Randolph .....	7,537	5,562	943	14,042
Sharon .....	4,486	2,582	235	7,303
Stoughton .....	5,451	4,898	778	11,127
Walpole .....	4,648	4,093	380	9,121
Wellesley .....	7,365	7,128	535	15,028
Westwood .....	3,363	3,935	268	7,566
Weymouth .....	12,215	12,590	1,338	26,143
Wrentham .....	1,577	1,132	146	2,855
Totals .....	150,366	139,656	17,867	307,889

## County of Plymouth.

Abington .....	3,090	2,714	312	6,116
Bridgewater .....	3,349	2,632	329	6,310
BROCKTON .....	15,795	16,239	2,773	34,807
Carver .....	1,168	714	97	1,979
Duxbury .....	2,996	2,324	160	5,480
East Bridgewater .....	1,996	1,932	297	4,225
Halifax .....	1,309	1,016	104	2,429
Hanover .....	2,744	2,365	134	5,243
Hanson .....	1,770	1,405	174	3,349
Hingham .....	5,010	5,095	440	10,545
Hull .....	2,748	1,658	361	4,767
Kingston .....	1,703	1,388	170	3,261
Lakeville .....	1,295	1,029	95	2,419
Marion .....	1,048	827	106	1,981
Marshfield .....	5,214	3,753	314	9,281
Mattapoisett .....	1,463	1,293	96	2,852
Middleborough .....	3,422	2,410	356	6,188
Norwell .....	2,096	2,163	193	4,452
Pembroke .....	2,950	2,223	177	5,350
Plymouth .....	6,667	5,195	1,180	13,042
Plympton .....	493	302	42	837
Rochester .....	601	484	38	1,123
Rockland .....	3,269	3,006	359	6,634
Scituate .....	4,384	4,157	473	9,014
Wareham .....	3,648	2,753	581	6,982
West Bridgewater .....	1,480	1,573	116	3,169
Whitman .....	3,101	2,611	289	6,001
Totals .....	84,809	73,261	9,766	167,836

## County of Suffolk.

BOSTON .....	85,216	75,322	35,855	196,393
CHELSEA .....	5,449	4,056	1,749	11,254
REVERE .....	10,037	8,479	2,374	20,890
Winthrop .....	4,817	4,222	938	9,977
Totals .....	105,519	92,079	40,916	238,514

## RETURN OF VOTES, ETC.

County of Worcester.

Cities and Towns.	Yes	No	Blanks	Total Votes Cast
Ashburnham	1,089	605	87	1,781
Athol	2,946	1,630	252	4,828
Auburn	4,153	3,516	406	8,075
Barre	1,245	632	178	2,055
Berlin	608	428	64	1,100
Blackstone	1,546	1,141	275	2,962
Bolton	731	466	51	1,248
Boylston	1,032	640	49	1,721
Brookfield	600	406	75	1,081
Charlton	1,428	829	146	2,403
Clinton	3,055	2,396	585	6,036
Douglas	912	692	139	1,743
Dudley	1,922	1,388	395	3,705
East Brookfield	465	375	64	904
FITCHBURG	8,840	6,742	1,491	17,073
GARDNER	4,858	2,930	950	8,738
Grafton	3,017	2,084	378	5,479
Hardwick	622	338	142	1,102
Harvard	1,109	821	61	1,991
Holden	3,605	3,133	457	7,195
Hopedale	1,230	848	174	2,252
Hubbardston	489	246	36	771
Lancaster	1,555	724	183	2,462
Leicester	2,314	1,710	249	4,273
LEOMINSTER	7,985	5,903	1,242	15,130
Lunenburg	2,209	1,550	182	3,941
Mendon	713	651	124	1,488
Millford	5,753	4,123	802	10,678
Millbury	3,065	2,208	437	5,710
Millville	421	293	109	823
New Braintree	203	109	22	334
North Brookfield	1,047	774	168	1,989
Northborough	3,018	1,833	184	5,035
Northbridge	1,539	1,807	2,181	5,527
Oakham	307	161	20	488
Oxford	2,089	1,773	329	4,191
Paxton	999	901	59	1,959
Petersham	374	200	40	614
Phillipston	296	108	21	425
Princeton	662	359	33	1,054
Royalston	307	117	25	449
Rutland	1,025	652	64	1,741
Shrewsbury	5,688	4,923	659	11,270
Southborough	1,814	1,104	131	3,049
Southbridge	2,946	2,879	1,149	6,974
Spencer	2,477	1,901	345	4,723
Sterling	1,370	879	75	2,324
Sturbridge	1,281	1,110	227	2,618
Sutton	1,314	943	226	2,483
Templeton	1,570	841	204	2,615
Upton	1,050	756	144	1,950
Uxbridge	2,084	1,586	411	4,081
Warren	980	616	154	1,750
Webster	3,124	2,749	921	6,794
West Boylston	1,856	1,385	138	3,379
West Brookfield	810	466	78	1,354
Westborough	3,754	2,462	318	6,534
Westminster	1,490	830	122	2,442
Winchendon	1,803	796	182	2,781
WORCESTER	34,048	29,654	6,040	69,742
Totals	150,842	114,122	24,453	289,417

---

---

# 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-SIX.\*†

---

## 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.)

SECT. 7A added, 1976, 221; (establishing a procedure for acceptance of retrocession of jurisdiction over certain federal property).

## 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

---

\*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.

granting of authority to use the designation of junior college); repealed, 1943, 549 § 2. (See 1939, 424 § 3.)

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; section revised, 1976, 283 § 35. (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 § 22 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.

SECT. 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 special 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; first paragraph, first sentence revised, 1976, 458 § 1. (See 1973, 981 § 14.)

SECT. 44 revised, 1973, 981 § 7; first sentence revised, 1976, 458 § 2. (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; first paragraph, first sentence revised, 1976, 458 § 3. (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; paragraph added, 1976, 458 § 4.

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; revised, 1976, 112 § 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; 1976, 156; 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 stricken 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; two sentences added, 1976, 462 § 1. (See 1970, 22 § 3; 1976, 462 § 2.)

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; 1976, 480 § 22. (See 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27.)

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; 1976, 31.

SECT. 12H added, 1935, 148 (relative to the observance of the

anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 194 (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. 15CC added, 1976, 67 (relative to the annual observance of Retired Members of the Armed Forces Day).

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.

SECT. 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.)

SECT. 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.)

SECT. 49-52 repealed, 1953, 409 § 2.

SECT. 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; second, third and fourth paragraphs stricken out and six paragraphs inserted, 1976, 463 § 1. (See 1950, 479 §§ 6, 7; 1963, 719 § 2; 1969, 766 § 48; 1971, 116 § 45; 1972, 300 § 44; 1973, 426 § 50; 1974, 422 § 54.)

SECT. 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.

SECT. 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.)

SECT. 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.)

SECT. 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).

SECT. 65-69B and caption preceding section 65 repealed, 1969, 838 § 2. (See 1969, 838 § 74.)

SECT. 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 the 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, first paragraph, fourth sentence revised, 1976, 243 § 1; 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; 1976, 243 § 2.)

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; sentence added, 1976, 144 § 1. (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.)

SECT. 183 added, 1976, 266 § 1 (establishing a motor vehicle insurance merit rating board). (See 1976, 266 § 23.)

### **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; 1976, 266 § 2. (See 1976, 266 § 23.)

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).

SECT. 31 revised, 1976, 409 § 1.

SECT. 33, first paragraph, first sentence revised, 1976, 409 § 2.

SECT. 34A added, 1976, 409 § 3 (establishing a rate setting commission hospital policy review board).

SECTS. 37-46 added, 1976, 409 § 4 (relative to the regulation of health care delivery systems).

**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. 3C added, 1976, 311 (regulating fees for the use of state-owned ice skating rinks).

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, 835 § 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.

SECT. 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.)

SECT. 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); repealed, 1976, 283 § 3C. (See 1976, 283 § 34.)

SECT. 37A added, 1976, 283 § 30 (establishing an advisory board on revenue sources and the state economy). (See 1976, 283 § 34.)

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 number 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; amended, 1976, 480 § 23. (See 1976, 480 § 27.) (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; third sentence revised, 1976, 147.

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. 10 repealed, 1976, 486 § 1. (See 1976, 486 § 31.)

SECT. 10A added, 1972, 694 § 4 (authorizing the state secretary to employ personnel for the administration and enforcement of the uniform securities act).

SECT. 11, sentence added, 1976, 486 § 2. (See 1976, 486 § 31.)

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; 1976, 146.

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; section repealed, 1976, 237 § 1.

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, 8.)

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; amended, 1976, 480 § 24. (See 1976, 480 § 27.) (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; sentence inserted after second sentence, 1976, 208.

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; 1976, 283 §§ 32A, 32B. (See 1974, 492 § 24; 1976, 283 § 34.)

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, first paragraph, first sentence revised, 1973, 1165 § 2; second sentence revised, 1976, 330; second paragraph amended, 1973, 1165 § 3; paragraph added, 1973, 1165 § 3; amended, 1974, 492 § 3; section revised, 1976, 415 § 1. (See 1973, 1165 § 5; 1974, 492 § 24; 1976, 415 § 116.)

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, 699; 1969, 835 § 5; amended, 1976, 480 § 25. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27.)

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.

SECT. 13 added, 1976, 502 (authorizing the state auditor to enter into certain agreements/or audit purposes).

### **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; amended, 1976, 480 § 26. (See 1949, 789 § 5; 1955, 730 § 43; 1963, 744 § 8; 1969, 835 § 7; 1976, 480 § 27.)

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 the public utilities); revised, 1976, 266 § 3. (See 1976, 266 § 23.)

SECT. 11F added, 1976, 266 § 3 (authorizing the attorney general to intervene in administrative and judicial proceedings involving consumer actions relating to insurance companies). (See 1976, 266 § 23.)

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, 195 § 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; fourth paragraph revised, 1976, 542 § 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; 1976, 542 § 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; 1976, 313 § 1; 542 § 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; 1976, 542 § 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 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; section revised, 1976, 436 § 1. (See 1960, 693 §§ 14-19; 1976, 436 § 3.)

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 § 21.

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); repealed, 1976, 415 § 98. (See 1956, 380 § 2; 1976, 415 § 116.)

## **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).

SECT. 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.)

SECT. 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, 847 § 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. 37, second sentence revised, 1976, 418.

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, 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; 1976, 486 § 3; second paragraph revised, 1959, 611 § 3; amended, 1963, 527; revised, 1964, 477 § 1. (See 1941, 725 §§ 4-6; 1958, 612 § 2, 1964, 477 § 3; 1976, 486 § 31.)

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 home).

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; revised, 1976, 470 § 1.

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 residential facility for the mentally retarded operated by the department).

SECT. 3, second paragraph revised, 1976, 352.

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.

SECT. 24, second paragraph amended, 1976, 155 § 1; fourth paragraph amended, 1976, 155 § 2.

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, first paragraph, fifth sentence revised, 1976, 25; 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 § 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 teletypewriter 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 promotions 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; first paragraph revised, 1976, 389 § 2. (See 1976, 389 § 4.)

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 § 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; sixth sentence stricken out, 1976, 473 § 1; 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; 1976, 473 § 1A. (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; 1976, 473 § 20.)

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. 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 § 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).

SECT. 28A added, 1976, 264 (permitting the establishment of foreign trade zones).

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.)

SECT. 12A revised, 1938, 445 § 1; repealed, 1939, 422 § 1.

SECT. 12B revised, 1932, 290 § 2; repealed, 1939, 422 § 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 § 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. 8F added, 1976, 266 § 4 (relative to annual assessments against insurance companies). (See 1976, 266 § 23.)

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. 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; 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 preparaton and transmittal of estimates of state revenue by the commissioner of administration); paragraph added, 1976, 283 § 3E. (See 1976, 283 § 34.)

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.)

SECTS. 9C-9F added, 1976, 283 § 3F (relative to notification of certain fiscal deficiencies). (See 1976, 283 § 34.)

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; revised, 1976, 283 § 3G. (See 1976, 283 § 34.)

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; 1976, 283 § 23. (See 1969, 704 § 60; 1975, 684 § 97; 1976, 283 § 34.)

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, 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; introductory paragraph amended, 1945, 658 § 7; revised, 1972, 807 § 2; 1976, 422 § 1; paragraph added, 1973, 304; 1976, 422 § 2. (See 1945, 658 § 11.)

SECT. 38A added, 1975, 786 § 3 (authorizing the establishment of certain trust funds).

SECT. 38B added, 1976, 422 § 3 (establishing a deferred compensation committee).

SECT. 47 stricken out and sections 47, 47A inserted, 1945, 637 § 5. (See 1945, 279.)

SECT. 47 revised, 1976, 4 §§ 27, 27A. (See 1976, 4 § 33.)

SECT. 48, sentence added, 1976, 4 § 28. (See 1976, 4 § 33.)

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); revised, 1976, 422 § 4.

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 meal 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; 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' services); 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. 36, first paragraph, fourth sentence revised, 1976, 172.

SECT. 36A revised, 1976, 527.

SECT. 37 revised, 1951, 556 § 1967, 561; first sentence revised, 1969, 808 § 1; 1970, 712 § 1; sentence inserted after first sentence, 1971, 862 § 1; section revised, 1976, 459 § 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 trucks 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; section revised, 1976, 506 § 1. (See 1972, 774 § 12; 1976, 506 § 3.)

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; two sentences inserted after first sentence, 1976, 506 § 2; paragraph (b) amended, 1967, 535 § 5. (See 1963, 842 § 2; 1976, 506 § 3.)

SECT. 39N added, 1972, 774 § 4 (authorizing adjustments in contract prices in relation of 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 third paragraph revised, 1976, 145 § 1; fifth paragraph revised, 1976, 145 § 2. (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 filling 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; section revised, 1976, 459 § 2. (See 1969, 808 § 12.)

SECT. 3, paragraph (1) amended, 1969, 808 § 4; paragraph (3) amended, 1974, 361 § 2; section revised, 1976, 459 § 3. (See 1969, 808 § 12.)

SECT. 3A added, 1976, 459 § 3.

SECT. 5, revised, 1969, 808 § 5; fourth sentence stricken out, 1970, 712 § 3; section revised, 1976, 459 § 4. (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; section revised, 1976, 459 § 5. (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; section revised, 1976, 459 § 5. (See 1970, 712 § 12.)

SECT. 6B revised, 1970, 712 § 6; 1976, 459 § 5. (See 1970, 712 § 12.)

SECT. 6C added, 1976, 459 § 5.

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. 11A, definition of "governmental body" revised, 1976, 397 § 1. (See 1976, 397 § 8.)

SECT. 11B, fourth paragraph, clause (3) revised, 1976, 397 § 2; eleventh, twelfth and thirteenth paragraphs revised, 1976, 397 § 3. (See 1976, 397 § 8.)

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; section revised, 1973, 1114 § 3; first paragraph, clause (1), third sentence revised, 1976, 411 § 1; clause (2), first sentence revised, 1976, 411 § 2. (See 1973, 1114 § 351.)

SECT. 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; amended, 1976, 532; 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 "Seasonal position" inserted, 1976, 138 § 1; definition of "Suspension" inserted, 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; 1976, 138 § 2; 198; 231; 492 § 1. (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 of 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; amended, 1946, 52; revised, 1952, 313; 1953, 459; amended, 1958, 51; revised, 1962, 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 offices 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; first paragraph, first sentence revised, 1976, 389 § 1; paragraph inserted after first paragraph, 1971, 183; amended, 1974, 835 § 99. (See 1947, 354 § 2; 1974, 835 § 185; 1976, 389 § 4.)

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 services); first paragraph, first sentence revised, 1961, 255; amended, 1968, 93; 1970, 8; revised, 1971, 182 § 1; paragraph amended, 1974, 835 § 103; first sentence revised, 1976, 62; 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 appointments 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; 1976, 200 § 1.)

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; revised, 1976, 546. (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; paragraph (a) revised, 1976, 446; 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, 1956, 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 offices 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 reemployment 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 "Fiduciary" inserted, 1976, 269 § 1; 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, § 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, 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,

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 (b½) 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; subdivision (3) added, 1976, 269 § 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, 689; 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 ultimate 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; section revised, 1976, 126 § 1. (See 1967, 408 § 4; 1971, 640 § 3, 743 § 2; 1972, 793 § 8; 1973, 1211 § 9; 1974, 724 § 2; 1975, 684 § 97; 1976, 126 § 3.)

### **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); first paragraph, sentence inserted after first sentence, 1969, 633; schedule revised, 1976, 524; 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; third paragraph, second sentence amended, 1976, 454 § 2; 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. 96, tenth to thirteenth paragraphs revised, 1976, 397 § 4. (See 1976, 397 § 8.)

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; first sentence revised, 1976, 18 § 1. (See 1976, 18 § 2.)

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 sentences, 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; sentences 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 counter-signatures 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; 1976, 8.

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; paragraph (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.

SECT. 57 revised, 1976, 422 § 5.

### **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 paragraph 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 § 2. (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 sentences 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 councilors 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 certain 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; first paragraph, first sentences revised, 1976, 272 § 1; 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.)

SECT. 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; definition of "Governmental body" revised, 1976, 397 § 5. (See 1975, 303 § 5; 1976, 397 § 8.)

SECT. 23B revised, 1960, 437 § 4; 1975, 303 § 3; 1976, 397 § 6. (See 1975, 303 § 5; 1976, 397 § 8.)

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. 3 amended, 1976, 191.

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; revised, 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 (27B) inserted, 1976, 485; 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 co-operative 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); clause (69) added, 1976, 416 § 1. (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);

second paragraph revised, 1976, 149 § 1.

SECT. 6H added, 1961, 319 (providing that cities and towns may make repairs on private ways without liability for damages); second paragraph revised, 1976, 149 § 2.

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; tenth sentence revised, 1976, 14.

SECT. 8E added, 1969, 391 § 1 (authorizing cities and towns to establish youth commissions; eighth sentence revised, 1976, 26.

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. 8H added, 1976, 416 § 2 (authorizing, cities and towns to establish recycling commissions).

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. 22D added, 1961, 322; 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.

SECT. 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 § 341.)

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; section 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 § 5.

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, 772 § 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.

SECT. 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 office); 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 selectman 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, 1936, 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 selectman 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.

SECTS. 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 on 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; stricken out, 1976, 293 § 38; section revised, 1976, 480 § 9. (See 1973, 369 § 3; 1975, 452 § 4; 1976, 283 § 41; 480 § 27.)

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, 49 § 2.

SECT. 31 amended, 1938, 378 § 12; 1959, 448 § 122.

SECT. 32 amended, 1949, 318; second sentence revised, 1970, 25.

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.

SECTS. 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, 1936, 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.

SECT. 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. 4B added, 1976, 4 § 29 (relative to the payment of taxes by certain notes). (See 1976, 4 § 33.)

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; clause (23) added, 1976, 11 § 1; clause (24) added, 1976, 189; revised, 1976, 404. (See 1936, 224 § 11, 12; 1965, 206 §§ 2, 3, 581 § 2; 1968, 228 § 2; 1969, 849 § 79; 1976, 11 § 2.)

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. 31D added, 1976, 33 (providing for certain emergency snow and ice removal).

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 § 41.

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 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; first paragraph revised, 1976, 24.

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 sentences amended, 1974, 548; fourth sentence revised, 1973, 224; 1974, 90; 1976, 128.

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); revised, 1976, 422 § 6.

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; first sentence revised, 1976, 274.

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.

SECT. 25 added, 1976, 516 (requiring the posting of certain emergency telephone numbers at ice skating facilities).

#### **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; first sentence revised, 1976, 486 § 4; sentence added, 1965, 10. (See 1960, 48 § 8; 1976, 486 § 31.)

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; second paragraph amended, 1976, 486 § 5. (See 1959, 48 § 3; 1960, 48 § 8; 1968, 84 § 6; 1976, 486 § 31.)

SECT. 3A amended, 1976, 486 § 6. (See 1976, 486 § 31.)

SECT. 3B added, 1971, 288 (requiring physicians to report a birth whenever the mother and child and not admitted immediately to a hospital for postnatal care; amended, 1976, 486 § 7. (See 1976, 486 § 31.)

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 § 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, 1960, 48 § 4 (relative to the filing of certain certificates of death). (See 1960, 48 § 8.)

SECT. 9A amended, 1976, 486 § 8. (See 1976, 486 § 31.)

SECT. 10 revised, 1954, 627 § 24; 1976, 54. (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; 1976 486 § 9; second sentence amended, 1960, 48 § 6. (See 1960, 48 § 8; 1976, 486 § 31.)

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; amended, 1976, 486 § 10; second sentence revised, 1971, 266; fourth sentence revised, 1966, 310; paragraph amended, 1974, 546; paragraph added, 1939, 61 § 4; 1948, 550 § 2. (See 1976, 486 § 31.)

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; section revised, 1976, 486 § 11. (See 1976, 486 § 31.)

SECT. 17 revised, 1932, 12; amended, 1939, 269 § 2; revised, 1960, 21 § 1; amended, 1976, 486 § 12. (See 1960, 21 § 2; 1976, 486 § 31.)

SECT. 18 revised, 1957, 95.

SECT. 19 revised, 1943, 228 § 1; amended, 1945, 570 § 1; second, third and fourth sentences revised, 1976, 486 § 13; sentence added at end, 1950 366; 1969, 478. (See 1943, 228 § 2; 1945, 570 § 2; 1976, 486 § 31.)

SECT. 19A added, 1969, 759 (prohibiting reproduction of certified copies of certain birth, marriage and death records); amended, 1976, 486 § 14. (See 1976, 486 § 31.)

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; repealed, 1976, 486 § 15. (See 1964, 508 § 4.)

SECT. 24 revised, 1960, 48 § 7. (See 1960, 48 § 8.)

SECT. 26, first sentence revised, 1947, 283; amended, 1976, 486 § 16; sentence inserted after second sentence, 1939, 326 § 2; stricken out, 1963, 22 § 2. (See 1976, 486 § 31.)

SECT. 30 added, 1964, 310 (providing a penalty for alterings, forging or counterfeiting copies of records of birth, marriage or death).

#### **Chapter 47. — Infirmarys.**

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 over-time 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; revised, 1976, 289 § 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 section 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 § 34.)

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, 305 § 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, 150 § 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.)

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 added, 1973, 294; revised, 1976, 82.

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; amended, 1976, 529 § 1.

SECT. 29 amended, 1947, 34 § 4; 1956, 134; first sentence revised, 1967, 763, section revised, 1970, 89; 1973, 853 § 3; first sentence revised, 1976, 272 § 2.

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; third sentence revised, 1976, 529 § 2.

SECT. 30, first sentence amended, 1943, 543 § 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; third sentence revised, 1976, 529 § 3, 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 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; sixth sentence revised, 1976, 310 § 1. (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 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, 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, 1942, 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, 1973, 849; sentence inserted after first sentence, 1972, 400 § 1; third sentence revised, 1960, 224; paragraph added, 1976, 234 § 1.

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; 1976, 306; 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; third sentence stricken out and two sentences inserted, 1976, 86.

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. 18A added, 1976, 309 (clarifying the procedure of nonbinding public opinion advisory questions on local ballots).

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; first paragraph, second sentence revised, 1976, 109 § 1; 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; section revised, 1976, 475 § 1. (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; paragraph revised, 1976, 310 § 2. (See 1971, 920 § 11; 1973, 1137 § 11.)

SECT. 37A added, 1971, 920 § 4 (relating to party designation by absentee voters in a primary), revised, 1976, 85. (See 1971, 920 § 16.)

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; stricken out and two sentences inserted, 1976, 47. (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; paragraph added, 1976, 234 § 2. (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 pre-primary 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; second sentence revised, 1962, 437 § 38; 1976, 109 § 2; 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 paragraph, first sentence revised, 1962, 437 § 40; second sentence revised, 1969, 575; 1976, 195; 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; amended, 1976, 475 § 2.

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; section revised, 1976, 475 § 3.

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; second sentence revised, 1976, 84 § 1; sixth sentence amended, 1967, 134 § 2; revised, 1976, 84 § 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; amended, 1976, 420 § 1.

SECT. 103C amended, 1976, 420 § 2.

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 (b½) added, 1976, 420 § 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; 1976, 310 § 3.

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 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 Elections 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 first sentence amended, 1973, 1226; revised, 1976, 137 § 1.

SECT. 41, first paragraph revised, 1950, 88; amended, 1976, 137 § 2.

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, Councilor 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; repealed, 1976, 415 § 99. (See 1976, 415 § 116.)

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; repealed, 1976, 415 § 99. (See 1975, 684 § 97; 1976, 415 § 116.)

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 that 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; repealed, 1976, 415 § 99. (See 1951, 641 §§ 18, 19; 1976, 415 § 116.)

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).

SECT. 31A-51 repealed, 1976, 415 § 99. (See 1976, 415 § 116.)

### **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; revised, 1976, 415 § 2; 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 § 4; 1934, 323 § 11; 1937, 400 § 1; 1947, 632 § 3; 1951, 641 §§ 18, 19; 1957, 617 § 13; 1958, 523 § 4; 1975, 684 § 97; 1976, 415 § 116.)

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; tenth sentence stricken out and two sentences inserted, 1976, 415 § 3. (See 1933, 321 § 9; 350 § 9; 1954, 681 §§ 20, 22; 1965, 597 § 4; 1968, 120 § 5; 1973, 1114 § 351; 1976, 415 § 116.)

### **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; 1963, 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; 1976, 263 § 1 (see 1976, 263 § 2); 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; 1946, 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; 1976, 89; 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; fourth paragraph revised, 1976, 393. 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, 44 § 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; stricken out and two sentences inserted, 1976, 101 § 1; second sentence revised, 1976, 250 § 1; 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; 1976, 101 § 2; 250 § 6.)

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 appellate tax board). (See 1956, 452 § 2.)

SECT. 69 amended, 1935, 218 § 3; 1939, 366 § 3; revised, 1965, 597 § 3; amended, 1973, 689; sentence added, 1976, 250 § 2. (See 1976, 250 § 6.)

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. 2, sentence added, 1976, 4 § 31. (See 1976, 4 § 33.)

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. 9 repealed, 1976, 451.

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; sentence inserted after fourth sentence, 1976, 163; 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; second sentence amended, 1976, 322. (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, 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; 1976, 250 § 3; 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; 1976, 250 § 6.)

SECT. 63 amended, 1933, 325 § 11; revised, 1936, 392 § 3; third sentence amended, 1970, 235 § 2; 1976, 250 § 4. (See 1970, 235 § 4; 1976, 250 § 6.)

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; revised, 1976, 250 § 5. paragraph added, 1935, 354 § 1. (See 1935, 224 § 6, 354 § 3; 414 § 4; 1966, 363 § 3; 1970, 235 § 4; 1976, 250 § 6.)

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 of 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 tem-

porary 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; section revised, 1976, 415 § 4. (See 1934, 375 § 2; 1959, 371 § 2; 1962, 231 § 4; 1976, 415 § 116.) 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; first sentence revised, 1976, 398 § 1; second sentence revised, 1969, 183; third sentence revised, 1973, 139; two sentences inserted after third sentence, 1970, 250. (See 1953, 339 § 2; 1976, 398 § 2.)

SECT. 3 revised, 1936, 384 § 4; 1938, 480 § 3; 1976, 415 § 5. (See 1976, 415 § 33.)

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. 8, first sentence revised, 1976, 505 § 1. (See 1976, 505 § 2.)

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. 11 amended, 1976, 68.

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 (l) 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. 6, subsection (b), paragraph (2) revised, 1976, 415 § 6. (See

1976, 415 § 116.)

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; first paragraph revised, 1976, 415 § 7; second paragraph amended, 1966, 698 § 15. (See 1957, 644 § 5; 1976, 415 § 116.)

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; subsections (e)-(g) added, 1976, 510 § 1. (See 1954, 387 § 2; 1955, 780 § 10; 1957, 644 § 5; 1971, 555 § 67; 1973, 723 § 19; 913 § 4; 1976, 510 § 2.)

SECT. 11 revised, 1955, 592 § 3; first sentence revised, 1976, 415 § 8; sentence added, 1973, 913 § 2. (See 1973, 913 § 4; 1976, 415 § 116.)

SECT. 11A and 11B added, 1973, 913 § 3 (relative to the taxation of the income of certain trusts). (See 1973, 913 § 4.)

SECT. 11B amended, 1976, 415 § 9. (See 1976, 415 § 116.)

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; amended, 1976, 415 § 10. (See 1957, 644 § 5; 1976, 415 § 116.)

SECT. 14 revised, 1971, 555 § 8. (See 1971, 555 § 67.)

SECT. 15 revised, 1976, 415 § 11. (See 1976, 415 § 116.)

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; repealed, 1976, 415 § 100. (See 1971, 555 § 67; 1976, 415 § 116.)

SECT. 19 revised, 1976, 415 § 12. (See 1976, 415 § 116.)

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; repealed, 1976, 415 § 100. (See 1939, 486 § 3; 1954, 611 § 3; 1955, 780 § 10; 1957, 435 § 4; 1958, 491 § 3; 1971, 555 § 67; 1973, 723 § 19; 1976, 415 § 116.)

SECT. 23 repealed, 1976, 415 § 100. (See 1976, 415 § 116.)

SECT. 24 revised, 1943, 45 § 2; amended, 1954, 70 § 1; first sentence amended, 1966, 698 § 20; section repealed, 1976, 415 § 100. (See 1954, 70 § 2; 1976, 415 § 116.)

SECT. 25, third sentence revised, 1955, 592 § 4; last sentence revised, 1947, 322 § 1; section revised, 1976, 415 § 13. (See 1976, 415 § 116.)

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.)

SECTS. 26-41 repealed, 1976, 415 § 100. (See 1976, 415 § 116.)

SECT. 42 revised, 1976, 415 § 14. (See 1976, 415 § 116.)

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.)

SECTS. 43-46 repealed, 1976, 415 § 100. (See 1976, 415 § 116.)

SECT. 48 repealed, 1976, 415 § 100. (See 1976, 415 § 116.)

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 1975, 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).

SECTS. 55-60 repealed, 1976, 415 § 100. (See 1976, 415 § 116.)

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; section revised, 1976, 415 § 15. (See 1963, 714 § 10; 1969, 546 § 34; 1975, 684 § 97; 1976, 415 § 116.)

SECT. 6, last sentence amended, 1963, 405; section revised, 1967, 577 § 2; 1976, 415 § 16. (See 1976, 415 § 116.)

SECT. 7, paragraphs (a)-(c) revised, 1976, 415 § 17. (See 1976, 415 § 116.)

SECT. 8 amended, 1963, 714 § 4; 1973, 708 § 3; repealed, 1976, 415 § 101. (See 1963, 714 § 10; 1973, 708 § 10; 1976, 415 § 116.)

SECT. 11, paragraph (d) amended, 1966, 698 § 38; paragraph (f) added, 1968, 408 § 1; section revised, 1976, 415 § 18. (See 1968, 408 § 2; 1976, 415 § 116.)

SECT. 12 amended, 1966, 698 § 39; revised, 1976, 415 § 19. (See 1976, 415 § 116.)

SECT. 13, first sentence revised, 1960, 159 § 1; 1976, 415 § 20; second paragraph, clause (a) revised, 1966, 698 § 40; paragraph added, 1963, 434 § 1. (See 1960, 159 § 2; 1963, 434 § 2; 1976, 415 § 116.)

SECT. 17 amended, 1966, 698 § 41; revised, 1976, 415 § 21. (See 1976, 415 § 116.)

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.)

SECTS. 19-21 repealed, 1976, 415 § 101. (See 1976, 415 § 116.)

### **Chapter 62C. — Administrative Provisions Relative to State Taxation.**

**New chapter inserted, 1976, 415 § 22. (See 1976, 415 § 116.)**

#### **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; repealed, 1976, 415 § 102. (See 1933, 254 § 66; 1934, 323 § 11; 1976, 415 § 116.)

SECT. 4 amended, 1939, 368; 1941, 509 § 4; revised, 1962, 613 § 4; repealed, 1976, 415 § 102. (See 1941, 509 § 9; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1959, 456 § 5; 1976, 415 § 116.)

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; revised, 1976, 415 § 23. (See 1939, 447 § 3; 1948, 486 §§ 2-4; 1971, 555 § 67; 1976, 415 § 116.)

SECT. 18A amended, 1939, 447 § 2; 1953, 654 § 51; revised, 1959, 456 § 4; caption following section stricken out, 1968, 75 § 2; section repealed, 1976, 415 § 102. (See 1939, 447 § 3; 1976, 415 § 116.)

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; last paragraph stricken out, 1976, 415 § 24. (See 1941, 509 § 9; 1943, 531 §§ 2, 3, 7; 1948, 587; 1966, 596 § 2; 1976, 415 § 116.)

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; 1976, 415 § 25. (See 1943, 531 § 7; 1945, 721 § 5; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1943, 531 § 7; 1945, 721 § 5; 1971, 555 § 67; 1976, 415 § 116.)

SECT. 26 amended, 1946, 387 § 3; 1953, 654 § 54; revised, 1976, 415 § 26. (See 1946, 387 § 7; 1976, 415 § 116.)

SECT. 27 amended, 1946, 387 § 4; revised, 1960, 558 § 8; repealed, 1976, 415 § 102. (See 1946, 387 § 7; 1976, 415 § 116.)

SECT. 29 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, 426; paragraph inserted after third paragraph, 1953, 633; last paragraph amended, 1953, 654 § 55; section revised, 1960, 558 § 9; first paragraph revised, 1976, 415 § 27. (See 1941, 509 § 9; 1943, 531 § 7; 1946, 387 § 7; 1976, 415 § 116.)

SECT. 29, first sentence revised, 1960, 558 § 10; section revised,

1976, 415 § 28. (See 1976, 415 § 116.)

SECT. 29A added, 1946, 387 § 6 (relative to the taxation of marine and fire and marine insurance companies); subsection (7) revised, 1960, 558 § 11; stricken out, 1976, 415 § 29. (See 1946, 387 § 7; 1976, 415 § 116.)

SECT. 29B added, 1947, 488 § 4 (relative to the taxation of the exchange of reciprocal or inter-insurance contracts); revised, 1976, 415 § 30. (See 1976, 415 § 116.)

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; 1936, 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 § 4. (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; third paragraph revised, 1976, 415 § 31. (See 1933, 303 § 3; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1956, 550 § 13; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1933, 327 § 7; 1935, 473 § 7; 1956, 550 § 13; 1970, 601 § 11; 1972, 661 § 2; 1976, 415 § 116.)

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, 55 § 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; 1976, 415 § 32. (See 1937, 383 § 3; 1964, 723 §§ 6, 7; 1970, 634 § 7; 1976, 415 § 116.)

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. 38H added, 1976, 487 § 1 (providing for a corporate tax incentive for the use of alternative energy sources). (See 1976, 487 § 2.)

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; third paragraph revised, 1976, 415 § 33. (See 1933, 303 § 3; 1976, 415 § 116.)

SECT. 39C revised, 1956, 550 § 10; repealed, 1960, 548 § 8. (See 1956, 550 § 13.)

SECT. 40 revised, 1933, 58 § 2; repealed, 1976, 415 § 102. (See 1976, 415 § 116.)

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; 1976, 415 § 34. (See 1937, 383 § 3; 1970, 634 § 7; 1976, 415 § 116.)

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.)

SECTS. 44-51 repealed, 1976, 415 § 102. (See 1976, 415 § 116.)

SECT. 52, second sentence amended, 1946, 394 § 1; fourth sentence amended, 1946, 394 § 2; eighth sentence amended, 1955, 611 § 2; section revised, 1976, 415 § 35. (See 1976, 415 § 116.)

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; stricken out and subdivisions (4) and (5) inserted, 1976, 415 § 36. (See 1951, 641 §§ 18, 19; 1956, 555 §§ 3, 4; 1957, 629 § 2; 1962, 475 § 2; 1971, 555 § 67; 1976, 415 § 116.)

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; section repealed, 1976, 415 § 102. (See 1933, 254 § 66; 1934, 323 § 11; 1941, 509 § 9; 1951, 641 §§ 18, 19; 1976, 415 § 116.)

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; first paragraph amended, 1976, 415 § 37; last paragraph amended, 1963, 365 § 1. (See 1947, 622 § 5; 1951, 641 §§ 18, 19; 1963, 365 § 4; 1976, 415 § 116.)

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; revised, 1976, 415 § 38. (See 1951, 641 §§ 18, 19; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1941, 509 § 9; 1976, 415 § 116.)

SECT. 67, third sentence revised, 1956, 550 § 12; fourth sentence amended, 1963, 365 § 2; sentence added, 1951, 641 § 16; section revised, 1976, 415 § 39. (See 1951, 641 §§ 18, 19; 1956, 550 § 13; 1963, 365 § 4; 1976, 415 § 116.)

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; repealed, 1976, 415 § 102. (See 1961, 283 § 2; 1971, 799 § 2; 1976, 415 § 116.)

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).

SECTS. 70-76A repealed, 1976, 415 § 102. (See 1976, 415 § 116.)

SECT. 79 revised, 1976, 415 § 40. (See 1976, 415 § 116.)

SECT. 80 revised, 1976, 415 § 41. (See 1976, 415 § 116.)

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.

SECT. 3 repealed, 1976, 415 § 103. (See 1976, 415 § 116.)

SECTS. 4-5 stricken out and section 4 inserted, 1973, 708 § 5. (See 1973, 708 § 10.)

SECT. 4 repealed, 1976, 415 § 103. (See 1976, 415 § 116.)

### **Chapter 63B. — Declaration of Estimated Tax by Corporations.**

**New chapter inserted, 1963, 714 § 5. (See 1963, 714 §§ 9, 10.)**

SECT. 2 amended, 1976, 415 § 42. (See 1976, 415 § 116.)

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; third sentence amended, 1976, 415 § 43. (See 1969, 536 § 3; 1975, 684 § 97; 1976, 415 § 116.)

SECT. 10 revised, 1976, 415 § 44. (See 1976, 415 § 116.)

SECT. 11 repealed, 1976, 415 § 104. (See 1976, 415 § 116.)

### **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. 4, second paragraph revised 1976, 415 § 45. (See 1976, 415 § 116.)

SECT. 5 repealed, 1976, 415 § 105. (See 1976, 415 § 116.)

SECT. 6 amended, 1966, 698 § 72; repealed, 1976, 415 § 105. (See 1976, 415 § 116.)

### **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, 36; 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; paragraph (j) added, 1976, 415 § 46. (See 1936, 357 § 3; 1947, 666 §§ 2A, 4; 1956, 619 § 6; 1957, 617 § 13; 1976, 415 § 116.)

SECT. 2 revised, 1957, 617 § 5; paragraph inserted after fifth paragraph, 1961, 300; section amended, 1973, 565 §§ 1, 2; revised,

1976, 415 § 47. (See 1957, 617 § 13; 1973, 565 § 8; 1976, 415 § 116.)

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; section revised, 1976, 415 § 48. (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; 1976, 415 § 116.)

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; repealed, 1976, 415 § 106. (See 1936, 357 § 3; 1957, 383 § 4, 617 § 13; 1976, 415 § 116.)

SECT. 6 amended, 1957, 617 § 10; 1973, 565 § 6; repealed, 1976, 415 § 106. (See 1957, 617 § 13; 1976, 415 § 116.)

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; section revised, 1976, 415 § 49. (See 1957, 617 § 13; 1959, 540 § 2; 1976, 415 § 116.)

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; repealed, 1976, 415 § 106. (See 1957, 617 § 13; 1976, 415 § 116.)

SECT. 11 amended, 1957, 617 § 12; revised, 1976, 415 § 50. (See

1957, 617 § 13; 1976, 415 § 116.)

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; revised, 1976, 415 § 51. (See 1971, 555 § 67; 1976, 415 § 116.)

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, 77.)

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, first sentence amended, 1976, 415 § 52; third sentence revised, 1966, 541 § 1; sentence added, 1966, 435 § 1. (See 1966, 435 § 7, 541 § 2; 1976, 415 § 116.)

SECT. 2, seventh sentence amended, 1956, 90 § 1; section revised, 1976, 415 § 53. (See 1956, 90 § 3; 1976, 415 § 116.)

SECT. 3 revised, 1956, 90 § 2; repealed, 1976, 415 § 107. (See 1956, 90 § 3; 1976, 415 § 116.)

SECT. 4 amended, 1953, 654 § 82; repealed 1976, 415 § 107. (See 1976, 415 § 116.)

SECT. 5 amended, 1976, 415 § 54. (See 1976, 415 § 116.)

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; section revised, 1976, 415 § 55. (See 1956, 720 §§ 2-4; 1960, 774 §§ 6, 8, 9, 10; 1964, 563 § 4; 1966, 435 §§ 6, 7; 1969, 361 § 5; 1971, 245 § 4; 1976, 415 § 116.)

SECT. 7, first two sentences stricken out and three sentences inserted, 1957, 373 § 1; section repealed, 1976, 415 § 107. (See 1957, 373 § 2; 1976, 415 § 116.)

SECT. 8 amended, 1976, 415 § 56. (See 1976, 415 § 116.)

SECT. 9, first paragraph amended, 1964, 469; paragraph added, 1956, 322 § 1; section repealed, 1976, 415 § 107. (See 1956, 322 § 2; 1976, 415 § 116.)

SECT. 10, third sentence revised, 1976, 415 § 57. (See 1976, 415 § 116.) 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.

SECTS. 22-25 repealed, 1976, 415 § 107. (See 1976, 415 § 116.)

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; subsection (b) revised, 1976, 415 § 58. (See 1969, 361 § 5; 1971, 245 § 4; 1976, 415 § 116.)

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; section revised, 1976, 415 § 59. (See 1969, 361 § 5; 1976, 415 § 116.)

SECT. 32 repealed, 1976, 415 § 107. (See 1976, 415 § 116.)

SECT. 33 amended, 1976, 415 § 60. (See 1976, 415 § 116.)

SECT. 34 amended, 1976, 415 § 61. (See 1976, 415 § 116.)

SECT. 39 amended, 1976, 415 § 62. (See 1976, 415 § 116.)

### **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; revised, 1976, 415 § 63. (See 1976, 415 § 116.)

SECT. 5 repealed, 1976, 415 § 108. (See 1976, 415 § 116.)

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; section revised, 1976, 415 § 64. (See 1975, 819 § 7; 1976, 415 § 116.)

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; section revised, 1976, 415 § 65. (See 1956, 718 §§ 14, 15; 1960, 411 § 3; 1965, 451 §§ 8, 9A, 10; 1969, 546 § 34; 1971, 497 § 15; 1976, 415 § 116.)

SECT. 5 revised, 1957, 382 § 2, 728 § 2. (See 1957, 382 § 4; 728 § 5.)

SECT. 7 revised, 1957, 382 § 3. (See 1957, 382 § 4.)

SECTS. 6-8 repealed, 1976, 415 § 109. (See 1976, 415 § 116.)

SECT. 11 revised, 1961, 64; amended, 1976, 415 § 66. (See 1976, 415 § 116.)

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 laws); repealed, 1976, 415 § 109. (See 1975, 819 § 7; 1976, 415 § 116.)

### **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; 1976, 415 § 67. (See 1975, 819 § 7; 1976, 415 § 116.)

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; section revised, 1976, 415 § 68. (See 1956, 718 §§ 14, 15; 1960, 375 § 3; 1971, 497 § 15; 1976, 415 § 116.)

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.)

SECTS. 7-9 repealed, 1976, 415 § 110. (See 1976, 415 § 116.)

SECT. 11 repealed, 1976, 415 § 111. (See 1976, 415 § 116.)

SECT. 12 revised, 1976, 415 § 69. (See 1976, 415 § 116.)

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; repealed, 1976, 415 § 110. (See 1975, 819 § 7; 1976, 415 § 116.)

### **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. 3 paragraph added, 1976, 415 § 70. (See 1976, 415 § 116.)

SECT. 6 revised, 1976, 415 § 71. (See 1976, 415 § 116.)

SECT. 7 repealed, 1976, 415 § 111. (See 1976, 415 § 116.)

SECT. 7A added, 1970, 699 (providing for the abatement of excises

on certain room occupancy accounts; first sentence revised, 1976, 415 § 72. (See 1976, 415 § 116.)

SECT. 7B added, 1972, 523 § 2 (further regulating the liability for room occupancy and meal excises).

SECTS. 8-10 repealed, 1976, 415 § 111. (See 1976, 415 § 116.)

### **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 (11) stricken out, 1976, 415 § 73; paragraph (12), clause (f) added, 1970, 563 § 1. (See 1970, 563 § 2; 1971, 555 § 67; 1976, 415 § 116.)

SECT. 2 revised, 1975, 684 § 59; sentence added, 1976, 415 § 74. (See 1975, 684 § 97; 1976, 415 § 116.)

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; section revised, 1976, 415 § 75. (See 1975, 684 § 97; 1976, 415 § 116.)

SECT. 8, paragraphs (f)-(i) added, 1968, 89 § 1. (See 1968, 89 § 3.)

SECT. 9, first three sentences, stricken out, 1976, 415 § 76. (See 1976, 415 § 116.)

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.)

SECTS. 10-15 repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

SECT. 16, first sentence stricken out, 1976, 415 § 77. (See 1976, 415 § 116.)

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. 17-22 repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

SECT. 24, third paragraph revised, 1968, 61 § 1; section repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

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; section repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

SECT. 30 repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

SECT. 30A added, 1973, 706 § 1 (filing of bond or deposit by non-resident contractors; revised, 1975, 684 § 66. (See 1975, 684 § 97.)

SECT. 31 repealed, 1976, 415 § 112. (See 1976, 415 § 116.)

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. 1 amended, 1976, 415 § 78. (See 1976, 415 § 116.)

SECT. 2 revised, 1975, 684 § 67; sentence added, 1976, 415 § 79. (See 1975, 684 § 97; 1976, 415 § 116.)

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. 9 revised, 1976, 415 § 80. (See 1976, 415 § 116.)

SECT. 10 repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

SECT. 11, first three sentences stricken out, 1976, 415 § 81. (See 1976, 415 § 116.)

SECT. 15, first paragraph amended, 1971, 749 § 2; second paragraph amended, 1973, 922 § 5; 1975, 514 § 4.

SECTS. 12-16 repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

SECT. 17, first sentence stricken out, 1976, 415 § 82. (See 1976, 415 § 116.)

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.

SECTS. 18-23 repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

SECT. 25, second paragraph, second sentence revised, 1968, 61 § 2; section repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

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.

SECTS. 29-31 repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

SECT. 31A added, 1973, 706 § 2 (filing of bond or deposit by non-resident contractors); revised, 1975, 684 § 69. (See 1975, 684 § 97.)

SECT. 32 repealed, 1976, 415 § 113. (See 1976, 415 § 116.)

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; repealed, 1976, 415 § 114. (See 1971, 555 § 67; 1976, 415 § 116.)

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, 1958, 543 § 1. (See 1948, 543 § 2.)

SECTS. 17-20 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

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. 27 revised, 1976, 415 § 83. (See 1976, 415 § 116.)

SECT. 28 repealed, 1976, 415 § 114. (See 1976, 415 § 116.)

SECT. 31 revised, 1976, 415 § 84. (See 1976, 415 § 116.)

SECT. 32 amended, 1939, 451 § 26; last sentence stricken out, 1945, 523 § 4; last sentence revised, 1971, 555 § 60; 1976, 415 § 85. (See 1971, 555 § 67; 1976, 415 § 116.)

SECT. 33 revised, 1963, 417; 1964, 460 § 4; repealed, 1976, 415 § 114. (See 1976, 415 § 116.)

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. 34 repealed, 1976, 415 § 114. (See 1976, 415 § 116.)

SECT. 35 revised, 1958, 313; 1973, 922 § 6; amended, 1975, 514 § 5; repealed, 1976, 415 § 114. (See 1976, 415 § 116.)

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, 55 § 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; second sentence revised, 1976, 415 § 87. (See 1971, 555 § 67; 1976, 415 § 116.)

SECT. 3 revised, 1969, 562.

SECT. 4 amended, 1970, 601 § 10; revised, 1976, 415 § 87. (See 1970, 601 § 11; 1976, 415 § 116.)

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; clause (4) revised, 1976, 415 § 88; clause (5) added, 1976, 515 § 1. (See 1948, 605 §§ 3, 4; 1975, 684 § 97; 1976, 415 § 116; 515 § 35.)

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.)**

SECT. 2, subsection (b), sentence added, 1976, 415 § 89. (See 1976, 415 § 116.)

SECT. 4 revised, 1976, 415 § 90. (See 1976, 415 § 116.)

SECT. 8 revised, 1976, 415 § 91. (See 1976, 415 § 116.)

SECT. 9 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 10, subsection (b), first sentence revised 1976, 415 § 92. (See 1976, 415 § 116.)

SECTS. 11-12 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECTS. 19-20 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECTS. 22-23 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 25 repealed, 1976, 415 § 115. (See 1976, 415 § 116.)

SECT. 28 revised, 1976, 415 § 93. (See 1976, 415 § 116.)

### **Chapter 66. — Public Records.**

SECT. 1 amended, 1945, 580 § 7; second sentence stricken out and two sentences inserted, 1976, 438 § 1.

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; paragraph (6) revised, 1976, 438 § 2. (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; revised, 1976, 397 § 7. (See 1976, 397 § 8.) (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.)**

SECT. 1, definition of "Criminal justice agency" added, 1976, 249 § 1.

SECT. 2 clause (j) added, 1976, 249 § 2.

### **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 for 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 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 education 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).

SECT. 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).

SECT. 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; second paragraph revised, 1976, 286 § 1. 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.

SECT. 7C added, 1976, 518 § 1 (relative to financial assistance to certain bus transportation programs.)

SECT. 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; revised, 1976, 50 § 1.

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); repealed, 1976, 50 § 2.

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 insurances).

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 committee 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 inserted after second paragraph, 1976, 351; 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.)

SECT. 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 disturbed 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, first paragraph, second sentence revised, 1976, 38; 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 repealed, 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 teaches 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 teaches 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, 446 § 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, 446 § 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, 446 § 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 Technical 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 onfarm 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. 1 A 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; paragraph added, 1976, 495.

SECT. 16 revised, 1969, 396 § 19.

SECT. 17 amended, 1969, 396 § 20.

### **Chapter 75C. — Private Correspondence Schools.**

**New chapter inserted, 1963, 652 § 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).

SECT. 19 revised, 1976, 320.

### **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 to 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 and 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 public 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; sentence added, 1976, 466.

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; 1976, 261 § 1; definition of "motorized bicycle" inserted, 1976, 261 § 2; definition of "motor vehicles" amended, 1932, 182; 1938, 36; revised, 1948, 93; 1950, 321 § 2; sentence inserted after first sentence, 1976, 261 § 3; 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; 1976, 552 § 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.)

SECTS. 1B-1D added, 1976, 261 § 4 (regulating motorized bicycles).

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 reposessor 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; clause (1), second sentence stricken out, 1976, 552 § 1A; clause (6), first sentence revised, 1976, 552 § 2; clause (7), first sentence revised, 1976, 552 § 3. (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; 1976, 552 § 4. (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 establishing 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 § 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; two paragraphs inserted after second paragraph, 1976, 552 § 5. (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; section revised, 1975, 261 § 5. (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 vehicle 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. 24G added, 1976, 227 (imposing penalties or causing the death of persons as a result of certain operation of motor vehicles).

SECT. 24G added, 1976, 266 § 5. (relative to the removal and sale of certain motor vehicles). (See 1976, 266 § 23.)

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; sentence inserted after seventh sentence, 1976, 382; 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 other 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; fourteenth 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; 1976, 266 § 6; 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; 1976, 266 § 23.)

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; third and fourth paragraphs revised, 1976, 1 § 1; section revised, 1976, 266 § 7. (See 1971, 978 § 2; 1973, 917 § 2, 953 § 2; 1975, 707 § 9; 1976, 1 § 5; 266 § 23.)

SECTS. 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, first sentence stricken out and two sentences inserted, 1976, 90 § 1; 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.

SECT. 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 (c) revised, 1976, 100; 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' flats 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, second paragraph, first sentence revised, 1975, 702 § 1; sentence added, 1976, 17; third paragraph revised, 1975, 702 § 2; sixth paragraph, first sentence revised, 1975, 702 § 3; two sentences, added, 1973, 808; last sentence revised, 1976, 16.

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; fifth paragraph revised, 1976, 13.

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 §. (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 Certificate 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 §§3.)

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 SIMILARS 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.**

SECT. 1, fourth paragraph revised, 1976, 64 § 1.

SECT. 3A added, 1976, 64 § 2 (relative to the use of promotions, premiums, or rebates).

SECT. 4 amended, 1976, 64 § 3.

SECT. 4A added, 1976, 64 § 4 (relative to provisions in marketing agreements).

SECT. 5 revised, 1976, 64 § 5.

SECT. 5A added, 1976, 64 § 5 (relative to termination or cancellation of marketing agreements).

SECTS. 7A-7C added, 1976, 64 § 6 (relative to the enforcement of certain agreements).

### **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; paragraph 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.

SECT. 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. 35, first paragraph amended, 1976, 136 § 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; section revised, 1976, 136 § 2.

SECT. 41 amended, 1972, 114; third sentence revised, 1976, 136 § 3.

SECT. 41A added, 1976, 136 § 4 (relative to the licensing of milk dealers).

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, 94 § 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. 48A, third paragraph revised, 1976, 136 § 5.

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, 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); first sentence revised, 1976, 193 § 1.

SECT. 65U added, 1967, 215 § 10 (establishing standards of labeling for frozen desserts and mix); first sentence revised, 1976, 193 § 2.

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, 587 (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, paragraph (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 licenses 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) stricken out and subsections (d) and (e) added, 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 § 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; "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 (*a*½) 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; paragraph (c) added, 1976, 498.

SECT. 19, paragraph (c) revised, 1972, 806 § 15.

SECT. 21 revised, 1976, 110.

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; section 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 drug 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 the 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 necessities 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 (*b*½) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters); section revised, 1937, 74; paragraph (*b*½) 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; first sentence revised, 1976, 87 § 1; third sentence revised, 1976, 87 § 2.

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; 1949, 297 § 6.

### **Chapter 101. — Transient Vendors, Hawkers and Pedlars.**

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; sentence inserted after first sentence, 1976, 114.

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; 1976, 19 § 1. (See 1973, 229 § 2; 1976, 19 § 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 of 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 section 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. 4A revised, 1976, 252 § 1.

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. (See 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 annulling by the commission of orders or findings made by the director of the securities division and of 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 110C. — Regulation of Take-over Bids in the Acquisition of Corporations.**

**New chapter inserted, 1976, 121.**

**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, 1955, 685 § 4.

SECT. 2, first paragraph amended, 1973, 1168 § 18; paragraph added, 1964, 508 § 2; first two sentences revised, 1971, 544 § 1; paragraph revised, 1976, 486 § 17. (See 1964, 508 §§ 3, 4; 1973, 1168 § 40; 1976, 486 § 31.)

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 to 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. 4I 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 shoefitting 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 delivery 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; 1976, 129.

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; amended, 1976, 486 § 18. (See 1968, 358 § 5; 1976, 486 § 31.)

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 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 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 § 2.

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; 1973, 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. 73B added, 1976, 400 (exempting facilities operated for the religious of the Roman Catholic Church from inspection by the department of public health).

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, 1962, 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 trustee 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 § (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. G, sentence added, 1971, 843; 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, 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 § 2 (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 1974, 494 § 2.)

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. 142I added, 1976, 77 (authorizing certain bonfires during the period between July second and July sixth).

SECT. 143 revised, 1933, 269 § 2; 1948, 480 § 1; amended, 1956, 275 § 1; second paragraph revised, 1975, 706 § 179. (See 1975 § 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; paragraph added, 1976, 118. (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 § 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 regulations 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.)

SECT. 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 sentence 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 amend-

ed, 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, 334 § 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, 583, 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; 1976, 106.

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); revised, 1976, 470 § 2.

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 numbered by 1971, 335 § 1) (permitting physicians to render emergency medical treatment of minor 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); revised, 1976, 551.

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 prescriptions 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 physician 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, 482 § 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; section revised, 1976, 444.

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. 45A 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 § 3. (See 1939, 251 §§ 2, 3, 4; 1945, 711; 1951, 433 f§ 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 licenses 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); revised, 1976, 91. (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 sentence 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, 340 § 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 certain 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, §§ 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; 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 §§ 2, 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 §§ 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. 37AA 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; sentence 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 in-

serted 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. 87EEE, definition of "Electrolysis" amended, 1976, 154.

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 caption, 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 of representatives 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 § 7. (See 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; clause (*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; 1976, 305; 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; sentence added, 1976, 214.

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.**

SECT. 2, first paragraph, first sentence amended, 1976, 283 § 28A. (See 1976, 283 § 34.)

**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 chapter 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; second sentence revised, 1976, 283 § 31. (See 1975, 684 § 97; 1976, 283 § 34.)

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; 1976, 283 § 29; sentence inserted after first sentence, 1975, 758 § 3. (See 1970, 701 § 4; 1975, 684 § 97; 1976, 283 § 34.)

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, 885 § 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).

SECT. 39E, sixth paragraph, third sentence revised, 1976, 412 § 1.

SECT. 39G, first paragraph, clause (c) revised, 1976, 412 § 2.

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 sentence stricken out, two sentences inserted, 1976, 533; 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 § 4. 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; 196, 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 "Sub-standard 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 "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 of stricken out and four sentences inserted, 1969, 369 § 2; first sentence 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).

SECT. 26SS-26VV revised, 1954, 667 § 1.

SECT. 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 re-use); repealed, 1969, 751 § 2.

SECT. 226HHH 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; fifth paragraph, first sentence stricken out, two sentences inserted, 1976, 415 § 94. (See 1969, 540 § 2; 1975, 119 §§ 2, 3; 1976, 415 § 116.)

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; definition of "Development Cost" inserted after the definition of "Department", 1976, 4 § 1.

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 (j) revised, 1976, 477 § 5; clause (k) added, 1973, 884 § 1; clause (l) added, 1974, 698 § 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; section revised, 1976, 4 § 2; third sentence revised, 1976, 477 § 6. (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. 34B added, 1976, 4 § 3 (relative to guarantees by the commonwealth of certain votes of the housing authority).

SECT. 35 revised, 1970, 359 § 3; 1976, 4 § 4.

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; section revised, 1976, 4 § 5. (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; section revised, 1976, 4 § 6.

SECT. 41A added, 1975, 825 § 2; revised, 1976, 4 § 7.

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; second paragraph amended, 1976, 157 § 1; third paragraph amended, 1976, 157 § 2; fifth paragraph amended, 1976, 157 § 3.

### **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; revised, 356 § 1.

SECT. 7 revised, 1971, 760 § 5; paragraph (c) revised, 1976, 356 § 2.

SECT. 8, two paragraphs added, 1971, 760 § 6; paragraph (f) amended, 1973, 569 § 4; section revised, 1976, 356 § 3.

SECT. 9 revised, 1971, 760 § 7.

SECT. 10, first paragraph amended, 1973, 925 § 48; sentence inserted after the second sentence, 1976, 356 § 4; 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. 28 amended, 1976, 205.

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. 6A added, 1976, 496 (providing that the movement of certain sexually dangerous persons within a treatment center may be restricted).

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 § 112. (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 assault 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 §§ 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 sentences 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. 111A 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 "Trustees" 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 supervision 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; first paragraph revised, 1976, 217 § 1; clause (l) revised, 1965, 209 § 1; clause (n) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the parimutuel system of betting, on publicly owned premises); clause (n)

added, 1935, 471 § 1 (forbidding the 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; stricken out, 1976, 217 § 2; 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 commerical 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; section revised, 1976, 217 § 3. (See 1935, 471 § 2.)

SECT. 13B added, 1937, 322 (prohibiting and penalizing the use of drugs for the purposes 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; section revised, 1976, 217 § 4. (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 question 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 § 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 inoculation 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 of 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. 32 revised, 1976, 133.

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, 1976, 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 §

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; two sentences added, 1976, 178; paragraph inserted after sixth paragraph, 1974, 420 § 1; seventh paragraph amended, 1973, 430 § 10; revised, 1976, 381.

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; first sentence revised, 1976, 115.

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; first sentence revised, 1976, 53; 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. 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 moth, 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 sentences 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, § 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 Nisittissit Rivers Sanctuary).

SECT. 18 added, 1976, 369 (establishing a South Essex Ocean 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, 196, 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. 12 revised, 1976, 112 § 2.

SECT. 13 revised, 1968, 24 § 4; 1972, 271 § 2; amended, 1974, 205 § 2A; revised, 1974, 493 § 2; 1976, 112 § 3. (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; section revised, 1976, 415 § 95. [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.]; section revised, 1976, 415 § 95. (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; 1976, 514.

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 alcoholic 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 § 31; amended, 1974, 216 § 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 the 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 licenses 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, 59 § 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, 1969, 221.

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; 1937, 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; 1976, 239; 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; 1976, 34.)

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 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 the 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; section revised, 1976, 289 § 2. (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; revised, 1976, 289 § 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; paragraph added, 1976, 530. (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. 174C inserted, 1976, 139 § 1; repealed, 1976, 299 § 1.

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); revised, 1976, 253 § 1.

### **Chapter 140A. — Regulation of Certain Credit Transactions.**

**New chapter inserted, 1955, 587 § 1. (See 1969, 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, subsection (*k*½) inserted, 1973, 273 § 2; subsection (*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. 6D added, 1976, 192. (relative to balances on open end credit plans).

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; clause E revised, 1976, 39 § 1.

SECT. 19 revised, 1941, 518 § 3; 1955, 612 § 2; clause A revised, 1976, 39 § 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; 1972, 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, 718 § 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, 164 § 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, 1956, 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, 1956, 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 1946, 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, 539 § 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; 1946, 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, 799 § 4; revised, 1971, 1098 § 5. (See 1945, 722 § 2.)

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, 1956, 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; repealed, 1976, 536 § 1.

SECTS. 3-93 repealed, 1976, 536 § 1.

SECT. 94, second paragraph stricken out, 1966, 707 § 6; section repealed, 1976, 536 § 1.

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).

SECTS. 96-98 repealed, 1976, 536 § 1.

#### **Chapter 145. — Tenement Houses in Town.**

SECT. 1 revised, 1966, 707 § 9; 1975, 554; repealed, 1976, 536 § 2.

SECTS. 3-17 repealed, 1976, 536 § 2.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses); repealed, 1976, 536 § 2.

SECTS. 18-58 repealed, 1976, 536 § 2.

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).

SECTS. 61-63 repealed, 1976, 536 § 2.

#### **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, 806 § 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 Sanatorium 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 of 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 of 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, 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, 1956, 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 devises). (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 antifreeze 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, 1952, 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, 1972, 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 of labor 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; 1958, 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. 19C added, 1976, 452 (prohibiting the hiring of certain aliens).

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 subsections (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 strike-breaking).

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, lockout 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 time 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.

SECT. 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. 44M added, 1976, 433 § 1 (requiring estimates to be taken for solar and wind energy utilization for state construction).

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. 62C 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 hat-check 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 or employee's group insurance coverage termination date).

SECT. 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).

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 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. 178F-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).

SECT. 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).

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 of 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; definition of "Incremental costs items" inserted, 1976, 480 § 20.

SECT. 3, first paragraph, second sentence revised, 1974, 526; paragraph added, 1975, 591.

SECT. 7, first paragraph amended, 1974, 589 § 1; section revised, 1976, 480 § 21.

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 minimum 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); paragraph added, 1976, 526 § 1.

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; paragraph added, 1976, 526 § 2. (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 under 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 "Unemployed" and "Unemployment", paragraph (1), first sentence revised, 1976, 473 § 2; paragraph (3), sentence inserted after first sentence, 1976, 473 § 3; definition of "Wages" amended, 1948, 603 § 1; revised, 1951, 763 § 1; amended, 1954, 279 § 1; definition of "wages", paragraph (8) added, 1976, 473 § 4; 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; 1976, 473 § 20.)

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; subsection (*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 (3), sentence added, 1976, 473 § 5; 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 revised, 1976, 473 § 6; subsection (*o*) added, 1954, 431 § 2; amended, 1965, 631. (See 1947, 440 § 2, 602 § 2; 1947, 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; 1976, 473 § 20.)

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. 16 amended, 1976, 473 § 7. (See 1976, 473 § 20.)

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 § 8. (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; clause revised, 1976, 473 § 8. (See 1951, 763 § 22; 1963, 447 § 3; 1973, 899 § 5; 1976 § 473 § 20.)

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; 1976, 473 § 19; 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; 684 § 97; 1976, 473 § 20.)

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 § 4; 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 and 2; 1973, 899 §§ 3, 3A; subsection (b) revised, 1951, 763 § 12; 1954, 673; 1976, 473 § 9; 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 first sentence amended, 1976, 473 § 10; subsection (d) added, 1971, 940 § 17; amended, 1973, 558 § 1, 899 § 4; 1974, 464 §§ 1A, 2; paragraph (4) amended, 1976, 228 § 3. (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, 1976, 473 § 20.)

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; second paragraph revised, 1976, 473 § 11. (See 1953, 410 § 2; 1956, 719 § 8; 1976, 473 § 20.)

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; subsection (b) revised, 1976, 473 § 12. (See 1951, 763 § 22; 1953, 560 § 3; 1976, 473 § 20.)

SECT. 39 revised, 1949, 659 ; 1951, 763 § 16; amended, 1971, 957 § 1; revised, 1976, 473 § 13. (See 1951, 763 § 22; 1976, 473 § 20.)

SECT. 40 revised, 1951, 763 § 17; amended, 1970, 421. (See 1951, 763 § 22.)

SECT. 41 amended, 1971, 957 § 2; revised, 1976, 473 § 14. (See 1976, 473 § 20.)

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; section revised, 1976, 473 § 15. (See 1951, 763 § 22; 1954, 681 §§ 20, 22; 1973, 1114 § 351; 1975, 377 § 164; 1976, 473 § 20.)

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; repealed, 1976, 473 § 16. (See 1976, 473 § 20.)

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; first sentence revised, 1976, 473 § 17. (See 1976, 473 § 20.)

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; sentence inserted after first sentence, 1976, 473 § 18. (See 1951, 763 § 22; 1976, 473 § 20.)

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. 11, 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; revised, 1976, 463 § 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; eighth sentence revised, 1976, 463 § 3; ninth sentence amended, 1972, 212; six sentence inserted after tenth sentence, 1968, 727; 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 Education 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 § 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 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 151E. — Prohibition of Certain Discrimination by Business.**

**New chapter inserted, 1976, 297 § 1. (See 1976, 297 § 2.)**

### **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; paragraph (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 § 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; second paragraph revised, 1976, 392.

SECT. 9 revised, 1949, 442; amended, 1953, 314 § 6.

SECT. 9A revised, 1938, 381; amended, 1953, 314 § 6; 1974, 247.

SECT. 9B added, 1935 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; 383; 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; 1969, 529 § 1; 1971, 879 §§ 1, 4; 1973, 978 §§ 1, 4; 1976, 474 §§ 1, 3, 5. (See 1946, 321 § 4; 1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7; 1976, 474 § 12.)

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; section revised, 1976, 474, §§ 2, 4, 6. (See 1946, 321 § 4; 1956, 735 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7; 1976, 474 § 12.)

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; 1962, 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; 1976, 474 §§ 7, 8, 9. (See 1946, 321 § 4; 1963, 460 § 4; 1967, 482 § 7; 1969, 529 § 4; 1971, 879 § 7; 1973, 978 § 7; 1976, 474 § 12.)

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; section revised, 1976, 474 §§ 10, 11. (See 1956, 735 § 4; 1974, 438 § 3; 1976, 474 § 12.)

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; paragraphs 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 notice 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 of 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; clause (c) amended, 1976, 252 § 2. (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. 6A added, 1976, 40 § 1 (relative to one correction of certain inaccurate or other records of businesses).

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 sentence 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. 49 amended, 1976, 252 § 3.

SECT. 50 amended, 1965, 685 § 20A. (See 1965, 685 § 57.)

SECT. 51, clause (a) amended, 1965, 685 § 21. (See 1965, 685 § 57.)

SECT. 53, first sentence amended, 1976, 252 § 4; last sentence revised, 1965, 685 § 22; sentence added, 1976, 41. (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 sentence added, 1975, 70 § 2; clause revised, 1976, 327; 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; subsection (5), second sentence revised, 1976, 63 § 1; paragraph added, 1976, 63 § 2. (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 Miscellaneous 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; section revised, 1976, 144 § 2.

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; revised, 1976, 380. (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. 5, second sentence revised, 1976, 181.

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 stock 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 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. 113A added, 1976, 256 (providing penalties for the fraudulent use of passes).

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 (*e*<sup>1/2</sup>) inserted after subsection (*e*), 1969, 574 § 1; subsection (*e*<sup>3/4</sup>) 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. 12A added, 1976, 4 § 15 (relative to the issuance of certain notes).

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. 25 revised, 1976, 4 § 16.

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; section revised, 1976, 283 § 32. (See 1976, 283 § 34.)

### **Chapter 161B. — Transportation Facilities, Highway Systems and Urban Development Plans.**

**New chapter inserted, 1973, 1141 § 1.**

SECT. 4, first sentence amended, 1976, 312 § 1.

SECT. 6, clause (*d*) amended, 1976, 312 § 2.

### **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. 9, second sentence stricken out, 1976, 357 § 1.

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; revised, 1976, 324 § 1.

SECT. 13 revised, 1950, 237; 1953, 85; 1967, 681; first sentence revised, 1976, 324 § 2; sentence added, 1976, 357 § 2.

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.)

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; 1976, 468 § 1; 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; third sentence stricken out and two sentences inserted, 1976, 468 § 2; sentence added, 1975, 617 § 5; second paragraph clauses (2) and (3) revised, 1976, 468 § 3; third paragraph revised, 1975, 617 § 6; fourth paragraph, first sentence amended, 1974, 852 § 7; two paragraphs inserted after fourth paragraph, 1975, 617 § 7; fifth paragraph, clauses (2) and (3) revised, 1976, 468 § 4.

SECT. 69J, first paragraph, third sentence revised, 1974, 852 § 8; paragraph revised, 1975, 617 § 8; second paragraph revised, 1974, 852 § 9; 1975, 617 § 8; 1976, 468 § 5.

SECT. 69K, first paragraph revised, 1974, 852 § 10; stricken out and two paragraphs inserted, 1975, 617 § 9; revised, 1976, 468 § 6; sixth

paragraph revised, 1974, 852 § 11; 1975, 617 § 10.

SECT. 69L, paragraph (A), clause (3) revised, 1974, 852 § 12; 1975, 617 § 11.

SECT. 69O, first paragraph, sentence added, 1976, 468 § 7; 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. 69S added, 1976, 468 § 8 (relative to petitions to the council to exercise the power of eminent domain with respect to oil pipelines).

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 and 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).

s SECT. 96 revised, 1939, 229 § 1; 1976, 324 § 3.

SECT. 97 amended, 1943, 55; revised, 1976, 324 § 4.

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. 15A 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. 1C added, 1976, 500 (requiring water companies to give written notice of installation of certain pipe connections).

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 water 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 small 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.

SECT. 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 bank 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); first sentence revised, 1976, 97.

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 fiduciaries).

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.

SECT. 68 added, 1976, 445 (relative to the disposition of retirement plan benefits).

### **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; second paragraph revised, 1976, 170 § 1. (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; second paragraph revised, 1976, 102.

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; 1976, 127 § 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; 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; first sentence amended, 1971, 352 § 2; revised, 1973, 42 § 2; 1976, 364 § 1; fourth sentence revised, 1973, 1144 § 1; 1975, 64 § 1; paragraph 6A inserted, 1964, 219; first sentence revised, 1966, 218 § 3; amended, 1973, 78 § 1; revised, 1976, 364 § 2; fifth sentence revised, 1969, 278 § 2; 1971, 52 § 1; 1973, 78 § 2; paragraph 6B inserted, 1972, 336; first sentence amended, 1973, 78 § 3; revised, 1976, 364 § 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. 37C added, 1976, 229 § 1 (authorizing savings banks to make loans secured by second mortgages on residential property).

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; 1976, 229 § 2; paragraph 1 revised, 1962, 44; paragraph 2 revised, 1965, 42; first sentence revised, 1975, 64 § 6; paragraph 3 amended, 1972, 381 § 3; revised, 1976, 229 § 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. 45 revised, 1976, 478.

SECT. 46, subdivision B revised, 1976, 531.

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; amended, 1976, 186 § 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; introductory paragraph revised, 1976, 170 § 2. (See 1973, 1149 § 33.)

SECT. 73, first sentence revised, 1957, 1 § 4; amended, 1961, 493 § 18; revised, 1976, 170 § 3; 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 associations 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; revised, 1976, 252 § 5. (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 cooperative 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; revised, 1976, 168 § 1. (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; provision 1A inserted, 1976, 120; 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; 1976, 117; 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 (*c*) revised, 1976, 28 § 1; clause (*d*) revised, 1976, 28 § 1; 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; clause (*c*) revised, 1976, 28 § 2; clause (*d*) revised, 1976, 28 § 2; 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 (i) amended, 1976, 186 § 2; clause (ii) amended, 1975, 78; 1976, 165; 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); revised, 1976, 69.

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. 3D 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. 36 amended, 1976, 431.

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, incorporators and majority shareholders).

SECT. 47 amended, 1973, 1149 § 15. (See 1973, 1149 § 33.)

SECT. 48, first paragraph amended, 1973, 1149 § 16; sentence inserted after first sentence, 1976, 168 § 2; 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; 1976, 72 § 1.

SECT. 9 revised, 1946, 49 § 2; 1976, 72 § 1.

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; fourth and fifth sentences stricken out and one sentence inserted, 1976, 52; 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 retirement plans); revised, 1975, 687; sentence inserted after first sentence, 1976, 10.

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 fo a depositor or shareholder; revised, 1976, 6.

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; section revised, 1976, 134 § 1.

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; revised, 1976, 134 § 2.

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; repealed, 1976, 72 § 2).

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; first sentence revised, 1976, 7; subsection (b), paragraph 8 amended, 1972, 356; 1974, 54; paragraph 12 added, 1971, 522; paragraph 13 added, 1972, 156; revised, 1976, 9; paragraph 14 added, 1974, 12; paragraph 15 added, 1974, 338; subdivision (D), second and third sentences revised, 1976, 60 § 1; 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; 1976, 60 § 2.

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; second paragraph revised, 1976, 180.

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; revised, 1976, 252 § 6; subsection E revised, 1976, 252 § 7; 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 A revised, 1976, 245; 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 1 revised, 1976, 59 § 1; clause 2 revised, 1976, 59 § 2; clause 3 added, 1975, 686 § 2; second paragraph revised, 1964, 279; 1976, 127 § 2.

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. 67 amended, 1976, 58.

SECT. 76 revised, 1966, 168; 1968, 441.

### **Chapter 172. — 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 therefore, 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, 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.)

SECT. 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; first sentence amended, 1976, 266 § 8. (See 1973, 551 § 7; 1976, 266 § 23.)

SECT. 22E added, 1970, 670 § 8 (relative to automatic renewal of motor vehicle insurance policies); stricken out and sections 22 E-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; first sentence amended, 1976, 266 § 9. (See 1973, 551 § 7; 1976, 266 § 23.)

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 (b) revised, 1976, 547 § 1; 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; 1976, 547 § 2; paragraph 5A added, 1947, 266 § 4; paragraph 6 revised, 1947, 266 § 5; 1968, 246 § 1; 1976, 547 § 3; 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; revised, 1976, 547 § 4.

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 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; sixth sentence revised, 1976, 355 § 1. (See 1976, 355 § 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; 641 § 1; amended, 1961, 168 § 6. (See 1939, 488 § 9.)

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 (11) stricken out, 1971, 1076 § 15; paragraph (b $\frac{1}{2}$ ) 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; subdivision (J) added, 1976, 454 § 3. (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. 110G added, 1976, 371 § 1 (providing for the limited extension of medical benefits for certain persons).

SECT. 110H added, 1976, 471 (requiring companies providing health and accident insurance cancellable at age sixty-five to issue certain notices).

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 of 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; first sentence revised, 1976, 266 § 16; provision (2A) 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; paragraph added, 1976, 266 § 11. (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; 1976, 266 § 23.)

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, 1971, 977 § 1A; stricken out, 1975, 707 § 1A; first sentence revised, 1976, 1 § 2; paragraph stricken out, 1976, 266 § 12; paragraph inserted, 1972, § 23; paragraph inserted, 1975, 707 § 2; paragraph inserted after first paragraph, 1935, 459 § 4; sentence added, 1970, 785; paragraph inserted after first paragraph, 1970, 670 § 7; amended, 1974, 472 § 1; revised, 1975, 707 § 1B; 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; 1976, 266 § 13. (See 1935, 459 § 5; 1970, 670 § 10; 1973, 341 § 3; 599 § 3; 1974, 472 § 2; 1975, 707 § 9; 1976, 1 § 5; 266 § 23.)

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; stricken out, 1976, 266 § 14. (See 1970, 670 § 10; 1971, 520 § 2; 1975, 707 § 9; 1976, 266 § 23.)

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, 278 § 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; third sentence stricken out and two sentences inserted, 1976, 266 § 15; fourth paragraph revised, 1976, 266 § 16. (See 1973, 551 § 7; 1975, 707 § 9; 1976, 266 § 23.)

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); first two paragraphs stricken out and three paragraphs inserted, 1976, 266 § 17; 1973, 712. (See 1971, 1078 § 3; 1976, 266 § 23.)

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; second sentence revised, 1976, 1 § 3; section revised, 1976, 266 § 18. (See 1973, 630 § 2; 1975, 707 § 9; 1976, 1 § 5; 266 § 23.)

SECT. 113P added, 1976, 266 § 18 (establishing a merit rating plan); seventh paragraph, first sentence stricken out and two sentences inserted, 1976, 525 § 1; eighth paragraph, fifth sentence revised, 1976, 525 § 2; ninth paragraph, first sentence revised, 1976, 525 § 3. (See 1976, 266 § 23.)

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; first paragraph, first sentence revised, 1976, 141).

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 inserted after second paragraph, 1976, 401; 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 sentence added, 1970, 504.

SECT. 187C, first 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 added, 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. 4, clause (f), first sentence revised, 1976, 1 § 4. (See 1976, 1 § 5.)

**Chapter stricken out and new chapter inserted, 1976, 266 § 19. (See 1976, 266 § 23.)**

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; second sentence amended, 1976, 203 § 1. (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. 8D added, 1976, 371 § 2 (providing for the limited extension of medical benefits for certain persons).

SECT. 10, first paragraph revised, 1953, 287 § 6; third sentence amended, 1976, 454 § 4; 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 non-profit 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.

SECT. 31 added, 1976, 307 (relative to developing health maintenance organizations).

### **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; paragraph revised, 1971, 543 § 3; third paragraph amended, 1976, 454 § 5.

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; stricken out and section 4C inserted, 1976, 203 § 2. (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; stricken out and section 4D inserted, 1976, 203 § 3.

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. 6A added, 1976, 371 § 3 (providing for the limited extension of medical benefits for certain persons).

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.

SECT. 18 added, 1976, 308 (relative to developing health maintenance organizations).

### **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 176G. — Health Maintenance Organizations.****New chapter inserted, 1976, 454 § 1.****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; 1976, 391. (See 1946, 112 § 2.)

SECT. 11 amended, 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. 15A added, 1976, 176 (providing for payments into the general insurance guaranty fund for claims relating to unification of mortality).

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; amended, 1976, 252 § 8. (See 1947, 559 § 7.)

SECT. 3A added, 1976, 40 § 2 (relative to the correction of certain inaccurate or other records of corporations).

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 deductions 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; revised, 1976, 252 §

9; paragraph inserted after first paragraph, 1963, 832 § 2; second paragraph amended, 1957, 698 § 17; 1972, 684 § 117; last paragraph revised, 1964, 434; section revised, 1976, 458 § 5. (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 Institutional 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; clause (6), second sentence revised, 1976, 63 § 3; fifth paragraph, second sentence revised, 1975, 824 § 2; sixth paragraph, first sentence revised, 1975, 824 § 3; paragraph added, 1976, 63 § 4.

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 sentence 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, water-course 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; sentence added, 1976, 4 § 30. (See 1976, 4 § 33.)

### 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, first paragraph amended, 1976, 15; 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 (*j*½) 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 first sentence amended, 1973, 256 § 2; revised, 1976, 294; sentence added, 1973, 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 escalation 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 § 55.)

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 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; paragraph (2) revised, 1976, 515 § 2. (See 1945, 238 § 2; 1956, 316 § 3; 1970, 637 § 2; 1976, 515 § 35.)

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 first sentence amended, 1971, 291; 1976, 515 § 3. (See 1976, 515 § 35.)

SECT. 1A added, 1976, 515 § 4 (relative to the rules of construction for a will). (See 1976, 515 § 35.)

SECT. 2 amended, 1976, 515 § 5. (See 1976, 515 § 35.)

SECT. 9, paragraph added, 1976, 515 § 6. (See 1976, 515 § 35.)

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; paragraph added, 1976, 515 § 7. (See 1976, 515 § 35.)

SECT. 23 revised, 1976, 515 § 8. (See 1976, 515 § 35.)

### **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. 2 revised, 1976, 515 § 9. (See 1976, 515 § 35.)

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.)

SECTS. 13-16 added, 1976, 515 § 10 (relative to the appointment of temporary executors or administrators). (See 1976, 515 § 35.)

#### **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. 7A added, 1976, 515 § 11 (relative to the appointment of temporary administrators); (See 1976, 515 § 35.)

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. 5A added, 1976, 515 § 12 (relative to the powers of executors and administrators). (See 1976, 515 § 35.)

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; second paragraph, second sentence revised, 1976, 113; paragraph added, 1955, 413 § 1. (See 1955, 413 § 2; 1956, 317 § 3; 1958, 163 § 2; 1970, 888 § 31; 1973, 1210 § 39.)

SECT. 17 added, 1976, 515 § 13 (relative to the liability of executors and administrators). (See 1976, 515 § 35.)

#### **Chapter 196. — Allowances to Widows and Children, and Advancements.**

SECT. 2 amended, 1933, 36; revised, 1936, 214.

**Chapter 197. — Payments of Debts, Legacies and Distributive Shares.**

SECT. 1 revised, 1969, 493 § 1. (See 1969, 493 § 2.)

SECT. 2 amended, 1933, 221 § 3; revised, 1976, 515 § 14. (See 1933, 221 § 8; 1976, 515 § 35.)

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; 1976, 515 § 15. (See 1933, 221 § 8; 1971, 548 § 2; 1976, 515 § 35.)

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. 11 revised, 1976, 515 § 16. (See 1976, 515 § 35.)

SECT. 12 revised, 1976, 515 § 17. (See 1976, 515 § 35.)

SECT. 13 revised, 1976, 515 § 18. (See 1976, 515 § 35.)

SECT. 17 revised, 1976, 515 § 19. (See 1976, 515 § 35.)

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.)

SECT. 21 revised, 1976, 515 § 20. (See 1976, 515 § 35.)

SECT. 25A added, 1976, 515 § 21 (relative to property which a testator gives in his lifetime to a pecuniary legatee). (See 1976, 515 § 35.)

**Chapter 199A. — General Provisions Regarding Certain Foreign Fiduciaries.**

**New chapter inserted, 1976, 515 § 22. (See 1976, 515 § 35.)**

**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. 3 revised, 1976, 515 § 23. (See 1976, 515 § 35.)

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; revised, 1976, 277.

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. 34 revised, 1976, 548.

SECT. 37, paragraph added, 1976, 515 § 24. (See 1976, 515 § 35.)

SECT. 38, first paragraph, sentence added, 1976, 515 § 25; three paragraphs added, 1969, 422; revised, 1976, 515 § 26. (See 1976, 515 § 35.)

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.

SECT. 50A added, 1976, 515 § 27 (relative to the termination of a power of attorney by the death, mental illness or disability of the principal). (See 1976, 515 § 35.)

### **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 (f) 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).

SECT. 38 added, 1976, 549 (further regulating the responsibility of

executors and administrators in selling certain real estate).

### **Chapter 203. — Trusts.**

SECT. 3A added, 1946, 287 § 1 (exempting trusts created by employers in connections 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. 14A added, 1976, 515 § 28 (relative to the liability of certain trustees on contracts). (See 1976, 515 § 35.)

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, 422. (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.**

SECT. 1A added, 1976, 179 (relative to investments in certain common trust funds by national banking associations and foreign corporations acting as fiduciary).

### **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 and appointment and providing for the methods of releas-

ing 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. 1 amended, 1976, 515 § 29; paragraph added, 1976, 515 § 29. (See 1976, 515 § 35.)

SECT. 4 amended, 1941, 45 § 1; 1976, 515 § 30. (See 1976, 515 § 35.)

SECT. 4A added, 1976, 515 § 31 (relative to sureties on bonds by temporary executors or administrators). (See 1976, 515 § 35.)

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; second paragraph revised, 1976, 486 § 19. (See 1975, 400 § 79; 1976, 486 § 31.)

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; first sentence amended, 1976, 486 § 20. (See 1976, 486 § 31.)

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. 37 amended, 1976, 486 § 21. (See 1976, 486 § 31.)

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; 1976, 51.

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; revised, 1976, 279 § 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; 1976, 246 § 1; 486 § 22. (See 1975, 400 § 79; 1976, 246 § 2; 486 § 31.)

SECT. 47 revised, 1971, 544 § 2; repealed, 1976, 486 § 23. (See 1976, 486 § 31.)

### **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, 1975, 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; revised, 1976, 279 § 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. 4A added, 1976, 421 (providing for certain rights of fathers of children born out of wedlock).

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); second paragraph amended, 1976, 486 § 24; paragraph added, 1957, 274. (See 1976, 486 § 31.)

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; 1976, 486 § 25. (See 1976, 486 § 31.)

### **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 Jurisdiction 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 §

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 Nantucket, 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 Duke 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; revised, 1976, 449.

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 operation 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 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; 1976, 254; amended, 1976, 522 § 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 sentence 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; 1976, 522 § 3.)

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; revised, 1976, 266 § 20; 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; stricken out and three sentences inserted, 1976, 266 § 21. (See 1964, 496 § 2; 1967, 21 § 2; 1970, 106 § 2; 1971, 271 § 2; 1975, 377 § 164; 1976, 266 § 23.)

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, sentence inserted after second sentence, 1976, 266 § 22;

fifth sentence 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; first sentence amended, 1973, 585; 1976, 235. (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; clause (8) amended,

\*Void for non-acceptance.

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 district 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; Class I amended, 1976, 410 § 1; 413 § 2; 469 §

1; Class II revised, 1976, 469 § 2; Class III amended, 1976, 410 § 2; Class IV amended, 1976, 413 § 1. (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; 1976, 413 § 3.)

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, § 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, 366 § 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, 114 § 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.

SECT. 44A and 44B added, 1939, 197 § 2 (prohibiting employees and their 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. 64A added, 1976, 237 § 2 (authorizing the reporter of decisions to regulate reports of the sale and distribution of certain decisions).

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 acknowledgement 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; 377 § 20; 836 § 2. (See 1934, 387 § 5; 1943, 296 § 6, 437; 1954; 1975, 616 § 4; 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; 1976, 252 § 10.

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; 1973, 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 revised, 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 and of the Commonwealth over Persons in Other States and Countries.**

**New chapter inserted, 1968, 760.**

SECT. 3 amended, 1969, 623; 1976, 435.

**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, 377 § 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, 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 the 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.)

SECTS. 6E-6G added, 1976, 233 § 1 (providing for the allocation of counsel fees and expenses in civil cases). (See 1976, 233 § 3.)

SECT. 6E, definition of "Party" revised, 1976, 313 § 2.

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, 1118 § 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. 59F added, 1976, 61 (providing for advancement for speedy trial of certain actions).

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 revised, 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 the 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 of 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 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; first two paragraphs revised, 1976, 489.

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 summoning 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, 197. (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.)

SECTS. 23 amended, 1973, 1114 § 230. (See 1973, 1114 § 351.)

SECTS. 24 amended, 1973, 1114 § 231. (See 1973, 1114 § 351.)

SECTS. 25-31 revised, 1973, 1114 § 232. (See 1973, 1114 § 351.)

SECTS. 32 amended, 1973, 1114 § 233. (See 1973, 1114 § 351.)

SECTS. 33-38 revised, 1973, 1114 § 234. (See 1973, 1114 § 351.)

SECTS. 39 amended, 1973, 1114 § 235. (See 1973, 1114 § 351.)

SECTS. 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.)

SECTS. 8 revised, 1973, 1114 § 239. (See 1973, 1114 § 351.)

SECTS. 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 from 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, 1114 § 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.)

SECT. 21-22 revised, 1973, 1114 § 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.)

SECT. 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; 1976, 119. (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 lienor).

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. 20C added, 1976, 447 (requiring creditors who repossess motor vehicles to notify certain police departments).

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 definitions 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; sentence inserted after first sentence, 1976, 494 § 1; definition of "Revolving credit agreement" amended, 1971, 341 § 2; revised, 1973, 924 § 4; 1976, 116; sentence added, 1976, 494 § 2; 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, 60 § 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; 1976, 460.

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 birth, 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; 1976, 486 § 26. (See 1972, 684 § 136; 1976, 486 § 31.)

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; amended, 1976, 438 § 3.

SECT. 44A added, 1976, 486 § 27 (relative to fees for certified copies of certain records). (See 1976, 486 § 31.)

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.

SECTS. 20A-20B added, 1976, 236 (establishing crimes of breaking and entering and stealing in certain trucks and containers).

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; 1976, 206.

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 168A (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 (f) 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); eighth and ninth paragraphs revised, 1976, 415 § 96. (See 1976, 415 § 116.)

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. 33 revised, 1976, 217 § 5.

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).

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 revised, 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 grave-stones 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. 80E added, 1976, 139 § 2 (prohibiting decompression chambers for killing dogs or cats); revised, 1976, 299 § 2.

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 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 added, 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 the 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, 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 sentence 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; third sentence amended, 1976, 288; sentence inserted after first sentence, 1950, 145 § 1; section amended, 1956; 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 prosecution for embezzlement for 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.

SECT. 33C third sentence revised, 1974, 458 § 1.

SECT. 33D amended, 1974, 458 § 2.

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.)

SECT. 44 revised, 1935, 50 § 5, 437 § 5; amended, 1955, 770 § 108; revised, 1957, 777 § 41; 1971, 1055 § 1. (See 1935, 50 § 6, 437 § 8; 1955, 770 §§ 117, 123.)

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.)

SECT. 52 amended, 1955, 770 § 113; revised, 1957, 777 § 46. (See 1955, 770 §§ 117, 123.)

### **Chapter 280. — Fines and Forfeitures.**

SECT. 2, last sentence stricken out, 1934, 364 § 2; sentence added, 1935, 303 § 1; section amended, 1953, 319 § 37; fourth sentence

revised, 1975, 843 § 2. (See 1934, 364 § 3; 1935, 303 § 2; 1953, 319 §§ 39, 40.)

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, MAY, 3, 77

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*



# INDEX

## A.

	Chap.	Section.
<b>Abatement, taxes of</b> (see Taxation).		
<b>Absentee ballots</b> (see Elections).		
<b>Accident and health insurance</b> (see Insurance).		
<b>Accounts, division of</b> (see Corporations and taxation, department of).		
<b>Actions, civil</b> (see Practice in civil actions).		
<b>ADMINISTRATION AND FINANCE, EXECUTIVE OFFICE FOR:</b>		
<b>in general</b> , commonwealth, conveyance of land by, for United States government research in solar energy, to be held by . . . .	226	1,2
motor vehicles, state owned, repair of, expenditures for, subject to approval of . . . . .	527	
<b>secretary of</b> , Mashpee, school construction bonds and notes of, guaranteed by commonwealth, acting through . . . . .	385	
small business purchasing program, creating, relative to . . . . .	434	1—8
<b>Advertising</b> , optometrists, ophthalmic goods, sale price of, permitting . . . . .	91	
<b>Aeronautics</b> , airport commissions, memberships of, relative to of . . . .	90	
<b>Agawam, town of</b> (see cities and towns).		
<b>Aged persons</b> , health and accident insurance, cancellable at age sixty-five, requiring certain notices to . . . . .	471	
judicial council, to investigate and study, relative to protection of . . . . .	12	
speedy civil trials for, providing, certain . . . . .	61	
<b>Agricultural or horticultural land</b> , assessment of, further regulating filing times for . . . . .	505	1,2
<b>AGRICULTURE, DEPARTMENT OF:</b>		
cattle, meat, less than three years, exempting from taxation . . . . .	89	
farmers, reimbursement to, for damage by deer or moose, relative to . . . . .	115	
<b>Airports</b> , Dukes country, repairs, borrowing for, authorizing, by, for county . . . . .	142	1,2
<b>Airport commissions</b> , membership, relative to, of . . . . .	90	1,2
<b>Alcoholic beverages</b> , Agawam, in, license to Oak Ridge Golf club, for sale of . . . . .	319	
license to St. Anne Country Club, for sale of . . . . .	318	
licenses, pledge for certain loans, authorizing . . . . .	514	
Lincoln, in, wine and malt licenses, placing on ballot . . . . .	292	1—3
Marlborough, in, two additional licenses in, in . . . . .	215	
package stores, opening on Sundays, ascertaining will of voters, relative to . . . . .	366	
Pepperell, licenses, in, clubs and veterans organizations, placing on ballots . . . . .	48	1—3
wine and malt one-day licenses, authorizing . . . . .	49	
Southbridge, in, one additional license for, for sale of . . . . .	441	
<b>Aliens</b> , employment, prohibiting, of certain . . . . .	452	
<b>Alimony</b> (see Probate court).		
<b>Ambulances</b> , school bus, approaching, stop required by . . . . .	466	
<b>American education week</b> , observance of, changing time of, . . . . .	31	
<b>Amesbury, town of</b> (see Cities and towns).		
<b>Andover, town of</b> (see Cities and towns).		

	Chap.	Section
<b>Animals</b> , decompression chambers, banning use of, for killing. . . . .	299	1,2
dogs, restraint of, after prior record of attack, of. . . . .	530	
<b>Annual observance</b> , retired members of the Armed Forces day, providing for. . . . .	67	
<b>Annuities</b> (see Retirement systems and pensions).		
<b>Apartment houses</b> (see Buildings).		
<b>Appeals court</b> , counsel fees in civil cases, certain, allowing, in. . . . .	233	1—3
reporter of decisions, may regulate sale and distribution of decisions of. . . . .	237	1,2
<b>Appropriations</b> , capital outlay program. . . . .	481	1—23
counties of (see Counties)		
for fiscal year. . . . .	283	1—44
rental assistance program, corrective change in. . . . .	20	
	135	1—3
	152	1,2
Supplemental. . . . .	199	1—8
	479	1—3
	480	1—27
<b>Arlington, town of</b> (see Cities and towns).		
<b>Arlington Catholic high school</b> , Massachusetts Bay Transportation Authority, prohibiting location of Massachusetts transportation facility near. . . . .	439	
<b>Arlington police relief association incorporated</b> , members, payment of benefits to, authorizing, by. . . . .	140	
<b>Armenian Bicentennial Committee of Massachusetts</b> , state house, erection of plaque in, authorizing, by. . . . .	92	
<b>Armory commission</b> , New England Power Company, easements to, in Lynnfield, Reading and North Reading, by. . . . .	300	
<b>Arson</b> , special commission, to investigate and study, by, problems concerning. . . . .	4	
<b>Art commission</b> , Armenian Bicentennial Committee of Massachusetts, erection of plaque by, state house in, upon approval of. . . . .	92	
<b>Ash</b> , use and storage of, relative to. . . . .	118	
<b>Assessors of taxes</b> , assessment where appropriations have not been voted for next fiscal year, further regulating. . . . .	393	
property taxes, overdue, interest penalty on, relative to. . . . .	101	1,2
<b>Assistant district attorneys</b> , relative to. . . . .	542	1—4
<b>Attachments</b> (see Practice in civil actions).		
<b>ATTORNEY GENERAL, DEPARTMENT OF:</b>		
business, prohibiting discrimination by, civil action by. . . . .	297	1—6
credit cards, unauthorized use of, liability between parties, allocation of, rules by. . . . .	119	
gasoline, dealer's agreements, further regulating, for sale of, enforcement by. . . . .	64	1—7
South Essex Ocean Sanctuary, establishing, provisions enforceable by. . . . .	369	
<b>Attorneys-at-law</b> , legal advice, providing for hearings, and admissions to mental health facilities. . . . .	356	1—4
<b>Auctioneers</b> , increasing fees for licensing. . . . .	87	1,2
<b>Auditorium Commission</b> , civil service laws, exemption from, for employees of. . . . .	467	
<b>Automobiles</b> (see Motor vehicles).		
<b>Avon</b> , town of (see Cities and towns).		

	Chap.	Section.
<b>B.</b>		
<b>Bak, John, Palmer</b> , payment of money by, to . . . . .	204	
<b>Baker, Elliot</b> , civil service laws, age requirement, exemption for, for . .	184	
<b>Ballots</b> (see Elections).		
<b>BANKING AND INSURANCE, DEPARTMENT OF:</b>		
<b>commissioner of banks</b> , cooperative banks, charitable contribu-		
tions by, relative to . . . . .	431	
mergers and consolidations, further regulating, upon approval by	168	1,2
corporations may be insurance advisers . . . . .	401	
credit unions, change of by-laws and locations by, upon approval of	72	1,2
guarantee and reserve funds, further defining, of, subject to		
approval of . . . . .	134	1—4
health maintenance organizations, organization and operation,		
further regulating, of, by . . . . .	454	1—6
motor vehicle, merit rating board, establishing and related matters,		
relative to . . . . .	266	1—33
motor vehicle insurance, merit rating plan, surcharges in, further		
regulating . . . . .	525	1—3
savings banks, mergers, consolidations and purchases of assets,		
further regulating, relative to . . . . .	170	1—3
<b>BANKS AND BANKING:</b>		
<b>in general</b> , agents or brokers, licensing of, relative to . . . . .	141	
federal reserve bank, fiduciary deposits with, relative to . . . . .	97	
general insurance guarantee fund, savings and insurance bank,		
payments to, relating to unification of mortality by . . . . .	176	
insurance banks, annuities, increasing authorized amount, issued		
by . . . . .	391	
insurance companies, investments, relative to, by . . . . .	547	1—4
retirement plan benefits, certain, dispositions of, relative to . . . .	445	
<b>cooperative banks</b> , charitable contributions, relative to, by . . . . .	431	
eighty percent loans, increasing amount which may be loaned by .	117	
mergers and consolidations, further regulating . . . . .	168	1,2
mortgage loans, certain, may be assigned to United States or		
agency thereof, by . . . . .	69	
ninety and ninety-five percent of value loans, relative to, by . . . .	28	1,2
term-deposit account, certain, relative to . . . . .	120	
<b>savings banks</b> , board or investment, members of, relative to, of . . . .	102	
business entities, certain, accounts of, relative to, in . . . . .	127	1,2
insurance policies and annuities, increasing authorized amount,		
issued by . . . . .	391	
investments, relative to, of . . . . .	186	1,2
mergers, consolidations and purchases of assets, further regulat-		
ing, relative to . . . . .	170	1—3
mortgage loans, amortization, increasing time of, by . . . . .	364	1—3
second mortgages on real estate, certain, authorizing, by . . . . .	229	1—3
<b>trust companies</b> , business entities, certain, accounts of, relative to,		
in . . . . .	127	1,2
deceased depositors' accounts, payment without probate		
proceedings, increasing amount of, by . . . . .	58	
directors, qualifications of, relative to, of . . . . .	180	
reserves, relative to, of . . . . .	245	
savings deposits, increasing amount, which may be received by . .	59	1,2
<b>Barnstable, first district court of</b> (see District courts)		
<b>Barnstable, town of</b> (see Cities and towns)		
<b>BARNSTABLE COUNTY:</b>		
appropriations for fiscal year . . . . .	285	

	Chap.	Section.
<b>BARNSTABLE COUNTY—Concluded.</b>		
Barnstable, first district court of, additional justice for, providing, in.....	522	1—3
Barnstable county hospital, chief of medical staff and administrator of, discharge of, relative to.....	8	
Elder services of Cape Cod and Islands, Inc., contract with, for elderly care, by.....	455	1—4
Johnson, Grace Harding, payment of sum of money to, authorizing, by.....	164	
<b>Barrett, Joseph R., Jr., and Barrett, Anne H.,</b> Edgartown, conveyance of land by, to.....	291	1,2
<b>Beano,</b> operators of, filing of returns by, relative to.....	330	
<b>Bear Hill Valley Relief Sewer,</b> Weston and Waltham, authorizing agreement between, for construction of.....	538	1—5
<b>Bellingham, town of</b> (see Cities and towns)		
<b>Belmont police association, incorporated,</b> retirement benefits payment of, relative to.....	213	1,2
<b>Berkshire Athenaeum,</b> trustees, relative to, of.....	224	1,2
	336	1—5
<b>BERKSHIRE COUNTY:</b>		
appropriations for fiscal year.....	169	
<b>Beverly, city of</b> (see Cities and towns)		
<b>Bicycles,</b> motorized, defining and regulating.....	261	1—5
<b>Birth records</b> (see Records)		
<b>Blind persons,</b> free transportation, need not have guides for,.....	144	1,2
<b>Blue Cross - Blue Shield</b> (see Medical services corporation).		
<b>Blue Cross of Massachusetts, Inc.,</b> Shrewsbury, expenditures by, for certain employees of, of refunds, from.....	105	
<b>Blue Hills Reservation,</b> metropolitan district commission, use of land for water supply purposes, by, in.....	508	1—3
<b>Blue Shield of Massachusetts, Inc.,</b> Shrewsbury, expenditures by, for certain employees of, of refunds from.....	105	
<b>Board of appeals</b> (see Zoning ordinances and by-laws).		
<b>Boats,</b> taxation of (see Taxation).		
<b>Bonfires,</b> allowing between July second and July sixth in each year... ..	77	
<b>Boston, city of</b> (see Cities and towns).		
<b>Boston juvenile court,</b> districts courts in Suffolk county, juvenile cases, regulating appeals to.....	262	
<b>Boston Gas Company,</b> Quincy, conveyance by, certain, validating, to	440	1—3
<b>Boston state hospital,</b> grant of easement to, certain, authorizing, by..	99	1—3
<b>Bowler, Michael,</b> Palmer, payment of money by, to.....	204	
<b>Braintree, town of</b> (see Cities and towns).		
<b>Bridges,</b> Chelmsford, in, Doughty, James, Alden Private First Class bridge, designated as.....	450	
Newbury, in, Donald Wilkinson bridge, designated as.....	490	
Martin H. Burns Bridge, designated as.....	378	
<b>Bridgewater Correctional Institution,</b> at, construction and improvements, providing for.....	504	
<b>BRISTOL COUNTY:</b>		
appropriations for fiscal year, for.....	403	
Bristol, second district court of, additional justice for, providing... ..	254	
probate court, additional messenger, providing for, in.....	449	
Taunton, acquisition of land, in parking area for courts, for by....	442	1—3
unpaid bills, certain, authorizing payment by.....	507	1—4
<b>Brockton, city of</b> (see Cities and towns).		

	Chap.	Section.
<b>BRISTOL COUNTY—<i>Concluded.</i></b>		
<b>Brockton Police Relief Association</b> , members, payment of money to, upon retirement, by.....	414	
<b>Brookline, district court of</b> (see District courts)		
<b>Brookline firemen's relief association</b> , retirement benefits, payment relative to, by.....	212	
<b>Brown, Richard A.</b> , Edgartown, conveyance of land by, to.....	291	1,2
<b>Building construction, bureau of</b> , solar and wind energy utilization, estimates of costs, to be filed with.....	433	1,2
<b>Buildings</b> , hot water tanks, maximum pressure of, further regulating, in.....	39	1,2
tenement houses, construction requirements of, repealing laws relative to.....	536	1,2
water companies, use of plastic pipe connections, notice of, requiring, to owners of.....	500	
<b>Burial grounds</b> (see Cemeteries).		
<b>Burlington, town of</b> (see Cities and towns).		
<b>Burns, Martin H. Bridge</b> , Newbury, in, designated as.....	378	
<b>Buses</b> (see Motor vehicles).		

C.

<b>Cambridge, city of</b> (see Cities and towns).		
<b>Cape Cod Hospital</b> , St. Joseph manor Nursing Home, Inc., public health, department of, certificate of need by, directing, to....	417	
<b>Capital outlay program</b> , providing for.....	481	1—23
<b>Carriers</b> (see Motor vehicles).		
<b>Carver, town of</b> (see Cities and towns).		
<b>Cats</b> , decompression chambers, prohibiting use of, for killing.....	139	1,2
<b>Cattle</b> , meat, less than three years old, exempting from taxation.....	89	
<b>Cedarville Cemetery Association</b> , Sandwich, acquisition of cemetery by, from.....	290	1—3
<b>CEMETERIES:</b>		
Cedarville Cemetery Association, Sandwich, acquisition of cemetery by, from.....	290	1—3
veterans, graves, care of, relative to.....	214	
<b>Charitable corporations</b> (see Corporations).		
<b>Charitable organizations</b> , jewelry, sale of, further regulating, by.....	114	
<b>Chelmsford, town of</b> (see Cities and towns).		
<b>Chelsea, city of</b> (see Cities and towns).		
<b>Chicopee, city of</b> (see Cities and towns).		
<b>Child guardianship, division of</b> (see Public welfare, department of).		
<b>Children care and services</b> , law relative to, for certain.....	412	1,2
fathers, right to adopt children born out of wedlock.....	421	
judicial council, to investigate and study, relative to custody of.....	Resolve	13
relative to protection of.....	Resolve	12
juvenile offenders, work activities, authorizing, for.....	533	
support and education, orders for, until age twenty-one.....	279	1,2
<b>Chiropractors</b> , medical bills of, admissability in evidence, relative to.....	489	
<b>Ciaglo, Walter M.</b> , Taunton, payment of sum of money by, authorizing, to.....	185	
<b>CITIES AND TOWNS:</b>		
in general, absentee ballots, may be marked, notarized, and mailed in any municipality.....	84	
party enrollment, relative to.....	85	

	Chap.	Section.
<b>CITIES AND TOWNS. <i>Continued.</i></b>		
<b>in general. <i>Continued.</i></b>		
absentee voting rights, citizens residing outside United States, relative to.....	420	
agricultural or horticultural land, assessment of, further regulating filing times for.....	505	1,2
airport commissions, membership of, relative to, of.....	90	
alcoholic beverages, licenses, pledge for certain loans, authorizing.....	514	
ash, use and storage of, relative to.....	118	
auctioneers, increasing fees for licensing, in.....	87	1,2
beano, operators of, filing of returns by, relative to.....	330	
bond issues, investment of, increasing authority, by treasurer of.....	128	
bonfires, allowing between July second and July sixth in each year, in.....	77	
bus transportation program, financial assistance to, relative to..	518	1,2
cattle, meat, less than three years old, exempting from taxation..	89	
civil service hearings, hearing officers in, relative to.....	446	
classified service, exempting seasonal positions, from civil service laws.....	138	1—3
conservation restriction, clarifying meaning of.....	15	
crime control demonstration projects, employees, certain, shall not be governed by civil service law or tenure.....	372	1—4
dogs, restraint of, after prior record of attack, of.....	530	
stray or lost, impoundment of, further regulating, in.....	289	1—3
elections, candidate, voter inserting name, manner of marking, clarifying.....	475	
“independent” candidates, nomination of, regulating.....	234	1,2
information for voters, printing of, relative to.....	195	
nomination papers, number of signatures required, clarifying.....	47	
nonbinding advisory questions on ballot, clarifying.....	309	
voters signing nomination papers, information required of, relative to.....	306	
employees, rights, protection of, extending period for, for certain special duty work details, funds received for, regulating disposition of, in.....	534	
firearms, identification cards, issuance of, to persons in federal installations, relative to.....	239	
licenses, period of, extending, for.....	34	1,2
fishing gear, swept ashore by natural causes, relative to recovery of.....	133	
fluoridation of water supply, placing on ballot, in.....	129	
foreign trade zone, permitting establishment of certain, upon approval of.....	264	
forest and parks, division of, rules and regulations, penalty for violation of, increasing.....	25	
hawkers and peddlers, motor vehicles to be equipped by certain lights, used by.....	222	
historical commissions, filling vacancies in, in.....	14	
hot water tanks, maximum pressure of, further regulating.....	39	1,2
ice skating facilities, emergency telephone numbers, posting, requiring, in.....	516	
independent candidates, nomination papers of, certificates of registration, to be filed with.....	86	
land fill areas, improvements, etc., borrowing for, authorizing by opening new or closing old, borrowing for, authorizing.....	404	
meetings of governmental bodies, law regulating, clarifying, in..	189	
	397	1—8

**CITIES AND TOWNS—Continued.****in general—Continued.**

mentally retarded persons, temporary guardians, appointment of, upon petition by.....	277	
meetings of governmental bodies, law regulating, clarifying, in..	397	1—8
mentally retarded persons, temporary guardians, appointment of, upon petition by.....	277	
Merrimack Valley Planning Commission, planning boards, relative to, of.....	535	
milk dealers, licensing of, relative to.....	136	1—5
motorized bicycles, defining and regulating.....	261	1—5
motor vehicle accidents, fatal or serious injuries, reports shall be made to registrar of motor vehicles.....	382	
motor vehicle excise tax, non-payment, report to registrar of motor vehicles, changing time of, by.....	398	
motor vehicle safety standards, transportation of school children, relative to.....	552	1—5
motor vehicles, repossession of, notice required to police departments.....	447	
municipal records, repealing law, relative to retention of certain steamboat, railroad, railway express, powers of arrest of relative to.....	62	
political advertisements, relative to signing of.....	380	
placement of information on ballot, further regulating.....	137	1,2
property taxes, interest upon, relative to.....	109	
overdue, interest penalty on, relative to.....	250	1—6
public contracts, to investigate and study by special commission, increasing scope of, relative to.....	101	1,2
reviving and continuing.....	22	
pupils, transportation of, contracts, wage rates under, further regulating.....	2	
public employees, retirement allowances, cost-of-living adjustments, relative to.....	286	
retirement system, fiduciary standard, establishing.....	304	1—3
public libraries, property of, detention of, penalty for.....	269	1,2
public works construction, revenue recognition system to encourage speedy contract completion, bids, relative to.....	206	
real property, leasing of for certain periods, authorizing, by.....	506	1—3
recycling commissions, establishment of, authorizing, by.....	191	
redevelopment authorities, mixed residential and commercial properties, rehabilitation of, loans for, by.....	416	1,2
regional transit authorities, administrators and employees of, may not hold elective offices.....	157	1—3
registration of voters, additional continuance session for, providing, by.....	312	
religious organizations, tax exemptions for, relative to.....	529	1—3
retired persons, cost-of-living adjustment for, relative to, in.....	263	1,2
school building assistance program, law governing, clarifying...	126	1—3
school buses, emergency vehicle shall stop when approaching....	511	1,2
school personnel, certain, position superseded, in regional school districts, establishing rights for.....	466	
schools, public, supervisors of attendance, shall be at least age twenty-one.....	351	
shellfish constables, exempting from, in.....	320	
snow and ice removal, emergency, expenditures for, in.....	231	
state school building assistance program, further amending.....	33	
state taxation, administration of, relative to.....	302	1—13
	415	1—116

	Chap.	Section.
<b>CITIES AND TOWNS—Continued.</b>		
<b>in general—Continued.</b>		
student interns in police departments, certain others, exempting from civil service laws, in. . . . .	198	
Sunday laws, retail and package liquor stores, ascertaining will of voters, relative to opening on. . . . .	366	
superintendents of schools, employment of, annual meeting of school committees for, relative to. . . . .	38	
swimming pools, public, outdoor, inground, regulating operation of. . . . .	253	1,2
tax liens, termination of, relative to. . . . .	322	
taxes, assessment of, where appropriations have not been voted for next fiscal year. . . . .	393	
tenement houses, construction requirements, repealing laws relative to. . . . .	536	1,2
tennis courts, construction of, borrowing for, authorizing, by. . .	11	
towns, certain, municipal liens, certificates of fees for, disposition of, by tax collectors, in certain. . . . .	163	
registrars or assistant registrars of voters, may be coandidates for election of town meeting member. . . . .	82	
road commissioners and departments of public woks, may act as park commissioners, in. . . . .	274	
special town meetings, extending time for calling. . . . .	272	
youth commissions, vacancies in, filling of, in. . . . .	26	
two hundred and fiftieth anniversary, celebration of, authorizing appropriation for, by. . . . .	485	
veterans, agents, clarifying duties of, in. . . . .	305	
graves, care of, relative to. . . . .	214	
preference law, suspending, pending judicial determination. . .	200	1—3
"Vietnam veteran", further defining term of. . . . .	156	
voting lists, available to public, on payment of fee. . . . .	310	1—3
water companies, plastic pipe connections, notice of use of, requiring, by, to wire inspectors of. . . . .	500	
ways, private, repairs, further regulating, on. . . . .	149	1,2
wetlands, protection of, further regulating procedures, relative to. . . . .	53	
<b>special provisions relative to particular cities:</b>		
annual bugets in nineteen hundred and seventy-six, extending time for submission of annual budgets, by. . . . .	35	1,2
Beverly, commonwealth, reimbursment by, for land taken by, to	521	
Boston, J.F. & S. Realty Corporation, license to fill part of inner harbor, to, made irrevocable. . . . .	377	
Monument Contracting Co. Inc., payment of sum of money to, and award of bids without advertising, by. . . . .	159	1,2
ordinances, violations of, increasing maximum penalty for, in.	78	
pilotage rates, further regulating, in port of. . . . .	19	1,2

**CITIES AND TOWNS—Continued.**

	Chap.	Section.
police officers killed in line of duty, widows of, increasing benefits for, in.....	218	1,2
Robert Bleakie intersection, designated as, certain junction in Hyde Park, in.....	42	
supervisor of personnel, exempting from civil service laws, in..	278	
Brockton, bond issue, certain, authorizing appropriation of funds from, by.....	230	
Brockton Police Relief Association, payment by, to members upon retirement, in.....	414	
courthouse parking facilities, county commissioners, by, in...	497	1,2
federal aid anticipation notes, refunding of, authorizing, by...	386	
Cambridge, health and hospital commissioner, appointment of, authorizing, in.....	201	1
John Fitzgerald Kennedy park, establishing, in.....	298	1,2
rent control, optional continuance of, authorizing, by.....	36	1—13
Chelsea, Nataupsky, Leonard, tenure for, as clerk of committees, in.....	232	
Chicopee, Jablonski, Alberta and Zygmunt, payment of sum of money to, authorizing, by.....	225	1—3
Everett, Whidden memorial hospital, off-street parking for, construction of, borrowing by.....	108	1—3
Fairhaven, macomber, harold S. Highway, designated as, in....	358	
Fall River, environmental management, department of, to investigate and study by, Taunton river, public beach, maintenance of, in.....	3	
Joaquin, Edward patrolman overpass, designated as, in.....	255	
western expressway overpass, designated as Jean Baptiste Lepage overpass, in.....	427	
Fitchburg, federal and state aid anticipation notes, renewal of, by	350	1—4
Gardner, public works, department of, acquisition of land for highway purposes by, in.....	528	
Gloucester, Gloucester Community Pier Association, membership, relative to, of.....	153	1—4
New State Fish Pier, expenditure for studies for authorizing, in	104	
Holyoke, refuse incinerator, repair of, borrowing for, authorizing, by.....	281	
Lawrence, deceased and retired employees, payment of unused sick leave, authorizing, by.....	513	
police officers, payment of career incentive pay, to, authorizing, by.....	43	
Leominster, Leominster art commission, bills of, authorizing payment by.....	94	1—4
public works, department of, acquisition of land by, highway purposes for, in.....	194	
Lowell, city auditor, election of, providing for, in.....	162	1,2
city development authority, abolishing, assumption of liabilities by.....	353	1—9
Lynn, mayor, office of, term of, increasing, in.....	368	1—3
rent control, ascertaining will of voters, in.....	276	
Malden, metropolitan district commission, construction by, drainage and control facilities, in.....	424	
park commissioners, board of, establishing, in.....	395	1—4
Marlborough, alcoholic beverage licenses, two additional, authorizing, in.....	215	

	Chap.	Section.
<b>CITIES AND TOWNS—Continued.</b>		
<b>special provisions relative to particular cities—Concluded.</b>		
Medford, metropolitan district commission, exchange of parcel of land, with and by . . . . .	428	
Melrose, students, reimbursment to, for travel fees, authorizing, by . . . . .	472	1—4
New Bedford, federal aid anticipation notes, certain, renewal of, by . . . . .	2	
Moby Dick skating rink, redesignated as Stephen Hetland Hetland memorial skating rink, in . . . . .	111	
Southeastern Massachusetts University, waiver of restrictions by, in deed to . . . . .	76	
Peabody, conservation and recreation purposes, land for, borrowing for, by . . . . .	196	1—4
mobile home parks, rent and eviction control, establishing, in . . . . .	131	1—9
public library system, regulating, borrowing for, by . . . . .	197	1,2
Pittsfield, Berkshire Athenaeum, trustees of, relative to, in . . . . .	336	1—5
fire force, appointments to, certain, relative to, in . . . . .	331	
school committee members, may serve in certain other offices, in . . . . .	202	
South Mountain Association, environmental management, department of, conveyance of land to, by, in . . . . .	359	1—13
Washington, town of, payments in lieu of taxes to, changing dates of, by . . . . .	244	1—3
Quincy, bond issue, certain, proceeds of, may be used for certain purposes, by . . . . .	374	
Cunningham Foundation, Boston Gas Company, conveyances to, validating, in and by . . . . .	440	1—3
metropolitan district commission, sewerage program, construction by, authorizing, in . . . . .	425	
state secretary, corrected census report to, directing, by mayor of . . . . .	464	
Revere, Doris, Elizabeth A. memorial park, designated as, in . . . . .	166	
parking vehicles in residential areas, authorizing promulgation of rules for . . . . .	461	
Salem, Forest river park, motor vehicle parking regulations, authorizing, by park commissioners of . . . . .	55	
Springfield, parking garage, remodeling of, borrowing for, by . . . . .	315	1—9
Taunton, Ciaglo, Walter, M., payment of sum of money to authorizing, by . . . . .	185	
Lakeville, purchase of land in, for water supply purposes, authorizing, by . . . . .	160	1,2
Waltham, accountant office of, in office of city auditor, exempting from civil service laws, in . . . . .	238	1,2
civil service laws, exempting from, legal secretary in law department of . . . . .	343	
traffic commission, further regulating, in . . . . .	143	1,2
Weston, Bear Hill Valley Relief Sewer, construction of, authorizing agreement with . . . . .	538	1—5
Westfield, state colleges, trustees of, conveyance of buildings by, to . . . . .	362	
Woburn, Burlington, boundary line change, certain, with . . . . .	44	1—5
Worcester, civic center commission, establishing, in . . . . .	216	1—12
private ways, paved, sweeping of, authorizing, by . . . . .	81	
Webster square veterans memorial swimming pool, designated as, in . . . . .	148	

**CITIES AND TOWNS—Continued.**

**special provisions relative to particular towns:**

Agawam, Oak Ridge Golf Club, alcoholic beverage, license to, issuance by . . . . .	319	
St. Anne Country Club, Alcoholic beverage, license to, issuance by . . . . .	318	
Amesbury, sewerage/treatment plant, borrowing for construction of, extending time for, by . . . . .	167 443	
Andover, annual town meeting in nineteen hundred and seventy-six, validating all actions at, in . . . . .	223	
Duffy, James, payment of sum of money to, authorizing, by . . . .	242	
Massachusetts Bay Transportation Authority, payment of sum of money to, authorizing, by . . . . .	370	
Arlington, Catholic high school, Massachusetts Bay Transportation Authority, prohibiting location of mass transportation facility near . . . . .	439	
Avon, manning, Harriet and Karstunen, Donald, payment of sums of money to, by . . . . .	344	
Barnstable, Barnstable, Centerville-Osterville and Cotuit fire districts, sale of water by and between, all, in . . . . .	295	
sewer commissioners, board of, to be known as, water pollution control board, in . . . . .	296	
Bellingham, police department, members of, exempting from civil service laws, in . . . . .	197	1—3
Braintree, civil service list for police sergeant, repealing certification of, in . . . . .	388	
electric generating unit, original supply of fuel for, cost of, authorizing payment by . . . . .	175	
Machinery & Steel Service Co., Inc., payment of sum of money to authorizing, by . . . . .	65	1—4
Weymouth-Braintree regional recreation conservation district, changing boundaries of, in . . . . .	361	
Burlington, Woburn, boundary line change, certain with . . . . .	44	1—5
Carver, Griffith, Clark A., land, conveyance to, authorizing, by . .	21	
Chelmsford, Doughty, James Alden Private First Class Bridge, designated as, in . . . . .	450	
planning board, members of, terms of, establishing, in . . . . .	541	
professional management, full time, securing, ascertaining will of voters in . . . . .	396	
unpaid bills, certain, authorizing payment by . . . . .	316	1—3
Clinton, Lancaster sewer district, taking of land for purposes of, authorizing, in . . . . .	56	
Cohasset, Laugelle, Joseph S., payment of sum of money to, authorizing, by . . . . .	220	
Dalton, fire district, establishing boundaries of, in . . . . .	95	1,2
Danvers, sewerage line, connection of, relative to, in . . . . .	407	
Dartmouth, chief of police, exempting from civil service laws, in . .	345	
police chief, exempt from civil service laws, placing on ballot, in . . . . .	545	1—3
senior citizens' community center, construction on park land, authorizing, in . . . . .	210	
Dover, Heinlein, Chester, F., increasing pension of, authorizing, by . . . . .	339	1—4
Eastham, Old King's Highway Regional District, withdrawal from, authorizing, by . . . . .	273	1—5



Chap. Section.

**CITIES AND TOWNS—*continued.***

**special provisions relative to particular towns—*Continued.***

Natick, Dial Help Inc., payment of sum of money to, authorizing, by.....	328	1—4
parking deck or garage, construction of, borrowing for, by...	29	
Newbury, Martin H. Burns Bridge, designated as, in.....	378	
Norfolk, highway department employees, payment of overtime paid to, authorizing, by.....	124	
North Andover, Rock, William F. memorial overpass, designated as, in.....	321	
North Attleborough, representative town government, establishing, in.....	57	1—14
North Reading, Ipswich river, drawing water from, authorizing, by.....	408	
New England Power Company, easements to, in.....	300	
grant of easements to, by.....	188	1,2
Norwood, airport, repairs of, reimbursement for, providing, to.....	493	
annual town election, changing date of, for.....	384	
Orleans, municipal advertising, authorizing appropriation for, by.....	71	
Palmer, payment of certain unpaid bills, authorizing, by.....		
Pepperell, alcoholic beverage licenses, clubs and veterans organizations, for, placing on ballot, in.....	48	1—3
wine and malt beverages, one day licenses, certain, authorizing, in.....	49	
Phillipston, regional school district, proceedings, validating prior, in.....	484	1—4
Reading, New England Power Company, easements to, by in....	(300)	
	(301)	
Royalston, state and federal aid anticipation notes, authorizing, renewal by.....	257	
Sandwich, Cedarville Cemetery Association, acquisition of cemetery from, by.....	290	1—3
Saugus, metropolitan district commission, conveyance by, easements to New England Power Company, in.....	429	
town meeting members, vacancies in office, filling of, in.....	23	
Sharon, environmental management, department of, conveyance of land by, clarifying, in.....	543	
police officers, future appointments, exempting from civil service law, in.....	209	1,2
Shirley, Tri-town building inspector board, establishing, including.....	365	1—3
Shrewsbury, annual budget, date for submitting, relative to, in....	326	
insurance experience refunds, certain, may be expended for certain employees of.....	105	
stabilization fund, appropriation from, certain, authorizing, by.....	125	
town accountant, exempting from civil service laws, in.....	161	
Southborough, town treasurer and collector of taxes, appointive office, establishing, from registered voters, in.....	282	1—3
establishing elected office of, in appointment of, relative to, in.....	483	
	83	
Southbridge, alcoholic beverage license, one additional, authorizing, in.....	441	
Spencer, Stiles lake water district, establishing, in part of.....	476	1—14
Stockbridge, Stockbridge Housing Authority, conveyance of land to, authorizing, by.....	332	

	Chap.	Section.
<b>CITIES AND TOWNS—Concluded.</b>		
<b>special provisions relative to particular towns—Concluded.</b>		
Stoneham, Hudson, Francis E., grant of pension to, directing, by	329	1—3
Sudbury, town clerk, fees paid to, certain, relative to . . . . .	379	1—4
Swampscott, indebtedness, certain, authorizing funding, by . . . .	317	
Templeton, regional school district, proceedings, validating prior, in . . . . .	484	1—4
Tewksbury, New England Power Company, easement to, by commissioner of public health, in . . . . .	323	
Townsend, Tri-town building inspector board, establishing, including . . . . .	365	1—3
Wakefield, sewers, construction of in private ways, authorizing . .	437	
Washington, Pittsfield, payments in lieu of taxes by, changing dates of, to . . . . .	244	1—3
Westborough, police station, building for, leasing of, authorizing, by . . . . .	338	
Westminster, public works, department to, to investigate and study, construction of by-pass near state highway Route 2, in . . . . .	9	
Weston, conservation commission, membership of, increasing, in Waltham, Bear Hill Valley relief sewer, construction of, authorizing agreement with . . . . .	349	
	538	1—5
Westwood, janitor and custodian, positions of, exempting from civil service law, in . . . . .	183	1—3
Weymouth, Weymouth Braintree Regional recreational conservation district, changing boundaries of, in . . . . .	361	
Wilbraham, federal aid anticipation notes, borrowing for repayment of, authorizing, by . . . . .	482	
park land, certain, use of for new town office building, authorizing, by . . . . .	107	1,2
Wentham, mental health, commissioner of, lease of land at Wrentham State School, by, directing, to . . . . .	268	1,2
waterways, division of, to conduct engineering study, for repairs of Red Dam, in . . . . .	14	
<b>CITY AND TOWN CLERKS:</b>		
absentee ballots, may be marked, notarized, and mailed in any municipality . . . . .	84	
party enrollment, relative to . . . . .	85	
elections, candidate voter inserting name, manner of marking, clarifying . . . . .	475	
nonbinding advisory questions on ballot, clarifying, action by . .	309	
independent candidates, nomination papers of, certificate or registration to be filed with . . . . .	86	
municipal records, repealing law relative to retention of certain . .	451	
placement of information on ballot, further regulating . . . . .	109	
records, public, obtaining of, relative to . . . . .	438	1—3
voting lists, available to public on payment of fee . . . . .	310	1—3
<b>City Development Authority of the city of Lowell</b> , abolishing . . . .	353	1—9
<b>Civic center commission</b> , Worcester, in, establishing . . . . .	216	1—12
<b>CIVIL SERVICE AND REGISTRATION, DEPARTMENT OF:</b>		
<b>civil service, division of</b> , Baker, Elliot, age requirement, exemption for, under . . . . .	184	
Braintree, civil service list for police sergeant, repealing certificate of . . . . .	388	
classified service, exempting seasonal positions from, under . . . .	138	1—3
motor vehicle investigator, eligible list for, extending . . . . .	293	

	Chap.	Section
<b>CIVIL SERVICE AND REGISTRATION, DEPARTMENT OF—<i>Concluded.</i></b>		
<b>commissioner</b> , employees, rights, protection of, extending period for, for certain, on approval of . . . . .	534	
<b>director</b> , supervising inspector, position of, extending eligible list for . . . . .	171	
<b>registration, division of</b> , nursing, board of registration in, members, qualifications and number, changing of . . . . .	436	1—3
pharmacy, board of registration in, pharmacies, complaints against, certain, extending time limit for, to . . . . .	444	
<b>CIVIL SERVICE LAWS:</b>		
auditorium commission, employees of, certain, exempt from . . . . .	467	
Bellingham, police department, members of, exempting from . . . . .	187	1—3
Boston, supervisor of personnel, in, exempting from . . . . .	278	
civil service hearings, hearing officers in, relative to . . . . .	446	
classified service, exempting seasonal positions from . . . . .	138	1—3
crime control demonstration projects, employees of, shall not be governed by . . . . .	372	1—4
Dartmouth, police chief, exempting from . . . . .	345	
placing on ballot, in . . . . .	545	1—3
“Executive office promotional examination”, redefining, under . . . . .	532	
industrial relations adjusters, within board of conciliation and arbitration, exempting from . . . . .	492	1,2
Marborough, veterans’ aid and service department, director of, placing under . . . . .	375	
mental health, department of, certain employees of, status of, redefining, under . . . . .	333	
appointment of, clarifying in, exempting from . . . . .	546	
police departments, student interns and certain others, exempting from . . . . .	198	
police officers, probationary period, increasing, for certain, in . . . . .	62	
probation, office of commissioner of, persons, certain, in placing under . . . . .	430	
public works, department of, eligible lists, extending for permanent positions in, under . . . . .	337	
Sharon, police officers, future appointments, exempting from . . . . .	209	1,2
shellfish constables, exempting from . . . . .	231	
Shrewsbury, town accountant in, exempting from . . . . .	161	
veterans preference law, suspending, pending judicial determination, under . . . . .	200	1—3
“Vietnam veteran”, further defining term of . . . . .	156	
Waltham, accountant, office of, in office of city auditor of, exempting from . . . . .	238	1,2
legal secretary in law department, exempting from . . . . .	343	
Westwood, janitor and custodian, positions of, exempting from . . . . .	183	1—3
<b>Clark, Ernest</b> , Palmer, payment of money by, to . . . . .	204	
<b>Class suits</b> (see practice in civil actions). . . . .		
<b>Clinton, town of</b> (see Cities and towns). . . . .		
<b>Coastal wetlands</b> (see Waters and waterways). . . . .		
<b>Cohasset, town of</b> (see Cities and towns). . . . .		
<b>Collective bargaining</b> , city and towns (see Cities and towns). . . . .		
<b>COLLEGES, UNIVERSITIES AND INSTITUTES:</b>		
cooperative banks, charitable contributions by, relative to . . . . .	431	
Harvard, Boston State hospital and department of mental health, grant of easement by, to . . . . .	99	1—3
mental health, department of, acceptance of right of way by, conveyance of right of way to . . . . .	70	1,2

	Chap.	Section
<b>COLLEGES, UNIVERSITIES AND INSTITUTES—<i>Concluded.</i></b>		
museum of comparative zoology, collection of admission fees to, authorizing. . . . .	173	1,2
regional community colleges, student activities fees, shall be retained by presidents of. . . . .	418	
Southeastern Massachusetts University, New Bedford, deed to, authorizing waiver of restrictions, by. . . . .	76	
Southeastern Massachusetts University Building Authority, purchase of land from, Dartmouth, in, for use of. . . . .	79	1—3
University of Massachusetts, economic development study by Norfolk county, authorizing, with. . . . .	247	
Franklin county, conveyance of land in and to, by. . . . .	376	
United States of America, conveyance of land in Boston, to, for John Fitzgerald Kennedy library, by. . . . .	298	1,2
<b>Comfort, Francis C.</b> resolve in favor of. . . . . Resolve	17	
<b>COMMERCE AND DEVELOPMENT, DEPARTMENT OF:</b>		
small business purchasing program, creating, relative to. . . . .	434	1—8
<b>COMMISSIONS, STATE:</b>		
<b>special:</b>		
arson, problems concerning, to investigate and study, by. Resolve	4	
dogs and cats, control of, law relative to, to investigate and study, increasing scope of. . . . . Resolve	23	
motor vehicles, annual emission inspection, to investigate and study, by. . . . . Resolve	10	
public contracts, counties, municipalities and districts, to investigate and study, increasing scope of. . . . . Resolve	22	
reviving and continuing, certain. . . . . Resolve	1	
vocational education, adequacy of program, to investigate and study, increasing scope of. . . . . Resolve	18	
<b>Common Carriers</b> (see Motor vehicles).		
<b>Communities and development, secretary of, commonwealth, short-term debt of, restructuring of, relative to. . . . .</b>	4	1—33
farmland valuation advisory commission, membership shall not include. . . . .	68	
<b>Community affairs, department of, Hampshire County Regional Housing Authority, establishing, certain members of, to be appointed by. . . . .</b>	419	1—5
Public Housing Modernization and Renovation Loan Act, bond authorization, additional, for, expenditure by. . . . .	477	1—6
<b>COMMONWEALTH:</b>		
administration and finance, executive office of, conveyance of land to, for United States government research in solar energy, by. .	226	1,2
appropriations, for fiscal year. . . . .	283	1—44
rental assistance program, corrective change in. . . . .	20	
	135	1—3
	152	1,2
supplementary. . . . .	199	1—8
	479	1—3
	480	1—27
assistant district attorneys, relative to. . . . .	542	1—4
of Middle district, salaries of, relative to. . . . .	313	1,2
Beverly, reimbursement to, for land taken by, by. . . . .	521	
bus transportation program, financial assistance to, relative to. . .	518	1,2
capital outlay program. . . . .	481	1—23
civil service hearings, hearing officers in, relative to. . . . .	446	
employees, rights, protection of, extending period for, for certain. .	534	

	Chap.	Section
<b>COMMONWEALTH—Continued.</b>		
environmental capital outlay program, change in law, relative to . . .	367	
“Executive office promotional examination”, redefining, under civil service law . . . . .	532	
federal property, formerly ceded by commonwealth, establishing procedure for retrocession by . . . . .	221	
foreign trade zones, permitting establishment of certain, in . . . . .	264	
General Marquis De Lafayette, anniversary of death of, establish- ing legal holiday for . . . . .	112	1—3
Gloucester Community Pier Association, membership, relative to, of . . . . .	153	1—4
government land bank, United States Navy Yard, land within, title to, termination of, reverter to . . . . .	432	
health-care delivery systems, further regulating, in . . . . .	409	1—8
health maintenance organizations, organization and operation, further regulating, of, by . . . . .	454	1—6
ice skating rinks, fees for use, regulating, owned by . . . . .	311	
legislative agents, directive changes in law, relative to . . . . .	458	1—5
Mashpee, school construction bonds and notes of, guaranteed by . .	385	
Massachusetts housing finance agency, further regulating . . . . .	519	1,2
Massachusetts register, code of, regulations, providing for . . . . .	459	1—5
meetings of governmental bodies, law regulating, clarifying, in . . .	397	1—8
mental health, department of, professional qualifications, further defining, of deputy commissioner of . . . . .	352	
motor vehicles, state owned, repair of, regulating expenditures for. use of, further regulating, owned by . . . . .	527 172	
personal data, distribution of, to professional organizations, rela- tive to, by . . . . .	249	1—3
public employees, deferred compensation program, investment of funds for, relative to . . . . .	422	1—7
retirement allowances, cost-of-living adjustments, relative to . . .	304	1—3
retirement system, fiduciary standard, establishing . . . . .	269	1,2
public works construction, revenue recognition system to encourage speedy contract completion, bids, relative to . . . . .	506	1—3
records, storage of, further regulating, of . . . . .	145	1,2
retired persons, cost-of-living adjustment for, relative to, of . . . . .	126	1—3
short-term debt, restructuring of, of . . . . .	4	1—33
small business purchasing program, creating, relative to . . . . .	434	1—8
state administrative procedure, judicial review, further regulating, relative to . . . . .	411	
state auditor, federal government and agencies of state, agreement with, for audit purposes, authorizing, by . . . . .	502	
state employees, group insurance, optional, increasing ceiling on, for . . . . .	524	
state house tours, relative to . . . . .	147	
state taxation, administration of, relative to . . . . .	415	1—116
Sullivan, Raymond A., eminent domain proceedings by, authoriz- ing removal of default judgment, relative to . . . . .	259	
supreme judicial and appeals courts, decisions of, sale and distribu- tion of, may be regulated by reporter of decisions, for . . . . .	237	1,2
Vietnam veterans, education financial aid program, eligibility for clarifying . . . . .	457	1—3
<b>Community Affairs, department of</b> , redevelopment authorities, mixed residential and commercial properties, rehabilitation of, loans for, by, under . . . . .	157	1—3
<b>Companies</b> (see also Corporations).		

	Chap.	Section
<b>COMMONWEALTH—Concluded.</b>		
<b>Companies—Concluded.</b>		
banking (see Banks and banking).		
insurance (see Insurance).		
trust (see Banks and banking).		
<b>Condominiums</b> , credit unions, mortgage loans by, increasing amount of, on.....	9	
<b>Conservation commissions</b> , Weston, in, increasing membership of...	349	
wet lands, protection of, further regulating procedure, relative to...	53	
<b>Conservation restriction</b> , clarifying meaning of.....	15	
<b>Conservators</b> (see Guardians and conservators).		
<b>Constables</b> , shellfish, civil service laws, exemption from, for.....	231	
<b>Constitution</b> , commonwealth of (see Commonwealth).		
<b>Consumer protection</b> , credit cards, unauthorized use of, liability between parties, allocation of.....		
federal fair credit billing act, compliance with, shall be compliance with state law, for limited time.....	119	
frozen desserts, packaging of, regulations.....	123	
gasoline dealers' agreements, further regulating, for sale of.....	193	1,2
death and accident insurance, cancellable at age sixty-five, requiring certain notices to insured.....	64	1—7
open-end credit plans, balances on, relative to.....	471	
optometrist, may advertise sale price of ophthalmic goods.....	192	
retail installment sales, revolving credit agreements, further regulating, for nonresidents.....	91	
revolving credit agreements, definition of, relative to.....	494	1,2
revolving credit agreements, definition of, relative to.....	116	
<b>Contracts, sales</b> (see Sales).		
<b>Controlled substances</b> , pharmacists, shall indicate number of tablets on label, relative to.....		
physicians of contiguous states, prescriptions by, authorizing, for.	110	
physicians of contiguous states, prescriptions by, authorizing, for.	498	
<b>Cooperative banks</b> (see Banks and banking).		
taxation of (see Taxation).		
<b>CORPORATIONS:</b>		
<b>in general</b> , annual reports of condition, further regulating, for....	63	1—4
banking, cooperative banks, limitation on investments by, in obligations of.....	165	
fiduciary deposits by, with federal reserve bank, relative to....	97	
business or charitable, erroneous records, of correction of, relative to.....	40	1,2
cooperative banks, mergers and consolidations, further regulating.....	168	1,2
foreign, national banking associations, common trust funds, certain, investments in, relative to, by.....	179	
gas and electric companies, bond pledge to secure other bonds, issuance of, authorizing, by.....	357	1,2
votes of stockholders, relative to.....	324	1—4
health maintenance organizations, organization and operation, further regulating, of.....	454	1—6
hospital and medical service corporations, changes in law, relative to.....	203	1—3
insurance advisers, may be.....	401	
insurance investments, relative to, by.....	547	1—4
legislative agents, directive changes in law, relative to.....	458	1—5
medical service corporations, contracts with health maintenance organizations, medical foundations, and others.....	308	
mergers, relative to, of.....	327	

	Chap.	Section
<b>CORPORATION—Concluded.</b>		
<b>in general—Concluded.</b>		
nonprofit hospital service, contracts with health maintenance organizations, medical foundations and others, relative to . . .	307	
officers, change of, certificates of, relative to . . . . .	41	
religious, tax exemptions for, relative to . . . . .	263	1,2
savings banks, investments, relative to, of . . . . .	186	1,2
mergers, consolidations and purchases of assets, further regulating, relative to . . . . .	170	1—3
trust companies, deposits in, relative to certain . . . . .	127	1,2
state secretary, duties, relative to certain corporations, and related matters . . . . .	252	1—10
state taxation, administration of, relative of . . . . .	121	1—13
tax incentive, for use of alternative energy sources, providing, for telephone companies, investments, further regulating, of . . . . .	487	
trust companies, directors, qualifications of, relative to, of . . . .	478	
reserves of, relative to . . . . .	180	
reserves of, relative to . . . . .	245	
<b>special provisions relative to particular corporations:</b>		
Arlington Police Association, Incorporated, members, payment of benefits to, authorizing, by . . . . .	140	
Belmont Police Association, Incorporated, retirement benefits, payment of, relative to, by . . . . .	213	1,2
Berkshire Athenaeum, trustees, relative to . . . . .	224	1,2
Brookline Firemen's Relief Association, retirement benefits, payment of, relative to . . . . .	212	
Machinery & Steel Service Co. Inc., payment of sum of money to, by Braintree . . . . .	65	1—4
Massachusetts Credit Union Share Insurance Corporation, Inc., assessments paid to relative to . . . . .	32	
Millbury Railroad Corporation, establishing . . . . .	360	1—6
New England Antiquities, society for the preservation of land, acquisition and sale, relative to . . . . .	258	1,2
Sterling Camp-Meeting Association, trustees, appointment of, also relative to operation of . . . . .	182	1,2
Taunton Police Mutual Benefit Association, Inc., retirement benefits, payment of, relative to . . . . .	211	
<b>CORPORATIONS AND TAXATION, DEPARTMENT OF:</b>		
<b>in general</b> , trusts, taxation of income, of certain . . . . .	510	1,2
<b>commissioner of</b> , beano, operators of, filing of returns by, relative to . . . . .	330	
state secretary, duties of, and other corporation provisions . . . .	252	1—10
state taxation, administration of, relative to . . . . .	415	1—116
<b>CORRECTION, DEPARTMENT OF:</b>		
Baker, Elliot, waiver of age requirement, for appointment as correction officer, in . . . . .	184	
<b>Correctional Institution at Bridgewater</b> , construction and improvements, providing for, at . . . . .	504	
<b>COUNTIES:</b>		
appropriations for fiscal year . . . . .	348	
	363	
	403	
	405	
	406	
	73	
	169	

	Chap.	Section
<b>COUNTIES—<i>Concluded.</i></b>		
appropriations for maintenance of, etc. . . . .	265	
	275	
	285	
	340	
	341	
	342	
	423	
civil service hearings, hearing officers in, relative to . . . . .	446	
contracts exceeding two thousand dollars, shall be in writing, by . .	18	
dogs, lost or stray, impoundment of, further regulating, in . . . . .	289	1—3
Dukes county, appropriations for maintenance of, etc. . . . .	98	1,2
elections, nomination papers, number of signatures required, clarifying . . . . .	47	
Franklin county, appropriations for care, maintenance, etc. . . . .	122	
highway projects, funds appropriated in one fiscal year, may be spent in another year, by . . . . .	88	
meetings of governmental bodies, law regulating, clarifying, in . . .	397	1—8
public contracts, to investigate and study by special commission, increasing scope of, relative to . . . . .	22	
reviving and continuing . . . . .	2	
public employees, retirement allowances, cost-of-living adjustments, relative to . . . . .	203	1—3
regional transit authorities, administrators and employees of, may not hold elective offices. . . . .	312	
retired persons, cost-of-living adjustment for, relative to, in . . . . .	126	1—3
special justices, who have elected full-time special justices, compensation for, relative to . . . . .	151	
state school building assistance program, further amending . . . . .	302	1—13
<b>COUNTY COMMISSIONERS:</b>		
Barnstable county, Barnstable, first district court of, additional justice for, providing, in . . . . .	522	1—3
Elder Services of Cape Cod and Islands, Inc., contract with, for elderly care services, by . . . . .	455	1—4
Bristol county, probate court, additional messenger, providing for, in . . . . .	449	
Taunton, acquisition of land in, parking area for courts, for, by . .	442	1—3
unpaid bills, certain, authorizing payment by . . . . .	507	1—4
contracts exceeding two thousand dollars, shall be in writing, by . .	18	
Dukes county, county airport, repairs for, borrowing for, authorizing, by . . . . .	142	1,2
district court of, clerk of, salary of, increasing . . . . .	410	1,2
eastern Essex, district court of, clerk of, increasing salary of . . . .	469	
Essex county, jails and houses of correction, bills for operation of, authorizing payment . . . . .	190	1,2
Ryan, William H., creditable service for, certain, subject to approval of . . . . .	260	
unpaid bills, certain, authorizing payment of, by . . . . .	512	1—4
third district court of, clerk of, may adjust books to account for money stolen from office. . . . .	241	
Hampden county, eastern Hampden, district court of, construction of courthouse for, borrowing for, authorizing, by . . . . .	509	1—3
jail and house of correction, renovation and repair, authorizing, by . . . . .	499	1,2

	Chap.	Section
<b>COUNTY COMMISSIONERS—<i>Concluded.</i></b>		
Hampshire county, courthouse and hall of fame, construction of, borrowing for, increasing, by.....	399	
mental health, department of, conveyance of land by, Northampton in, to.....	520	
Hampshire County Regional Housing Authority, establishing.....	419	1—5
highway projects, funds appropriated in one fiscal year, may be spent in another year, by.....	88	
Middlesex county, Natick, district court of, clerk, increasing salary of, of.....	413	1—3
hospital, improvements at, borrowing for, by.....	539	1,2
Norfolk county, economic development study, with University of Massachusetts, authorizing, by.....	247	
recreational, vacation, etc., resources, promotion of, expenditures for, clarifying, by.....	248	
Plymouth county, Brockton, acquisition of land in, courthouse, parking for, by.....	497	1,2
Worcester county, appropriations for fiscal year.....	426	
courthouse in Fitchburg, construction of, borrowing for, by....	314	1,2
hospital, appropriations for care, maintenance and repair of....	423	
<b>Court officers</b> (see particular Courts).		
<b>COURTS:</b>		
appeals court (see Appeals court).		
district courts (see District courts).		
probate courts (see Probate courts).		
superior and supreme courts (see Supreme judicial and superior courts).		
<b>Credit agreements</b> , revolving, further regulating, for non-residents....	494	1,2
<b>Credit cards</b> unauthorized use of, liability between parties, allocation of.....	119	
<b>Credit unions</b> , by-laws and locations, changes, requiring approval of commissioner of banks, relative to.....	72	1,2
condominiums, first mortgage loans, increasing amount of, by....	9	
deceased members, accounts of, payment without executor or administrator, increasing amount of, by.....	6	
food stamps, sale of, authorizing, by.....	30	
guarantee and reserve funds, further defining, of.....	134	1—4
loans, further regulating, records, preservation of, relative to, by..	60	1,2
Massachusetts Credit Union Share Insurance Corporation, Inc., assessments paid to, relative to.....	32	
mortgage, real estate, increasing amount which may be loaned on, by.....	7	
retirement plan funds, may be in addition to deposits, for investment in.....	10	
share and deposit accounts, increasing amount may be held by members of.....	52	
<b>Crime control demonstration projects</b> , employees, certain, shall not be governed by civil service law or tenure.....	372	1—4
<b>CRIMES:</b>		
aliens, employment, prohibiting, of certain, penalty for.....	452	
animals, decompression chambers, banning use of, for killing, penalty for.....	299	1,2
Boston, ordinances, violations of, increasing maximum penalty for, in.....	78	
corporation take-over bids, penalty for violation of law.....	121	1—13

	Chap.	Section
<b>CRIMES—<i>Concluded.</i></b>		
decompression chambers, dogs and cats, prohibiting killing of, by use of, penalty for . . . . .	139	1,2
forest and parks, division of, rules and regulations, penalty for violation of, increasing . . . . .	25	
Massachusetts Bay Transportation Authority, fraudulent use of passes on, penalty for . . . . .	256	
Massachusetts Turnpike Authority, rules and regulations, violation of, increasing penalty for . . . . .	491	1,2
motor vehicles, homicide by improper operations, penalty for . . . .	227	
public libraries, property of, detention of, penalty for . . . . .	206	
swimming pools, public, outdoor, inground, regulating operation of, penalty for violation . . . . .	253	1,2
trucks, tractors, trailers, and freight containers, breaking and entering of, penalty for . . . . .	236	
water companies, plastic pipe connections, notice of use of, failure to comply, penalty for . . . . .	500	
<b>CRIMINAL PROCEDURE AND PRACTICE:</b>		
Boston, juvenile court, district courts, in Suffolk county, juvenile cases, regulating appeals to . . . . .	262	
escapes from penal institutions, placing within jurisdiction of district courts . . . . .	235	
police officers, steamboat, railroad, railway express, powers of arrest of, relative to . . . . .	380	
probation officers, prior probation of defendant, notice of, to courts . . . . .	288	
<b>Cunningham Foundation</b> , Quincy, conveyance by, certain, validating, to . . . . .	440	1—3
<b>D.</b>		
<b>Dalton, town of</b> (see Cities and towns).		
fire district, boundaries, certain, establishing, of . . . . .	95	1,2
<b>Danvers, town of</b> (see Cities and towns).		
<b>Dartmouth, town of</b> (see Cities and towns).		
<b>Deacons</b> , ordained, Roman Catholic Church of, solemnization of marriages by . . . . .	51	
<b>Death records</b> (see Records).		
<b>Decompression chambers</b> , animals, killing of, prohibiting, by use of.	299	1,2
dogs and cats, prohibiting killing of, by use of . . . . .	139	1,2
<b>Deeds</b> (see Register of deeds).		
<b>Deer</b> , antlerless, hunting permits, fees for, relative to . . . . .	381	
or moose, farmers, reimbursement to, for damage by . . . . .	115	
<b>Deferred compensation program</b> , public employees, for, investment of funds of, relative to . . . . .	422	1—7
<b>Dennis water district</b> , Harwich, pipes, laying of, in authorizing, by . .	80	1—3
<b>Deal Help Inc.</b> , Natick, payment of sum of money by, authorizing, to	328	1—4
<b>Disabled persons</b> , guardian ad litem, appointment of, providing, for		
<b>DISCRIMINATION:</b>		
businesses, by, prohibiting . . . . .	297	1—6
Massachusetts Commission Against, membership of, composition of, relative to . . . . .	463	1—5

	Chap.	Section
<b>DISCRIMINATION—<i>Concluded.</i></b>		
<b>Disley, John, Palmer, payment of money by, to . . . . .</b>	204	
<b>DISTRICT ATTORNEYS:</b>		
assistant, relative to . . . . .	542	1—4
fetal research, changing law, relative to . . . . .	551	
Middle district, salaries, relative to, of assistant . . . . .	313	1,2
<b>DISTRICT COURTS:</b>		
<b>in general, aged persons, speedy civil trials for, providing for . . . . .</b>	61	
Employment Security Law, appeals process, relative to . . . . .	473	1—20
escapes from penal institutions, placing within jurisdiction of . . . . .	235	
judicial council, to investigate and study, fiscal and administrative procedures of . . . . .		13
juvenile offenders, work activities, authorizing, for, in . . . . .	533	
legal advice, providing, for hearings and admissions to mental health facilities, in . . . . .	356	1—4
prisoners, expenses, allowance of, regulating, for transportation of . . . . .	460	1—5
probation officers, prior probation of defendant, nature of, to . . . . .	288	
sexually dangerous persons, treatment center, restriction of movement in, upon action by . . . . .	496	
special justices, who have elected full-time special justices, compensation for, relative to, in . . . . .	151	
Superior Court, service in, providing, for judges of . . . . .	303	1—3
<b>special provisions relative to particular courts:</b>		
Barnstable, First District court of, additional justice for, providing, in . . . . .	522	1—3
Boston Municipal court, workmen's compensation hearings, late request for, may be filed in . . . . .	392	
Bristol, second district court of, additional justice for, providing, in . . . . .	254	
District courts in Suffolk county, juvenile cases, appeals to Boston Juvenile Court, regulating . . . . .	262	
Dukes county, district court of, clerk of, increasing salary of, in . . . . .	410	1,2
Eastern Essex, district court of, clerk of, increasing salary of . . . . .	469	1,2
Eastern Hampden, district court of, construction of courthouse for, authorizing borrowing for . . . . .	509	1—3
Essex, third district court of, clerk of, may adjust books to account for money stolen from office . . . . .	241	
Fitchburg, district court of, courthouse for, construction of, authorizing borrowing for . . . . .	314	1,2
Marlborough, district court of, clerk of, may adjust books, on account of money stolen from office . . . . .	537	
Municipal Court of the city of Boston, motor vehicle merit rating system, surcharges, on, appeals from . . . . .	266	1—33
Natick, district court of, clerk, increasing salary of, of . . . . .	413	1—3
bond issues, investment of, increasing authority, by treasurer of . . . . .	128	
fluoridation of water supply, placing on ballot, in . . . . .	129	
public contracts, to investigate and study by special commission, increasing scope of, relative to . . . . .	22	
public contracts, to investigate and study, reviving and continuing special commission . . . . .	2	
public employees, retirement allowances, cost-of-living adjustments, relative to . . . . .	304	1—3
retired persons, cost-of-living adjustment for, relative to, in . . . . .	126	1—3

	Chap.	Section
<b>DISTRICTS—Continued.</b>		
<b>fire</b> , Barnstable fire district, Cotuit fire district, Centerville-Osterville fire district, contracts for sale of water with, authorizing . . . . .	295	
Dalton, boundaries of, establishing . . . . .	95	1,2
<b>regional schools</b> , Narragansett, annual district elections, validating certain prior acts, in . . . . .	484	1—4
school building assistance program, law governing, clarifying . .	511	1,2
school personnel, certain, position superseded, establishing rights for, in . . . . .	351	
state school building assistance program, further amending . . . .	302	1—13
<b>regional vocational</b> , bond issues, investment of, increasing authority, by treasurer of . . . . .	128	
<b>sewers</b> , Lancaster sewer district, Clinton, in, taking of land, authorizing, for purposes of . . . . .	56	
Oxford-Rochdale, borrowing power, increasing, for . . . . .	75	
<b>water</b> , Dennis water district, harwich, pipes, laying of, in, authorizing, by . . . . .	80	1—3
Leicester water supply district, Lyon, Frank W., tenure for, as superintendent of . . . . .	103	1,2
Sandwich water district, water main and other equipment, borrowing for, authorizing . . . . .	174	
Stiles Like, establishing in Leicester and Spencer . . . . .	476	1—14
Swansea, officers, terms of, relative to . . . . .	132	
Upper blackstone water pollution abatement district, members of, increasing compensation of, of board of . . . . .	12	
<b>Divorce</b> (see Probate courts).		
<b>Dogs and cats</b> , control of, law relative to, to investigate and study by special commission, increasing scope of . . . . .	23	
<b>Dogs</b> , decompression chambers, prohibiting use of, for killing . . . . .	139	1,2
lost or stray, impoundment of, further regulating . . . . .	289	1—3
restraint of, after prior record of attack, of . . . . .	530	
<b>Doris, Elizabeth A.</b> Memorial Park, Revere, in, designated as . . . . .	166	
<b>Daughy, James Alden Private First Class Bridge</b> , Chelmsford, in, designated as . . . . .	450	
<b>Dover, town of</b> (see Cities and towns).		
<b>Dredge material</b> , environmental quality engineering, department of, directing control by, of disposal of . . . . .	347	
<b>Drug Formulary Commission</b> , formulary if interchangeable drug products, further regulating . . . . .	470	1—4
<b>Duffy, James</b> , Andover, payment of sum of money by, authorizing, to . . . . .	242	
<b>DUKES COUNTY:</b>		
appropriations for fiscal year . . . . .	98	1,2
county airport, repairs for, borrowing for, authorizing, by . . . .	142	1,2
district court, clerk of, salary of, increasing, of . . . . .	410	1,2
<b>Dummer Academy</b> , trustees, board of, increasing membership of, of .	270	
<b>Eastern Essex, district court of</b> (See District courts).		
<b>Eastern Hampden, district court of</b> (See District courts).		
<b>Eastern Middlesex, district court of</b> (See District courts).		
<b>Eastern Worcester, district court of</b> (See District courts).		
<b>Eastham, town of</b> (see Cities and towns).		
<b>East Norfolk, district court of</b> (See District courts).		
<b>Eaton, Florence L. building</b> , Northampton hospital, "E" building, designated as . . . . .	394	

	Chap.	Section
<b>DUKES COUNTY—Concluded.</b>		
<b>Economic development administration</b> , Essex county, expenditure by, authorizing, for matching fund grant with. ....	45	
<b>Edgartown, town of</b> (see Cities and towns).		
<b>EDUCATION, DEPARTMENT OF:</b>		
<b>in general</b> , American education week, observance of, changing time of, .....	31	
probate courts, may make order for children until age 21, for purposes of. ....	279	1,2
school building assistance program, law governing, clarifying. . .	511	1,2
superintendents of schools, employment of, annual meeting of school committees, for, relative to. ....	38	
<b>board of higher education</b> , records, rules for retention, etc., shall be adopted by. ....	50	1,2
state colleges, trustees of, Westfield, conveyance of buildings to, by .....	362	
state school building assistance program, further amending. ....	302	1—13
<b>regional community colleges</b> , student activities fees, shall be returned by presidents of. ....	418	
<b>Education financial aid program</b> , Vietnam veterans, eligibility of, clarifying, for. ....	457	1—3
<b>Elderly persons</b> (see Aged persons).		
<b>Elder Services of Cape Cod and Islands, Inc.</b> , contract with, for elderly care, by Barnstable County, with. ....	455	1—4
<b>ELECTIONS:</b>		
absentee ballots, may be marked, notarized, and mailed in any municipality. ....	84	
party enrollment, relative to. ....	85	
absentee voting rights, citizens residing outside U.S., relative to. . .	420	
candidate, voter inserting name, manner of marking, clarifying. . .	475	
“independent” candidates, nomination of, regulating. ....	234	1,2
nomination papers of, certificates of registration, to be filed with information for voters, printing of, relative to. ....	86	
nomination papers, number of signatures required, clarifying. ....	195	
nonbinding advisory questions on ballots, clarifying. ....	47	
placement of information on ballots, further regulating. ....	309	
political advertisements, relative to signing of. ....	109	
regional transit authorities, administrators and employees of, may not hold elective offices. ....	137	
registrars or assistant registrars of voters, may be candidates for election of town meeting member. ....	312	
election of town meeting member. ....	82	
registration of voters, additional continuous session, providing, for voters signing nomination papers, information required of, relative to. ....	529	1—3
to. ....	306	
voting lists, available to public, on payment of fee. ....	310	1—3
<b>Electric companies</b> , further regulating investment in bonds, by. ....	531	
generation and transmission facilities, location and operation of, special commission to investigate and study, increasing membership and scope of. ....	Resolve	26
public utilities, department of, recommendations by, to general court relative to charges by. ....	22	1,2
<b>Electric utility facilities</b> , location and operation of, to investigate and study by special commission, increasing membership and scope of .....	Resolve	26
<b>Electrolysis</b> , practice, further defining, of. ....	154	

	Chap.	Section
<b>EMPLOYERS AND EMPLOYEES:</b>		
Aliens, employment, prohibiting, of certain.....	452	
employees, separated, medical benefits, limited extension of, providing for.....	371	1—3
<b>Employment Security Law</b> , appeals process, relative to.....	473	1—20
labor and industries, commissioner of, minimum wage claims, unclaimed awards, disposition of, by.....	526	1,2
retirement plans, bank trustees and custodians, disposition by, rela- tive to benefits under.....	445	
state taxation, administration of, relative to.....	415	1—116
unemployment compensation benefits, certain temporary, extending.....	346	1,2
to exclude federal pensions or retirement benefits.....	228	1—4
Workmen's compensation, incapacity, increasing compensation for.....	474	1—12
<b>Employment Security Law</b> , appeals process, relative to.....	473	1—20
compensation benefits, temporary, certain, extending, under.....	346	1—4
unemployment compensation benefits, to exclude federal pensions or retirement benefits.....	228	1—4
<b>Energy alternative sources</b> , corporation, tax incentive for, providing, for use of.....	487	
<b>Energy Facilities Citing Council</b> , further regulating.....	468	1—4
<b>Environmental Affairs, executive office of</b> , Liquori, John, conveyance of land to, Agawam, in, by.....	177	
secretary of Wachusett Reservoir, ice fishing in, to investigate and study, by.....	Resolve 8	
Environmental capital outlay program, change in law, relative to..	367	
<b>Environmental Management, department of</b> , Fall River, in, Taunton River, maintenance of public beach, to investigate and study, by.....	Resolve 3	
Kadlich, Ingrid, easement to, confirmation of, by commission of..	501	
Public Works, department of, conveyance of easement to, park land in Natick, from.....	550	
Sharon, land in, clarifying conveyance by.....	543	
South Mountain Association, conveyance of land by, to.....	359	1—13
Swimming pools and skating rinks, construction of, to investigate and study, by.....	Resolve 11	
Worcester, Webster square veterans memorial swimming pool, designated as, marker by.....	148	
<b>Environmental quality engineering, department of</b> , dredge material, disposal of, under control of.....	347	
dredging and construction projects, to investigate and study, by.....	Resolve 20	
North Reading, drawing of water by, Ipswich River from, on approval of.....	408	
wetlands, protection of, further regulating procedure, relative to...	53	
<b>ESSEX COUNTY:</b>		
appropriations for fiscal year.....	363	
Eastern Essex, district court of, clerk of, increasing salary of.....	469	1,2
economic development administration and overall economic devel- opment committee of Cape Ann, Inc., matching fund grant, expenditure by.....	45	
Essex, first district court of (see District courts).		
third district court of, clerk of, may adjust books to account for money stolen from office.....	241	
jails and houses of correction, bills for operation of, authorizing payment by.....	190	1,2

	Chap.	Section
<b>ESSEX COUNTY—<i>Concluded.</i></b>		
Ryan, William H., creditable service for, certain, subject to approval of.....	260	
unpaid bills, certain, authorizing payment of, by.....	512	1—4
<b>Estates</b> , probate laws, certain, changes in.....	515	1—35
<b>Everett</b> , city of (see Cities and towns).		
<b>Evidence</b> (see Practice in civil actions).		
<b>Eyeglasses</b> , optometrists may advertise sale price of.....	91	
<b>Excise tax</b> (see Taxation).		
<b>Executions</b> (see Practice in civil action).		
<b>“Executive Office Promotional Examination”</b> , redefining, under civil service law.....	532	
<b>Executors and Administrators</b> (see Probate courts).		

## F.

<b>Fairhaven</b> , city of (see Cities and towns).		
<b>Fair information practices</b> , personal data, distribution of, to professional organizations, by commonwealth, relative to.....	93	1,2
<b>Fall River</b> , city of (see Cities and towns).		
<b>Falmouth</b> , secondary track, emergency repairs to portion of..... town of (see Cities and towns).	92	1,2
<b>Farmers</b> , deer or moose, damage by, reimbursement for, to.....	115	
<b>Farmland valuation advisory commission</b> , communities and development, secretary of, shall be member of.....	68	
<b>Federal aid anticipation notes</b> , Brockton, authorizing refunding of... New Bedford, renewal by, of certain.....	386 2	
Royalston, authorizing renewal by, of state and.....	257	
Wilbraham, borrowing by, authorizing, for repayment of.....	482	
Fitchburg, authorizing renewal by, of.....	350	1—4
<b>Federal fair credit billing act</b> , compliance with, shall be in compliance with state law, for limited time.....	123	
<b>Federal reserve bank</b> , banking association and corporations, fiduciary deposits by, relative to, with.....	97	
<b>Fees</b> , auctioneers, increasing, for licensing.....	87	1,2
deer, antlerless, hunting permits, relative to.....	381	
ice skating rinks, state owned, regulating.....	311	
voluntary administration, clarifying.....	113	
voting lists, available to public, on payment of reasonable.....	310	1—3
<b>Fetal research</b> , changing law, relative to.....	551	
<b>Fiduciaries</b> , national banking associations and foreign corporations, investments by, certain, acting as.....	179	
<b>Fiduciary accounts</b> , Federal reserve bank, deposits with certain, relative to.....	97	
<b>Firearms</b> , identification cards, issuance of, to persons in federal installations, relative to.....	239	
licenses, period of, extending, for.....	34	1,2
<b>Fire department</b> , bonfires, allowing between July second and July sixth in each year.....	77	
Pittsfield, in, fire force, appointments to, certain, relative to.....	331	
<b>Fire districts</b> (see Districts).		
<b>Firefighters</b> , public safety, department of, administration, further regulating, relative to.....	389	1—4
<b>Fish and fishing</b> (see also Natural Resources, department of).		

	Chap.	Section
<b>ESSEX COUNTY—Concluded.</b>		
<b>Fisheries and Game, division of</b> (see Natural Resources, department of).		
<b>Fish</b> , ground fish, taking of, further defining waters . . . . .	130	
<b>Fishing</b> , complimentary licenses to certain non-residents, allowing . .	178	
<b>Fishing gear</b> , swept ashore by natural causes, relative to recovery of . .	133	
<b>Fitchburg, city of</b> (see Cities and towns).		
<b>Flag</b> , United States (see United States).		
<b>Fleining, William H. and Robert A., Sr.</b> , Grafton, sale of park land by, authorizing, to . . . . .	523	
<b>Flood control</b> (see Water resources commission).		
<b>Fluoridation</b> , water supply, question of, placing on ballot in municipalities and districts . . . . .	129	
<b>Food stamps</b> , credit unions, sale by, authorizing, of . . . . .	30	
<b>Foreign governments</b> , businesses, prohibiting discrimination by, relative to . . . . .	297	1—6
<b>Foreign trade zones</b> , permitting establishment of certain . . . . .	264	
<b>Forest and parks, division of</b> , rules and regulations, penalty for violation of, increasing, of . . . . .	25	
<b>Framingham, town of</b> (see Cities and towns).		
<b>FRANKLIN COUNTY:</b>		
appropriations for fiscal year . . . . .	122	
harness horse racing, additional, providing, in . . . . .	217	1—8
University of Massachusetts, conveyance of land by, authorizing, in and to . . . . .	376	
Wendell New Salem Union School, employees of, may join retirement system of . . . . .	354	
<b>Franklin, town of</b> (see Cities and towns).		
<b>Fresh pursuit</b> , police officers, railroad, railway express or steamboat, powers of arrest, while in . . . . .	380	
<b>Frozen desserts</b> , packaging of, regulations . . . . .	193	1,2
<b>Funds</b> , banks of (see Banks and banking).		
municipal (see Banks and Banking).		
state (see State finance).		
<b>G.</b>		
<b>Game</b> , hunting (see Hunting).		
<b>Gardner, city of</b> (see Cities and towns).		
<b>Gas and electric companies</b> , bond pledge to secure other bonds, issuance of, authorizing, by . . . . .	357	1,2
bonds, investment in, by further regulating . . . . .	531	
energy facilities siting council, further regulating . . . . .	468	1—4
stockholders, votes of, relative to . . . . .	324	1—4
<b>Gasoline</b> , dealers' agreements, further regulating, for sale of . . . . .	64	1—7
<b>Georgetown, town of</b> (see Cities and towns).		
<b>GENERAL COURT:</b>		
legislative agents, directive changes in law, relative to . . . . .	458	1—5
public utilities, department of, recommendations by, electric rates, to . . . . .	22	1,2
small business purchasing program, annual report, relative to, shall be made to . . . . .	434	1—8
state secretary, may sell copies of bulletins of committee hearings, of . . . . .	462	
<b>General insurance guarantee fund</b> , savings and insurance bank, payments to, relating to unification of mortality, by . . . . .	176	

	Chap.	Section
<b>GENERAL COURT—Concluded.</b>		
General Marquis de Lafayette, anniversary of death of, establishing legal holiday for, .....	112	1—3
<b>Gilmartin, Francis</b> , Palmer, payment of money by, to, .....	204	
<b>Gloucester, city of</b> (see Cities and towns).		
<b>Gloucester community pier association</b> , membership, relative to, of, ..	153	1—4
<b>Governmental bodies</b> , meetings, law regulating, clarifying, of, .....	397	1—8
<b>Government land bank</b> , United States Navy Yard, land within, title to	432	
<b>GOVERNOR:</b>		
in general, American education week, observance of, changing time of, .....	31	
Martha's Vineyard commission, clarifying membership of, .....	219	1,2
nursing, board of registration, members, qualifications and number, changing of, appointment by, .....	436	1—3
proclamation by, retired members of the Armed Forces Day, annual observance of, .....	67	
<b>Grafton, town of</b> (see Cities and towns).		
<b>Graves</b> (see Cemeteries).		
<b>Griffith, Clark A.</b> , Carver, land, conveyance by, authorizing, to, ....	21	
<b>Ground fish</b> , coastal waters, certain; defining, relative to taking certain, .....	130	
<b>Guardian ad litem</b> (see Probate Courts).		
<b>Guns</b> (see Firearms).		

## H.

**Halifax, town of** (see Cities and towns).

### HAMPDEN COUNTY:

appropriations for fiscal year, for, .....	340	
courthouse and hall or records, construction of, borrowing for, increasing, by, .....	399	
Eastern Hampden, district court of, construction of courthouse for, borrowing for, authorizing, by, .....	509	1—3
harness horse racing, additional, providing, in, .....	217	1—8
hospital, appropriations for care, maintenance and repair of, .....	73	
jail and house of correction, renovation and repair, wuthorizing by regional housing authority, establishing, .....	499	1,2
	419	1—5

### HAMPSHIRE COUNTY:

appropriations for fiscal year, for, .....	265	
harness horse racing, additional, providing, in, .....	217	1—8
mental health, department of, conveyance of land by, Northampton, in, to, .....	520	
<b>Hampshire County Regional Housing Authority</b> , establishing, .....	419	1—5
<b>Handicapped children</b> (see Children).		
<b>Harbor and Shellfish advisory board</b> , Nantucket, in, establishing, ....	465	
<b>Hartell, Evelyn P.</b> , Edgartown, conveyance of land by, to, .....	291	1,2
<b>Harvard College</b> , Boston State Hospital and department of mental health, grant of easement by, to, .....	99	1—3
Mental health, department of, acceptance of right of way by, conveyance of right of way to, .....	70	1,2
Museum of comparative zoology, collection of admission fees to, authorizing, by, .....	173	1,2
<b>Harwich, town of</b> (see Cities and towns).		
<b>Hawkers and peddlers</b> , motor vehicles to be equipped by certain lights, used by, .....	222	

	Chap.	Section
<b>HAMPSHIRE COUNTY—Concluded.</b>		
<b>Health care delivery systems</b> , further regulating.....	409	1—8
<b>Health Maintenance organizations</b> , organization and operation, further regulating, of.....	454	1—6
<b>Heinlein, Charles F.</b> , Dover, increasing pension by, for.....	339	1—4
<b>Higher education, board of</b> (see Education, department of).		
<b>HIGHWAYS:</b>		
emergency communication equipment, installation of, providing for on limited access.....	158	
Gardner, in, public works, department of, acquisition of land by, for purposes of.....	528	
Motor vehicles, heavy, certain, laws relative to suspension of.....	5	1—3
recreational vehicles, operation of, further regulating, on.....	13	
<b>Historic districts</b> , Old King's Highway Regional, excluded areas, ascertaining will of voters, relative to.....	271	
withdrawal from, by Eastham, authorizing.....	273	1—5
<b>Historical commissions</b> , towns, relative to filling vacancies in.....	14	
<b>Hoar, Sherman and Harriet B.</b> , Edgartown, conveyance of land by, to.....	291	1,2
<b>Holidays</b> , legal, General Marquis de Lafayette, anniversary of death of, establishing.....	112	1—3
<b>Holyoke, city of</b> (see Cities and towns).		
<b>Hopkinton, town of</b> (see Cities and towns).		
<b>Horse racing</b> , harness, Franklin, Hampshire and Hampden county, additional days for.....	217	1—8
<b>HOSPITALS:</b>		
Barnstable county, chief of medical staff and administrator of, discharge of, relative to.....	8	
Cambridge, health and hospital commissioner, appointment of, authorizing.....	201	1—5
Cape Cod, St. Joseph Manor Nursing Home, Inc., public health, department of, certificate of need, directing, to.....	417	
fetal research, changing law, relative to.....	551	
Hampden county, appropriations for care, maintenance and repair of.....	73	
health care delivery systems, further regulating.....	409	1—8
Jordan Hospital, payment of sum of money to, Plymouth county, by.....	27	1—3
Middlesex county, appropriations for maintenance, care and repair of.....	341	
Middlesex county, improvements at, borrowing for, authorizing, ..	539	1,2
Norfolk county, appropriations for care, maintenance and repair of	275	
Northampton state hospital, "E" building, designated as Forence L. Eaton building.....	394	
Norwood, mental health, department of, conveyance of land in foxborough, by, to.....	544	
Plymouth county hospital, appropriation for care, maintenance and repair of.....	342	
Tewksbury hospital, shall be known as Thomas J. Saunders building.....	325	
Whidden Memorial hospital, Everett, borrowing by, authorizing, for construction of off-street parking for.....	108	1—3
Worcester county, appropriations for care, maintenance and repair of.....	423	
<b>Hospital service corporations</b> , employees, separated, certain limited extension of benefits for, under.....	371	1—3

	Chap.	Section
<b>HOSPITALS—<i>Concluded.</i></b>		
<b>Hospital Service Corporations—<i>Concluded.</i></b>		
non-profit, changes in laws relative to . . . . .	203	1—3
contracts with health maintenance organizations, medical foundations and others, relative to . . . . .	307	
<b>Hot water tanks</b> , maximum pressure of, further regulating . . . . .	39	1,2
<b>Housing courts</b> , counsel fees in civil cases, certain, allowing, in . . . . .	233	1—3
<b>Hudson, Francis E.</b> , Stoneham, payment of pension by, directing, to . . . . .	329	1—3
<b>Hunting</b> , complimentary licenses to certain non-residents, allowing . . . . .	178	
<b>Husbands and wives</b> , domestic relation actions, jurisdiction over absentee spouse, relative to . . . . .	435	
<b>I.</b>		
<b>Ice skating facilities</b> , emergency telephone numbers, posting, requiring, at . . . . .	516	
<b>Ice skating rinks</b> , construction of, environmental management, department of, to investigate and study . . . . .	Resolve 11	
state owned, regulating fees for use of . . . . .	311	
<b>Impleader</b> (see Practice in civil actions).		
<b>Income tax</b> (see Taxation).		
<b>Industrial Accident Board</b> , incapacity, increasing compensation for, under . . . . .	474	
<b>Industrial relations adjuster</b> , conciliation and arbitration, board of, within, exemption from civil service laws, for . . . . .	492	
<b>Infants</b> (see Children).		
<b>Inheritance taxes</b> (see Taxation).		
<b>Inland waters</b> (see Waters and waterways).		
<b>Installment sales</b> (see Sales).		
<b>INSURANCE:</b>		
<b>in general</b> , agents or brokers, licensing of, relative to . . . . .	141	
general insurance guarantee fund, savings and insurance bank, payments to, relating to unification of mortality, by . . . . .	176	
hospital and medical service corporation, changes in law, relative to . . . . .	203	1—3
<b>classes of insurance</b> , life and annuity, increasing amount which may be issued, by saving and insurance banks . . . . .	391	
medical, employees, separated, limited extension of benefits, providing for . . . . .	371	1—3
motor vehicle, compulsory property protection, further regulating . . . . .	1	1—5
motor vehicle, merit rating board, establishing, and related matters . . . . .	266	1—33
<b>commissioner of</b> , medical service corporations, contracts with health maintenance organizations, medical foundations and others, approval by . . . . .	308	
non-profit hospital service, contracts with health maintenance organizations, medical foundations and others, approved by . . . . .	307	
<b>companies</b> , corporations, take-over bids, regulating, in acquisition of . . . . .	121	1—13
domestic life, real property investments of, relative to . . . . .	355	1,2
health and accident, cancellable at age sixty-five, requiring certain notices by . . . . .	471	

	Chap.	Section
<b>INSURANCE—Concluded.</b>		
<b>Companies—Concluded.</b>		
investments, relative to, by . . . . .	547	1—4
<b>group</b> , state employees, optional purchases by, increasing ceiling on, for . . . . .	524	
<b>motor vehicles</b> , merit rating plan, surcharge in, further regulating . .	525	1—3
<b>Insurance advisors</b> , corporations, may be . . . . .	401	
<b>International organizations</b> , businesses, prohibiting discrimination by, relative to . . . . .	297	1—6
<b>Interstate carriers</b> (see Motor vehicles).		
<b>Ipswich, town of</b> (see Cities and towns).		
<b>Ipswich River</b> , North Reading, drawing of water by, from . . . . .	408	

## J.

<b>Jablonski, Alberta and Zygmunt</b> , payment of sum of money by, authorizing, to . . . . .	225	1—3
<b>Jeffers, Milton</b> , Edgartown, conveyance of land by, to . . . . .	291	1,2
<b>Jewelry</b> , costume, charitable organizations, sale by, further regulating, of . . . . .	114	
<b>J.F. &amp; S. Realty Corporation</b> , Boston, inner harbor, certain part, license to fill made irrevocable, to . . . . .	377	
<b>J. M. Richards Co., Inc.</b> , Chelmsford, authorizing payment by, to . . .	316	1—3
<b>Joaquin, Edward Patrolman Overpass</b> , Fall River, in, designated as . .	255	
<b>John Fitzgerald Kennedy Library</b> , University of Massachusetts, conveyance of land by, to United States, for purposes of . . . . .	298	1,2
park, metropolitan district commission, established by, Cambridge, in, . . . . .	298	1,2
<b>Johnson, Grace Harding</b> , Barnstable county, payment of sum of money by, authorizing, to . . . . .	164	
<b>Jordan Hospital</b> , Plymouth county payment of sum of money by, authorizing, to . . . . .	27	1—3
<b>Judges</b> (see also specific courts).		
<b>Judges</b> , retirement of (see Retirement systems and pensions).		
<b>Judgments</b> (see Practice in civil actions).		
<b>JUDICIAL COUNCIL:</b>		
child custody laws, district court procedure, to investigate and study, by . . . . . Resolve	13	
children and elderly persons, protection of, to investigate and study, by . . . . . Resolve	12	
<b>Judicial pension system</b> , Retirement Law Commission, to investigate and study, relative to . . . . . Resolve	24	
<b>Junior Colleges</b> (see Colleges, universities and institutions).		
<b>Jury trials</b> , juvenile cases in District courts in Suffolk county, appeals, certain; providing for . . . . .	262	
<b>Juvenile courts</b> (see District courts).		
<b>Juvenile offenders</b> , work activities, authorizing, for . . . . .	533	

## K.

<b>Kadlick, Ingrid</b> , Environmental management, department of, easement by, confirmation of, to . . . . .	501
<b>Karstunen, Donald</b> , Avon, payment of sum of money by, to . . . . .	344

	Chap.	Section
<b>JUDICIAL COUNCIL—Concluded.</b>		
<b>Kosminder, Stephen</b> , Palmer, payment of sum of money by, to.....	204	
<b>Kowynia, Mitchell</b> , Ware, in, conveyance of land by, to.....	402	
 <b>L.</b>		
<b>LABOR:</b>		
aliens, employment, prohibiting, of certain.....	452	
employees, separated, medical benefits, limited extension of, providing for.....	371	1—3
employment security law, appeals process, relative to.....	473	1—20
unemployment compensation benefits, certain temporary, extending.....	346	1,2
to exclude federal pensions or retirement benefits.....	228	1—4
workmen's compensation, incapacity, increasing compensation for.....	474	1—12
<b>LABOR AND INDUSTRIES, DEPARTMENT OF:</b>		
industrial relations adjusters, exempting from civil service laws, within.....	492	1,2
minimum wage claims, unclaimed awards, disposition of, by.....	526	1,2
pupils, transportation of, contracts, wage rates, under, further regulating, by.....	286	
<b>Lakeville, town of</b> (see cities and towns).		
<b>Lancaster</b> , Sewer district, Clinton, in, taking of land, authorizing, for purposes for.....	56	
<b>LAND COURT:</b>		
aged persons, speedy civil trials for, providing for.....	61	
counsel fees, certain, allowing, in.....	233	1—3
<b>Land fill area</b> , cities and towns, borrowing by, for purposes of.....	404	
may borrow for closing of old or opening new.....	189	
<b>Landlord and tenanat</b> , rent control, Cambridge, in, authorizing optional continuance of.....	36	1—13
Somerville, in, authorizing optional continuance of.....	37	1—13
rooming and lodging houses, tenant's rights, extending provisions of laws, relative to.....	294	
<b>landry, Patience</b> , resolve in favor of..... RESOLVE	7	
<b>Laugelle, Joseph S.</b> , Cohasset, payment of sum of money by, authorizing, to.....	220	
<b>Lawrence, city of</b> (see Cities and towns).		
<b>Lawrence, district court of</b> (see District courts).		
<b>Laws</b> , certain, changing, relative to.....	515	1—35
<b>Lawyers</b> (see Attorneys).		
<b>Leases</b> , real estate (see Real estate).		
<b>LeClair, Henry</b> , Palmer, payment of sum of money by, to.....	204	
<b>Legal advice</b> , mental health facilities, hearings and admissions to, providing.....	356	1—4
<b>Legislative agents</b> , directive changes in law, relative to.....	458	1—5
<b>Leicester, town of</b> (see Cities and towns).		
<b>Leicester water supply district</b> , Lyon, Frank W., tenure for, as superintendent of.....	103	1,2
<b>Leominster, city of</b> (see Cities and towns).		
<b>Leo R. Dumont &amp; Sons, Inc.</b> , Chelmsford, authorizing payment by, to.....	316	1—3
<b>Lepage, Jean Baptiste overpass</b> , Fall River, in, designated as.....	427	
<b>Lexington, town of</b> (see Cities and towns).		

	Chap.	Section
<b>LAND COURT</b> — <i>Concluded.</i>		
<b>Libraries</b> , Pittsfield, Berkshire Athenaeum, trustees of, relative to . . .	336	1—5
<b>LICENSES AND PERMITS:</b>		
alcoholic beverages, pledge for certain loans, authorizing . . . . .	514	
deer, antlerless, hunting permits, fees for, relative to . . . . .	387	
firearms, extending period of validity, for . . . . .	34	1,2
hunting and fishing, complimentary to certain non-residents, allowing . . . . .	178	
insurance agents or brokers, relative to . . . . .	141	
milk dealers, relative to . . . . .	136	1—5
public utilities, department of, licenses, certain temporary, increasing time of validity . . . . .	181	
<b>Liens</b> (see Practice in civil actions).		
<b>Life insurance</b> (see Insurance).		
<b>Limitations of actions</b> (see Practice in civil actions).		
<b>Lincoln, town of</b> (see Cities and towns).		
<b>Liquori, John</b> , Environmental affairs, executive office of, conveyance of land by, Agawam in, to . . . . .	177	
<b>Liquors</b> (see Alcoholic beverages).		
<b>Loans</b> (see also Banks ( banking)).		
credit unions, increasing authority of, relative to . . . . .	60	1,2
mortgage, Massachusetts Housing Finance Agency, further regulating . . . . .	519	1,1
savings banks, board of investment, members of, relative to, of . . .	102	
second mortgages by, authorizing, on certain . . . . .	229	1—3
<b>Lodging houses</b> , tenants' rights, extending provisions of laws, relative to . . . . .	294	
<b>Lowell, city of</b> (see Cities and towns).		
<b>Lunenburg, town of</b> (see Cities and towns).		
<b>Lynn, city of</b> (see Cities and towns).		
<b>Lynnfield, town of</b> (see Cities and towns).		
<b>Lyon, Frank W.</b> , Leicester water supply district, superintendent of, providing tenure for . . . . .	103	1,2
<b>M.</b>		
<b>Machin guns</b> (see Firearms).		
<b>Machinery ( Steel Service Co., Inc.</b> Braintree, payment of sum of money by, authorizing, to . . . . .	65	1—4
<b>Macomber, Harold S. highway</b> , Fairhaven, in, designated as . . . . .	358	
<b>Malden, city of</b> (see Cities and towns).		
<b>Malden Mills, Inc.</b> , Malden, conveyance of park land by, authorizing, to . . . . .	383	
<b>Manchester, town of</b> (see Cities and towns).		
<b>Manning, Harriet</b> , Avon, payment of sum of money by, authorizing, to . . . . .	344	
<b>Mansfield, town of</b> (see Cities and towns).		
<b>Marblehead, town of</b> (see Cities and towns).		
<b>Marine and recreational vehicles, division of</b> , motor boat operators, licensing of, to investigate and study, by . . . . . <b>RESOLVE</b>	5	
<b>Marine boundaries</b> , environmental quality engineering, department of, control by, of dredge materials, from . . . . .	347	
<b>Marine insurance</b> (see Insurance).		
<b>Marlborough, city of</b> (see Cities and towns).		
<b>Marlborough, district court of</b> (see District courts).		

	Chap.	Section
<b>LICENSES AND PERMITS—Continued.</b>		
<b>Marriage certificates</b> (see Records).		
<b>Marriages</b> , domestic relation actions, jurisdiction over absentee spouse, relative to.....	435	
Roman Catholic church, solemnization of, by ordained deacons of.....	51	
<b>Martha's Vineyard commission</b> , clarifying membership of.....	219	1,2
<b>Mashpee, town of</b> (see Cities and towns).		
<b>MASSACHUSETTS:</b>		
Aeronautics commission, Norwood, reimbursement to, airport repairs, for, with approval of.....	493	
Bay Transportation Authority, Andover, payment of sum of money by, authorizing, to.....	370	
Arlington, Catholic high school, prohibiting location of Mass transportation facility near, by.....	439	
fraudulent use of passes, penalty for, on.....	256	
police officers of, employment and compensation of, may be heard by designee of.....	251	
Brigade of the Continental line, reactivating..... RESOLVE	15	
commission against discrimination, businesses, prohibiting discrimination by, relative to.....	297	1—6
membership of, composition of, relative to.....	463	1—5
commission for the blind, supervisors, compensation of, relative to, in.....	243	
credit union share insurance corporation, Inc., assessments paid to, relative to.....	32	
Housing Finance Agency, further regulating.....	519	1,2
Register, Code of Massachusetts regulations, providing for.....	459	1—5
small business purchasing program, creating.....	434	1—8
Turnpike Authority, rules and regulations, violation of, increasing penalty for, of.....	491	1,2
University of Massachusetts, Franklin county, conveyance of land in and to, by.....	376	
<b>Matera, Joseph</b> , Palmer, payment of sum of money by, to.....	204	
<b>Maxwell Supply Incorporated</b> , Chelmsford, authorizing payment by, to.....	316	1—3
<b>McMahon, Corp. Charles Jr.</b> , resolve in favor of heirs of. RESOLVE	21	
<b>Mead, William L.</b> , Mashpee, payment of sum of money by, authorizing, to.....	130	
<b>Meals tax</b> (see Taxation).		
<b>Medford, city of</b> (see Cities and towns).		
<b>Medicaid</b> (see Public welfare, department of).		
<b>Medical service corporations</b> , contracts with health maintenance organizations, medical foundations, and others.....	308	
non-profit, changes in law, relative to.....	203	1—3
<b>Medical students</b> , practice of medicine, under supervision, authorizing, by.....	106	
<b>Medicine</b> , practice of medical students, amy, under supervision.....	106	
<b>Medway, town of</b> (see Cities and towns).		
<b>Melrose, city of</b> (see Cities and towns).		
<b>MENTAL HEALTH, DEPARTMENT OF:</b>		
in general, civil service law, status under, redefining, for certain employees of.....	333	
employees, certain, appointment of, clarifying in.....	546	
Foxborough, land in, conveyance to Norwood hospital, directing, by.....	544	
Hampshire county, land, Northampton in, conveyance to, by...	520	

	Chap.	Section
<b>MENTAL HEALTH, DEPARTMENT OF—<i>Concluded.</i></b>		
<b>in general—<i>Concluded.</i></b>		
Harvard college, conveyance of right of way to, acceptance of right of way from, by.....	70	1,2
grant of easement to, certain, authorizing, by.....	99	1—3
legal advice, regarding waiver and admissions, providing, facilities of.....	356	
Mansfield, conveyance of land to, Norton, in, for sewage purposes, by.....	552	
mental health patients, employment opportunities, providing for, under supervision of.....	155	1,2
mentally retarded persons, temporary guardians, appointment of, upon petition by.....	227	
Middleton, easement to, for overhead transmission lines, authorizing, by.....	448	
Northampton state hospital, "E" building, designated as Florence L. Eaton building.....	394	
professional qualifications, further defining, of, deputy commissioner of.....	352	
<b>commissioner of</b> , Wrentham, lease of land at Wrentham state school, to, directing, by.....	268	1,2
<b>Mental health patients</b> , employment opportunities, providing, for...	155	1,2
<b>Mental institutions</b> (see Hospitals).		
<b>Mentally ill persons</b> , estates, administration of, relative to, of.....	205	
<b>Mentally retarded persons</b> , guardians ad litem, appointment of, providing for.....	548	
temporary guardians, appointment of, relative to.....	277	
<b>Mergers</b> , corporations of, relative to.....	327	
<b>Merit rating board</b> , motor vehicle insurance, establishing.....	266	1—33
<b>Merit rating plan</b> , motor vehicle insurance, surcharges in, further regulating.....	525	1—3
<b>Merrimack Valley Planning Commission</b> , planning boards, relative to, of.....	535	
<b>Methuen, town of</b> (see Cities and towns).		
<b>METROPOLITAN DISTRICT COMMISSION:</b>		
Blue Hills reservation, land in, certain, use of for water supply purposes, by.....	508	1—3
Boston, Robertt Bleakie intersection, marker by.....	42	
emergency communication equipment, installation of on limited access highways, by.....	158	
ice skating rinks, fees for use of, regulating, charge by.....	298	1,2
John Fitzgerald Kennedy park, Cambridge, in, to be established by	298	1,2
Malden, drainage and flood control facilities, construction in, by..	424	
Medford, exchange of parcel of land, with and by.....	428	
Mitchell Kowynia, conveyance of land to, Ware, in, by.....	402	
New England Power Company, grant of easements to, Saugus, in, by.....	429	
Quincy, in, sewerage program, additional work by.....	425	
Revere, Doris, Elizabeth A., designated as, marker by.....	166	
Michonski, Edward, Palmer, payment of sum of money by, to....	204	

	Chap.	Section
<b>METROPOLITAN DISTRICT COMMISSION—Concluded.</b>		
Middleborough, town of (see Cities and towns).		
Middle district, assistant district attorneys, salaries of, relative to, in . . . . .	313	1,2
<b>MIDDLESEX COUNTY:</b>		
appropriations for fiscal year, for . . . . .	405	
Marlborough, district court of, clerk of, may adjust books, on account of money stolen from office . . . . .	537	
Middlesex county hospital, appropriations for maintenance, care, and repair of . . . . .	341	
improvements at, borrowing for, by . . . . .	539	1,2
<b>Middleton, town of</b> (see Cities and towns).		
<b>Military reservation commission</b> , United States, transfer of land to, for national cemetery purposes, Barnstable county, in, by . . .	150	1,2
<b>Milk dealers</b> , licensing of, relative to . . . . .	136	1—5
<b>Millbury railroad corporation</b> , establishing . . . . .	360	1—6
<b>Misiaszek, Anthony</b> , payment of sum of money by, to . . . . .	204	
<b>Mobile home parks</b> , Peabody, in, establishing rent and eviction control, relative to . . . . .	131	1—9
<b>Moby Dick skating rink</b> , New Bedford, in, redesignated as Stephen Hetland memorial skating rink . . . . .	111	
<b>Monument Contracting Co., Inc.</b> , Boston, payment of sum of money by authorizing, to . . . . .	159	1,2
<b>Mortgage loans</b> , amortization, increasing time for, of certain . . . . .	364	1—3
cooperative banks, may assign to United States or agency thereof, certain . . . . .	69	
credit unions, increasing amounts which may be loaned by, on real estate . . . . .	7	
on condominiums, increasing amounts by, on . . . . .	9	
<b>Mortgages</b> , cooperative banks, eighty per cent loans, increasing amount which may be loaned . . . . .	117	
ninety and ninety-five per cent of value loans, relative to . . . . .	28	1,2
savings banks, authorizing on second . . . . .	229	1—3
<b>Motor boats</b> , operators, licensing of, to investigate and study, by division of marine and recreational vehicles, relative to Resolve skiers, towing of, further regulating, by . . . . .	5	
	100	
<b>Motorcycles</b> (see Motor vehicles).		
<b>Motor fuel sales act</b> (see Taxation).		
<b>Motorized bicycles</b> , defining and regulating . . . . .	261	1—5
<b>MOTOR VEHICLES:</b>		
accidents, fatal or serious injuries, reports of, shall be made by local police to registry of motor vehicles . . . . .	382	
annual emission inspection program, to investigate and study by special commission, relative to . . . . . Resolve	10	
bus transportation programs, financial assistance to, relative to, . . .	518	1,2
compulsory property protection insurance, further regulating, for . . .	1	1—5
emergency, school bus, approaching, stop required, by . . . . .	466	
hawkers and peddlers, required to use certain lights on . . . . .	222	
heavy, certain, laws relative to, suspension of . . . . .	5	1—3
homicide by improper operation, penalty for, of . . . . .	227	
insurance, merit rating plan, surcharges in, further regulating . . . . .	525	1—3
investigator in registry of, eligible list, extending time . . . . .	293	
merit rating board and related matters . . . . .	266	1—33
police departments, notice required to, of repossession of . . . . .	447	
state-owned, further regulating use of . . . . .	172	
stolen or abandoned, removal of from public way, relative to . . . . .	266	5

	Chap.	Section
<b>MOTOR VEHICLES—<i>Concluded.</i></b>		
trucks, tractors, trailers and freight containers, breaking and entering of, penalty for . . . . .	236	
<b>Mucciare, Florence</b> , Franklin, payment of sum of money by, to . . . . .	387	
<b>MUNICIPAL FINANCE:</b>		
assessment of taxes, assessment where appropriations have not been voted for next fiscal year, further regulating . . . . .	393	
bond issues, investment of proceeds of, increasing authority . . . . .	128	
cities, annual budgets in 1976, extending time for submission of annual budgets, by . . . . .	35	1,2
cities and towns, land fill area, opening new or closing old, borrowing for, authorizing . . . . .	189	
employees, special duty work details, funds received for, regulating disposition of . . . . .	24	
land fill areas, improvements, etc., borrowing for, authorizing . . . . .	404	
real estate, leasing by municipalities, for certain periods, authorizing . . . . .	191	
snow and ice removal, emergency, expenditures for . . . . .	33	
Two hundred and fiftieth anniversary, celebration of, authorizing appropriation for . . . . .	485	
ways, private, repairs, further regulating . . . . .	149	1,2
<b>Municipal liens</b> , certificates of, fees for, disposition of, by collectors in certain towns . . . . .	163	
<b>Murphy, James J.</b> , Fall River, in, continuing annuity for . . . . .	6	
<b>Museum of Comparative Zoology</b> , Harvard College, may charge fees for admission to . . . . .	173	1,2
<b>N.</b>		
<b>Nantucket, town of</b> (see Cities and towns).		
<b>Narcotics</b> (see Drugs and controlled substances).		
<b>Narragansett Regional school district</b> , annual district elections, validating certain prior acts, in . . . . .	484	1—4
<b>Nataupsky, Leonard</b> , Chelsea, clerk of committees, tenure as, providing for . . . . .	232	
<b>Natick, district court of</b> , clerk, increasing salary of, of . . . . .	413	1—3
<b>Natick, town of</b> (see Cities and towns).		
<b>National banking associations</b> , common trust funds, certain, investments in, relative to, by . . . . .	179	
<b>National cemetery</b> , military reservation commission, conveyance of land to United States, Barnstable county, in, for purposes of . . . . .	150	1,2
<b>National guard</b> (see Massachusetts National Guard).		
<b>NATURAL RESOURCES, DEPARTMENT OF:</b>		
in general, deer, antlerless, hunting permits, fees for, under control of . . . . .	387	
commissioner, fishing and hunting licenses, to certain non-residents, allowing . . . . .	178	
<b>Navy Yard</b> , United States, government land bank, title in, of . . . . .	432	
<b>Neal, Walter F. Bridge</b> , Newbury, in, designating as Donald Wilkinson Bridge, formerly . . . . .	490	
<b>Negligence</b> (see Practice in civil actions).		
<b>New Bedford, city of</b> (see Cities and towns).		
<b>Newbury, town of</b> (see Cities and towns).		
<b>New England Antiquities</b> , society for the preservation of land, acquisition and sale, relative to, by . . . . .	258	1,2

Chap. Section

**NATURAL RESOURCES, DEPARTMENT OF—*Concluded.***

<b>New England Power Company</b> , Armory Commission, easements by, in Lynnfield, Reading and North Reading, to . . . . .	300	
Metropolitan District Commission, grant of easements by, Saugus, in, to . . . . .	429	
North Reading, grant of easements by, to . . . . .	188	1,2
public health, commissioner of, easement by, Tewksbury, in, to . . . . .	323	
Reading, easements by and in, granting to . . . . .	301	
<b>Newspapers</b> , political advertisements, relative to signing of, in . . . . .	137	1,2
<b>New state fish pier</b> , Gloucester, in, authorizing expenditure for preli- minary studies for . . . . .	104	
<b>Nonresidents</b> , retail installment sales and revolving credit agreements, further regulating, for . . . . .	494	1,2
<b>NORFOLK COUNTY:</b>		
appropriations for fiscal year, for . . . . .	406	
economic development study, with University of Massachusetts, authorizing, by . . . . .	247	
Norfolk county hospital, appropriations for care, maintenance and repair of . . . . .	275	
recreational vacation, etc., resources, promotion of, expenditures for, clarifying, by . . . . .	248	
<b>Norfolk, town of</b> (see Cities and towns).		
<b>North Andover, town of</b> (see Cities and towns).		
<b>North Attleborough, town of</b> (see Cities and towns).		
<b>Northern Norfolk, district court of</b> , (see District Courts).		
<b>Northampton state hospital</b> , "E" building, designated as Florence L. Eaton building, at . . . . .	394	
<b>North Reading, town of</b> (see Cities and towns).		
<b>Norwood, town of</b> (see Cities and towns).		
<b>Norwood Hospital</b> , Mental Health, department of, conveyance of land in Foxborough, by, to . . . . .	544	
<b>Nursing</b> , board of registration in, members, qualifications and number, changing of . . . . .	436	1—3

**O.**

<b>Oak Ridge Golf Club</b> , Agawam, license for sale of alcoholic bever- ages, by, to . . . . .	319	
<b>Ocean sanctuaries</b> , South Essex Ocean Sanctuary, establishing . . . . .	369	
<b>Officers, counties of</b> (see Counties).		
police (see Police officers).		
state (see Commonwealth).		
<b>Oil</b> , Energy Facilities Setting Council, further regulating . . . . .	468	1—4
<b>Old King's Highway Regional Historic District</b> , Eastham, authorizing withdrawal by, from . . . . .	273	1—5
excluded areas, ascertaining will of voters, relative to . . . . .	271	
<b>Open-end credit plans</b> , balances on, relative to . . . . .	192	
<b>Optometrists</b> , medical bills of, admissability in evidence, relative to . . . . .	489	
ophthalmic goods, sale price of, advertising of, authorizing . . . . .	91	
<b>Orleans, town of</b> (see Cities and towns).		
<b>overall economic development committee of Cape Ann, Inc.</b> , Essex County, expenditure by, authorizing, for matching fund grant with . . . . .	45	
<b>Overpasses</b> (see Ways).		

	Chap.	Section
<b>NORFOLK COUNTY</b> — <i>Continued.</i>		
<b>Oxford-Rochdale sewer district</b> , borrowing power, increasing, for . . .	75	
<b>P.</b>		
<b>Palmer, town of</b> (see Cities and towns).		
<b>Park commissioner</b> , towns, in, road commissioners and departments of public works, may act as . . . . .	274	
<b>Parking garage</b> , Springfield, borrowing by, for remodeling of . . . . .	315	1—9
<b>Park land</b> , Dartmouth, in, construction of senior citizens community center, on certain . . . . .	210	
Grafton, sale by, to William H. Fleming and Robert A. Sr., of certain . . . . .	523	
marblehead, sale by, authorizing, of certain . . . . .	540	
Methuen, conveyance of land by, to Malden Mills, Inc., consisting of . . . . .	383	
Natick, in, conveyance of easement from department of environmental management to department of public works, relative to . . . . .	550	
North Reading, grant of easements by, New England power company to, over certain . . . . .	188	1,2
Wilbraham, new town office building, construction of, authorizing, on certain . . . . .	107	1,2
<b>Parole Board</b> , sexually dangerous persons, treatment center, restriction of movement in, review by . . . . .	496	
<b>Parolees</b> (see Penal and reformatory institutions).		
<b>Party enrollment</b> (see Elections).		
<b>Peabody, city of</b> (see Cities and towns).		
<b>Penal institutions</b> , district courts, jurisdiction of, for escapes from . . .	235	
<b>Pensions</b> (see Retirement systems and pensions).		
<b>Pepperell, town of</b> (see Cities and towns).		
<b>Permits</b> (see Licenses and permits).		
<b>Permits, registration of</b> (see Civil service and registration, department of).		
<b>Personal property</b> , sale of (see Sales).		
<b>Personal property, taxation of</b> (see Taxation).		
<b>Personnel administration</b> , division of, Massachusetts commission for the blind, supervisors in, compensation of, shall be determined by . . . . .	243	
<b>Peter's Field Trust, Inc.</b> , Edgartown, conveyance of land by, to . . . .	291	1,2
<b>Pharmacies</b> , Drug Formulary Commission, formulary of interchangeable drug products, further regulating . . . . .	470	1—4
pharmacy, board of registration, complaints to, extending time limit of, against . . . . .	444	
<b>Pharmacists</b> , controlled substances, number of tablets, to be indicated on labels, by . . . . .	110	
<b>Phillipston, town of</b> (see Cities and towns).		
<b>Physicians</b> , Drug Formulary Commission, formulary of interchangeable drug products, further regulating . . . . .	470	1—4
fetal research, changing law, relative to . . . . .	551	
medical students, certain, may practice medicine, under the supervision of . . . . .	106	
prescriptions for controlled substances, authorizing, by certain non-resident . . . . .	498	
<b>VietNam veteran's death certificate</b> , requiring certain information, by . . . . .	54	

	Chap.	Section
<b>NORFOLK COUNTY—Concluded.</b>		
Pilotage, rates, Boston, part of, further regulating. . . . .	19	1,2
Pittsfield, city of (see Cities and towns).		
Planning board, Chelmsford, in, establishing terms of members of. . .	541	
Merrimack Valley Planning Commission, relative to. . . . .	535	
Planning district (see Districts).		
Plant pest control, division of (see Agriculture, department of)		
<b>PLYMOUTH COUNTY:</b>		
appropriations for fiscal year, for. . . . .	348	
Brockton, acquisition of land in, courthouse, parking for, by. . . .	497	1,2
fourth district court of (see District courts).		
Jordan Hospital, payment of sum of money to, by. . . . .	24	1—3
Plymouth County Hospital, appropriation for care, maintenance, and repair of. . . . .	342	
Podiatrists, medical bills of, admissability in evidence, relative to. . .	489	
<b>POLICE DEPARTMENTS:</b>		
Bellingham, members of, exempting from civil service law, in. . . .	187	1—3
Dartmouth, police chief, exempting from civil service laws, in. . . .	345	
Halifax, board of selectmen of, shall control. . . . .	390	1,2
Motor vehicle accidents, fatal or serious injuries, reports of, shall be made to registry of motor vehicles, by. . . . .	382	
motor vehicles, repossession of, notice required to. . . . .	447	
student interns and certain others, exempting from civil service laws, in. . . . .	198	
trucks, tractors, trailers and freight containers, breaking and entering of, penalty for. . . . .	236	
Westborough, police station, building for, leasing of, authorizing, by. . . . .	338	
<b>POLICE OFFICERS:</b>		
Arlington police relief association incorporated, members, payment of benefits to, authorizing, by. . . . .	140	
Bosotn, killed in line of duty, widows of, increasing benefits for. . .	218	1,2
Dartmouth, police chief, exempt from civil service laws, in. . . . .	545	1—3
firearms, licenses, period of, extending, for. . . . .	34	1,2
fresh pursuit, powers of arrest, in, relative to, for railroad, railway express or steamboat. . . . .	380	
Lawrence, payment by, authorizing, career incentive pay to. . . . .	43	
Massachusetts Bay Transportation Authority, designee of, may hear matters relating to employment matters of. . . . .	251	
fraudulent use of passes on, arrest by. . . . .	256	
motorized bicycles, defining and regulating. . . . .	261	1—5
probationary period, increasing, for certain. . . . .	62	
Public Safety, department of, administration, further regulating, relative to. . . . .	389	1—4
recreational vehicles, registration certificate, requiring showing of, to. . . . .	17	
Sharon, in, future appointments, exempting from civil service laws.	209	1,2
Political advertisements, relative to signing of. . . . .	137	1,2
Political committees (see also Elections).		
Political conventions (see Elections).		
Pollution, ash, use and storage of, relative to. . . . .	118	
<b>PRACTICE IN CIVIL ACTIONS:</b>		
counsel fees in civil cases, certain, allowing, . . . . .	233	1—3
credit unions, deceased members, accounts of, payment without executor or administrator, increasing amount of. . . . .	6	

	Chap.	Section
<b>PRACTICE IN CIVIL ACTIONS—<i>Concluded.</i></b>		
deceased depositors' accounts, payment without probate, increasing amount of, by trust companies . . . . .	58	
domestic relation actions, jurisdiction over absentee spouse, relative to . . . . .	435	
elderly persons, certain, providing speedy trials for . . . . .	61	
legal advice, providing, for hearings and admissions to mental health facilities . . . . .	356	1—4
optometrists, chiropractors and podiatrists, medical bills of, admissibility in evidence, relative to . . . . .	489	
probate laws, certain, changes in . . . . .	515	1—35
rooming and lodging houses, tenants' rights, extending provisions of laws, relative to . . . . .	294	
state administrative procedure, judicial review, further regulating, relative to . . . . .	411	
workmen's compensation, hearings under, late request for, relative to . . . . .	392	
<b>Prescriptions</b> , controlled substances, pharmacists, shall include number of tablets, relative to . . . . .	110	
physicians of contiguous states, authorizing, controlled substances, issuing . . . . .	498	
<b>Primary elections</b> (see Elections).		
<b>Prisoners</b> , expenses, allowance of, regulating, for transportation of . . . . .	460	1—5
<b>Privacy rights</b> , personal data, distribution of, to professional organizations, relative to . . . . .	249	1—3
<b>PROBATE COURTS:</b>		
aged persons, speedy civil trials for, providing for . . . . .	61	
Bristol county, additional messenger, providing for, in . . . . .	449	
Bristol county, additional parking area for . . . . .	442	1—3
children, fathers, right to adopt children born out of wedlock . . . . .	421	
children under twenty-one years of age, support and education for, orders by . . . . .	279	1,2
counsel fees, certain, allowing, in . . . . .	233	1—3
credit unions, deceased members, accounts of, payments without executor or administrator, increasing amount of . . . . .	6	
deceased depositors' accounts, payment without probate, increasing amount of, by trust companies . . . . .	58	
disabled persons, guardian ad litem, appointment of, providing for domestic relation matters, jurisdiction over absentee spouse, relative to . . . . .	435	
estates, state taxation, administration of, relative to . . . . .	415	1—116
mentally ill or retarded persons, estates of, administration of, relative to . . . . .	205	
mentally retarded persons, guardians ad litem, appointment of, providing, for . . . . .	548	
temporary guardians, appointment of, relative to, by . . . . .	277	
real estate, sale of, by executors and administrators, further regulating . . . . .	549	
retirement plans, bank trustees and custodians, disposition by, relative to benefits under . . . . .	445	
state secretary, report of divorce statistics to, regulating, from registers of . . . . .	246	1,2
voluntary administrations, clarifying fees for . . . . .	113	
<b>Probation</b> , office of commissioner of, tenure, providing for, certain persons, in . . . . .	430	

	Chap.	Section
<b>PROBATE COURTS—<i>Concluded.</i></b>		
<b>Probation officers</b> , prior probation of defendant, notice of, to courts, by .....	288	
<b>Process servers</b> (see Practice in civil actions).		
<b>Proportional representation</b> (see Elections).		
<b>Public buildings</b> , cities and towns, leasing by, for certain periods, of ..	191	
<b>Public contracts</b> , counties, by, exceeding two thousand dollars shall be in writing, .....	18	
towns and districts, relative to, to investigate and study, reviving and continuing .....	2	
<b>Public employees</b> , deferred compensation program, investment of funds for, relative to .....	422	1—7
retirement allowances, cost of living adjustments, relative to .....	304	1—3
Retirement law commission, to investigate and study, financial practices of retirement systems of .....	19	
funding of retirement system for .....	16	
rights, protection of, extending period for, for certain .....	534	
<b>PUBLIC HEALTH, DEPARTMENT OF:</b>		
in general, ask as raw material, use and storage of, relative to .....	118	
Cape Cod hospital, St. Joseph Manor Nursing home, Inc., certi- ficate of needs to, by .....	417	
cities and towns, land fill areas, improvements, etc., borrowing for, authorizing, by, upon approval of .....	404	
fetal research, changing law, relative to .....	551	
frozen desserts, packaging of, regulations by .....	193	1,2
Interchangeable drug products, formulary of, further regulating ..	470	1—4
Roman Catholic church, facilities of, certain, exempting from inspection, by .....	400	
vital statistics, division of, transferring from State Secretary, to ..	486	1—31
<b>commissioner of</b> , New England Power Company, easement to, Tewksbury, in, by .....	323	
<b>Public Housing Modernization and Renovation Loan, Act</b> , bond authorization, additional, for .....	477	1—6
<b>Public libraries</b> , Peabody, borrowing by, authorizing, for purposes of property, detention of, penalty for, of .....	197	1,2
	206	
<b>Public parks</b> (see Parks and reservations).		
<b>Public records</b> (see Records).		
<b>PUBLIC SAFETY, DEPARTMENT OF:</b>		
administration, further regulating, of .....	389	1—4
<b>PUBLIC UTILITIES, DEPARTMENT OF:</b>		
common carriers, free transportation for blind persons, need not have guides for .....	144	1,2
electric and gas companies, investments in bonds by, further regulating .....	531	
gas and electric companies, bond pledge to secure other bonds, issuance of, authorizing, by, approval by .....	357	1,2
stockholders, votes of, relative to, approval by .....	324	1—4
Millbury railroad corporation, establishing, approval by .....	360	1—6
<b>PUBLIC WELFARE, DEPARTMENT OF:</b>		
appropriations, supplementary, for .....	135	1—3
children, care and services, law relative to, for certain, .....	412	1,2
fathers, right to adopt children born out of wedlock, action by ...	421	
commonwealth, short-term debt of, restructuring of, relative to ...	4	1—33
emergency communication equipment, installation of, on limited access highways, by .....	158	
food stamps, sale of, credit unions by, authorizing .....	30	

	Chap.	Section
<b>PUBLIC WELFARE, DEPARTMENT OF—<i>Concluded.</i></b>		
mentally retarded persons, temporary guardians, appointment of, upon petition by.....	277	
<b>PUBLIC WORKS, DEPARTMENT OF:</b>		
<b>in general.</b> Chelmsford, Doughty, James Alden Private First Class Bridge, designated as, marker by.....	450	
eligible lists, extending for permanent positions in.....	337	
Environmental Management, Department of, conveyance of easement by, park land in Natick, to.....	550	
Fairhaven, Macomber, Harold S. highway in, designated as, marker by.....	358	
Fall River, in, Lepage, Jean Baptiste overpass, designated as, marker by.....	427	
in, Patrolman Edward Joaquin overpass, designated as, marker by.....	255	
Gardner, in, acquisition of land for highway purposes, authorizing, by.....	528	
highway projects, funds appropriated in one fiscal year, may be spent in another year, if approved by.....	88	
J.F. & S. Realty Corporation, Boston, inner harbor, certain part, license to fill made irrevocable, to.....	377	
Leominster, land in, highway purposes, authorizing acquisition by.....	194	
Newbury, in, Martin H. Burns Bridge, designated as, marker by, Wildson, Donald Bridge, designated as, marker by.....	378 490	
North Andover, Rock, William F. Overpass, designated as, marker by.....	321	
Putnam, Israel General Highway, U.S. Highway route 1, designated as, marker by.....	503	
Westminster, by-pass near State highway Route 2, to investigate and study, by.....	9	
<b>Registry of motor vehicles,</b> motorized bicycles, defining and regulating.....	261	1—5
<b>motor vehicles,</b> compulsory property protection insurance, further regulating.....	1	1—5
hawkers and peddlers, required to use certain lights on.....	222	
heavy, certain, laws relative to, suspension of.....	5	1—3
homicide by improper operation, penalty for.....	227	
merit rating board, establishing, and related matters.....	266	1—33
<b>motor vehicle accidents,</b> fatal or serious injuries, reports by local police, shall be made to.....	382	
excise tax, non-payment of, changing time of report of, to.....	398	
investigator, eligible list for, extending.....	293	
safety standards, transportation of school children, relative to...	552	1—5
<b>recreational vehicles,</b> operation on highways, further regulating...	13	
registration certificate, requiring showing of.....	17	
registration of, renewal of, relative to.....	16	
<b>Putnam, Israel General Highway,</b> U.S. Highway Route 1, designated as.....	503	

## Q.

**Quincy, city of** (see Cities and towns).

## R.

**Racial imbalance**, schools (see Schools).

**Railroads**, blind person, free transportation for, need not have guides,  
on ..... 144 1,2  
Millbury railroad corporation, establishing ..... 360 1—6

**Rate setting commission**, health care delivery systems, further regulat-  
ing ..... 409 1—8  
hospital policy review board, establishing ..... 409 1—8

**Reading, town of** (see Cities and towns).

**REAL ESTATE:**

agriculture or horticultural land, assessment of, further regulating  
filing time for ..... 505 1,2  
cities and towns, leasing by, for certain periods, authorizing, of  
certain ..... 191  
conservation restriction, clarifying meaning of ..... 15  
cooperative banks, eighty percent loans, increasing amount which  
may be loaned ..... 117  
credit unions, mortgage loans by, on condominiums, increasing  
amount of ..... 9  
mortgages, real estate, increasing amount which may be loaned .. 7  
domestic life insurance companies, relative to investments in ..... 355 1,2  
executors and administrators, sale by, further regulating, of ..... 549  
mortgages, cooperative banks, ninety and ninety-five percent of  
value loans, relative to ..... 28 1,2  
mortgage loans, amortization, increasing time for, of certain, ..... 364 1—3  
probate laws, certain, changes in ..... 515 1—35  
property taxes, interest upon, relative to ..... 250 1—6  
recreational vehicles, registration certificate, equiring showing of, to  
owners of ..... 17  
religious organizations, tax exemptions for, relative to ..... 263 1,2  
rent control, Cambridge, in, authorizing optional continuance of .. 36 1—13  
Somerville, in, authorizing optional continuance of ..... 37 1—13  
savings banks, second mortgages by, authorizing, on certain ..... 229 1—3  
swimming pools, public, outdoor, inground, regulating operation  
of ..... 253 1,2  
taxes, overdue, interest penalty on, relative to ..... 101 1,2  
tax liens, termination of, relative to ..... 322  
tenement houses, construction requirements of, repealing laws  
relative to ..... 536 1,2  
water companies, use of plastic pipe connections, notice of requir-  
ing, to owners of ..... 500

**RECORDS:**

business or charitable corporation, correction of erroneous ..... 40 1,2  
commonwealth, of, further regulating storage of ..... 145 1,2  
corporation officers, change of, certificate of, relative to ..... 41  
credit unions, perservation by, of certain ..... 60 1,2  
municipal, repealing law relative to retention of certain ..... 451  
public educational, retention, etc., rules by board of education .... 50 1,2  
state secretary annual report of, relative to ..... 146

	Chap.	Section
<b>RECORDS—<i>Concluded.</i></b>		
Vietnam veteran's death, to contain information, certain, by physician, .....	54	
<b>Records conservation board</b> , commonwealth's records, storage of, further regulating, by, .....	145	1,2
<b>Recounts</b> (see Elections).		
<b>Recreational facilities</b> , Peabody, acquisition of land by, borrowing by authorizing for purposes of, .....	196	1—4
<b>Recreational vehicles</b> , highways, operation on, further regulating, of, registration certificate, requiring showing of, .....	13	
registration of, renewal of, relative to, .....	17	
<b>Recycling commissions</b> , cities and towns, authorizing establishment of, .....	16	
<b>Redevelopment authorities</b> , mixed residential and commercial properties, rehabilitations of, loans for, by, .....	416	1,2
<b>Refuse</b> , disposal of (see Cities and towns).	157	1,3
<b>Refuse incineration</b> , Holyoke, borrowing by, authorizing for repair of, .....	281	
<b>Regional community colleges</b> , student activities fees, shall be retained by presidents of, .....	481	
<b>Regional incinerators</b> (see Cities and towns).		
<b>Regional police districts</b> (see Districts).		
<b>Regional schools</b> (see Districts).		
<b>Regional transit authorities</b> , administrators and employees (see Districts).		
<b>Regional schools</b> (see Districts).		
<b>Regional transit authorities</b> , administrators and employees of, may not hold elective offices, .....	312	
<b>Register</b> , Massachusetts, providing for, .....	459	1—5
<b>REGISTRARS OF VOTERS:</b>		
“independent” candidates, nomination of, regulating, certificate by registrars or assistants, may be candidates for election of town meeting member, .....	234	1,2
registration of voters, additional continuance, session for, providing, by, .....	82	
voters signing nomination papers, information required of, relative to, .....	529	1—3
voting lists, available to public, in payment of, .....	306	
<b>Registry of deeds</b> , Bristol, additional parking area for, .....	310	1—3
<b>Regulations</b> , code of Massachusetts, providing for, .....	442	1—3
<b>Regulations</b> , code of Massachusetts, providing for, .....	459	1—5
<b>Rental assistance program</b> , corrective change in appropriation for, ..	20	
<b>Rent control</b> , Cambridge, in, authorizing optional continuance of, ..	36	1—13
Lynn, in, ascertaining will of voters, relative to, .....	276	
Peabody, in, relative to mobile home parks, establishing, .....	131	1—9
Somerville, in, authorizing optional continuance of, .....	37	1—13
<b>Representative town government</b> , Framingham, in, relative to, .....	207	
North Attleborough, in, establishing, .....	57	1—14
<b>Restrictions</b> , deeds, in (see Real estate).		
<b>Retarded persons</b> , estates, administration of, relative to, of, .....	205	
<b>Retail installment sales</b> , in (see Real estate).		
<b>Retarded persons</b> , estates, administration of, relative to, of, .....	205	
<b>Retail installment sales</b> (see Sales).		
<b>Retail sales</b> (see Sales).		
<b>Retired members of the Armed Forces Day</b> , annual observance of, providing for, .....	67	
<b>Retirement Law Commission</b> , judicial pension system, to investigate and study, by, .....	Resolve	24
public employee retirement systems, finance practices in, to investigate and study, by, .....	Resolve	19
public employee retirement systems, funding of, to investigate and study, by, .....	Resolve	16

Chap. Section

**REGISTRARS OF VOTERS—*Concluded.***

**Retirement plans**, bank trustees and custodians, disposition by,  
relative to benefits under..... 445

**RETIREMENT SYSTEMS AND PENSIONS:**

- annuities and pensions**, Boston police officers killed in line of duty,  
widows of, increasing benefits for..... 218 1,2  
cost-of-living adjustments, public employees for, relative to  
amount of..... 304 1,3  
relative to, for certain persons..... 126 1,3  
Dover, Heinlein, Charles F., increasing pension of, authorizing,  
by..... 339 1,4  
Fall River, Murphy, James J., continuing annuity for... Resolve  
Stoneham, Hudson, Francis E., payment of pension to,  
directing, by..... 329 1—3  
**retirement systems**, Brockton Police Relief Association, members,  
payment of money to, upon retirement, by..... 414  
credit unions, retirement plan funds, may be in addition to  
deposits, for investment in..... 10  
public employee retirement system, fiduciary standard, establish-  
ing, in..... 269 1,2  
Ryan, William, H., Master at Essex county jail, creditable service  
for, certain, relative to..... 260  
Shrewsbury, insurance experience refunds, certain, may be  
expended for certain retired employees..... 105  
Wendell New Salem Union school, employees of, may join  
retirement system of..... 354  
**Revenue recognition system**, public works construction, to encourage  
speedy contract, completion of, establishing..... 506 1—3  
**Revere, city of** (see Cities and towns).  
**Revolving credit agreements**, relative to definition of..... 116  
**Rifles** (see Firearms).  
**Rivers** (see Waters and waterways).  
**Robert Bleakie intersection**, Boston, designated as..... 42  
**Robichard, Arthur W.**, Falmouth, acquisition of land by, authorizing,  
from..... 280  
**Rocheleau, Ralph E.**, resolve in favor of..... Resolve 25  
**Rock, William F. Memorial Overpass**, North Andover, in, designated  
as..... 321  
**Roman Catholic Church**, marriage, solemnization of, by ordained  
deacons of..... 51  
public health, department of, inspection by, exemptions from,  
for certain facilities of..... 400  
**Rooming houses**, tenants' rights, extending provisions of laws, rela-  
tive to..... 294  
**Royalston, town of** (see Cities and towns).  
**Ryan, William H.**, Master at Essex county jail, creditable service for,  
certain, relative to..... 260

**S.****Safety, Depatment of:**

- hot water tanks, maximum pressure of, further regulating..... 39 1,2  
**Salem, city of** (see Cities and towns).

	Chap.	Section
<b>SALES:</b>		
federal fair credit billing act, compliance with, shall be in compliance with, state law, for limited time . . . . .	123	
jewelry, costume, charitable organizations, further regulating, by . .	114	
open-end credit plans, balances on, relative to . . . . .	192	
retail installments, further regulating, for nonresidents . . . . .	494	1,2
revolving credit agreements, definition of, relative to . . . . .	116	
<b>Sales and use tax</b> (see Taxation).		
<b>Sandwich, town of</b> (see Cities and towns).		
<b>Sandwich water district</b> , water mains and other equipment, borrowing for, authorizing, by . . . . .	174	
<b>Saugus, town of</b> (see Cities and towns).		
<b>Savings banks</b> (see Banks and banking).		
<b>Scharret, William, Palmer</b> , payment of sum of money by, to . . . . .	204	
<b>School buses</b> (see Motor vehicles).		
<b>SCHOOLS:</b>		
<b>in general</b> , buses, emergency vehicle shall stop when approaching . .	466	
public educational records, retention, etc. rules by, board of education . . . . .	50	1,2
<b>public</b> , bus transportation program, financial assistance to, relative to . . . . .	518	1,2
motor vehicle safety standards, transportation of school children, relative to . . . . .	552	1—5
pupils, transportation of, contracts, wage rates, under, further regulating . . . . .	286	
school building assistance program, law governing, clarifying . .	511	1,2
school personnel, certain, position superseded, in regional school districts, establishing rights for . . . . .	351	
state school building assistance program, further amending . . . .	302	1—13
superintendents of schools, employment of, annual meeting of school committees, for, relative to . . . . .	38	
supervisors of attendance, shall be at least age twenty-one, in . . .	320	
<b>special provisions relative to particular schools</b> , Dummer Academy, trustees, board of, increasing membership of, of . . . . .	270	
<b>SECRETARY, STATE</b>		
annual report, relative to, of . . . . .	146	
business or charitable corporations, correction of erroneous records of, filing with . . . . .	40	1,2
commonwealth, federal property, formerly ceded by commonwealth, establishing procedure for retrocession by, notice to . . .	221	
corporations, annual reports of condition, further regulating . . . . .	63	1—4
provisions relative to, and duties of . . . . .	252	1—10
take-over bids, regulating, in acquisition of . . . . .	121	1—13
corporation officers, change of, certificates of, relative to, filing with . . . . .	41	
divorce statistics from courts, regulating return of, to . . . . .	246	1,2
elections, candidate voter inserting name, manner of marking, clarifying . . . . .	475	
information for voters, printing of, relative to . . . . .	195	
nomination papers, number of signatures required, clarifying . .	47	
general court bulletins of committee hearings, sale of, authorizing, by . . . . .	462	
“independent” candidates, nomination of, regulating . . . . .	234	1,2
legislative agents, directive changes in, relative to, report to . . . . .	458	1—5
Lincoln, wine and malt licenses, placing on ballot . . . . .	292	1—3

	Chap.	Section
<b>SECRETARY, STATE—<i>Concluded.</i></b>		
Lynn, mayor's term of office, increasing, question placed on ballot, by .....	368	1—3
Massachusetts Register, issues of, from .....	459	1—5
Old King's Highway Regional historic district, excluded areas, ascertaining will of voters, relative to, placing on ballot, by .....	271	
placement of information on ballot, further regulating .....	109	
Quincy, mayor of, shall submit corrected census report to .....	464	
records, public obtaining of, relative to .....	438	1—3
records conservation board, commonwealth's records, storage of, further regulating .....	145	1,2
state house tours, guides to be provided by .....	147	
vital statistics, division of, transferring from department of public health, to .....	486	1—31
<b>Sewer districts</b> (see Districts).		
<b>SEWER AND DRAINS:</b>		
Amesbury, borrowing by, extending time limit of, for construction of sewerage treatment plant .....	443	
sewage treatment plant, borrowing for construction of, extending time for .....	167	
Bear Hill Valley Relief Sewer, Weston and Waltham, authorizing agreement between, for construction of .....	538	1—5
Danvers, sewerage line, connection of, relative to, in .....	407	
Lexington, sanitary sewer, construction of, shall be under jurisdiction of conservation commission of .....	373	
Mansfield, conveyance of land to, by department of mental health, Norton, in, for sewage purposes .....	553	
Medway, public sanitary sewer, assessment of abutting land, providing for, in .....	96	
<b>Sexually dangerous persons</b> , treatment center, restriction of movement in, providing, for .....	496	
<b>Sharon, town of</b> (see Cities and towns).		
<b>Shirley, town of</b> (see Cities and towns).		
<b>Shotguns</b> (see Firearms).		
<b>Shrewsbury, town of</b> (see Cities and towns).		
<b>Snow and ice removal</b> , cities and towns, by, providing for .....	33	
<b>Snow vehicles</b> (see Recreation vehicles).		
<b>Solar energy research</b> , administration and finance, executive office of, land, certain, to be held by, for United States government, for .....	226	1,2
<b>Solar energy utilization</b> , state construction, estimates to be taken for .....	433	1,2
<b>Solid waste disposal, bureau of</b> , recycling commissions in cities and towns, requiring cooperation by and with .....	416	1,2
<b>Somerville, city of</b> (see Cities and towns).		
<b>Southborough, town of</b> (see Cities and towns).		
<b>Southbridge, town of</b> (see Cities and towns).		
<b>Southeastern Massachusetts University Alumni Association</b> , Incorporated, Southeastern Massachusetts University, lease of property from, to .....	495	
University Building Authority, Southeastern Massachusetts University, purchase of land for use of, Dartmouth, in, from .....	79	1—3
New Bedford, deed to, authorizing waiver of restrictions, by .....	76	
<b>South Essex ocean Sanctuary</b> , establishing .....	369	
<b>South Mountain Association</b> , environmental management, department of, conveyance of land to, by .....	359	1—13
<b>Special commissions</b> (see Commissions, state).		
<b>Special justices</b> (see Judges).		

	Chap.	Section
<b>SEWER AND DRAINS—<i>Concluded.</i></b>		
<b>Special town meetings</b> , extending time for calling of . . . . .	272	1,2
<b>Spencer, town of</b> (see Cities and towns).		
<b>Springfield, city of</b> (see Cities and towns).		
<b>St. Anne Country Club</b> , Agawam, license for sale of alcoholic beverages, by, to . . . . .	318	
<b>St. Joseph Manor Nursing Home, Inc.</b> , public health, department of, certificate of need by, directing, to . . . . .	417	
<b>State administrative procedure</b> , judicial review, further regulating, relative to . . . . .	411	
<b>State auditor</b> , federal government and agencies of state, agreement with, for audit purposes, authorizing, by . . . . .	502	
<b>State colleges</b> , trustees of, Westfield, conveyance of buildings to, by . .	362	
<b>State educational agency</b> (see Education, department of).		
<b>STATE EMPLOYEES:</b>		
assistant district attorneys, relative to . . . . .	542	1—4
classified service, exempting seasonal positions, from civil service laws . . . . .	138	1—3
mental health, department of, employees, certain, appointment of, clarifying, in . . . . .	546	
optional group insurance, voluntary purchase of, increasing ceiling, by . . . . .	524	
<b>STATE FINANCE:</b>		
appropriations for fiscal year . . . . .	283	1—44
appropriations, rental assistance program, corrective change in . . . .	20	
	135	1—3
	152	1,2
supplemental . . . . .	1199	1—8
	479	1—3
	480	1—27
capital outlay program . . . . .	481	1—23
commonwealth, short-term debt of, restructuring of . . . . .	4	1—33
state treasurer, duties may be performed by deputy . . . . .	208	
<b>State forests</b> (see Parks and recreation).		
<b>State house</b> , Armenian Bicentennial committee of Massachusetts, erection of plaque by, in . . . . .	92	
Wampanoag Indians of new England, may erect plaque in . . . . .	66	
<b>State house tours</b> , relative to . . . . .	147	
<b>State Lottery</b> , fund, state taxation, administration taxation of, relative to . . . . .	415	1—116
<b>State school building assistance program</b> , further amending . . . . .	302	1—13
<b>State piers</b> (see Public Works, department of).		
<b>State police, division of</b> (see Public safety, department of).		
<b>State primary</b> (see Elections).		
<b>State street wharf</b> , Marblehead, in, relative to financing of renovation of . . . . .	46	
<b>Stephen Hetland Memorial skating rink</b> , new Bedford, in, Moby Dick skating rink, redesignated as . . . . .	111	
<b>Sterling camp meeting association</b> , trustees, appointment of, also relative to operation of . . . . .	182	1,2
<b>Stewart, Ann Lee</b> , Edgartown, conveyance of land by, to . . . . .	291	1,2
<b>Stiles Lake water district</b> , Leicester and Spencer in, establishing . . . .	476	1—14
<b>Stockbridge housing authority</b> , Stockbridge, conveyance of land by, authorizing, to . . . . .	332	
<b>Stockholders</b> (see Corporations).		

	Chap.	Section
<b>STATE FINANCE—Concluded.</b>		
<b>Stoneham, town of</b> (see Cities and towns).		
<b>Students</b> (see Colleges, universities and institutes).		
<b>Sudbury, town of</b> (see Cities and towns).		
<b>Sullivan, Raymond A.</b> , eminent domain judgment, authorizing superior court to vacate, relative to.....	259	
<b>Summary process</b> (see Practice in civil action).		
<b>Summonses</b> (see Practice in civil action).		
<b>Sunday laws</b> , retail and package liquor stores, ascertaining will of voters, relative to opening on.....	366	
<b>Superior and Supreme courts</b> (see Supreme, judicial and superior court).		
<b>Supervising inspector</b> , position of, extending eligible list for.....	171	
<b>SUPREME JUDICIAL AND SUPERIOR COURTS:</b>		
<b>in general</b> , counsel fees in civil cases, certain, allowing, in.....	233	1—3
prisoners, expenses, allowance of, regulating, for transportation of.....	460	1—5
public records, copies of, obtaining, enforcement of right in....	438	1—3
<b>superior court</b> , aged persons, speedy civil trials for, providing for..	61	
Bristol county, additional parking area for.....	442	1—3
district court judges, providing for service in.....	303	1—3
motor vehicle merit rating system, surcharges on, appeals from, to.....	266	1—33
probation officers, prior probation of defendant, notice of, to...	288	
Raymond A. Sullivan vs. Commonwealth, authorizing vacating of judgement, by.....	259	
sexually dangerous persons, treatment center, restriction of movement in, upon action by.....	496	
state secretary, report of divorce statistics, from clerk of.....	246	1,2
workmen's compensation, hearings, late request for, may be filed in.....	392	
<b>supreme judicial</b> , district court judges, providing for service in superior court, upon authorization by chief justice of.....	303	1—3
reporter of decisions, may regulate sale and distribution of decisions of.....	237	1,2
<b>Swampscott, town of</b> (see Cities and towns).		
<b>Swansea water district</b> , officers, terms of, relative to.....	132	
<b>Swimming pools</b> , construction of, environmental management, department of, to investigate and study.....	11	
public, outdoor, inground, regulating operation of.....	253	1,2

T.

<b>Taunton, city of</b> (see Cities and towns).		
<b>Taunton Police Mutual Benefit Association, Inc.</b> , retirement benefits, payment of, relative to, by.....	211	
<b>Taverns</b> (see Alcoholic beverages).		
<b>TAXATION:</b>		
<b>in general</b> , assessment where appropriations have not been voted for next fiscal year,.....	393	
cattle, meat, less than three years old, exempt from.....	89	
property, interest upon, relative to.....	250	1—6
state taxation, administration of, relative to.....	415	1—116
<b>corporation</b> , tax incentive, for use of alternative energy sources, providing for.....	487	

	Chap.	Section
<b>TAXATION—Concluded.</b>		
<b>in general—Concluded.</b>		
<b>excise tax</b> , motor vehicle, non-payment, report to registrar of motor vehicles, changing time of.....	398	*
<b>property</b> , interest penalty on overdue, relative to.....	101	1,2
<b>real estate</b> , agriculture or horticultural land, assesment of, further regulating filing time for.....	505	1,2
liens, termination of, relative to.....	322	
religious organizations, exemptions for, relative to.....	263	1,1
<b>trusts</b> , income of, relative to.....	510	1,2
<b>Tax collectors</b> , towns, certain, in, may retain fees for certificates of municipal liens.....	163	
<b>Teachers</b> (see School).		
<b>Telephon</b> , emergency numbers, ice skating facilities, posting at, requiring, of.....	516	
companies, investments, further regulating, of.....	473	
<b>Templeton</b> , town of (see Cities and towns).		
<b>Tenancies at will</b> (see Real estate).		
<b>Tenement houses construction reuqirments</b> , repealing laws relative to.....	536	1,2
<b>Tennis courts</b> , cities and towns, may borrow for and construct.....	11	
<b>TENURE:</b>		
Chelsea, Nataupsky, Leonard, clerk of Committees, in, providing crime control demonstration projects, employees of, shall not be governed by law of.....	232	
Lyon, Frank W., superintendent of Leicester water supply district, providing.....	372	1—4
probation, office of commissioner of, persons, certain, in, providing.....	103	1,2
providing.....	430	
<b>Term-deposit accounts</b> , cooperative banks, in relative to.....	120	
<b>Tewksbury hospital</b> , Thomas J. Saunders building, designated as, formerly.....	325	
<b>Tewksbury, town of</b> (see Cities and towns).		
<b>Thomas J. Saunders building</b> , Tewksbury hospital, shall be know as..	325	
<b>Torts</b> (see Practice in civil actions).		
<b>Town Manager form of government</b> , Middleborough, in, certain changes in.....	453	1—3
<b>Townsend, town of</b> (see Cities and towns).		
<b>Town treasurer and collector of taxes</b> , Southborough, in, estblishing elected office of.....	83	
<b>Tractors</b> (see Motor vehicles).		
<b>Taffic commissions</b> , Waltham, in, further regulating.....	143	1,2
<b>Transportation and Construction, secretary of</b> , bus transportation program, financial assistance to, relative to.....	518	1,2
Falmouth secondary track, emergency repairs to, certain action by.....	93	
<b>Tranportation licenses</b> , temporary, issued by department of public utilities, extending time of validity.....	181	
<b>Trapping licenses</b> (see Licenses and permits).		
<b>Travers, John vs. Georgetown</b> , Georgetown, borrowing by, authorizing, for payment of judgment, in.....	287	
<b>TREASURER, STATE</b>		
commonwealth, short-term debt of, restructuring of.....	4	1—33
deputy treasurer, may perform duties in name of.....	208	
Environmental capital outlay program, change in law, relative to..	367	
minimum wage claims, unclaimed awards, deposit in general fund,.	526	1,2
public employees, deferred compensation program, investment of funds for, by.....	422	1—7

	Chap.	Section
<b>TREASURER, STATE—<i>Concluded.</i></b>		
Public Housing Modernization and Renovation Loan Act, bond authorization, additional, for, issuance by.....	477	1—6
<b>Trials, civil</b> (see Practice in civil actions).		
<b>Trials, criminal</b> (see Criminal procedure and practice).		
<b>Tri-town building inspector board</b> , Lunenburg, Shirley, and Townsend, in, establishing.....	365	1—3
<b>Trucks</b> (see Motor vehicles).		
<b>Trust companies</b> (see Banks and banking).		
<b>Trustee process</b> (see Practice in civil actions).		
<b>Trusts</b> , taxation of income of certain; relative to.....	510	1,2
testamentary, estates, probate laws, certain, changes in,.....	515	1—35
<b>Two hundred and fiftieth anniversary</b> , cities and towns, authorizing appropriation for celebration, by,.....	485	
<b>Tyburski, Alphonse</b> , Palmer, payment of sum of money by, to.....	204	

U.

<b>Unemployment benefits</b> (see Employment security law).		
<b>Unfair trade practices</b> (see Consumer protection).		
<b>Unions, credit</b> (see Credit unions).		
<b>UNITED STATES:</b>		
absentee voting rights, citizens residing outside United States, complying with laws of.....	420	
commonwealth, retrocession by, procedure for, of property formerly ceded to.....	221	
cooperative banks, may assign mortgage loans, certain, to agencies of.....	69	
firearms identification cards, issuance of, relative to, for persons residing in installations, of.....	239	
government land bank, title in, relative to, of Navy Yard, of.....	432	
military reservation commission, conveyance of land by, Barnstable county, in, for national cemetery purposes, to.....	150	1,2
state auditor, agreement for audit purposes, authorizing, by, with..	502	
University of massachusetts, conveyance of land in Boston by, for John Fitzgerald kennedy library, to.....	298	1,2
<b>UTILITIES, DEPARTMENT OF:</b>		
general court, recommendations, to, electric rates, by.....	22	1,2
licenses, certain, temporary, increasing time of validity, by.....	181	
solar energy research, to be conducted on land held by executive office of administration and finance, for.....	226	
telephone companies, investments, further regulating, of.....	478	
<b>Upper Blackstone Water Pollution Abatement District</b> , members of, increasing compensation of, of board of.....	12	
<b>Use and sales tax</b> (see Taxation).		

V.

<b>Vehicles</b> (see Motor vehicles).		
<b>Venue</b> (see Particular courts).		
<b>Vessels</b> (see Ships).		
<b>VETERANS:</b>		
civil service preference, suspending law pending judicial determination, relative to.....	200	1—3

	Chap.	Section
<b>VETERANS—Concluded.</b>		
graves, care of, relative to, of . . . . .	214	
veterans' agents, clarifying duties of, . . . . .	305	
Vietnam, certificate of death, requiring physician or officer to note certain information. . . . .	54	
commonwealth education financial aid program, eligibility for, clarifying . . . . .	457	1—3
"Vietnam veteran", further defining term of. . . . .	156	
<b>Vital statistics, division of</b> , state secretary, transferring from, to department of public health, of . . . . .	486	1—31
<b>Vocational education</b> , special commission, to investigate and study, increasing scope of, relative to. . . . . Resolve	18	
<b>Voluntary administration</b> , clarifying fees for. . . . .	113	
<b>Voters</b> (see Elections).		
<b>Voting machines</b> (see Elections).		
<b>W.</b>		
<b>Wachusett reservoir</b> , environmental affairs, secretary of, to investigate and study, relative to ice fishing, in. . . . . Resolve	8	
<b>Wages</b> (see Labor).		
<b>Wakefield, town of</b> (see Cities and towns).		
<b>Waltham, city of</b> (see Cities and towns).		
<b>Wampanoag Indians of New England</b> , state house, to erect plaque in, by . . . . .	66	
<b>Washington, town of</b> (see Cities and towns).		
<b>Water companies</b> , plastic pipe connections, notice of use of, requir- ing, by. . . . .	500	
<b>Water district</b> (see Districts).		
<b>Water pollution control board</b> , Barnstable, in, relative to. . . . .	296	
<b>Water sikers</b> , towing further regulating, of. . . . .	100	
<b>WATER SUPPLY:</b>		
fluoridation, question of, placing on ballot, in cities, towns, or districts. . . . .	129	
Georgetown, acquisition of land by, for purposes of. . . . .	334	1—4
Harwich, Dennis water district, laying of pipes by, on lands in. . . . .	80	1—3
Ipswich, water, drawing from Ipswich river, authorizing, by. . . . .	456	
Lincoln, borrowing by, authorizing, for purpose of increasing. . . . .	335	
metropolitan district commission, Blue Hills reservation, use of land in, authorizing, for purposes of. . . . .	508	1—3
Sandwich water district, water main and other equipment, borrow- ing for, authorizing. . . . .	174	
Taunton, Lakevill, purchase of land in, authorizing, by, for pur- poses of. . . . .	160	1,2
<b>WATERS AND WATERWAYS:</b>		
<b>in general</b> , coastal waters, South Essex Ocean Sanctuary, establishing . . . . .	369	
<b>division of</b> , dredging and construction projects, to investigate and study, by. . . . . Resolve	20	
to conduct an engineering study for repair of Red Dam in Wrentham . . . . . Resolve	14	
<b>coastal wetlands</b> , fishing gear, swept ashore by natural causes, rela- tive to recovery of. . . . .	133	

	Chap.	Section
<b>WATERS AND WATERWAYS—<i>Concluded.</i></b>		
<b>coastal wetland—<i>Concluded.</i></b>		
ground fish, taking by certain apparatus, prohibiting, in certain	130	
protection, further regulating procedures, relative to . . . . .	53	
<b>harbors</b> , J.F. & S. Realty Corporation, license to fill, Boston inner		
harbor, certain, made irrevocable . . . . .	377	
<b>rivers</b> , Ipswich river, drawing water, Ipswich by, authorizing, from	456	
<b>Ways</b> , private, repairs, further regulating, on . . . . .	149	1,2
Wakefield, sewers, construction, authorizing, in certain . . . . .	437	
Worcester, sweeping by, authorizing, of paved . . . . .	81	
<b>Weapons</b> (see Firearms).		
<b>Webster Square Veterans memorial swimming pool</b> , Worcester, in,		
designated as . . . . .	148	
<b>Welfare</b> (see Public welfare, department of).		
<b>Wendell</b> , New Salem Union School, Franklin county retirement		
system, authority to join, for employees of . . . . .	354	
<b>Westborough, town of</b> (see Cities and towns).		
<b>Western Norfolk, district court of</b> (see District courts).		
<b>Westfield, city of</b> (see Cities and towns).		
<b>Westminster, town of</b> (see Cities and towns).		
<b>Weston, town of</b> (see Cities and towns).		
<b>Westwood, town of</b> (see Cities and towns).		
<b>Weymouth, Braintree Regional Recreation Conservation District</b> ,		
changing boundaries of . . . . .	361	
town of (see Cities and towns).		
<b>Whidden Memorial Hospital</b> , Everett, borrowing by, authorizing, for		
construction of off-street parking for . . . . .	108	1—3
<b>Wilbraham, town of</b> (see Cities and towns).		
<b>Wilkinson, Donald Bridge</b> , Newbury, in, renaming as . . . . .	490	
<b>Wills</b> (see Probate courts).		
<b>Wind energy utilization</b> , state construction, estimates to be taken for .	433	1,2
<b>Woburn, city of</b> (see Cities and towns).		
<b>Wood Hole, Martha's Vineyard and Nantucket Steamship Authority</b> ,		
powers, further regulating, of . . . . .	517	
<b>Worcester, city of</b> (see Cities and towns).		
<b>WORCESTER COUNTY:</b>		
appropriation for fiscal year, for . . . . .	426	
courthouse in Fitchburg, construction of, borrowing for, by . . . . .	314	1,2
hospital, appropriations for care, maintenance, and repair of . . . .	423	
<b>Workmen's compensation</b> , hearings, late request for, may e filed in		
superior court and municipal court of the city of Boston, under	392	
incapacity, increasing compensation for, under . . . . .	474	1—12
<b>Wrentham state school</b> , Wrentham, lease of land to, by commissioner		
of public health, of land at . . . . .	268	1,2
town of (see Cities and towns).		
<b>Writs of review</b> (see Practice in civil action).		

Y.

<b>Youth commissions</b> , vacancies, filling of, relative to . . . . .	26	
<b>Youth services</b> , department of, children, care and services, law		
relative to, for certain . . . . .	412	1,2